### CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE 301 E. OCEAN BLVD, SUITE 300 LONG BEACH, CA 90802-4325 VOICE (562) 590-5071 FAX (562) 590-5084



# F14a

A-5-DRL-23-0039 (Campbell) November 8, 2023

#### **EXHIBITS**

#### **Table of Contents**

**EXHIBIT 1 – Project Location** 

**EXHIBIT 2 – Project Plans** 

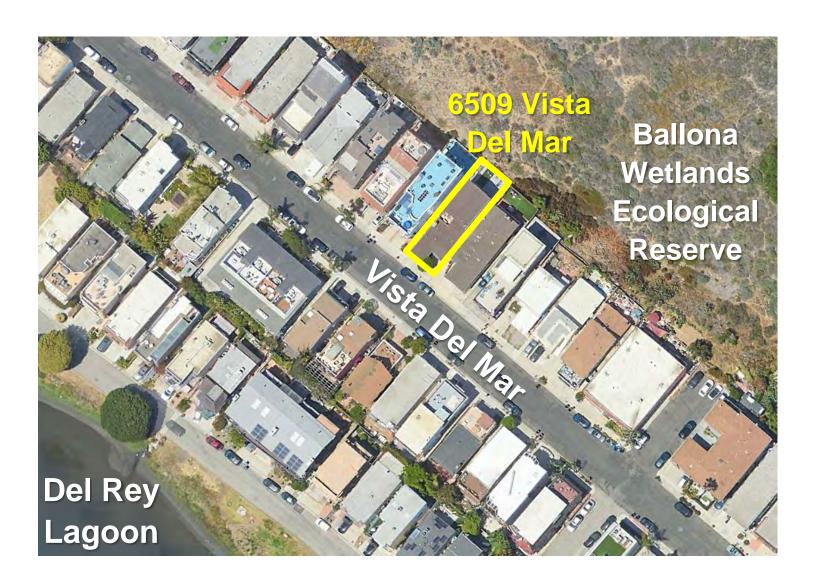
**EXHIBIT 3 – Unpermitted Deck Encroachment** 

**EXHIBIT 4 – Compatibility Analysis** 

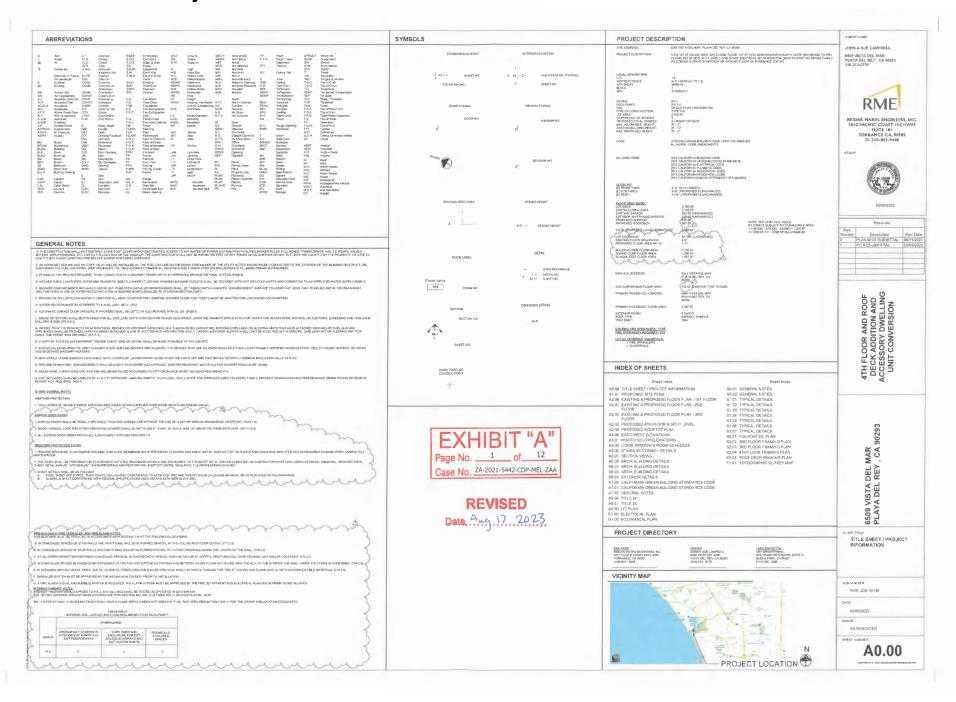
**EXHIBIT 5 – City Conditions of Approval** 

