ADDITIONAL MATERIALS FOR THE HEARING OFFICER

DATE ISSUED: April 11, 2019
HEARING DATE: April 16, 2019
AGENDA ITEM: 11
PROJECT NUMBER: 2018-001165
PERMIT NUMBER(S): Amendment to Vesting Tentative Tract Map No. 068400 and Conditional Use Permit Modification No. RPPL2018000842
SUPERVISORIAL DISTRICT: 5
PROJECT LOCATION: 4241 Live Oak Avenue
OWNER: Prime Enterprises LLC
APPLICANT: Steelwave Acquisitions LLC (Dennis Cavallari)
CASE PLANNER: Steve Jones, Principal Regional Planner
sdjones@planning.lacounty.gov

RECOMMENDATION
The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

The Department of Regional Planning staff ("Staff") recommends approval of Project Number 2018-001165, Amendment to Vesting Tentative Tract Map Number 068400-1 RPPL2018000831 and CUP Modification No. RPPL2018000842, based on the Findings (Exhibit A – Findings) contained within this additional materials memo and subject to the Draft Conditions of Approval (Exhibit B – Conditions of Approval).

Staff recommends the following motion:

CEQA:
I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, AND, HAVING CONSIDERED THE ADDENDUM ALONG WITH THE MITIGATED NEGATIVE DECLARATION (ENVIRONMENTAL ASSESSMENT NO. RENV-200700062) FOR THE PROJECT, HEREBY APPROVE THE ADDENDUM TO THE CERTIFIED MITIGATED NEGATIVE DECLARATION.
SUGGESTED MOTION:
I, THE HEARING OFFICER, APPROVE AMENDMENT TO VESTING TENTATIVE TRACT MAP NUMBER 068400-1 RPPL2018000831 AND CONDITIONAL USE PERMIT MODIFICATION NUMBER RPPL2018000842.

The applicant requests approval of an amendment to a tentatively approved to vesting tentative tract map to create six multi-family residence lots developed with residential condominium units and senior-citizen housing set aside units on 11.36 acres within Zone R-3-24U-DP (Limited Density Multiple Residence – 24 Dwelling Units Per Acre – Development Program).

The project’s draft findings and conditions have been updated to reflect the current County Code section information and addressed project discrepancies.

Please receive the updated, draft findings and recommended conditions of approval. Staff recommends the timing of these conditions of approval and clarification to mitigation measures to ensure compliance at appropriate times.

If you need further information, please contact Steven Jones at (213) 974-6433 or sdjones@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

JSH:SDJ

LIST OF ATTACHED EXHIBITS

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1. The Hearing Officer of Los Angeles County, Alejandro Garcia, conducted a duly noticed public hearing in the matter of an amendment to conditionally approved Vesting Tentative Tract Map No. 068400 (“Amendment”) on April 16, 2019.

2. Vesting Tentative Tract Map No. 068400 (“TR 068400”) was approved by the Board of Supervisors on October 30, 2012 to create six multi-family residence lots developed with 318 residential condominium units attached within 25 detached buildings on an 11.36-acre site in the unincorporated community of Arcadia within the South Monrovia Islands, applied for by Prime Enterprises, LLC.

3. The Amendment proposes the following changes to the approved TR068400:
   - Reduce density by proposing fewer units;
   - Adjust lot lines;
   - Modify proposed siting and architectural design; and
   - Decrease earthwork movement volumes.

4. Only items proposed for modification are considered by the Hearing Officer at the public hearing. All other project features and conditions remain as previously approved. The conditions of approval provide for appropriate mitigation measures.

5. The amended revised map proposes to create six multi-family residence lots developed with 303 residential condominium units attached within 24 detached buildings on 11.36-acres within the South Monrovia Islands community in the South Arcadia Zoned District.

6. The subject site is located 4241 Live Oak Avenue in the South Monrovia Islands within the South Arcadia Zoned District.

7. Access to the site is via Mayflower and Live Oak Avenues.

8. The project site is within Zone R-3-24U-DP (Limited Density Multiple Residence – 24 Dwelling Units per Acre – Development Program).

