

**PROJECT NUMBER R2005-03443-(5)
CONDITIONAL USE PERMIT NUMBER 200500221
ZONE CHANGE NUMBER 200500019
HOUSING PERMIT NUMBER 200800002**

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CONDITIONS**

1. This grant authorizes the construction, operation, and maintenance of a residential and mixed use development, to consist of 75 senior units on a 5 gross/4.62 net acre site. A lot line adjustment is proposed that would provide parking for the adjacent retirement community. After this occurs, the project site would be 3.34 net acres, as depicted on the approved Exhibit "A", subject to 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 Conditions No. 10, and 11.
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 Section 2.170.010 of the Los Angeles County Code.

6. This grant shall expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing with the applicable fee, at least six months before the expiration date.
7. If any material 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 and a recorded copy be provided to the Director of Planning. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
9. **This grant shall terminate on November 24, 2048.** Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the termination date of this grant, whether or not any modification of the use is requested at that time.
10. 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 **\$3,000.00**. 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 site plan on file. The fund provides for **twenty (20) biennial inspections**. 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

- amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).
11. The permittee shall comply with the attached "Project Mitigation Measures Due to Environmental Evaluation" 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.
 12. 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's health or safety or so as to be a nuisance. In the event that the county deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the applicant shall compensate the county for all costs incurred in such proceedings.
 13. 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.
 14. 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 bureau.
 15. The subject property shall be developed and maintained in compliance with the requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said department.
 16. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works.
 17. 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 provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. In the event such extraneous marking 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 marking shall be of a color that matched, as closely as possible, the color of the adjacent surfaces.
18. The permittee shall file and record a covenant and agreement to hold the parcels as one. Submit a copy of the document to be recorded for review and approval. Upon recordation, an official copy of the recorded covenant and agreement shall be provided to the Director.
 19. Within ninety (90) days of the approval date of this grant, the permittee shall submit to the director for review and approval, five (5) copies of site plans, similar to Exhibit "A" as presented at the public hearing. The property shall be developed and maintained in substantial conformance with the approved Exhibit "A". In the event that subsequent revised plans are submitted, the permittee shall submit four (4) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
 20. Within ninety (90) days of the approval date adherence to development in accordance with the site plan on file of this grant, the permittee shall submit to the Director for review and approval five (5) copies of a landscape plan, which may be incorporated into the revised Exhibit "A" described above. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities. The permittee shall maintain all landscaping in a neat, clean and healthy condition, including proper pruning, weeding, litter removal, fertilizing and replacement of plants when necessary. Watering facilities shall consist of a permanent water-efficient irrigation system, such as "bubblers" or drip irrigation, for irrigation of all landscaped areas except where there is turf or other ground cover.
 21. Within ninety (90) days of the approval date of this grant, the permittee shall submit to the director for review and approval, three (3) copies of a lighting plan. All exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off after 9 p.m., with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading throughout the complex.
 22. Within ninety (90) days of the approval date of the grant, the permittee shall submit for review and approval by the Community Development Commission and County Counsel a deed restriction, covenant or similar document running with the land for the benefit of the County of Los Angeles, suitable for recordation in the office of the County Recorder, **providing that the residential occupancy of the development be limited to a senior citizen and developmentally disabled housing development for the lifetime of the facility.** The covenant shall also set forth all of the

- requirements under state and federal fair housing laws to qualify it for treatment as a "housing for older persons," as defined in those state and federal laws. Said document shall contain remedies for violations of the covenant including but not limited to monetary penalties. The approved document shall be recorded prior to the issuance of a building permit.
23. A minimum of 48 parking spaces shall be provided on-site. At least one (1) of these spaces shall be reserved for persons with disabilities and at least one (1) shall be van-accessible. All compact spaces shall be labeled accordingly. The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile repair, or any other unauthorized use.
 24. In the event the units are no longer restricted to occupancy by senior citizens the permittee shall develop the on-site parking spaces needed to bring the use and/or occupancy of the property in to conformance with Chapters 22.52 and 22.56 of the County Code.
 25. No building or structure of any kind except a temporary structure used only in the developing of the property according to the program shall be built, erected, or moved onto any part of the property.
 26. No existing building or structure which under the program is to be demolished shall be used.
 27. No existing building or structure which, under the program, is to be altered shall be used until such building or structure has been so altered.
 28. All improvements shall be completed prior to the occupancy of any structures.
 29. The permittee shall comply with all conditions set forth in the attached County of Los Angeles Department of Public Works memorandum dated September 23 , 2008, except as otherwise required by said Department.
 30. The permittee shall comply with all conditions set forth in the attached County of Los Angeles Fire Department memorandum dated February 23, 2006 except as otherwise required by said Department.
 31. Pursuant to Chapter 22.72 of the County Code, the permittee shall pay a fee to the County of Los Angeles Public Library prior to the issuance of any building permit in the amount required by Chapter 22.72 at the time of payment and provide proof of

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payment to the Department of Regional Planning. The permittee may contact the County Librarian at (562) 940-8430 regarding payment of fees.

Attachments:

Department of Public Works letter dated September 23, 2008

Fire Department letter dated February 23, 2008

Adopted Negative Declaration

MC:AG

05/07/08