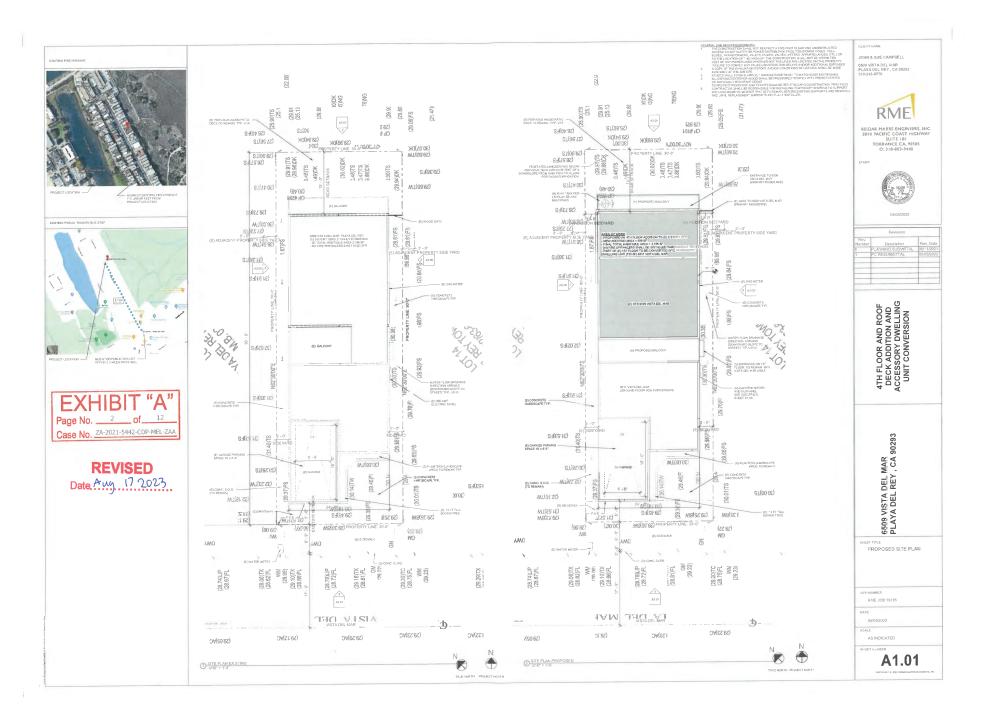
## **EXHIBIT 1 – Project Location**

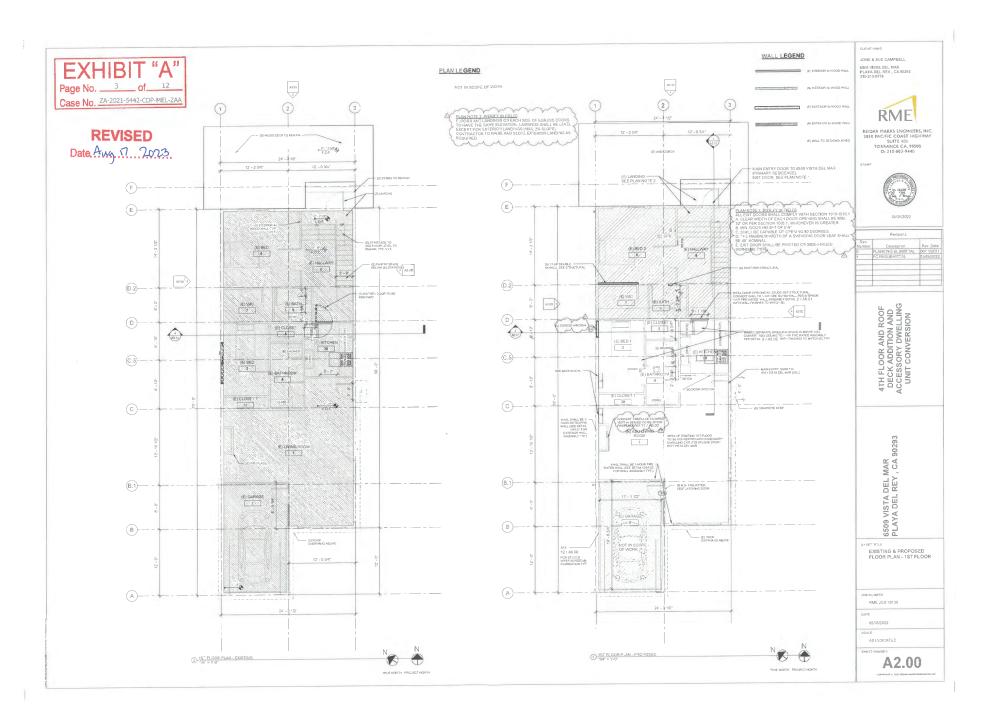


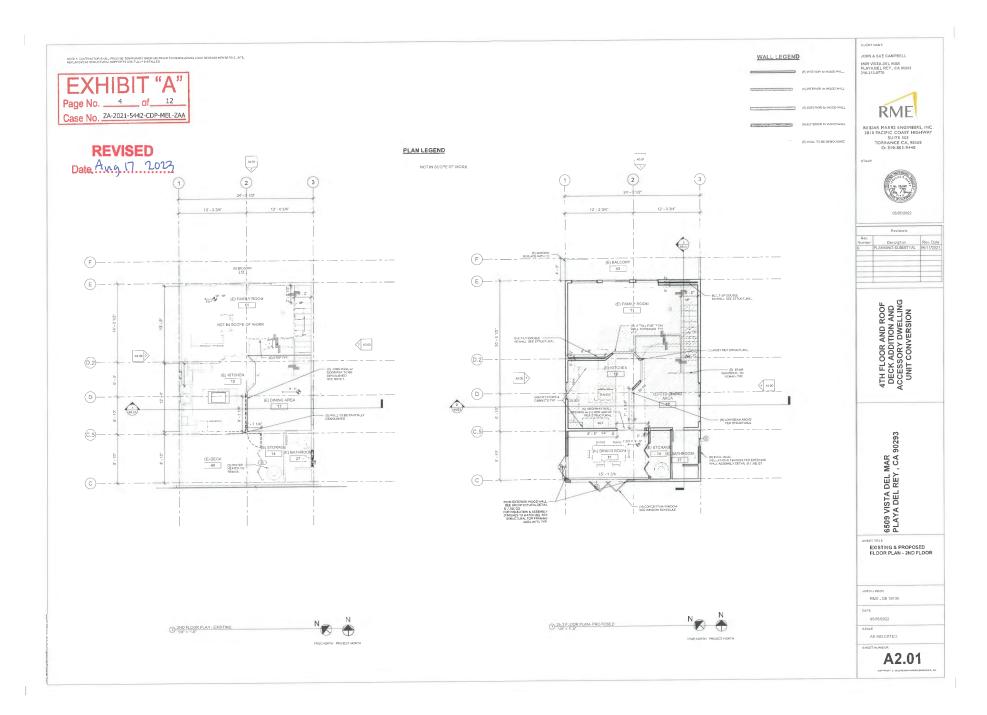


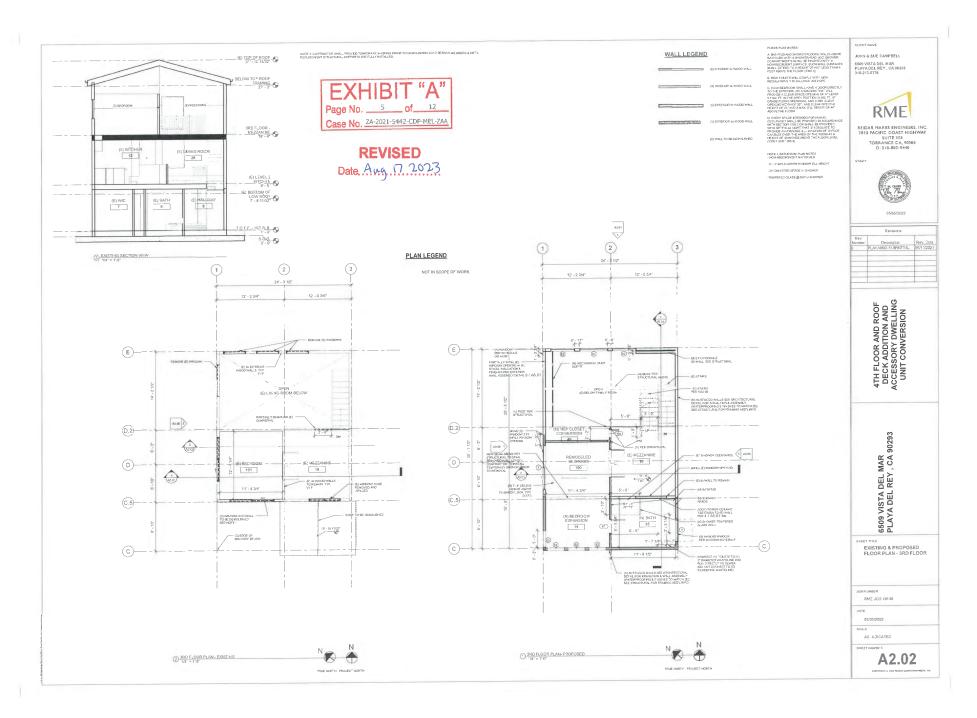
### **EXHIBIT 2 – Project Plans**

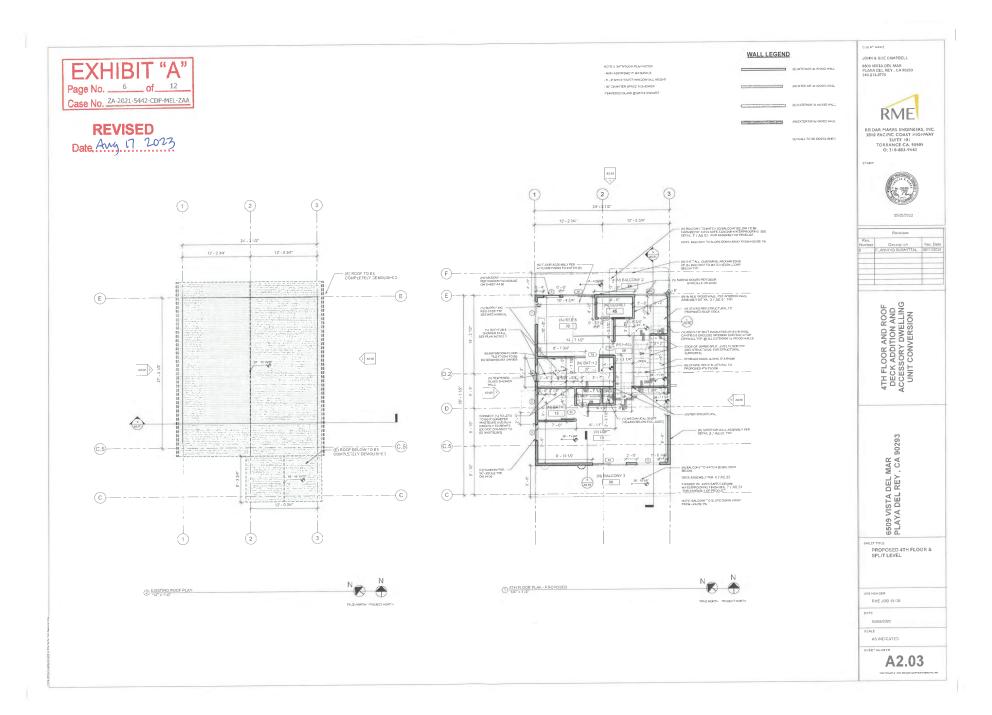


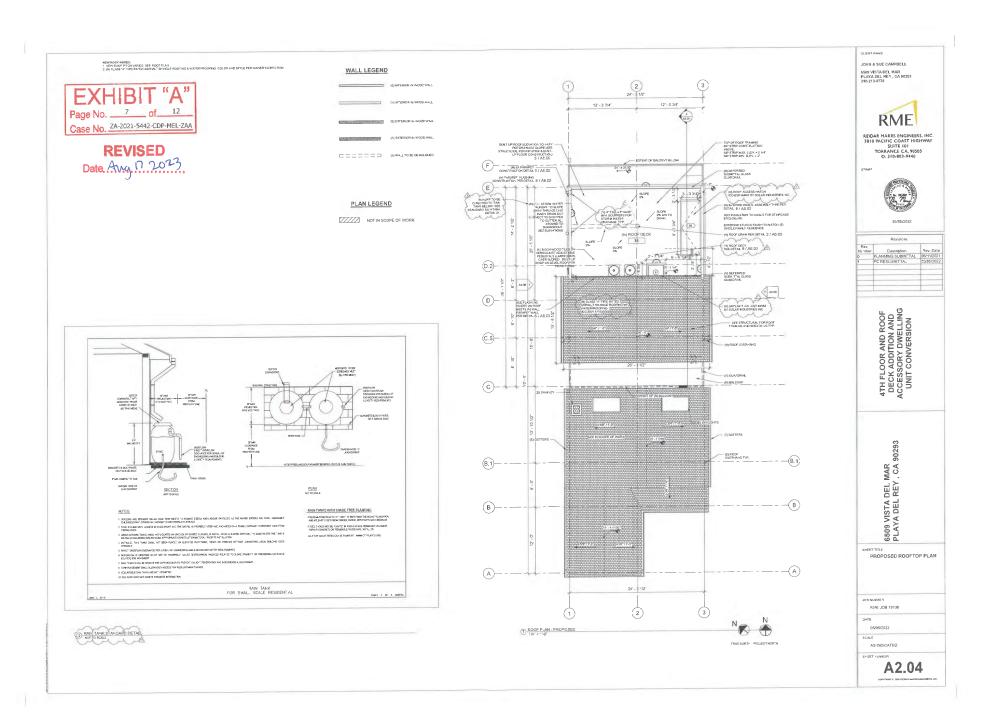


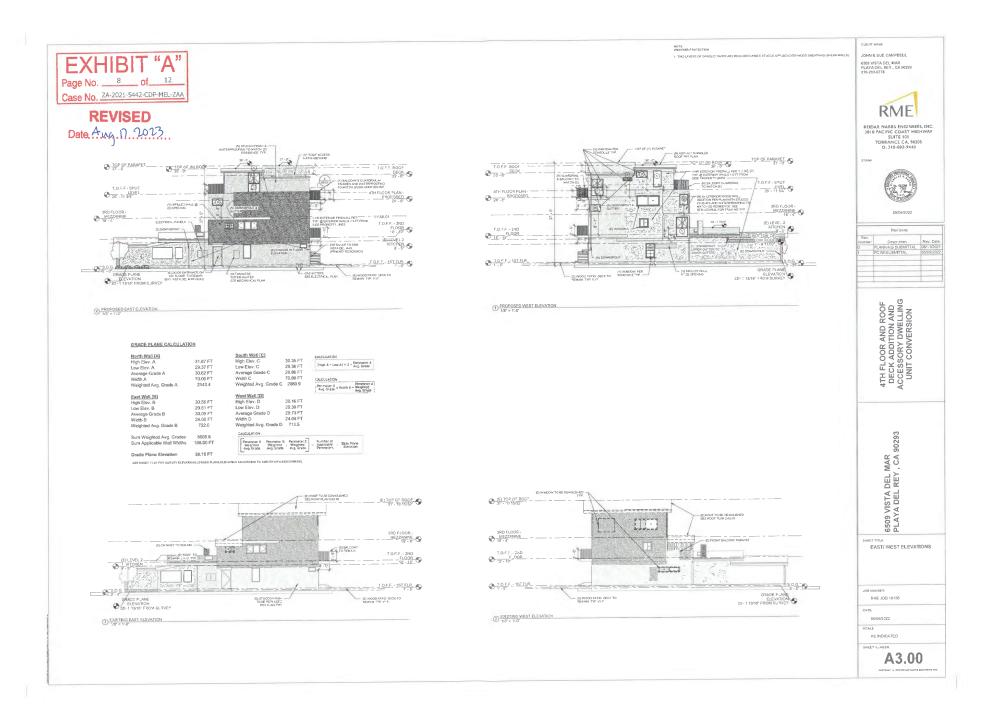