9. Surrounding zoning within a 500-foot radius consists of the following:
   - North: R-A.
   - East: R-A, C-3.
   - South: R-3-P, C-3, A-1 (Light Agricultural – 5,000 Square Feet Minimum Required Lot Area).
   - West: R-A.
10. Surrounding land uses within a 500-foot radius consist of the following:
   • North: Single-family residences.
   • East: Single-family residences, Mobilehome Park.
   • South: Single-family residences, offices, retail, light industrial, parking, auto repair.
   • West: Single-family residences.

11. The project is consistent with the permitted uses, land use regulations and density provisions of the Zone R-3-24U-DP classification. Attached multi-family residences are permitted in the zone pursuant to Section 22.18.030 of the County Code.

12. The property is depicted in the Residential 30 (“H30”) land use category of the 2035 General Plan (“Plan”). Residential development is permitted within the H30 land use category.

13. CUP Modification No. RPPL2018000842 is a request for modification and/or elimination of the conditions of approval associated with the Zone -DP and onsite project grading exceeding 100,000 cubic yards of combined cut/fill. The proposed Zone -DP modifications to Zone R-3 development standards include:

   (Building Heights)
   a) Buildings no. 2 through 22: To allow a maximum height of 36 feet and nine inches.
   b) Buildings no. 23 and 24: To allow a maximum height of 49 feet six inches.

   (Walls and Fences)
   a) Lot nos. 2 - 4: To allow a wall/fence height up to nine feet within the required side and rear yard setbacks.
   b) Lot no. 5: To allow a wall/fence height up to eight feet within the required front yard setback and to allow a wall/fence height up to nine feet within the side and rear yard setbacks.
   c) Lot no. 6: To allow a wall/fence height up to eight feet within the required rear and side yard setbacks.

14. Staff received public questions during phone call inquiries regarding the proposed scope of changes.

15. RESERVED.

16. The Hearing Officer finds that the requested amendments are in keeping with the intent of the approved vesting tentative map and are necessary for project implementation.
17. The Hearing Officer finds that the proposal of fewer units is a decline of the project’s environmental impact since there is less need for public services.

18. The Hearing Officer finds that the proposed adjustment of lot lines eliminates the need for building setback modifications.

19. The Hearing Officer finds that the proposed changes to the siting and architectural details, including proposed reduced heights, are in keeping with the neighborhood pattern of development.

20. The Hearing Officer finds that the total earthwork is proposed to be decreased by approximately 46,250 cubic yards because the proposal eliminates areas of approved grading activity, including a reduction of import grading, diminishing the project’s impact on the site, the surrounding area and public infrastructure.

21. The Hearing Officer finds that having fewer truck trips of import grading lowers the project’s environmental impact.

22. The Hearing Officer determines that approval of this amendment map changes no map expiration dates. The expiration date of Vesting Tentative Tract Map 068400 is currently October 30, 2019.

23. This tract map was originally approved as a vesting tentative map. As such, it is subject to the provisions of Section 21.38.010 of the County Code. The Amendment changes neither the vesting status nor the map expiration date.

24. A Mitigated Negative Declaration (“MND”) was certified on October 30, 2012 based on an initial study, which was prepared in accordance with the California Environmental Quality Act (“CEQA”), the CEQA Guidelines, and the County environmental document guidelines.

25. A mitigation monitoring program, consistent with the conclusions and of the initial study, was prepared and its requirements have been incorporated into the conditions of approval for this project.

26. An addendum to the MND has been recommended as the appropriate environmental document for this project map amendment pursuant to CEQA and the Los Angeles County environmental document guidelines.
27. After consideration of the addendum to the certified MND, together with any comments received during the public review process, the Hearing Officer finds on the basis of the whole record before the Hearing Officer that there is no substantial evidence the proposed amendment will have a significant effect on the environment.

28. The Hearing Officer finds that the addendum reflects the independent judgment and analysis of the Hearing Officer, and approves the addendum.

