

## CONDITIONS OF APPROVAL

### BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

*(Additional BOE Improvement Conditions are listed in "Standard Condition" section)*

1. That, a revised map be submitted not showing the proposed street centerline of 4th Street, limited height mergers and limited height dedications of the public right-of-way adjoining the subdivision.
2. That, 20-foot radius property line returns or 15-foot by 15-foot corner cuts be dedicated adjoining the subdivision at the following intersections:
  - a. 4th Street and Central Avenue.
  - b. 4th Street and Alameda Street.
3. That, along the north side of 4th Street and adjoining the subdivision, dedicate variable width along the north side of 4th Street to provide a 15-foot border if the existing building is removed.
4. That, along the south side of 4th Street and adjoining the subdivision, a 3-foot wide strip of land be dedicated and a 2-foot wide sidewalk easement be provided to complete a 15-foot wide Avenue II border standard.
5. That, along Alameda Street and adjoining the subdivision, a 7-foot wide strip of land be dedicated to complete a 47-foot half right-of-way.
6. That, any necessary public storm drain easement(s) be dedicated and shown on the final map on an alignment satisfactory to the BOE – Central Engineering District Office and the Los Angeles Department of Sanitation (LASAN).
7. That, the existing storm drain pipe under Plan No. D-12170 located within vacation Ordinance No. 111,966 be relocated, abandoned and constructed within suitable easement satisfactory to the City Engineer and LASAN prior to recordation of the final map.
8. That, the subdivider make a request to the BOE – Central District Office to determine the capacity of existing sewers in this area.
9. That a set of drawings for airspace lots be submitted to the City Engineer showing the followings:
  - a. Plan view at different elevations.
  - b. Isometric views.
  - c. Elevation views.
  - d. Section cuts at all locations where air space lot boundaries change.
10. That the owners of the property record an agreement satisfactory to the City Engineer

stating that they will grant the necessary private easements for ingress and egress purposes to serve proposed airspace lots to use upon the sale of the respective lots and they will maintain the private easements free and clear of obstructions and in safe conditions for use at all times.

#### **DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION**

11. 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 correspondence dated September 19, 2024 and attached to the case file for Vesting Tentative Tract No. 82974-CN-HCA.

#### **DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION**

12. 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. The submitted plot plan is not complete. Provide a plot plan drawn to scale that accurately dimensions all: property lines, building sizes and required yards on the site. Indicate the number of stories, height, permitted use, and the type of construction for all buildings on the site.
  - b. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.
  - c. Obtain Zone Change to change the zone to the Proposed C2-3D Zone prior to obtaining Zoning clearance.
  - d. Revise the Map to show existing property lines to be removed.
  - e. Revise the Map to correct the number of proposed airspace lots to 27 in the Project Notes.
  - f. Show all street dedications as required by Bureau of Engineering and provide net lot area after all dedications. "Area" and density requirements shall be re-checked as per net lot area after street dedications. Side and rear yard requirements shall be required to comply with current code as measured from new property lines after dedications.
  - g. Obtain Bureau of Engineering approval for the proposed street merger.
  - h. Proposed Private Street shall comply with both Fire Department and Bureau of Engineering condition(s).
  - i. Provide a copy of affidavits PKG-5294, PKG-3527, OB-13115 and AFF-66086 for the proposed Ground Lot 1, OB-11406, AF-94-1995114-MB, OB-12994 and OB-11406 for the proposed Ground Lot 3, OB-12341, AF-94-1996687-TERM, AF-94-1996685-TERM, AF-94-1995118-DBLRTC, AF-94-1995116-MB, AF-94-1995115-LT and AF-

91-850448-OB for the proposed Ground Lot 4. Show compliance with all the conditions/requirements of the above affidavits as applicable. Termination of above affidavits may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.

- j. Submit a revised Map that dimensions each air space lot with a finite width, length, and upper and lower elevations. The final Map shall be based upon a site plan which accurately describes the location of such lots.
- k. Record a Covenant and Agreement to treat the buildings and structures located in an Air Space Subdivision as if they were within a single lot.

Notes:

Each Air Space lot shall have access to a street by one or more easements or other entitlements to use in a form satisfactory to the Advisory Agency and the City Engineer.