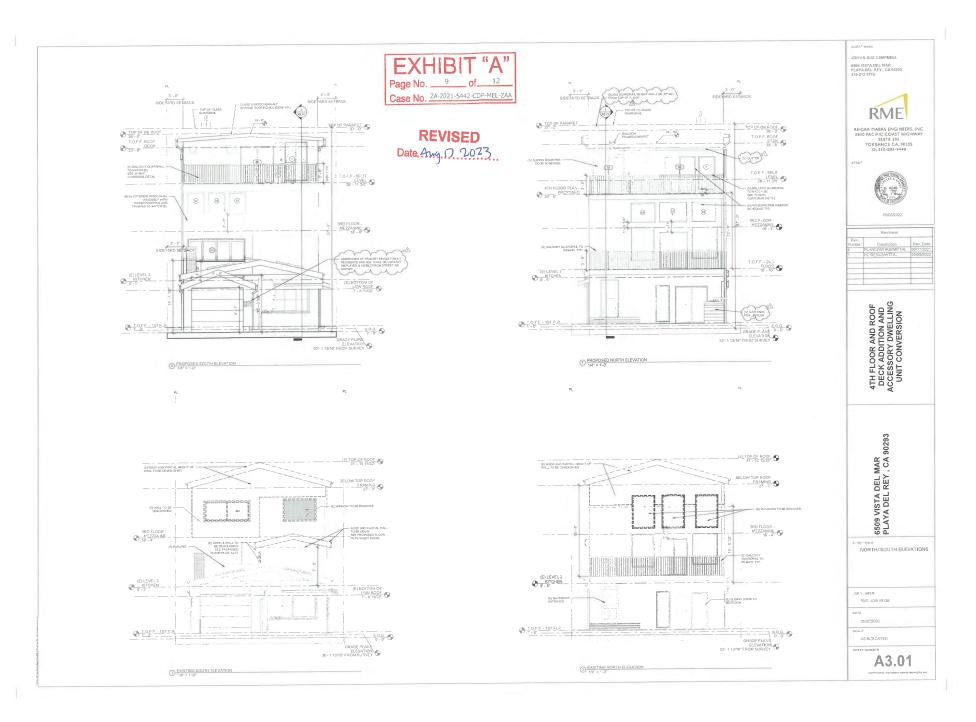




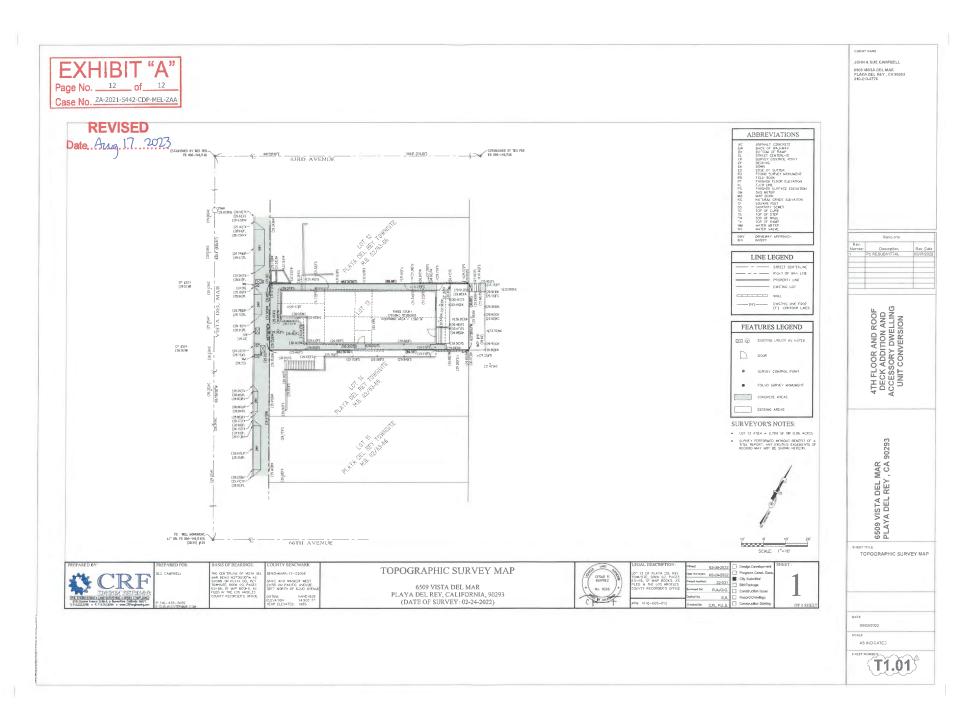












## **EXHIBIT 3 – Unpermitted Deck Encroachment**

January 2020



February 2021



### **EXHIBIT 4 – Compatibility Analysis**

6509 Vista Del Mar Playa Del Rey

Reidar Marrs Engineers, Inc.

January 27<sup>th</sup>, 2023

#### **Narrative Analysis**

6509 Vista Del Mar, Playa Del Rey, CA 90293

This narrative analysis has been prepared by Reidar Marrs Engineers, Inc. to show, along with the included Contextual Visual Analysis drawings, that the subject project located at 6509 Vista Del Mar is compatible with the pattern of development in the surrounding neighborhood as to scale, mass, and character.