29. Approval of this amendment is subject to the subdivider’s compliance with the attached conditions of approval.

30. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer’s decision is based in this matter is the Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Land Divisions Section, Department of Regional Planning.

THEREFORE THE HEARING OFFICER:

1. Approves the addendum to the MND and certifies that it has been completed in compliance with CEQA and the State and County guidelines related thereto.

2. Approves the Amendment to Vesting Tentative Tract Map No. 068400-1 RPPL2018000831 subject to the attached conditions and recommendations of the Los Angeles County Subdivision Committee.
1. The Hearing Officer of Los Angeles County, Alejandro Garcia, conducted a duly noticed public hearing in the matter of a conditional use permit modification and elimination of conditions ("CUP MOD") on April 16, 2019.

2. Conditional Use Permit No. 200700073 ("CUP") was approved by the Board of Supervisors on October 30, 2012 to (a) authorize on-site grading in excess of 100,000 cubic yards and (b) ensure consistency with the Development Program (-DP) overlay zoning on the site.

3. CUP Modification No. RPPL2018000842 is a request for modification and/or elimination of the conditions of approval associated with Zone -DP and onsite project grading exceeding 100,000 cubic yards of combined cut/fill. The proposed Zone -DP modifications to Zone R-3 development standards include:

   (Building Heights)
   a) Buildings no. 2 through 22: To allow a maximum height of 36 feet and nine inches.
   b) Buildings no. 23 and 24: To allow a maximum height of 49 feet six inches.

   (Walls and Fences)
   a) Lot nos. 2 - 4: To allow a maximum wall/fence height up to nine feet within the required side and rear yard setbacks.
   b) Lot no. 5: To allow a maximum wall/fence height up to eight feet within the required front yard setback and to allow a wall/fence height up to nine feet within the side and rear yard setbacks.
   c) Lot no. 6: To allow a maximum wall/fence height up to eight feet within the required rear and side yard setbacks

4. Only items proposed for modification are considered by the Hearing Officer at the public hearing. All other project features and conditions remain as previously approved. The conditions of approval provide for appropriate mitigation measures.

5. Vesting Tentative Tract Map TR0068400 was approved by the Board of Supervisors, concurrently with the CUP, to create six multi-family residence lots developed with 318 residential condominium units attached within 24 detached buildings on an 11.36-acre site in the unincorporated community of Arcadia within the South Monrovia Island.

6. The Amendment to Vesting Tentative Tract Map No. 068400-1 RPPL2018000831 ("Amendment") proposes the following changes to the approved TR068400:

   • Reduce density by proposing fewer units;
   • Adjust lot lines;
   • Modify proposed siting and architectural design; and
7. The Amendment proposes to create six multi-family residence lots developed with 303 residential condominium units attached within 24 detached buildings on 11.36-acres in the unincorporated Arcadia community within the South Monrovia Islands.

8. The subject site is located 4241 Live Oak Avenue in the South Monrovia Islands within the South Arcadia Zoned District.

9. Access to the site is via Mayflower and Live Oak Avenues.

10. The project site is within Zone R-3-24U-DP (Limited Density Multiple Residence – 24 Dwelling Units per Acre – Development Program).

11. Surrounding zoning within a 500-foot radius consists of the following:
   - North: R-A.
   - East: R-A, C-3.
   - South: R-3-P, C-3, A-1 (Light Agricultural – 5,000 Square Feet Minimum Required Lot Area).
   - West: R-A.

12. Surrounding land uses within a 500-foot radius consist of the following:
   - North: Single-family residences.
   - South: Single-family residences, offices, retail, light industrial, parking, auto repair.
   - West: Single-family residences.

13. The project is consistent with the Zone R-3-22U-DP classification. Attached multi-family residences are permitted in the R-3-22U-DP zone pursuant to Section 22.18.030 of the County Code.

14. The property is depicted in the Residential 30 ("H30") land use category of the 2035 General Plan ("Plan"). Residential development is permitted within the H30 land use category.

