



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Jon Sanabria
Acting Director of Planning

May 14, 2009

TO: Leslie G. Bellamy, Chair
Wayne Rew, Vice Chair
Harold V. Helsley, Commissioner
Esther L. Valadez, Commissioner
Pat Modugno, Commissioner

FROM:  Mr. Jodie Sackett, Senior Regional Planning Assistant
Land Divisions Section

**SUBJECT: VESTING TENTATIVE TRACT MAP NO. 34289
CONDITIONAL USE PERMIT CASE NO. 94-165-(3)
OAK TREE PERMIT CASE NO. 2007-00011-(3)
AGENDA ITEM NOS. 8 a, b, c, d: MAY 20, 2009**

SUPPLEMENTAL PACKAGE

PROJECT PROPOSAL

Vesting Tentative Tract Map No. 34289 is a proposed subdivision of land to create six single-family lots, one open space lot and one private street lot on 34.43 gross acres (33.6 net acres) in the Malibu Coastal Zone and the Third Supervisorial District of Los Angeles County. Conditional Use Permit ("CUP") Case No. 94-165-(3) is a request to ensure compliance with non-urban hillside management performance review criteria. Oak Tree Permit ("OTP") Case No. 2007-00011-(3) is a request for the removal of five Oak trees (none heritage) located on the subject property.

OFFSITE ACCESS/BALLER ROAD IMPROVEMENTS

On May 12, 2009, staff conducted a site visit and spoke with the property owner of the adjacent residence located directly to the south. The landowner expressed concerns with the proposed project access related to safety ("line of sight distance") and increased traffic traveling from Latigo Canyon Road through the project site and connecting to Baller Road located in the north. The owner also expressed concerns regarding the location of the posted hearing sign and lack of good visibility for nearby residents.

Regarding access, staff has prepared an access exhibit and included photos from the recent site visit to illustrate existing and proposed access (both attached). Previously, in the staff report, staff recommended that "the project site continue to provide offsite access to the neighboring residence located immediately south... and that an opening/entryway in the proposed retaining wall be provided and maintained to ensure physical access through the project site to the existing residence." Staff believes that the proposed offsite access as depicted on the tentative map/Exhibit "A" is an improvement over the current driveway, which narrows to 10 feet wide in some areas and does not provide sufficient width for ingress and egress. The proposed private street (Lot No. 8) has a variable width of 28 to 34 feet and provides a cul-de-sac turnaround for emergency vehicles. Therefore, staff does not recommend any modifications to the physical access off of Latigo Canyon Road as currently depicted on the tentative map/Exhibit "A".

During the May 12, 2009 site visit, staff discovered that Baller Road is already paved. The existing pavement was not clearly visible from available imagery (see attached photos). Although the land owner to the south expressed concerns related to allowing an additional means of access from Baller Road to Latigo Canyon Road through the subject property, for fire safety/access purposes, staff is still recommending that the through-access be allowed as currently proposed, with modification to the current design to minimize the improvement of Baller Road to only the extent necessary for access to the future proposed residence on Lot No. 6. Regarding Baller Road, staff's original recommendation remains unchanged:

"Staff recommends that the paving, grading and improvement of Baller Road be terminated at the end of the building pad area located on Lot No. 6, and that no improvement of Baller Road be extended into open space Lot No. 7."

PRE-EXISTING GRADED BUILDING PADS

The applicant submitted an updated project history dated May 12, 2009 clarifying that the preexisting building pads were graded prior to the initial filing of the original subdivision back in 1978 (revised history attached). The applicant also provided aerial imagery from 1966 showing that "four graded pads are visible" (attached). Previously, staff indicated that there were "three existing graded building pads" located on the subject property that were graded under the previously approved Tract Map No. 34289 subsequent to 1978. Based on new information, staff would like to update its description of the existing condition of the subject property to indicate that there are currently four graded building pads on the subject property that have existed since 1966.

**VESTING TENTATIVE TRACT MAP NO. 34289
CONDITIONAL USE PERMIT CASE NO. 94-165-(3)
OAK TREE PERMIT CASE NO. 2007-00011-(3)
May 20, 2009 RPC Hearing Supplemental Package**

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REVISED CONDITIONS OF APPROVAL

Previously, staff attached draft conditions of approval to the staff report, which included draft conditions for the proposed Conditional Use Permit ("CUP") and Oak Tree Permit ("OTP"). Regarding the draft CUP conditions, staff discovered that the formatting for Page Nos. 4 through 7 had become corrupted. Staff has updated the CUP conditions with the correct formatting (attached). In addition, staff discovered that the draft OTP conditions included with the staff report were incomplete, and did not include specific mitigation measures for the replacement of the Oak trees to be removed. Staff has revised the draft OTP conditions to include this information (attached).

STAFF RECOMMENDATION

Staff recommends that the Regional Planning Commission close the public hearing, adopt the MND and MMP, and **approve** Vesting Tentative Tract Map No. 34289, Conditional Use Permit Case No. 94-165-(3) and Oak Tree Permit Case No. 2007-00011-(3) with the attached findings and conditions.

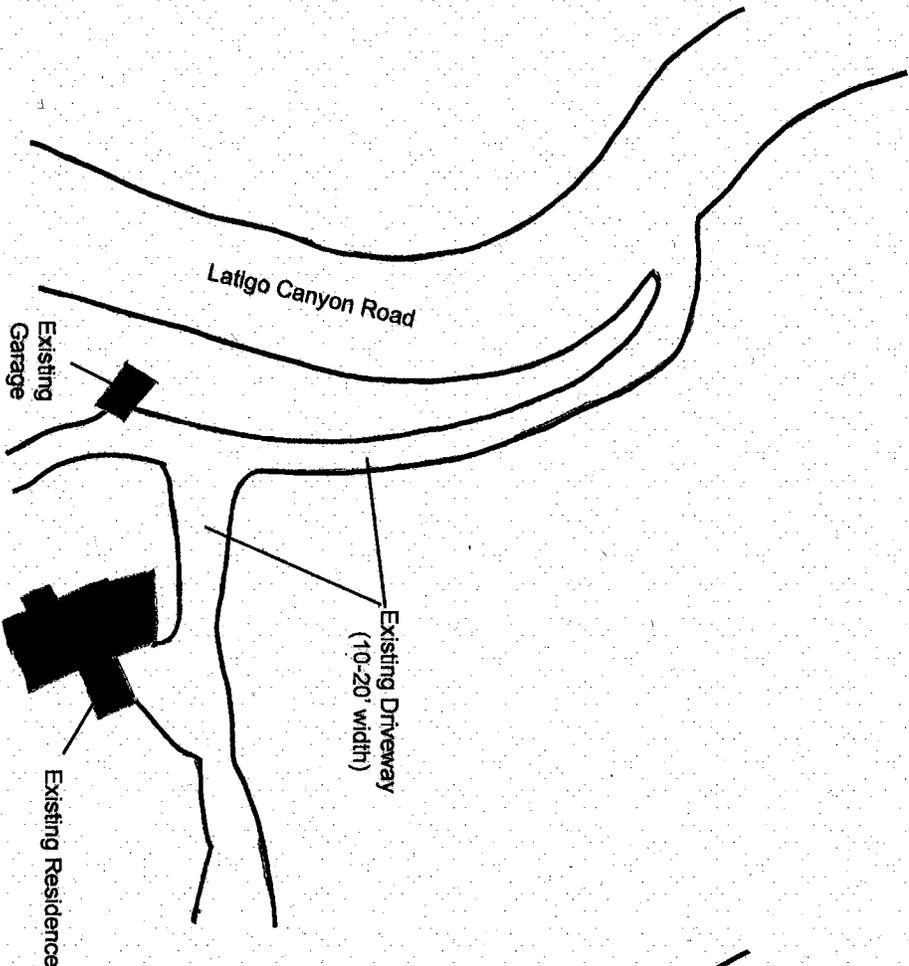
Suggested Motion: "I move that the Regional Planning Commission close the public hearing and adopt the Mitigated Negative Declaration and Mitigation Monitoring Program."