#### **Summary of Study Findings**

This study analyzed all structures on either side of the project block, Vista Del Mar between 63<sup>rd</sup> Ave. and 66<sup>th</sup> Ave. The study captured the **36 individual properties** on the 6300 and 6500 blocks of Vista Del Mar.

The proposed project at 6509 Vista Del Mar is a request to add a 4<sup>th</sup> story and roof deck above and within the existing footprint of the 2<sup>nd</sup> and 3<sup>rd</sup> stories of the single-family residence, to a total height of 37 ft. The addition is proposed to maintain the same 3 ft side yard setbacks as currently existing at the lower levels and similar to the majority of existing properties in the neighborhood with 3 ft side yard setbacks. Lastly, the existing dwelling space at the ground floor is proposed to be converted into an Accessory Dwelling Unit of 733 square feet, bringing a total of 2 dwelling units to the property, which is consistent with the majority of properties in the neighborhood that have 2 or more dwelling units.

Therefore, based upon a comprehensive review of development within the project area, the proposed single family residence addition and ADU conversion project is compatible with the existing pattern of development in the neighborhood, as the proposed height of 37 feet is comparable to 33% of structures along the relevant portion of Vista Del Mar. The proposed 3 feet side yard setbacks are comparable with 71% of structures in the neighborhood. And the 2-unit project (single family residence and ADU) is appropriate as to density and use.

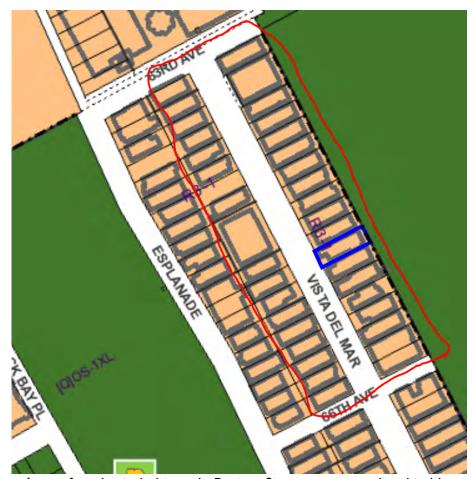
#### **Compatibility Analysis**

As was previously stated, the analysis of the general development pattern in the area was on properties along Vista Del Mar. Both sides of the street were included in this analysis, consisting of 36 individual properties. This review presents a comprehensive analysis of development within the study area.

A map of the study area is provided below:

Page I of 6

3810 Pacific Coast Hwy #101 Torrance, California 90505 (310) 803 9440 info@rmestructural.com | www.rmestructural.com



Area of study circled in red. Project Site at center outlined in blue.

#### **Compatibility Factors**

As noted earlier, in reviewing the project for compatibility we looked at the following compatibility factors which have the greatest impact on scale and mass: I) height, 2) side yard setback, 3) density. Other factors, such as articulation and stepbacks that also have a visual impact on the neighborhood are discussed in the Visual Impact section.

#### <u>Height</u>

The proposed height of the subject project is 37 ft. Heights within the area of study vary from a low of 18 feet at 6316-6318 Vista Del Mar and a high of 49 feet at 6501 Vista Del Mar. Overall, the average height of all structures is 29.86 feet.

The proposed height is compatible with the pattern of development for the project block and the wider neighborhood. The following table lists structures on the block with comparable heights:

<u>Ad</u>	Height (ft.)	
6305	Vista Del Mar	37
6329	Vista Del Mar	45
6337	Vista Del Mar	38
6501	Vista Del Mar	49
6505-6507	Vista Del Mar	40
6304-6306	Vista Del Mar	37
6320	Vista Del Mar	37
6328	Vista Del Mar	37
6504	Vista Del Mar	37
6508	Vista Del Mar	37
6518-6520	Vista Del Mar	37
6532	Vista Del Mar	37

As discussed earlier, of the 36 total lots surveyed, 33% had a height ranging from 37 feet and above up to 49 feet (12 structures).

All of the lots in the general area are substandard in width and area with 30 by 90 feet in dimension. Substandard size of the lots in the analyzed block of properties places serious constraints on construction options, forcing higher heights than would normally be constructed if the lots were standard size. The character of the neighborhood therefore includes relatively tall buildings. Similarly, approximately 53% of the buildings in the block have 3 or more stories.

#### Side Yard Setback

The subject project will be set back 3 feet from the side property lines.

The proposed 3 feet side yard setbacks are also present in 71% of the existing properties surveyed. As mentioned previously, the relatively narrow width (30 feet wide) of the typical lot in the neighborhood has led to tall buildings being constructed. Similarly, the narrow lot widths in the neighborhood have also led to more narrow than typical side yard setbacks of 3 feet. The subject property will also have 3 feet side yard setbacks and therefore be compatible with the neighborhood.

#### Density

Density along the project block ranges from single-family dwellings to a 6-unit condominium. The proposed project is 2 units (Single Family Residence + Accessory Dwelling Unit). The average density for the project block is 2.1 units. This level of density is compatible with the scale, mass, and character of the block.

The subject property and every property in the neighborhood block is zoned R3-I (multi-family residential). As described above, the majority of properties in the neighborhood block have 2 or more dwelling units. The proposed project at the subject property will convert a portion of the ground floor to an ADU and add on additional space to the existing single-family residence, bringing the total number of dwelling units on the property to 2 units, which is in line with the multi-dwelling unit character of the neighborhood and in-line with the multi-family zoning of the area.

#### **Visual Impact**

The data-based compatibility analysis demonstrates clearly that the project is compatible with the scale and character of this multi-family neighborhood. However, the raw data alone paints a picture that does not necessarily represent the scale and mass of the neighborhood actually visible along the block. These visual impacts are analyzed in this section.

Photos of the front of each of the 36 properties in the neighborhood block are included in the Contextual Visual Analysis drawings. Upon reviewing the articulation and stepbacks of the properties it is clear that the primary visual impact on the neighborhood are the front face of the multi-story buildings continuously vertical near the front of the street (with relatively few buildings having stepbacks), and the majority of buildings having balconies, roof decks, or a combination of both. Out of the 36 properties surveyed, approximately 25 have front-facing balconies (not counting rooftop decks). And approximately 15 of the properties in the neighborhood block have rooftop decks. The subject property is proposed to have both front balconies and a roof deck, and so it will be compatible with the dominant visual characteristics of the neighborhood.