15. Staff received public questions during phone call inquiries regarding the proposed scope of changes.

16. RESERVED.
17. The Hearing Officer finds that the requested amendments are in keeping with the intent of the approved vesting tentative map and are necessary for project implementation.

18. The Hearing Officer finds that the proposal of fewer units is a decline of the project’s environmental impact since there would be less need for public services.

19. The Hearing Officer finds that the proposed adjustment of lot lines eliminates the need for building setback modifications.

20. The Hearing Officer finds that the proposed changes to the siting and architectural details, including proposed reduced heights, are in keeping with the neighborhood pattern of development.

21. The Hearing Officer finds that the proposed architectural details of the project complement the fabric of the existing pattern of development.

22. The Hearing Officer finds that the proposed changes in building arrangement reflect good design expression for internal circulation and appearance.

23. The Hearing Officer finds that the proposed development standards are similar to those originally approved.

24. The Hearing Officer finds that the total earthwork is proposed to be decreased by approximately 46,250 cubic yards because the proposal eliminates areas of approved grading activity, including a reduction of import grading, diminishing the project’s impact on the site, the surrounding area and public infrastructure.

25. The Hearing Officer finds that having fewer truck trips of import grading lowers the project’s environmental impact.

26. The Hearing Officer finds that the CUP MOD request proposes minor updates to the CUP to reflect the currently proposed design and amended vesting tentative tract map. The Hearing Officer further finds that any subsequent application to further modify the CUP, which does not relate to building setbacks, or to building or fence and/or wall heights, may be filed within one year of final action on this CUP MOD because subsequent applications shall be changed or substantially the changed requests.

27. A Mitigated Negative Declaration ("MND") was certified on October 30, 2012 based on an initial study, which was prepared in accordance with the California
28. A mitigation monitoring program, consistent with the conclusions and of the initial study, was prepared and its requirements have been incorporated into the conditions of approval for this project.

29. An addendum to the MND has been recommended as the appropriate environmental document for this project map amendment pursuant to CEQA and the Los Angeles County environmental document guidelines.

30. After consideration of the addendum to the certified MND, together with any comments received during the public review process, the Hearing Officer finds on the basis of the whole record before the Hearing Officer that there is no substantial evidence the proposed amendment will have a significant effect on the environment.

31. The Hearing Officer finds that the addendum reflects the independent judgment and analysis of the Hearing Officer, and approves the addendum.

32. Approval of this amendment is subject to the subdivider’s compliance with the attached conditions of approval.

33. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer’s decision is based in this matter is the Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Land Divisions Section, Department of Regional Planning.

THEREFORE THE HEARING OFFICER:

1. Approves the addendum to the MND and certifies that it has been completed in compliance with CEQA and the State and County guidelines related thereto.

2. Approves the Amendment to Vesting Tentative Tract Map No. 068400-1 RPPL2018000831 subject to the attached conditions and recommendations of the Los Angeles County Subdivision Committee.
PROJECT DESCRIPTION

The project is a request for authorization to amend a tentatively approved tract map to create six multi-family residence lots developed with 303 residential condominium units attached within 24 detached buildings on 11.36-acres within the South Monrovia Islands community in the South Arcadia Zoned District subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, subdivider or successor in interest (“subdivider”) shall include the applicant, owner of the property, 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 subdivider, and the owner of the subject property, if other than the subdivider, have filed at the office of the Los Angeles County (“County”) Department of Regional Planning (“Regional Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4[indemnification], 5[litigation deposit] and 8[expiration if not vested] shall be effective immediately upon the date of final approval of this grant by the County.

3. Unless otherwise apparent from the context, the term “date of final approval” shall mean the date the County’s action becomes effective pursuant to Section 21.56.010 of the County Code as provided in the Subdivision Map Act Section 66452.5 for Tentative Maps.