Suggested Motion: "I move that the Regional Planning Commission approve Vesting Tentative Tract Map No. 34289, Conditional Use Permit Case No. 94-165-(3), and Oak Tree Permit Case No. 2007-00011-(3)."

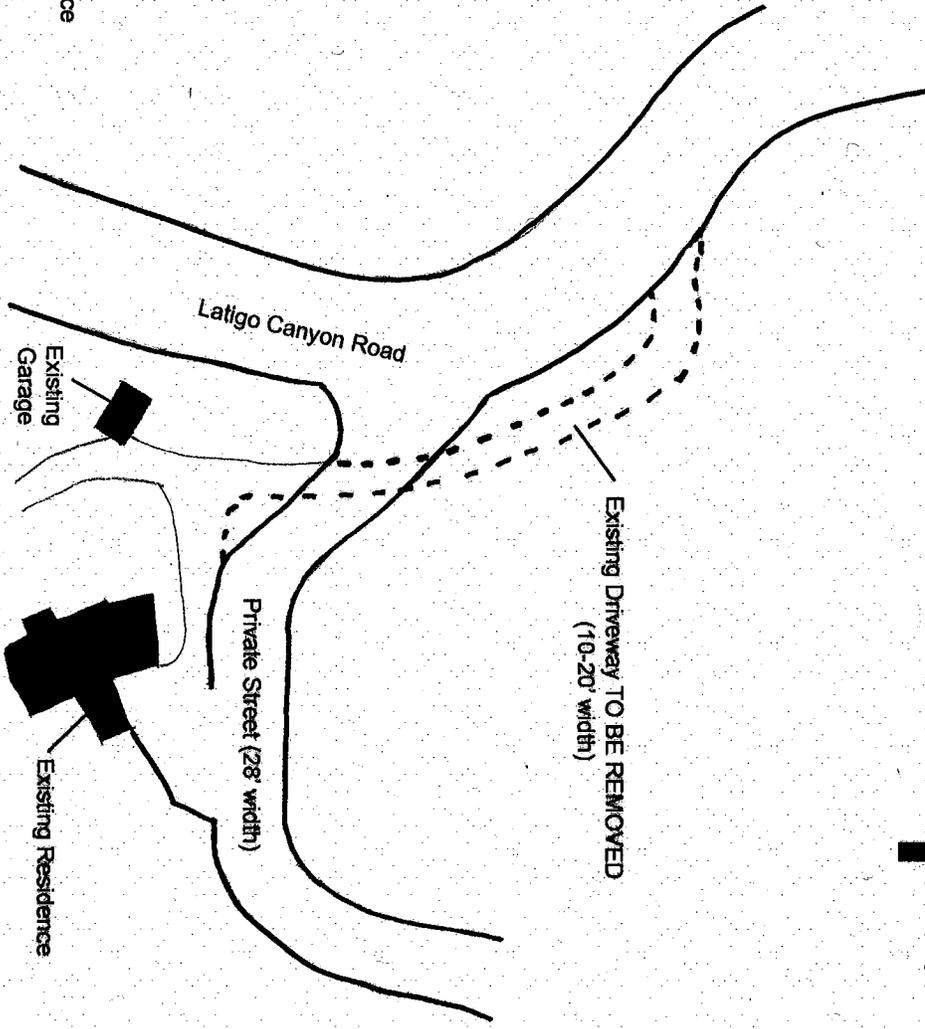
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Attachments:

Staff Exhibit (depicting existing and proposed access)
Photos (with site key)
Updated Project History
Aerial Imagery (from 1966)
Revised Conditions (CUP, OTP)