Also, although the subject property could have proposed to add additional upper story dwelling space up to the existing front façade of the garage at the ground floor, the 2nd story and added space above will remain stepped back approximately 38 feet from the front property line. Along the neighborhood block several upper stories of existing buildings are stepped back only 8 feet from the front property line. Although the decision of the owners of the subject property to step the building back from the front façade differs from the typical front-facing continuous multi-story front facing façade characteristic of the tall buildings in the neighborhood, it is a visually appealing choice that also relates to the visual characteristic of the more open space above the existing shorter 2 story developments in the neighborhood.

The red square in the photo below is the only area of proposed work that will be added vertically at the subject property. The owners of the subject property are seeking a vertical extension in line with properties in the neighborhood – but not to the extent of building up as close as possible to the front property line to the minimum allowable front setback as many buildings in the neighborhood have.



Property Lines in Blue and Approximate Extent of Upper Story Addition in Red

#### **Conclusion**

Based upon a comprehensive data-based review of development along the project block, the proposed project is compatible as to scale, mass, and character. The project's height, side yard setback, and density are typical for this block, which feature a wide variety of projects developed at various heights and densities.

• Of the 36 buildings surveyed, 12 buildings have a height of 37 feet or greater;

- A 71% majority of the existing properties surveyed have a side yard setback of 3 ft, so the 3 ft side yard setback of the proposed project will be compatible with the majority;
- With an R3-I zoning, the average density (number of dwelling units) of the neighborhood block is 2.I units, so the 2 dwelling units proposed for the project will be compatible with the multi-family characteristic of the neighborhood.

Additionally, as a result of the visual impacts on the block generated by multi-story tall buildings with front-facing balconies and roof decks, the proposed project will be compatible with the dominate character of the neighborhood by having front facing balconies and a roof deck, although with a visually appealing larger front step back than what is typical for the neighborhood characteristic of tall building upper stories having close proximity to the front street. With all aspects considered, the proposed project fits neatly within the typical pattern of development, which is characterized by many tall multi-family structures.

# 6509 VISTA DEL MAR, PLAYA DEL REY, CA 90293

#### **FINDINGS**

- EXISTING FIRST FLOOR TO REMAIN SET BACK 5'-0" FROM FRONT PROPERTY LINE
- EXISTING SECOND FLOOR TO REMAIN SET BACK APPROXIMATELY 38'-0" FROM FRONT PROPERTY LINE
- PROPOSED THIRD AND FOURTH FLOORS TO BE SET BACK APPROXIMATELY 38'-0" FROM FRONT PROPERTY LINE
- ALONG THIS BLOCK, SEVERAL UPPER STORIES OF EXISTING BUILDINGS ARE ONLY SET BACK 8'-0" FROM FRONT PROPERTY LINE
- ALONG THIS BLOCK OF VISTA DEL MAR, NONE OF THE 35 BUILDINGS ARE SINGLE STORY
- ON THIS BLOCK, 5 EXISTING BUILDINGS HAVE 4 STORIES LIKE THE PROPOSED 4 STORY BUILDING
- ON THIS BLOCK, 12 EXISTING BUILDINGS ARE AS TALL OR TALLER THAN THE PROPOSED BUILDING HEIGHT OF 37'-0"
- ON THIS BLOCK, 24 EXISTING BUILDINGS HAVE THE SAME SIDE YARD SETBACK AS THE PROPOSED SIDE YARD SETBACK OF 3'-0"



6321 MULTI-FAMILY RESIDENCE 2 UNITS 2 UNITS 2 UNITS 2 UNITS 2 UNITS 2 UNITS 6 UNITS 3 STORIES (+GARAGE) 3 STORIES 2 STORIES 3 STORIES 2 STORIES 2 STORIES 4 STORIES 37'-0" MAX. BLDG. HEIGHT VISTA DEL MAR 37'-0" MAX. BLDG. HEIGHT 6304-6306 6308 6314 6316-6318 6320 6324 6328 6300 SINGLE-FAMILY RESIDENCE MULTI-FAMILY RESIDENCE MULTI-FAMILY RESIDENCE MULTI-FAMILY RESIDENCE MULTI-FAMILY RESIDENCE MULTI-FAMILY RESIDENCE SINGLE-FAMILY RESIDENCE 2 UNITS 2 UNITS 1 UNIT 2 UNITS 2 UNITS 2 UNITS VACANT LAND 1 UNIT 2 STORIES 3 STORIES (+BASEMENT) 2 STORIES (+BASEMENT) 2 STORIES 2 STORIES 4 STORIES 3 STORIES

