

CONDITIONAL USE PERMIT – OAK TREE PERMIT CASE NO. 03-084-(3)

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FINAL CONDITIONS

1. This grant authorizes the construction of a single-family residence with ancillary facilities; the removal of one oak tree and encroachment into the protected zone of eleven oak trees, all as depicted on the approved Exhibit "A" and subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 11, 12 and 13.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

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The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. **This grant shall expire six years after the expiration date or on October 26, 2014.** A one-year time extension may be requested, in writing with the payment of the applicable fee, at least six months before the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee, as applicable, of the subject property.
11. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$300.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides **for two annual inspections**. The inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The charge for additional inspections shall be the amount equal to the recovery cost at the time of payment. The current recovery cost is \$150.00 per inspection.

12. Within fifteen (15) days of the approval date of this grant, the permittee shall remit processing fees in the amount of **\$1,275.00** payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in

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- compliance with Section 21152 of the Public Resources Code and to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code. No project subject to this requirement is final, vested or operative until the fee is paid.
13. The permittee shall comply with the attached “Project Changes/Conditions Due to Environmental Evaluation” dated and signed by the applicant December 21, 2004, and the corresponding Mitigation Monitoring Program. The applicant shall deposit the sum of **\$3,000** with the Department of Regional Planning to defray the cost of reviewing and verifying the information contained in the required mitigation monitoring reports. This deposit is due and payable within 30 days of the approval date of this grant.
 14. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
 15. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
 16. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.
 17. The subject property shall be developed, operated and maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said department.
 18. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
 19. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about the premises. The only

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exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

20. The property shall be developed and maintained in substantial conformance with the approved Exhibit "A". In the event that revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for approval. All revised plans must be accompanied by the written authorization of the property owner.
21. Prior to the encroachment into the protected zone of any oak tree as authorized by this grant, the permittee shall obtain all permits and approvals required for the work that necessitates such encroachment.
22. **The permittee shall obtain an oak tree permit approval and the expiration date of the oak tree permit shall coincide with the CUP expiration date of October 26, 2014.**
23. **The permittee shall obtain address verification from Public Works.**
24. The construction, operation and maintenance of the proposed use shall be further subject to all of the following restrictions:
 - a. The permittee shall comply with all recommended conditions set forth in the attached County of Los Angeles Fire Department, Fire Prevention letter dated May 17, 2004 except as otherwise required by said department;
 - b. The permittee shall strictly comply with all requirements set forth in the attached Los Angeles Forester and Fire Warden, Forestry Division, letter dated March 3, 2005. In addition, an acorn shall also be planted at the same time and within the watering zone of each mitigation tree;
 - c. The permittee, in addition to planting two mitigation trees and acorns for the proposed removal, will also contribute funds to the Los Angeles County Oak Forest Special Fund in an amount equal to the land value of the affected woodland canopy, as required by California Senate Bill 1334.
 - c. All replacement trees shall be planted on native undisturbed soil. The first two irrigations or watering of planted trees shall incorporate the addition of

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a mycorrhizae product (i.e. “mycorrhizaROOTS” or similar product) in accordance with the label’s directions. A layer of humus and litter from beneath the canopies of removed trees shall also be applied to the area beneath the canopies of replacement trees to further promote the establishment of mycorrhizae within their rooting zones. The seed source for the replacement trees shall be local to the project site.

- d. No building permit shall be issued unless the Los Angeles County Department of Health Services certifies that the existing private sewage system can accommodate the additional demand of the proposed single family residence, or certifies that an approved alternative method of sewage disposal is provided;
- e. During construction the permittee and its contractor shall comply with Sections 12.12.010 – 12.12.100 of the Los Angeles County Code regarding building construction noise;
- f. The pedestrian path from the proposed garage to the dwelling shall consist of decomposed granite, or the equivalent, contained within a bender board border that is secured with wooden stacks that will not penetrate the surface by more than 3 inches;
- g. All fences and walls on the property shall be maintained in good condition and in compliance with the requirements of Section 22.48.160 of the County Code;
- h. The subject dwelling shall be colored in earth tones that correspond to the surrounding area, subject to approval by the Director of Planning; and
- i. Any new landscape planting shall consist of indigenous, non-invasive species.