EXISTING ACCESS



PROPOSED ACCESS

TR34289

PHOTO KEY 1: ADJACENT RESIDENCE & OFFSITE ACCESS TO THE SOUTH
5-14-09





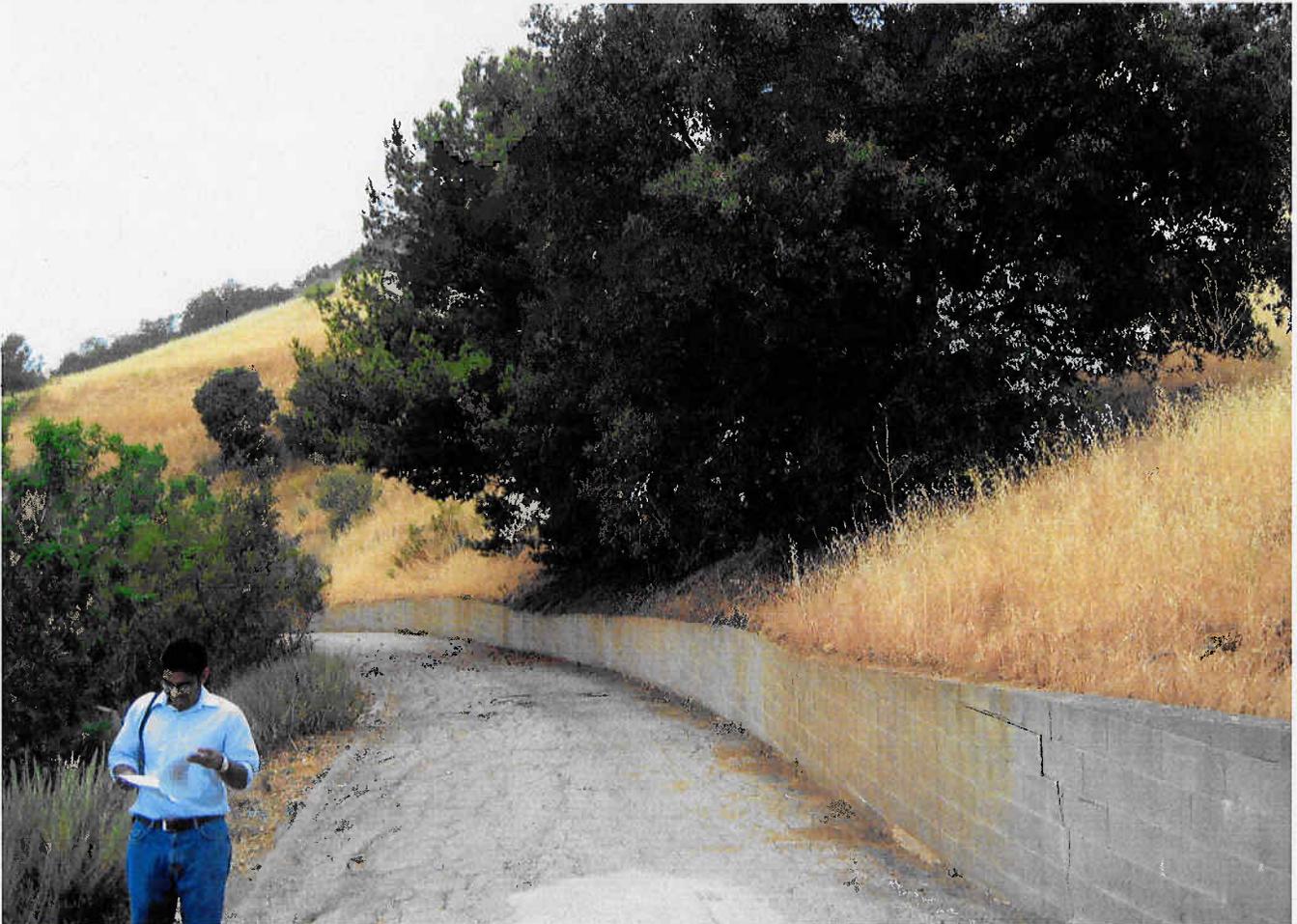
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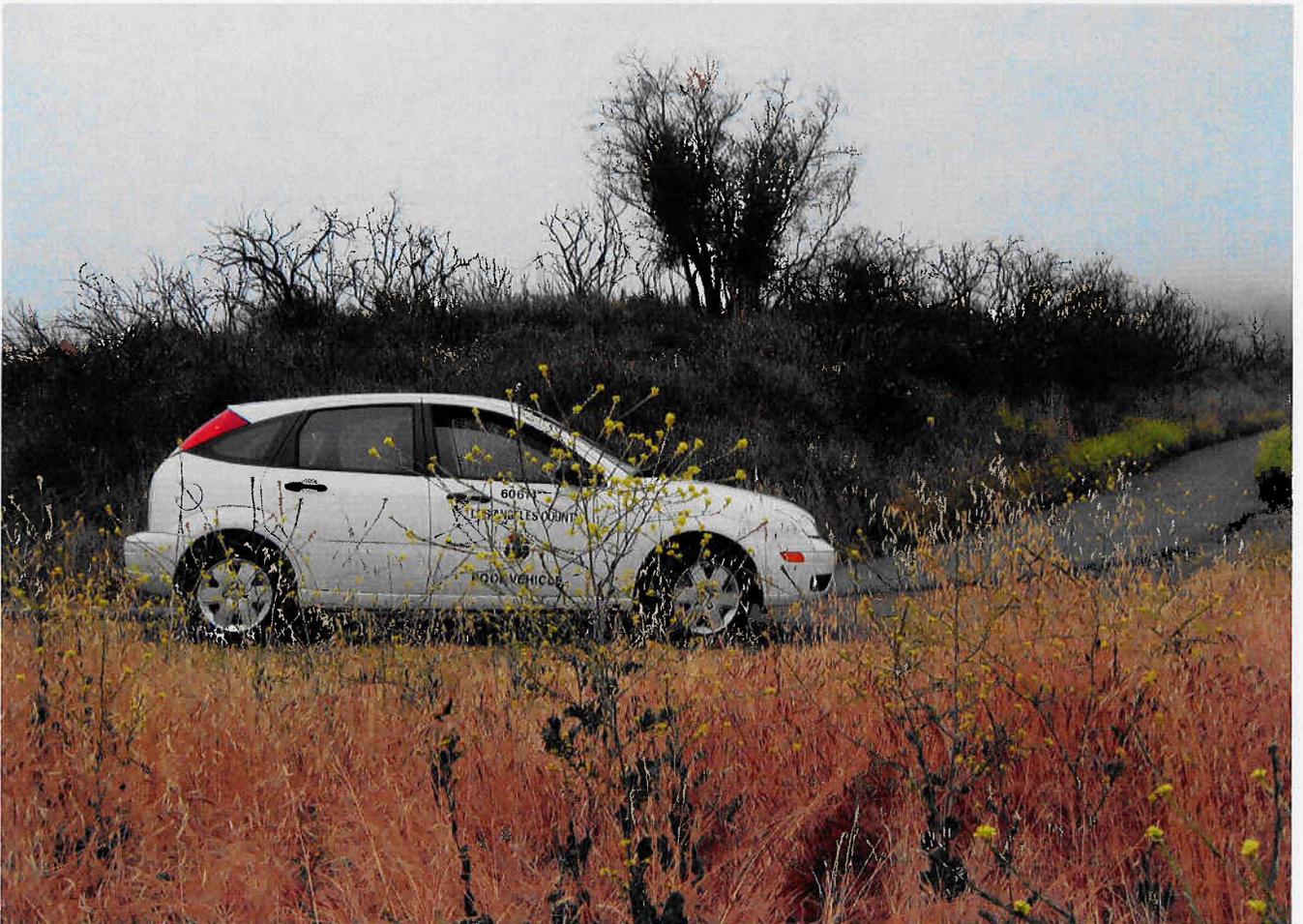