This property is located within ZI-2488 Redevelopment Project Area: Central Industrial.

This property is located in Fire District No. 1.

This property is located in Methane Zone.

The existing or proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

The submitted Map may not comply with the number of guest parking spaces required by the Advisory Agency.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Helen Nguyen at (213) 482-0427 or [helen.nguyen@lacity.org](mailto:helen.nguyen@lacity.org) to schedule an appointment.

## DEPARTMENT OF TRANSPORTATION

- 13. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line when driveway is serving less than 100 parking spaces or as shall be determined to the satisfaction of the Los Angeles Department of Transportation (LADOT).
- 14. Parking spaces shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk (not applicable when driveways serve not more than two dwelling units and where the driveway access is to a street other than a major or secondary highway),

LAMC 12.21 A.

15. Driveway(s) or depressed curbs that are abandoned and no longer in use, shall be removed and replaced with full curb-height.
16. Project shall comply with the requirements of the LADOT's attached assessment report (LADOT Case No. CEN21-52608) dated, September 8, 2022 to the attention of Milena Zasadzien, Senior City Planner, Department of City Planning.
17. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Room 550. For an appointment, contact LADOT's One Stop email at: [ladot.onestop@lacity.org](mailto:ladot.onestop@lacity.org)
18. That a fee in the amount of \$205 be paid to LADOT as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

#### **FIRE DEPARTMENT**

19. Access for Fire Department apparatus and personnel to and into all structures shall be required.
20. Address identification: New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
21. One or more Knox 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)
22. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
23. 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.
24. Fire Lane Requirements:
  - a. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
  - b. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
  - c. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
  - d. Submit plot plans indicating access road and turning area for Fire Department

- approval.
- e. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
  - f. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
  - g. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
  - h. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted "No Parking at Any Time" prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.
  - i. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
25. Construction of public or private roadway in the proposed development shall not exceed 10 percent in grade.
  26. On small lot subdivisions, any lots used for access purposes shall be recorded on the final map as a "Fire Lane".
  27. Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan S-470-0.
  28. Standard cut-corners will be used on all turns.
  29. Where fire apparatus will be driven onto the road level surface of the subterranean parking structure, that structure shall be constructed and maintained in accordance with AASHTO HB-17 and capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds.
  30. The Fire Department may require additional vehicular access where buildings exceed 30 feet in height.
  31. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided.
  32. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
  33. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be

more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

34. 2014 CITY OF LOS ANGELES FIRE CODE, SECTION 503.1.4 (EXCEPTION)
  - a. 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.
  - b. 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.
  - c. This policy does not apply to single-family dwellings or to non-residential buildings.
35. Site plans shall include all overhead utility lines adjacent to the site.
36. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.
37. No proposed development utilizing cluster, group, or condominium design of one or two family dwellings shall be more than 150 feet from the edge of the roadway of an improved street, access road, or designated fire lane.
38. Recently, the Los Angeles Fire Department (LAFD) modified Fire Prevention Bureau (FPB) Requirement 10. Helicopter landing facilities are still required on all High-Rise buildings in the City. However, FPB's Requirement 10 has been revised to provide two new alternatives to a full FAA-approved helicopter landing facilities.
39. 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.
40. That in order to provide assurance that the proposed common fire lane and fire protection facilities, for the project, not maintained by the City, are properly and adequately maintained, the sub-divider shall record with the County Recorder, prior to the recordation of the final map, a covenant and agreement (Planning Department General Form CP-6770) to assure the following:
  - a. The establishment of a property owners association, which shall cause a yearly inspection to be, made by a registered civil engineer of all common fire lanes and fire protection facilities. The association will undertake any necessary maintenance and corrective measures. Each future property owner shall automatically become a member of the association or organization required above and is automatically subject