# REIDAR MARRS ENGINEERS, INC.

# 6509 VISTA DEL MAR, PLAYA DEL REY, CA 90293



**CONTEXTUAL VISUAL ANALYSIS** 

# REIDAR MARRS ENGINEERS, INC.

# 6509 VISTA DEL MAR, PLAYA DEL REY, CA 90293

Address: 6301-6303  Date of Construction: 1970  Zone: R3-1  Use: Multi-Family  Number of Units: 2  Height: 32 ft  # of Stories: 3 (+ garage)  Side Yard Setback: 3 ft 3 in  Articulation: Front Balcony  Rooftop Decks & Structures: Roof Deck  Survey LA: N/A	6305 1975 R3-1 Multi-Family 6 37 ft 3 5 ft Front Balcony N/A N/A	6313-6315 1969 R3-1 Multi-Family 2 19 ft 2 3 ft Front Deck & Balcony N/A N/A	6317-6319 1969 R3-1 Multi-Family 2 29 ft 3 3 ft Front Balcony Roof Deck N/A	6321 1968 R3-1 Multi-Family 2 22 ft 2 3 ft 1 in Front Balcony N/A N/A	6325 1969 R3-1 Multi-Family 2 20 ft 2 3 ft Front Balcony N/A N/A	6329 1972 R3-1 Multi-Family 2 45 ft 4 3 ft Front Balcony Roof Deck N/A	6333 1961 R3-1 Multi-Family 2 25 ft 2 3 ft Front Balcony N/A N/A	6337 1980 R3-1 Single-Family 1 38 ft 3 4 ft Front Balcony Roof Deck N/A
Address: 6300 Date of Construction: 1954 Zone: R3-1 Use: Single-Family Number of Units: 1 Height: 25 ft # of Stories: 2 Side Yard Setback: 3 ft Articulation: Balcony Rooftop Decks & Structures: Roof Deck Survey LA: N/A	6304-6306 1964 R3-1 Multi-Family 2 37 ft 3 (+ basement) 3 ft Front Balcony Roof Deck N/A	6308 1971 R3-1 Multi-Family 2 22 ft 2 (+ basement) 3 ft Front Balcony N/A N/A	6314 1938 R3-1 Multi-Family 2 22 ft 2 4 ft 6 in N/A N/A	6316-6318 1940 R3-1 Multi-Family 2 18 ft 2 3 ft N/A N/A	6320 1992 R3-1 Multi-Family 2 37 ft 4 3 ft Front Balcony N/A N/A	6324 N/A R3-1 Vacant Land N/A N/A N/A N/A N/A	6328 1958 R3-1 Single-Family 1 37 ft 3 3 ft N/A N/A	6332-6338 1976 R3-1 Multi-Family 4 33 ft 2 (+ basement) 5 ft Front Balcony Roof Deck N/A
Address: 6501 Date of Construction: 1972 Zone: R3-1 Use: Multi-Family Number of Units: 2 Height: 49 ft # of Stories: 4 (+ garage) Side Yard Setback: 3 ft Articulation: Front Balcony Rooftop Decks & Structures: Roof Deck Survey LA: N/A	6505-6507 1998 R3-1 Multi-Family 2 40 ft 4 3 ft Front Balcony Roof Deck N/A	6509 Proposed Construction R3-1 Single-Family + ADU 2 37 ft 4 3 ft Front Balcony Roof Deck N/A	6515 1948 R3-1 Multi-Family 2 23 ft 2 3 ft N/A N/A	6517-6519 1948 R3-1 Multi-Family 2 30 ft 3 3 ft Front Balcony Roof Deck N/A	6523 1964 R3-1 Multi-Family 2 20 ft 2 3 ft N/A N/A	6525-6527 1955 R3-1 Multi-Family 2 21 ft 2 3 ft N/A N/A	6529-6531 1956 R3-1 Multi-Family 2 23 ft 2 3 ft Front Balcony N/A N/A	6535 1969 R3-1 Multi-Family 6 21 ft 2 5 ft Front Balcony N/A N/A
Address: 6504 Date of Construction: 1978 Zone: R3-1 Use: Single-Family Number of Units: 1 Height: 37 ft # of Stories: 3 Side Yard Setback: 4 ft Articulation: Front Balcony Rooftop Decks & Structures: N/A Survey LA: N/A	6508 1979 R3-1 Single-Family 1 37 ft 3 4 ft N/A Roof Deck N/A	6512 1962 R3-1 Single-Family 1 28 ft 3 3 ft Front Balcony N/A N/A	6514-6516 1969 R3-1 Multi-Family 2 25 ft 2 3 ft Front Balcony N/A N/A	6518-6520 1971 R3-1 Multi-Family 2 37 ft 3 3 ft N/A Roof Deck N/A	6524 1956 R3-1 Single-Family 1 27 ft 3 3 ft N/A Roof Deck N/A	6528 1964 R3-1 Multi-Family 2 22 ft 2 (+ basement) 3 ft N/A N/A	6532 1994 R3-1 Multi-Family 2 37 ft 4 3 ft Front Balcony N/A	6536 1971 R3-1 Multi-Family 3 33 ft 3 (+ basement) 3 ft Front Balcony Roof Deck N/A

### PHOTOGRAPHS – 6509 VISTA DEL MAR



Location 1 – Front Left Corner



Location 2 – Front Center



Location 3 – Front Right Corner (Street)



Location 4 – Front Right Corner (Sidewalk)



Location 5 – Front Right Corner (Across Street)



Location 6 – Rear Right Corner



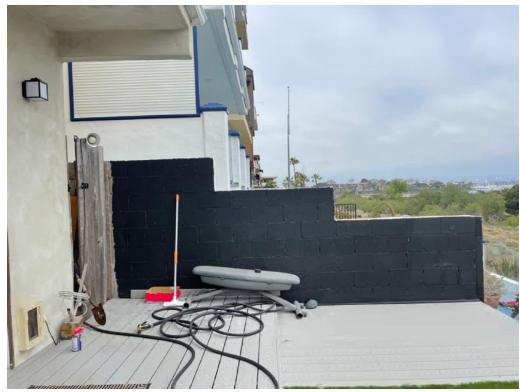
Location 7 – Rear Left Corner



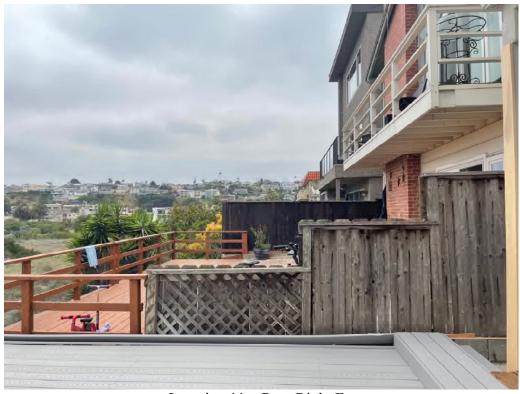
Location 8 – Front Center Gutters



Location 9 – Front Center Tree and Parking



Location 10 – Rear Left Fence



Location 11 – Rear Right Fence

6501 Vista Del Mar - Google Maps

https://www.google.com/maps/place/6505+Vista+Del+Mar, +Playa+Del+Rey, +CA+9029...

Google Maps

6501 Vista Del Mar

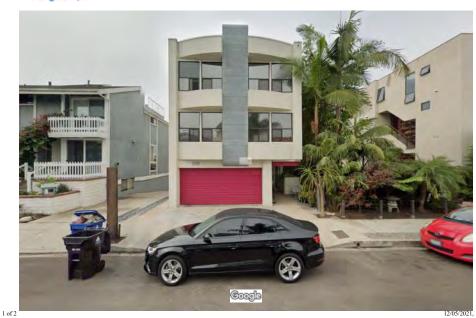


Location 12 – 6501-6507 Vista Del Mar

6326 Vista Del Mar - Google Maps

https://www.google.com/maps/place/6328 + Vista + Del + Mar, + Playa + Del + Rey, + CA + 9029...

Google Maps 6326 Vista Del Mar



Location 13 – 6328 Vista Del Mar

EXHIBIT 4 Page 17 of 18

6507 Vista Del Mar - Google Maps

https://www.google.com/maps/place/6508+Vista+Del+Mar, +Playa+Del+Rey, +CA+9029...