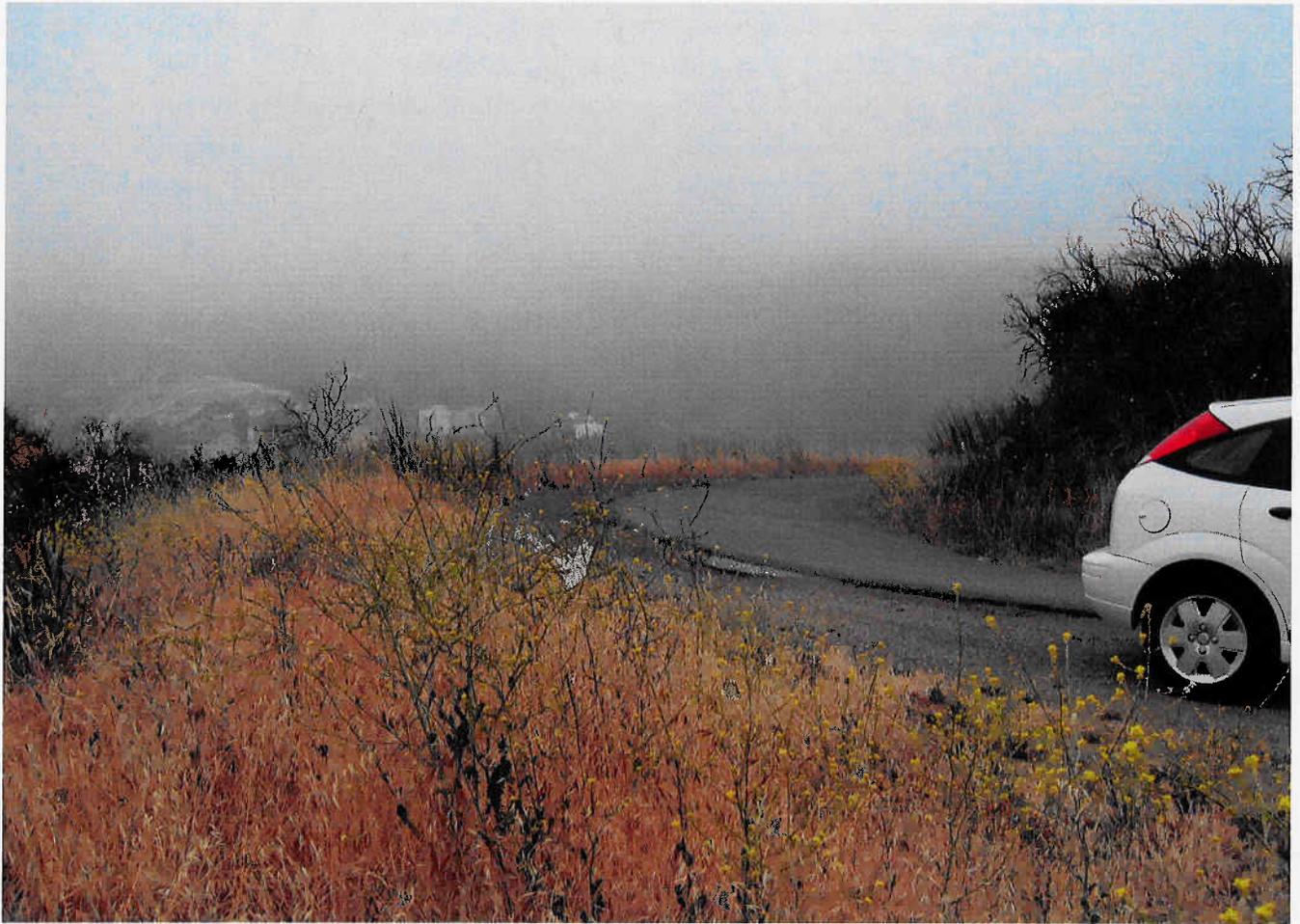
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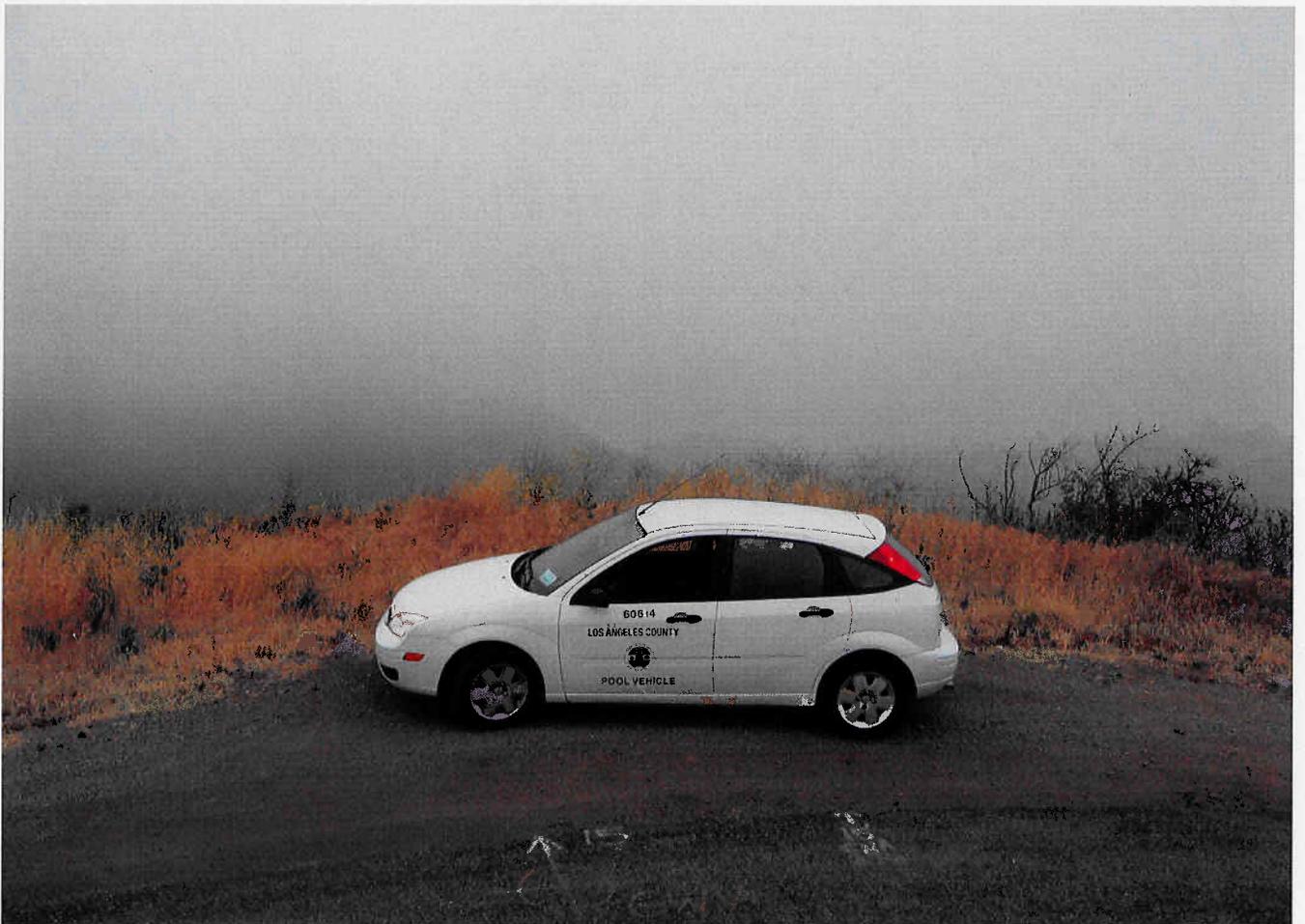


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Vesting Tentative Tract Map 34289/ Conditional Use Permit 94-165

5/12/09 Revised Case History:

The pending tract map application was originally submitted to Los Angeles County in November of 1977 for a twelve (12) lot subdivision. A draft Environmental Impact Report was prepared by Regional Planning on October 30, 1978. Los Angeles County approved the tentative map and certified the EIR for a twelve (12) lot subdivision in May 1980.