- to a proportionate share of the cost.
- b. The future owners of affected lots with common fire lanes and fire protection facilities shall be informed of their responsibility for the maintenance of the devices on their lots. The future owner and all successors will be presented with a copy of the maintenance program for their lot. Any amendment or modification that would defeat the obligation of said association as the Advisory Agency must approve required hereinabove in writing after consultation with the Fire Department.
  - c. In the event that the property owners association fails to maintain the common property and easements as required by the CC and R's, the individual property owners shall be responsible for their proportional share of the maintenance.
  - d. Prior to any building permits being issued, the applicant shall improve, to the satisfaction of the Fire Department, all common fire lanes and install all private fire hydrants to be required.
  - e. That the Common Fire Lanes and Fire Protection facilities be shown on the Final Map.
41. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
  42. 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 150 ft horizontal travel distance from the edge of the public street, Private Street or Fire Lane. This stairwell shall extend onto the roof.
  43. Entrance to the main lobby shall be located off the address side of the building.
  44. Any required Fire Annunciator panel or Fire Control Room shall be located within 20 ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
  45. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
  46. Each standpipe in a new high-rise building shall be provided with two remotely located FDC's for each zone in compliance with NFPA 14-2013, Section 7.12.2.
  47. 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.
  48. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
  49. The plot plans shall be approved by the Fire Department showing fire hydrants and access for each phase of the project prior to the recording of the final map for that phase. Each phase shall comply independently with code requirements.

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) 482-6543**. You should advise any consultant representing you of this requirement as well.

#### **DEPARTMENT OF WATER AND POWER**

50. If street improvements are proposed within the public right-of-way, LADWP must review the preliminary street improvement (B-permit) plans. If adjustments to water facilities are necessary, the developer may be required to pay for the cost of such adjustments. A copy of the street improvement plans shall be submitted for review.
51. The Developer shall complete the following financial and engineering arrangements:
  - a. Per LAFD Inspector Cole review on November 6, 2024, one public fire hydrant is required and shall be installed.
  - b. Mainline upgrades may be required to meet LAFD requirements for the new hydrant.
  - c. New services and meters shall be installed.
  - d. Street/sewer/storm drain/water plans shall be submitted.
  - e. Pressure regulators will be required in accordance with the Los Angeles City Plumbing Code for lots where pressure exceeds 80 pounds per square inch (psi) at the building pad elevation.

#### **BUREAU OF STREET LIGHTING**

52. 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.

See Condition S-3(c) for Street Lighting Improvement conditions.

#### **BUREAU OF STREET SERVICES**

Note: Please see Department of City Planning Condition No. 63 for the approved haul route.

53. Required Permit Fee and Bond. Permit fee must be paid before the Department of Building and Safety will issue a grading permit.
  - a. Under the provisions of Section 62.201 of the Los Angeles Municipal Code, the following permit fee shall be required:
    1. A total of 651,000 cubic yards of material moved 3.51 miles within the hillside at a rate of \$0.29 per cubic yard per mile would exceed the maximum chargeable under the Ordinance. Therefore, the maximum fee chargeable, \$3000.00 shall be due.

- b. The required permit fee shall be paid at the Street Services Investigation and Enforcement Division office, 1149 South Broadway, Suite 350, Los Angeles, CA 90015, telephone (213) 847-6000.
- c. Under the provisions of Section 62.202 of the Los Angeles Municipal Code, a cash bond or surety bond in the amount of \$150,500.00 shall be required from the property owner to cover any road damage and/or street cleaning costs resulting from the hauling activity.
- d. Forms for the bond will be issued by Bond Control, Bureau of Engineering Valley District Office, 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401, telephone (818) 374-5090.

### **BUREAU OF SANITATION**

54. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. 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).)

Note: This Approval is for the Tract Map only and represents the office of LA Sanitation/CWCDs. The applicant may be required to obtain other necessary Clearances/Permits from LA Sanitation and appropriate District office of Bureau of Engineering. If you have any questions, please contact Rafael Yanez at (323) 342-1563.

### **DEPARTMENT OF RECREATION AND PARKS**

55. That the Project dedicate land or provide an in-lieu fee payment in order to fulfill the Project's requirements under provisions of LAMC 12.33.

### **INFORMATION TECHNOLOGY AGENCY**

56. To assure that cable television facilities will be installed in the same manner as other required improvements, please email [ita.cabletvclearance@lacity.org](mailto:ita.cabletvclearance@lacity.org) which 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.