Location 14 – 6338-6508 Vista Del Mar



Aerial Photograph

### **EXHIBIT 5 – City Conditions of Approval**

OFFICE OF ZONING ADMINISTRATION 200 N. SPRING STREET, ROOM 763 LOS ANGELES, CA 90012-4801 (213) 978-1318

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

#### ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
TIM FARGO
JONATHAN A. HERSHEY, AICP
PHYLLIS NATHANSON
CHARLES J. RAUSCH JR.
CHRISTINE M. SAPONARA
COURTNEY SHUM
CHRISTINA TOY LEE
JORDANN TURNER

### CITY OF LOS ANGELES

**CALIFORNIA** 



KAREN BASS MAYOR LOS ANGELES DEPARTMENT OF CITY PLANNING EXECUTIVE OFFICES

VINCENT P. BERTONI, AICP DIRECTOR

> SHANA M.M. BONSTIN DEPUTY DIRECTOR

ARTHI L. VARMA, AICP DEPUTY DIRECTOR

LISA M. WEBBER, AICP DEPUTY DIRECTOR planning.lacity.org

July 19, 2023

End of Appeal Period: August 3, 2023

John Campbell (A) 6509 S Vista Del Mar Playa Del Rey, CA 90293

John A. & Sue J. Campbell (O) 6509 S Vista Del Mar Playa Del Rey, CA 90293

Nicholas Marrs (R) Reider Marrs Engineers, Inc. 3810 Pacific Coast Highway Unit 101 Torrance, CA 90505 CASE NO. ZA-2021-5442-CDP-MEL-ZAA
COASTAL DEVELOPMENT PERMIT,
MELLO ACT COMPLIANCE REVIEW, AND
ZONING ADMINISTRATOR'S
ADJUSTMENT
6509 South Vista Del Mar
Westchester – Playa Del Rey

Community Plan Area : R3-1

Zone : R3-1 D.M. : 096B149 C.D. : 11 - Park

CEQA : ENV-2021-5443-CE

Legal Description: Lot 13, Block 1, Playa

Del Rey Townsite Tract

Pursuant to the California Environmental Quality Act (CEQA), I hereby **DETERMINE**:

based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), Section 15303, Class 3 (New Construction or Conversion of Small Structures), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste site, or historical resources applies; and

Pursuant to the Los Angeles Municipal Code (LAMC) Section 12.20.2, I hereby APPROVE:

a Coastal Development Permit authorizing the remodel and addition to an existing three-story single-family dwelling with an attached garage consisting of a 959 square-foot addition and new fourth floor, a new 367 square-foot rooftop deck, and the conversion of 733 square feet of the existing first floor into a new Accessory Dwelling Unit (ADU); resulting in a four-story, 3,155 square-foot single-family dwelling with an attached ADU, one-car garage, and one uncovered parking space in the Dual Permit Jurisdiction Area of the Coastal Zone; and

Pursuant to LAMC Section 12.28, I hereby **APPROVE**:

a Zoning Administrator's Adjustment from Section 12.10-C.2 to allow reduced side yards of 3 feet in lieu of the 5 feet required for a 4-story residential building in the R3-1 Zone, including reduced passageways to the primary entrance at the rear of the lot, and

Pursuant to Government Code Sections 65590 and 65590.1 and the City of Los Angeles Interim Mello Act Compliance Administrative Procedures, I hereby **APPROVE**:

a Mello Act Compliance Review for a conversion resulting in one new Residential Unit in the Coastal Zone,

Upon the following additional terms and conditions:

- All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied within the development and use of the property, except as such regulations are herein specifically varied or required.
- 2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
- 3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
- 4 All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

- Zoning Administrator's Adjustment.
  - a. Approved herein are reduced side yards of 3 feet in lieu of the 5 feet required by LAMC Section 12.10-C.2 for the construction, use, and maintenance of a 4-story residential building on a 30-foot wide lot in the R3-1 Zone.
  - b. To accommodate passage and access, no new fencing shall be erected along the southeasterly property line between the subject site and the neighboring property at 6513 S Vista Del Mar.
- 6. Coastal Development Permit and Project Permit Compliance
  - a. Density. One single-family dwelling and one attached accessory dwelling unit (ADU) shall be permitted, as shown in "Exhibit A".
  - b. Height. As shown in "Exhibit A", the development shall be limited to a maximum height of 37 feet.
  - c. Front Façade (Articulation). The front façade of the structure shall be articulated as shown in "Exhibit A", incorporating a balcony and a step-back at the second, third, and fourth level, ranging from 38 feet to 43 feet from the front property line.
  - d. Roof Deck. Parapets and solid glass railings shall be included in the measurement of building height.
    - Bird Strike Prevention. Glass railings on decks and balconies shall use materials designed to minimize bird strikes. Such materials may consist, all or in part, of frosted or partially frosted glass, or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas shall not be installed unless they contain UV-reflective glazing that is visible to birds or appliques (e.g., stickers/decals) designed to reduce bird strikes by reducing reflectivity and transparency are also used. Any appliques used shall be installed to provide coverage consistent with manufacturer specifications (e.g., one applique for every 3-foot by 3-foot area) and the recommendations of the Executive Director. Use of opaque or partially opaque materials is preferred to clear glass or Plexiglas and appliques. All materials and appliques shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications.

- e. Parking and Access. As shown in "Exhibit A" and as approved by the Department of Building and Safety, the project shall provide two (2) parking spaces accessed from Vista Del Mar.
- 7. Dual Permit Jurisdiction Area. The project is located within the Dual Permit Jurisdiction area of the California Coastal Zone. The applicant shall file an application for a second (or "dual") coastal development permit with the Coastal Commission. Prior to the issuance of any permits, the Applicant shall submit proof of a valid ("dual") permit issued by the Coastal Commission.
- Code Enforcement Actions. Prior to the issuance of any permits relative to this
  matter, all unpermitted work beyond the rear property line and encroaching on
  Ballona Wetlands Ecological Reserve land, managed by California Department of
  Fish and Wildlife (CDFW), shall be removed by the Applicant to the satisfaction
  of the Department of Building and Safety.
- 9. Outdoor lighting shall be designed and installed with shielding so that light does not overflow into adjacent residential properties.
- 10. Prior to the commencement of site excavation and construction activities, construction schedule and contact information for any inquiries regarding construction activities shall be provided to residents and property owners within a 100-foot radius of the project site. The contact information shall include a construction manager and a telephone number and shall be posted on the site in a manner, which is readily visible to any interested party.
- 11. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
- 12. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard main covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for attachment to the subject case file.

#### 13. 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 (b).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

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

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

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