In 1981, Los Angeles County approved a one year extension of the map while it was reviewed by the California Coastal Commission (CCC). In September of 1981, the CCC approved a four (4) lot subdivision of the subject property. In 1984, Los Angeles County Counsel in light of the CCC's conditional approval to reduce the subdivision to four (4) residential lots instituted a five (5) year development moratorium on the approval of the final map.

Los Angeles County issued one year extensions for the tract map approval in 1982 and again in 1983. Therefore, the five year moratorium effectively began in 1984. In 1989, as the discrepancy between the County's approval and the CCC's approval had not been resolved, the tract map therefore expired.

In 1990, the CCC approved Coastal Development Permit (CDP) 5-90-665 for the subdivision of the subject property into nine (9) lots with 37,000 cubic yards (cy) of grading (24,000 cy cut, 13,000 cy fill). Following this CCC approval, the map was reactivated at the County with this new project description. The Environmental Determination made by the County for the revised project was a Mitigated Negative Declaration. In 1991, Los Angeles County approved the nine (9) lot subdivision of the property with 42,000 cy of grading (21,000 cy cut, 21,000 cy fill).

One extension of the map was issued by Los Angeles County in 1992 but no further extensions were requested and the map expired within Los Angeles County in 1993. The CDP expired in 1994 due to no further extensions issued by the CCC.

In 2002, a request to reactivate Tentative Tract Map 34289 was filed with Los Angeles County. Since then, the project has been reviewed by the Subdivision Committee five (5) times before being scheduled for the Planning Commission.

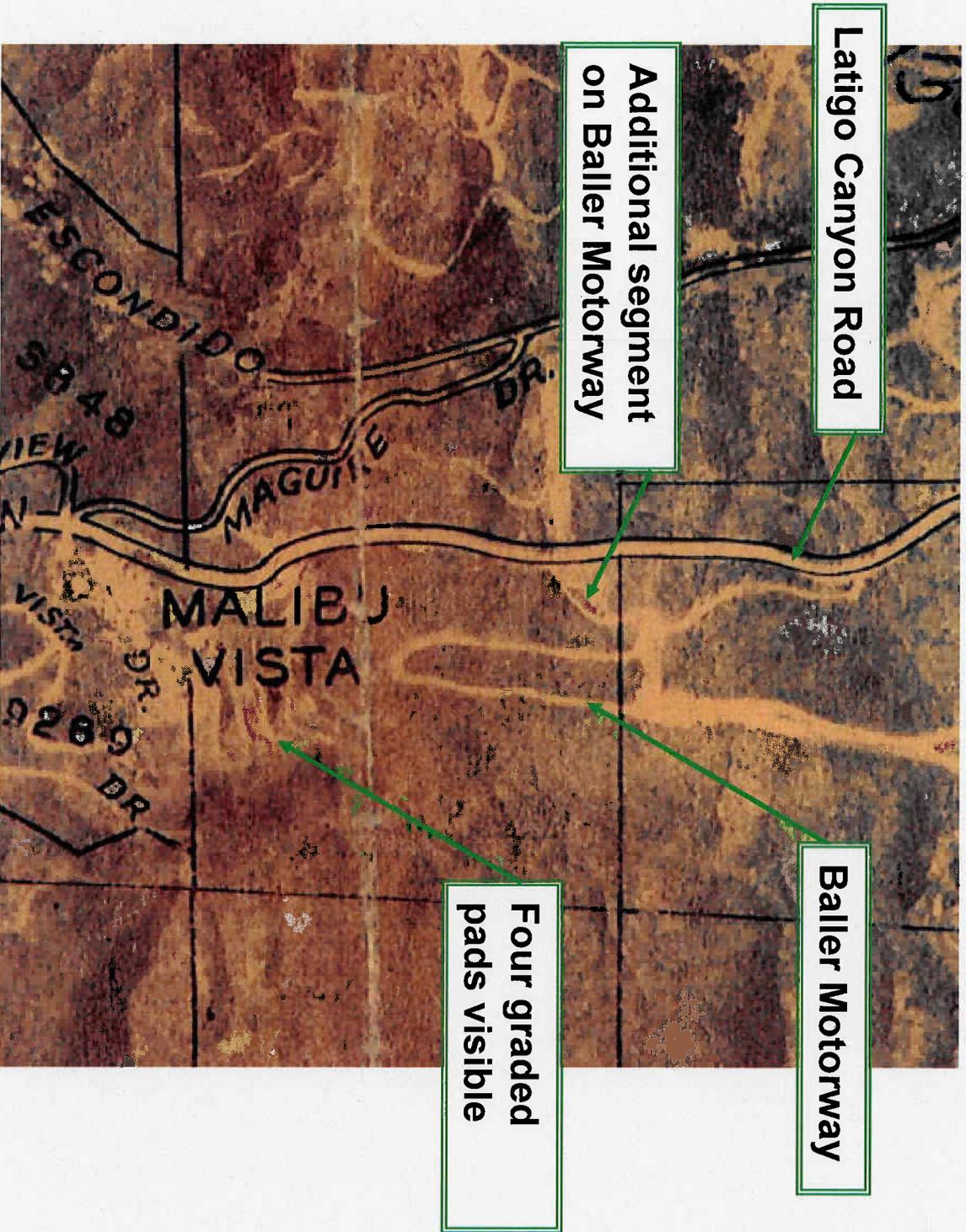
The currently proposed project is for subdivision of the property into eight (8) lots (i.e. six (6) residential, one (1) open space, and one (1) private street) and 20,450 cy of grading (19,250 cy cut, 1,200 cy fill). The location of the proposed private driveway is roughly the same as in all previous, approved iterations of the tract map; design changes have been implemented to reduce grading from the previously approved iterations.

Historic Site Disturbance & Baller Motorway:

Review of historical aerials has shown that the southwestern portion of the site has experienced disturbance and grading to create four building pads as far back as 1966. As can be seen from the attached exhibit, the disturbed area is visible from aerial images in 1966, 1976 through to 1994. The continued disturbance of the site is likely to be a result of annual brush clearance conducted for the purpose of fuel modification as required by Los Angeles County Fire Department for surrounding properties.

Review of the aerials also showed that Baller Motorway has existed since 1966 largely as in its current configuration across the subject parcel. An additional segment from Latigo Canyon Road is visible in the 1966 aerial but is less distinct in the following images. Currently Baller Motorway provides access to at least five homes north of the project site. One of the homes located at 3800 Latigo Canyon Road (APN 4461-001-017) was built in 1967 according to County Assessor's records and assumed to have been accessed via Baller Motorway at the time.