4. The subdivider 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 limitations period. The County shall promptly notify the subdivider of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the subdivider of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the subdivider shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to $5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning’s cooperation in the defense, including but
not limited to, depositions, testimony, and other assistance provided to subdivider or subdivider's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the subdivider shall deposit additional funds sufficient to bring the balance up to the amount of $5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the subdivider, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the subdivider according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

7. Upon any transfer or lease of the property during the term of this grant, the subdivider, or the owner of the subject property, if other than the subdivider, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. In the event that Vesting Tentative Tract Map No. 068400 should expire without the recordation of a final map, this grant shall terminate upon the expiration of the tentative map. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect.

9. 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 subdivider to cease any development or activity not in full compliance shall be a violation of these conditions.

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 one of the conditions of this grant, the subdivider shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be $200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

10. Prior to the issuance of any building permit(s), the subdivider shall remit all applicable library facilities mitigation fees to the County Librarian, pursuant to Chapter 22.246 of the County Code. The subdivider shall pay the fees in effect at the time of payment, pursuant to Section 22.246.060. Questions regarding fee payment can be directed to the County Librarian at (562) 940-8430. The subdivider shall provide proof of payment upon request from Regional Planning.
11. Within five (5) working days from the day after your appeal period ends **Monday, April 29, 2019**, the subdivider shall remit processing fees at the County Registrar-Recorder/County Clerk Office, payable to the County of Los Angeles, in connection with the filing and posting of a Notice of Determination ("NOD") for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Wildlife pursuant to Section 711.4 of the California Fish and Game Code, the subdivider shall pay the fees in effect at the time of the filing of the NOD. No land use project subject to this requirement is final, vested or operative until the fee is paid.

12. The subdivider shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program ("MMRP"), which are incorporated by this reference as if set forth fully herein.

13. As a means of ensuring the effectiveness of the mitigation measures, the subdivider shall submit annual mitigation monitoring reports to Regional Planning for approval or as required. The reports shall describe the status of the subdivider’s compliance with the required mitigation measures.

14. The subdivider shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.

15. 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 ("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, or as otherwise authorized pursuant to Section 22.238.020 of the County Code.

16. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.

17. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

18. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved vesting map Exhibit "A" or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").

19. The subdivider shall maintain the subject property in a neat and orderly fashion. The subdivider shall maintain free of litter all areas of the premises over which the subdivider has control.
20. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. 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 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 of graffiti or other extraneous markings occurring, the subdivider 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.

21. The subject property shall be developed and maintained in substantial conformance with the vesting map and plans marked Exhibit “A”.

22. In the event that subsequent revisions to the approved vesting map and Exhibit “A” are submitted, the subdivider shall submit a copy of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved vesting map and Exhibit “A”. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

AMENDMENT TO THE VESTING TENTATIVE TRACT MAP SPECIFIC CONDITIONS

23. Conditions of Approval for Vesting Tentative Tract Map No. TR068400 (“Vesting Map”), which the Los Angeles County Board of Supervisors originally adopted on October 30, 2012 are incorporated herein by reference as modified the revised conditions below.

24. The subdivider shall conform to the requirements of Title 21 of the Los Angeles County Code.

25. The project site shall be developed and maintained in substantial compliance with the approved vesting map and Exhibit “A” dated November 7, 2018, or Revised Exhibit “A” approved by the Director.

26. Permission is granted to adjust lot lines to the satisfaction of the Department of Regional Planning and Public Works.

Attachments:
Subdivision Committee reports
DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. 2018-001165-(5)
CONDITIONAL USE PERMIT MODIFICATION NO. RPPL2018000842

PROJECT DESCRIPTION
The project is a request for conditional use permit modification to authorize modification and/or elimination of the conditions of approval associated with the Board of Supervisors’ October 30th 2012 approval to (a) authorize on-site grading in excess of 100,000 cubic yards and (b) ensure consistency with the Development Program (-DP) overlay zoning on the site subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, permittee or successor in interest (“permittee”) shall include the applicant, owner of the property, 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 Los Angeles County (“County”) Department of Regional Planning (“Regional Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4[indemnification], 5[litigation deposit] and 8[expiration if not vested] shall be effective immediately upon the date of final approval of this grant by the County.

