

This grant authorizes the encroachment within the protected zone of one oak tree as identified in the Exhibit "A" in conjunction with the construction of a two story dwelling unit located at 2525 Manhattan Ave, in the Montrose Zoned District subject to all the attached conditions:

1. 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.
2. 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 until all required fees have been paid pursuant to the attached County Forester letter.
3. 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. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate reasonably in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. 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.

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

5. **This grant will expire unless used within 2 years from the date of approval.** A one-year time extension may be requested in writing and with payment of the applicable fee at least six (6) months prior to the expiration date.
6. 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.
7. 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.

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 and shall reimburse the Department of Regional Planning for all inspections and enforcement efforts necessary to bring the subject property into compliance.. the amount charged for inspections shall be the amount equal to the recovery cost at the time of payment. The current recovery cost is \$150.00 per inspection.

8. 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.
9. The Director of Regional Planning and the County Forester shall retain the right to make regular and unannounced site inspections.
10. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
11. Except as otherwise modified herein, the permittee shall comply with all environmental conditions and requirements set forth in the attached County of Los Angeles Forester and Fire Warden letter dated January 17, 2008 to the satisfaction of the Forester and Fire Warden.
12. Copies of the Oak Tree Report and conditions of approval shall be kept on the project site and available for review. All individuals associated with the project as it

relates to the Oak resource shall be familiar with the Oak Tree Report, and conditions of approval.

13. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works.
14. The permittee's consulting arborist shall prepare a schedule of construction activities wherein the arborist will be present on the project site to ensure compliance with the oak tree ordinance and the protection of the oak trees.
15. This permit SHALL NOT be effective until Exhibit A is approved for construction of the proposed dwelling, demonstrating the need to encroach upon the said tree.
16. Prior to the encroachment into the protected zone of the oak tree as authorized by this grant, the permittee shall obtain all permits and approvals required for the work which necessitates such encroachment.
19. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the Conditional Use Permit.
20. Applicant shall obtain building permits for the unauthorized addition to the single family dwelling prior to finalizing the oak tree permit. Applicant shall provide a copy of the permit to the Department of Regional Planning prior to finalizing the permit.
21. The first floor of the proposed unit shall have no kitchen facilities.
22. The proposed dwelling shall maintain one entrance door to access the first and second floors as shown on the floor plans and shall be occupied by one family. The site plan shall be modified to reflect the same.
23. Applicant shall use concrete paving stones for the carport floor and the driveway to minimize root suffocation.
24. The embedded concrete on the north-west corner of the root crown shall be removed without harming the tree.

MM: JN

10/01/08