VTTM 34289: Aerials



1966 Aerial

**DEPARTMENT OF REGIONAL PLANNING
CONDITIONAL USE PERMIT CASE NO. 94-165-(3)**

Exhibit "A" Date: 8-6-08

DRAFT CONDITIONS:

1. This grant authorizes the permittee, Chilumula R. Reddy, the use of the subject property as a non-urban hillside residential development of six new single-family lots, one open space lot, and one private street lot, as depicted on the approved exhibit map marked Exhibit "A" (dated August 6, 2008) or an approved revised Exhibit "A", subject to all of the following conditions of approval.
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 Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all the conditions of this grant and that the conditions have been recorded as required by Condition No. 6, and until all required monies have been paid pursuant to Condition Nos. 7 and 47 of this grant.
3. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or entity making use of this grant.
4. 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.
5. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Los Angeles County Regional Planning Commission ("Commission") or Los Angeles County Hearing Officer ("Hearing Officer") may, after conducting a public hearing, revoke or modify this grant, if it 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.
6. The property owner or permittee shall record the terms and conditions of the grant in the office of the Los Angeles 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 of the subject property.
7. Within three days of approval, remit processing fees (currently \$2,068.00) payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the California Public Resources Code and Section 711 of the California Fish and Game Code to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Game. No project subject to this requirement is final, vested or operative until the fee is paid.

8. The subject property shall be developed and maintained 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.
9. If inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).
10. 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 shall reasonably cooperate in the defense.
11. 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 Regional Planning an initial deposit of \$5,000.00 from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to the 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; and
 - 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 in accordance with Los Angeles County Code ("County Code") Section 2.170.010.

12. This grant shall expire unless used within two years after the recordation of a final map for Vesting Tentative Tract Map No. 34289. In the event that Vesting Tentative

Tract Map No. 34289 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.

13. The subject property shall be graded, developed and maintained in substantial conformance with the approved tentative (dated August 6, 2008) or an approved revised Exhibit "A".
14. All development shall comply with the requirements of the Zoning Ordinance and of the specific zoning of the subject property.
15. The development of the subject property shall conform to the conditions approved for Vesting Tentative Tract Map No. 34289.
16. Development of the hillside, including a total of 20,450 cubic yards of grading (19,250 "cut" and 1,200 "fill"), shall be done in substantial conformance with the approved Exhibit "A".
17. The permittee shall provide and maintain offsite access to the existing residence located directly south of the subject property via the existing ingress and egress easement located on Lot Nos. 1 and 8.
18. Prior to final map recordation, the permittee shall submit an offsite access exhibit (Revised Exhibit "A") to the Los Angeles County Department of Regional Planning ("Regional Planning") for review and approval depicting the proposed design in substantial conformance with the access depicted on the approved tentative map/Exhibit "A" to the satisfaction of Regional Planning.
19. The permittee shall improve Baller Road only to the extent necessary to provide the means of access for the future residence to be located on Lot No. 6. The permittee shall not improve Baller Road beyond the building pad and boundaries of Lot No. 6. Prior to final map recordation, the permittee shall submit an exhibit map labeled revised Exhibit "A" to Regional Planning for review and approval depicting the proposed paving and improvements along Baller Road to the satisfaction of Regional Planning.
20. Open space shall comprise not less than 72.1 percent (24.33 acres) of the net project area. Such open space shall be undisturbed and contained entirely within a separate fee-dedicated open space lot identified as Lot No. 7 on the approved Exhibit "A" and open space exhibit, to the satisfaction of Regional Planning.
21. Open space contained within Lot No. 7 shall be designated as "Restricted Use Area - Open Space" on the final map.
22. Open space contained within Lot No. 7 shall be offered to a public agency, land conservation trust, or other comparable organization as the primary means to ensure the protection of all required project open space in perpetuity, to the satisfaction of

Regional Planning. In the event that the open space contained within Lot No. 7 cannot be accepted by a public agency or other comparable organization, a Homeowners' Association ("HOA") shall own, protect and maintain the project open space within Lot No. 7.

23. An HOA shall be created as a secondary or interim means to permanently protect and maintain the project open space within Lot No. 7. Submit evidence to Regional Planning that an HOA has been created to maintain the open space identified within Lot No. 7 on the Exhibit "A" and open space exhibit prior to final map recordation.
24. An HOA shall be created to ensure the ownership and maintenance of private street Lot No. 8. Submit evidence to Regional Planning that an HOA has been created for Lot No. 8 prior to final map recordation.
25. The permittee shall provide evidence that a Coastal Development Permit for the current subject project has been approved by the California Coastal Commission prior to final map recordation.
26. Provide slope planting and an irrigation system in accordance with the Grading Ordinance. Include language in the project's Conditions, Covenants and Restrictions ("CC&Rs") or maintenance agreements which would require continued maintenance of the plantings for lots having planted slopes. Prior to final map approval, submit to Regional Planning a copy of the draft document to be recorded.
27. No grading permit shall be issued prior the recordation of a final map.
28. Prior to any grading on the project site, a haul route must be reviewed and approved by the Director of Regional Planning.
29. All utilities shall be placed underground.
30. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works ("Public Works").
31. The use of earth-tone colored concrete shall be exclusively used for all exposed concrete in order to blend with the surrounding environment.
32. Detonation of explosives or any other blasting devices or material shall be prohibited unless all required permits have been obtained and adjacent property owners have been notified.
33. All grading and construction on the subject property and appurtenant activities, including engine warm-up, shall be restricted to Monday through Friday, between 8:00 a.m. and 6:00 p.m., and Saturday, between 8:00 a.m. and 5:00 p.m. No Sunday or holiday operations are permitted.

Draft Conditions

34. The permittee shall implement a dust control program during grading and construction to the satisfaction of the Director of Planning and the Director of Public Works.
35. The permittee shall, upon commencement of any grading activity allowed by this permit, diligently pursue all grading to completion.
36. No construction equipment or vehicles shall be parked or stored on any existing public or private streets.
37. The permittee shall obtain all necessary permits from Public Works and shall maintain all such permits in full force and effect throughout the life of this permit.
38. All construction and development within the subject property shall comply with the applicable provisions of the Building Code and the various related mechanical, electrical, plumbing, fire, grading and excavation codes as currently adopted by the County.
39. 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 use of 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.
40. 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.
41. The permittee shall utilize water-saving devices and technology in the construction of this project consistent with Los Angeles County Building and Plumbing Codes.
42. The property shall be developed and maintained in compliance with all applicable requirements of the Los Angeles County Department of Public Health. Adequate water and sewage facilities shall be provided to the satisfaction of said department.
43. 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 including, but not limited to water mains, fire hydrants, and fire flow facilities, shall be provided to the satisfaction of and within the time periods established by said Department.
44. Prior to the issuance of any grading and/or building permit, the permittee shall submit to the Director of Regional Planning for review and approval three (3) copies of a revised Exhibit "A" (fully dimensioned, detailed site plan), indicating that the proposed construction and associated grading:

- a. complies with the conditions of this grant and the standards of the zone; and
- b. is compatible with hillside resources.