3. Unless otherwise apparent from the context, the term “date of final approval” shall mean the date the County’s action becomes effective pursuant to Section 21.56.010 of the County Code as provided in the Subdivision Map Act Section 66452.5 for Tentative Maps.

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 limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate 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 reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

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 make an initial deposit with Regional Planning in the amount of up to $5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but
not limited to, depositions, testimony, and other assistance provided to permittee or permittee’s counsel.

If during the litigation process, actual costs or expenses 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 $5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

7. Upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. In the event that Vesting Tentative Tract Map No. 068400 should expire without the recordation of a final map, this grant shall terminate upon the expiration of the tentative map. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect.

9. 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 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 one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be $200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

10. Prior to the issuance of any building permit(s), the subdivider shall remit all applicable library facilities mitigation fees to the County Librarian, pursuant to Chapter 22.246 of the County Code. The subdivider shall pay the fees in effect at the time of payment, pursuant to Section 22.246.060. Questions regarding fee payment can be directed to the County Librarian at (562) 940-8430. The subdivider shall provide proof of payment upon request from Regional Planning.
11. Within five (5) working days from the day after your appeal period ends Monday, April 29, 2019, the permittee shall remit processing fees at the County Registrar-Recorder/County Clerk Office, payable to the County of Los Angeles, in connection with the filing and posting of a Notice of Determination (“NOD”) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Wildlife pursuant to Section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD. No land use project subject to this requirement is final, vested or operative until the fee is paid.

12. The permittee shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program (“MMRP”), which are incorporated by this reference as if set forth fully herein.

13. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit annual mitigation monitoring reports to Regional Planning for approval or as required. The reports shall describe the status of the permittee’s compliance with the required mitigation measures.

14. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.

15. 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 (“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, or as otherwise authorized pursuant to Section 22.150.110 of the County Code.

16. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.

17. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

18. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved vesting map Exhibit "A" or a revised Exhibit "A" approved by the Director of Regional Planning (“Director”).

19. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
20. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. 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 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 of graffiti or other extraneous markings occurring, 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.

21. The subject property shall be developed and maintained in substantial conformance with the vesting map and plans marked Exhibit “A”.

22. In the event that subsequent revisions to the approved vesting map and Exhibit “A” are submitted, the permittee shall submit a copy of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved vesting map and Exhibit “A”. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

CONDITIONAL USE PERMIT MODIFICATION SPECIFIC CONDITIONS

23. Conditions of approval for Conditional Use Permit No. 200700073 (“CUP”), which the Los Angeles County Board of Supervisors originally adopted on October 30, 2012 are incorporated herein by reference as modified the revised conditions below.

24. The project site shall be developed and maintained in substantial compliance with the approved vesting map and Exhibit “A” dated November 7, 2018, or Revised Exhibit “A” approved by the Director.

25. Condition no. 39 of the original conditions of approval for the CUP is hereby revised as follows:

26. The following development standards are permitted for the project:

   (Building Heights)
   a) Buildings no. 2 through 22: To allow a maximum height of 36 feet and nine inches.
   b) Buildings no. 23 and 24: To allow a maximum height of 49 feet six inches.

   (Walls and Fences)
   a) Lot nos. 2 - 4: To allow a wall/fence height up to nine feet within the required side and rear yard setbacks.
   b) Lot no. 5: To allow a wall/fence height up to eight feet within the required front yard setback and to allow a wall/fence height up to nine feet within the side and rear yard setbacks.
c) Lot no. 6: To allow a wall/fence height up to eight feet within the required rear and side yard setbacks

27. This application makes minor updates to the CUP to reflect the currently proposed design and amended vesting tentative tract map. Any subsequent application to further modify the CUP which does not relate to building setbacks or to building or wall heights, shall not be considered the same or substantially the same application for purpose of County Code Section 22.236.020 and may be filed within one year of final action on this CUP modification.

Attachments:
Subdivision Committee reports