### **URBAN FORESTRY DIVISION**

57. 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.
58. When street dedications are required and to the extent possible, the project shall provide larger planting of larger stature street trees. This includes and is not limited to parkway installation and/or enlargement of tree wells and parkways.

59. Plant street trees at all feasible planting locations within dedicated streets as directed and required by 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 sub divider 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 of 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 permit information.

#### **DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS**

61. Prior to the issuance of a building permit or 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. Limit the proposed development to four ground lots and 27 airspace lots;
  - b. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
62. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2021-4069-GPAJ-VZCJ-HD-CU-MCUP-SPR-HCA shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2021-4069-GPAJ-VZCJ-HD-CU-MCUP-SPR-HCA is not approved, the subdivider shall submit a tract modification.
63. Prior to the issuance of a grading permit, the subdivider shall record and execute a Covenant and Agreement (Planning Department General Form CP-6770), binding the subdivider to the following haul route conditions:
- a. Option 1 Haul Route:
    - i. Loaded Truck. From the project site, head east on 4th Street, turn right (south) on Alameda Street, turn right to merge onto I-10 East Freeway, merge onto CA-60 East Freeway, and continue to the export site outside of City limits.
    - ii. Empty Truck. From the export site outside of City limits, continue on CA-60 West Freeway, merge onto I-10 West Freeway, take exit 15B for Alameda Street, merge onto westbound 14th Street, turn right onto Alameda Street, turn left (west) onto 6th Street, turn right (north) onto Central Avenue, and enter the project site on the right.
  - b. Option 2 Haul Route:
    - i. Loaded Truck. From the project site, head east on 4th Street, turn right (south) on Alameda Street, turn right to merge onto I-10 East Freeway, merge onto I-5 North Freeway, take exit 159A for Roxford Street East, turn left (west) onto Roxford Street, continue straight to turn right onto Sepulveda Boulevard, turn

left onto San Fernando Road, turn left onto Sunshine Canyon Road, and continue to the export site entrance on the right.

- ii. Empty Truck Route: From the export site, turn left onto Sunshine Canyon Road, turn right onto San Fernando Road, turn right onto Sepulveda Boulevard, turn right to merge onto I-5 South Freeway, continue on I-5 South Freeway, merge onto I-10 West Freeway, take exit 15B for Alameda Street, merge onto westbound 14th Street, turn right (north) onto Alameda Street, turn left (west) onto 6th Street, turn right (north) onto Central Avenue, and enter the project site on the right.
- c. Staging Area. On-site only. Trucks are not allowed to stage on streets adjacent to project site. Flag control is required at the project site during the hauling operation

Note: No interference to traffic, access to driveways must be maintained at all times.

Special Conditions: An authorized Public Officer may make additions to, or modifications of, the following conditions if necessary to protect the health, safety, and welfare of the general public.

- a. The hauling operations are restricted to the hours between 9:00 a.m. and 3:00 p.m. on Mondays through Fridays, and Saturdays from 8:00 a.m. to 4:00 p.m. No hauling should be performed on Sundays, and holidays.
- b. The vehicles used for hauling shall be Bottom Dump trucks.
- c. All trucks are to be cleaned of loose earth at the export site to prevent spilling. The contractor shall remove any material spilled onto the public street.
- d. All trucks are to be watered at the export site to prevent excessive blowing of dirt.
- e. The applicant shall comply with the State of California, Department of Transportation policy regarding movement of reducible loads.
- f. Total amount of dirt to be hauled shall not exceed 651,000 cubic yards.
- g. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.
- h. Flagpersons shall be required at the job site to assist the trucks in and out of the Project area. Flagpersons and warning signs shall be in compliance with Part II of the latest Edition of "Work Area Traffic Control Handbook."
- i. The permittee shall comply with all regulations set forth by the State of California, Department of Motor Vehicles pertaining to the hauling of earth.
- j. The City of Los Angeles, Department of Transportation, telephone (213) 485-2298, shall be notified 72 hours prior to beginning operations in order to have temporary "No Parking" signs posted along streets in the haul route.
- k. A copy of the approval letter from the City, the approved haul route and the approved grading plans shall be available on the job site at all times.