45. Prior to the issuance of any grading and/or building permit, the permittee shall submit to the Director of Planning for review and approval three copies of a revised landscape plan. The landscape plan shall show size, type, and location of all plants, trees, and watering facilities. In addition, the landscaping plan shall include the plant species and size/coverage of the materials at anticipated levels of maturity. All landscaping shall be maintained in a neat, clean, and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary. To the maximum extent feasible, drip irrigation systems shall be employed.

In addition to the review and approval by the Director of Planning, the landscaping plans will be reviewed by the staff biologist of Regional Planning and by the Los Angeles County Fire Department ("Fire Department"). Their review will include an evaluation of the balance of structural diversity (e.g. trees, shrubs and groundcover) that could be expected 18 months after planting in compliance with fire safety requirements. The landscaping plan shall be maintained in compliance with the approved landscaping plans.

The landscaping plan must show that at least 50 percent of the area covered by landscaping will be locally indigenous species, including not only trees, but shrubs and ground cover as well. However, if the applicant can prove to the satisfaction of staff that a 50 percent or more locally indigenous species is not possible due to County fire safety requirements, then staff may determine that a lower percentage of such planting is required. In those areas where staff approves a reduction to less than 50 percent locally indigenous vegetation, the amount of such planting required shall be at least 30 percent. The landscaping shall include trees, shrubs and/or ground cover at a mixture and density determined by staff and the fire department. Fire retardant plants shall be given first consideration.

Permitted Plantings. Trees, shrubs and/or ground cover indigenous to the local region shall be used for the required 50 percent landscaping. Fire retardant and locally indigenous plants that may also be used for the required 50 percent.

Timing of Planting. Prior to the issuance of building permits for any construction the applicant shall submit a landscaping and phasing plan for the landscaping associated with that construction to be approved by the Director of Planning. This phasing plan shall establish the timing and sequencing of the required landscaping, including required plantings within six months and expected growth during the subsequent 18 months.

The planting shall begin at the time of occupancy of each building. The required planting of new trees, shrubs and/or ground cover shall be completed within six months following occupancy.

The approved phasing plan shall set forth goals for the growth of the new plants in order to achieve established landscaping within eighteen months following completion of the required planting. The applicant shall supply information for staff review of the completed landscaping at such time to confirm completion in accordance with the approved landscaping plan. In the event that some plants have not flourished, at the time of review, staff may require replacement planting as necessary to assure completion in accordance with such plan.

46. The permittee shall fully comply with the Los Angeles County Green Building Program, to include the Green Building, Low Impact Development, and Drought-Tolerant Landscaping Ordinances.
47. Pursuant to Chapter 22.72 of the County Code, the permittee or his successor in interest shall pay a library facilities mitigation fee (currently \$4,758.00, or \$793.00 per dwelling unit) to the Los Angeles County Librarian prior to issuance of any building permit.
48. As a means of ensuring the effectiveness of the mitigation monitoring measures set forth in the attached Mitigation Monitoring Program ("MMP"), the permittee shall submit mitigation monitoring reports to the Director of Planning. The reports shall describe the status of compliance with the mitigation measures adopted as conditions of this grant. The reports shall be submitted and approved in the following sequence:
 - a) At the time of submittal of the first final map and each final unit map submittal;
 - b) At the time of grading permit issuance, include verification and payment of applicable fees;
 - c) At the time of building permit issuance;
 - d) Additional reports as required by the Director of Planning.
49. Within 30 days of the tentative map approval, as provided in the MMP, the permittee shall deposit the sum of \$3,000.00 with Regional Planning in order to defray the cost of reviewing the permittee's reports and verifying compliance with the information contained in the reports required by the MMP.
50. The permittee shall record a covenant agreeing to comply with the requirements of the MMP, and submit a copy of the covenant with attached MMP to Regional Planning for review and approval prior to final map recordation.

**DEPARTMENT OF REGIONAL PLANNING
OAK TREE PERMIT CASE NO. 2007-00011-(3)**

CONDITIONS:

(Questions relating to these conditions should be addressed to the Forestry Division, Environmental Review Unit of the Los Angeles County Forester and Fire Warden at 818-890-5719.)

1. This grant authorizes the removal of five trees of the Oak genus (*Quercus agrifolia*) identified as Tree Numbers 1 through 5 in the applicant's Oak Tree Report, 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 until the permittee and the owner of the property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning ("Regional Planning") an affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions have been recorded as required by Condition No. 4 and until all required monies have been paid pursuant to Condition Nos. 9, 10 and 43.
4. 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.
5. 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.
6. The subject property shall be developed, 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 such full compliance shall be a violation of these conditions.
7. 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.
8. No Oak tree shall be removed until the permittee has obtained all permits and approvals required for the work which necessitates such removal.
9. Within completion of the appeal period, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the Public Resources Code. The project has not been found to have no effect on fish and wildlife and is

not exempt from payment of a fee to the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code. The current total fee amount is \$2,068.00.

10. The permittee shall, prior to commencement of the use authorized by this grant, deposit with the County of Los Angeles Fire Department a sum of \$300. Such fees shall be used to compensate the County Forester \$100 per inspection to cover expenses incurred while inspecting the project to determine the permittee's compliance with the conditions of approval. The above fees provide for one initial inspection prior to the commencement of construction and two subsequent annual inspections until the conditions of approval have been met. The Director of Regional Planning ("Director of Planning") and the Forester shall retain the right to make regular and unannounced site inspections.
11. The term "Oak Tree Report" refers to the document on file at Regional Planning by Bruce Malinowski, the consulting arborist, dated February 15, 2007.
12. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Planning and the Forester stating that he or she has been retained by the permittee to perform or supervise the work, and that her or she agrees to report to the Director of Planning and the Forester any failure to fully comply with the conditions of this grant. The arborist shall prepare a schedule of construction activities wherein the arborist will be present on the project site to ensure compliance with the conditions of this grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.
13. All individuals associated with the project as it relates to the Oak resource shall be familiar with the Oak Tree Report, Oak Tree Map, Mitigation Planting Plan and Conditions of Approval.
14. The permittee shall arrange for the consulting arborist or a similarly qualified person to maintain all remaining Oak trees on the subject property that are within the zone of impact as determined by the County Forester for the life of the Oak Tree Permit or the Conditional Use Permit.
15. The permittee shall install temporary chain-link fencing, not less than four feet in height, to secure the protected zone of the remaining Oak trees on site as necessary. The fencing shall be installed prior to grading or tree removal, and shall not be removed without approval of the Forester. The term "protected zone" refers to the area extending five feet beyond the dripline of the Oak tree (before pruning), or 15 feet from the trunk, whichever is greater.
16. The permittee shall keep copies of the Oak tree report, Oak tree map, mitigation planting plan and conditions of approval on the project site and available for review. If the conditions of approval are not present on site during a monitoring inspection of an active project, the Forester will give an immediate "Stop Work Order." This will

be administered both verbally and in writing. The "Stop Work Order" will be rescinded after the conditions of approval are present on the site and all employees associated with the project are fully aware of these conditions.

PERMITTED OAK TREE REMOVAL:

17. This grant allows the removal of five trees the Oak genus (*Quercus agrifolia*) identified as Tree Nos. 1 through 5 on the applicant's vesting tentative tract map and Oak Tree Report. Trenching, excavation, or clearance of vegetation within the protected zone of an Oak tree shall be accomplished by the use of hand tools or other similar hand-held power tools. Any major roots encountered shall be conserved to the extent possible and treated as recommended by the consulting arborist.
18. In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of protected Oak trees or to improve their appearance or structure may be performed. Such pruning shall include the removal of deadwood and stubs and medium pruning of branches two inches in diameter or less accordance with the guidelines published by the National Arborist Association. Copies of these guidelines are available from the Forester. In no case shall more than 20 percent of the tree canopy of any one tree be removed.
19. Except as otherwise expressly authorized by this grant, the remaining Oak trees shall be maintained in accordance with the principles set forth in the publication, "Oak Trees: Care and Maintenance," prepared by the Forester, a copy of which is enclosed with these conditions.

MITIGATION TREES:

20. The permittee shall provide mitigation trees of the Oak genus at a ratio of two to one (2:1) trees for each tree removed for a total of 10 new trees.
21. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one inch or more in diameter one foot above the base. Free form trees with multiple stems are permissible; the combined diameter of the two largest stems of such trees shall measure a minimum of one inch in diameter one foot above the base.
22. This total of 10 mitigation trees shall consist of indigenous varieties of *Quercus turbinella*. The seed shall be grown from a local seed source and be of high-quality.
23. The permittee shall plant one acorn of the *Quercus agrifolia* variety for each mitigation tree planted. The acorns shall be planted at the same time as and within the watering zone of each mitigation tree.
24. All required mitigation trees shall be planted within one year of the permitted Oak tree removals. Mitigation trees shall be planted on-site in locations approved by the project arborist in consultation with the Forester. In circumstances where on-site planting is shown to be infeasible, the mitigation trees may be planted at an off-site

location approved by the Forester, or a contribution to the County of Los Angeles Oak Forest Special Fund may be made in the amount equivalent to the Oak resources loss. The contribution shall be calculated by the consulting arborist and approved by the Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."

25. The permittee shall properly maintain each mitigation tree and shall replace any tree failing to survive due to lack of proper care and maintenance with a tree meeting the specifications set forth above. The five-year maintenance period will begin upon receipt of a letter from the permittee or consulting arborist to the Director of Planning and the Forester indicating that the mitigation trees have been planted. The maintenance period of the trees failing to survive two years will start anew with the new replacement trees. Subsequently, additional monitoring fees shall be required.
26. All mitigation Oak trees planted as a condition of this permit shall be protected in perpetuity by the Los Angeles County Oak Tree Ordinance, once the trees have survived the required maintenance period.
27. Prior to the planting of the trees, the biologist/arborist for the permittee shall determine planting sites, prepare planting plans and specifications, and a monitoring program, all of which shall be approved by the Forester and Director of Planning.
28. All work on or within the protected zone of an Oak tree shall be performed by or under the supervision of the consulting arborist.
29. Trenching, excavation, or clearance of vegetation within the protected zone of an Oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved to the extent possible and treated as recommended by the consulting arborist.
30. Installation of fencing around the perimeter of the properties shall be of wrought iron or wood post type construction wherever the fencing passes within ten (10) feet of any Oak trunk. No block walls or other type of fence or wall construction which requires substantial trenching for foundations shall be located within ten (10) feet of any Oak tree in order to limit damage caused by such types of construction.

NON-PERMITTED ACTIONS AND VIOLATIONS:

31. Encroachment within the protected zone of any additional tree of the Oak genus on the project site is prohibited.
32. Should encroachment within the protected zone of any additional tree of the Oak genus on the project site not permitted by this grant result in its injury or death within two (2) years, the permittee shall be required to make a contribution to the Los Angeles County Oak Forest Special Fund in the amount equivalent to the Oak resource damage/loss. Said contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."

33. No planting or irrigation system shall be installed within the dripline of any Oak tree that will be retained.
34. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.
35. Equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any Oak tree. No temporary structures shall be placed within the protected zone of any Oak.
36. Any violation of the conditions of this grant shall result in immediate work stoppage or in a Notice of Correction depending on the nature of the violation. A time frame within which deficiencies must be corrected will be indicated on the Notice of Correction.
37. Should any future inspection disclose that the subject property is being used in violation of any condition of this grant, the permittee shall be held financially responsible and shall reimburse the Forester for all enforcement efforts necessary to bring the subject property into compliance. The Director of Planning and the Forester shall retain the right to make regular and unannounced site inspections.
38. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Los Angeles County Regional Planning Commission ("Planning Commission") or Los Angeles County Hearing Officer ("Hearing Officer") may, after conducting a public hearing, revoke or modify this grant, if the Planning 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 as to be a nuisance.
39. The permittee shall defend, indemnify and hold harmless Los Angeles County ("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 such claim, action, or proceeding and the County shall reasonably cooperate in the defense.
40. 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 Regional Planning an initial deposit of \$5,000.00, from which actual costs shall be billed and deducted for the purpose of defraying the expense 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 by the department reach 80 percent of the amount on deposit 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 permittee in accordance with Section 2.170.010 of the Los Angeles County Code.

41. As a means of ensuring the effectiveness of the mitigation monitoring measures set forth in the attached Mitigation Monitoring Program ("MMP"), the permittee shall submit mitigation monitoring reports to the Director of Planning. The reports shall describe the status of compliance with the mitigation measures adopted as conditions of this grant. The reports shall be submitted and approved in the following sequence:
 - a) At the time of submittal of the first final map and each final unit map submittal;
 - b) At the time of grading permit issuance, include verification and payment of applicable fees;
 - c) At the time of building permit issuance;
 - d) Additional reports as required by the Director of Planning.
42. Within 30 days of tentative map approval, the permittee shall deposit the sum of \$3,000.00 with Regional Planning to defray the cost of reviewing the permittee's reports and verifying compliance with the MMP. The permittee shall retain the services of a qualified Environmental/Mitigation Monitoring Consultant, subject to the approval of the Director of Planning, to ensure that all applicable mitigation measures are implemented and reported in the required Mitigation Monitoring Reports.
43. This grant shall expire unless used within two years after the recordation of a final map for Revised Vesting Tentative Tract Map No. 34289. In the event that the tentative map 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.
44. This grant shall terminate upon the completion of the authorized Oak tree removal and the completion of all required mitigation and monitoring to the satisfaction of the Forester and Regional Planning.