- I. Any change to the prescribed routes, staging and/or hours of operation must be approved by the concerned governmental agencies. Contact the Street Services Investigation and Enforcement Division at (213) 847-6000 prior to effecting any change.
  - m. The permittee shall notify the Street Services Investigation and Enforcement Division at (213) 847-6000 at least 72 hours prior to the beginning of hauling operations and shall notify the Division immediately upon completion of hauling operations.
  - n. The application shall expire eighteen months after the date of the Board of Building and Safety Commission and/or the Department of City Planning approval. The permit fee shall be paid to the Street Services Investigation and Enforcement Division prior to the commencement of hauling operations.
64. Indemnification and Reimbursement of Litigation Costs. Applicant shall do all of the following:
  - a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
  - b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
  - c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph b.
  - d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph ii.
  - e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

- f. 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.
- g. 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.

#### **DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES.**

65. Implementation. The Mitigation Monitoring Program (MMP), that is part of the case file and attached as Exhibit B, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each MM has been implemented. The Applicant shall maintain records demonstrating compliance with each MM. Such records shall be made available to the City upon request.
66. Construction Monitor. During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the MM during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the

Enforcement Agency.

67. Substantial Conformance and Modification. After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the MMs contained in the MMP. The enforcing departments or agencies may determine substantial conformance with MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the MMs. Any addendum or subsequent CEQA clearance shall explain why the MM is no longer needed, not feasible, or the other basis for modifying or deleting the MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the MM results in a substantial change to the Project or the non-environmental conditions of approval.

#### **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 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.

That City Council under Council File No.14-0499-S3 passed a motion instructing that private development off-site conditions be coordinated with the Active Transportation Program Cycle 3. (ATP). In the event that the dedications and improvements outlined herein are different from the ATP3 requirements then provide the dedications and improvements as required by the ATP3. (This condition shall be cleared by Central District engineering B-Permit Section.

- (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 complies 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 Transportation 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.
- (b) Construct any necessary drainage facilities.
- (c) Street lighting improvements are pending Bureau of Engineering requirements. Construct new street lights: five (5) on Alameda St., and three (3) on 4th St. If street widening per BOE improvement conditions, relocate and upgrade street lights; one (1) on Alameda St., three (3) on 4th St., six (6) on Central Ave., and one (1) on Gladys Ave.

Notes: The quantity of streetlights identified may be modified lightly 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 conditions, 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. All street tree plantings shall be brought up to current standards. Street trees shall be provided consistent with the Active Transportation Program Cycle 3 (ATP) improvements planned for the Arts District Community, and with Council File No.14-0499-S3 Motion instructing that private development off-site conditions be coordinated with the ATP planned for the Arts District Community, to the satisfaction of the Urban Forestry Division of the Bureau of Street Services. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213) 485-5675 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 2010.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
  - a. Improve Gladys Avenue being dedicated and adjoining the subdivision by the construction of a new 10-foot wide concrete sidewalk with tree wells. Repair and or replace any damaged/cracked, broken, or off-grade concrete curb, gutter and roadway pavement, including any necessary removal and reconstruction of existing improvements.

- b. Improve Central Avenue adjoining the subdivision by the construction of a new 14-foot wide concrete sidewalk with tree wells. Repair and or replace any damaged/cracked, broken or off-grade concrete curb, gutter and roadway pavement, including any necessary removal and reconstruction of existing improvements.
- c. Improve 4th Street being dedicated and adjoining the subdivision with the construction of a new 15-foot wide and variable width concrete sidewalk (except at location of existing structures to remain). Repair and or replace any damaged/cracked concrete curb, gutter and roadway pavement. Construct tree wells, including any necessary removal and reconstruction of existing improvements.
- d. Improve Alameda Street being dedicated and adjoining the subdivision by the construction of a new a 15-foot wide concrete sidewalk with tree wells. Repair and or replace any damaged/cracked, broken, off-grade concrete curb, gutter and roadway pavement, including any necessary removal and reconstruction of existing improvements.
- e. Reconstruct all non-compliant curb ramps including connecting and/or receiving ramps at the intersection of all streets adjoining the subdivision, with ADA compliant curb ramps per BOE standards and Special Order 04-0222 satisfactory to the City Engineer.

Notes:

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 LAMC Section 17.05 N.

The final map must record 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.