



Building A Better Community

Bel Air-Beverly Crest Neighborhood Council
PO Box 252007 Los Angeles, CA 90025
Office: 310-479-6247 Website www.babcnc.org

July 24, 2019

Frank M. Bush
frank.bush@lacity.org (213) 482-6800

Re: LADBS Policies for Construction Permits and Haul Route Terms of Expiration

Dear Mr. Bush,

We, Robin Greenberg and Nickie Miner, declare that we are the President and Vice President respectively of the Bel Air-Beverly Crest Neighborhood Council (BABCNC), and on July 24, 2019, a Brown-Act noticed public meeting was held by the BABCNC. With a quorum of 26 board members present, and by a vote of 26 yes, 0 no, 0 abstentions, the Bel Air-Beverly Crest Neighborhood Council voted unanimously to formally express our support of the measures proposed herein, along with the enclosed appendices A & B.

Protecting residential neighborhoods from out-of-scale development is a critical priority for our community. New regulations, such as the Baseline Hillside Ordinance 184802 (BHO) and the Hillside Construction Regulation Ordinance 184827 (HCR) adopted in March of 2017, and the HCR Ordinance 185491 adopted in April 2018, were designed to decrease the maximum size of new dwellings, as well as, the amount of grading permitted when building hillside homes, and to mitigate the impact of unprecedented levels of construction on hillside neighborhoods.

The City of Los Angeles Municipal Code already has built-in measures (please refer to Appendix A) that, if implemented, would provide additional relief to our neighborhoods and would ensure that buildings across the city were built in compliance with the newest possible regulations. These measures include expiring plan check applications and permits under specified conditions, mainly when the projects do not make any progress within the timeframe stipulated by LAMC and other local regulations.

For projects that require approved haul routes, similar measures for revocation of haul routes are embedded into the conditions of approval by BBSC of said haul routes.

Unfortunately the LAMC and LADBS's interpretation of it allows individual inspectors a great deal of discretion when considering Plan Check and permit extensions.

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Robin Greenberg
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Nickie Miner
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RESIDENTIAL DISTRICTS

Bel Air District
Bel Air Glen District
Franklin-Coldwater District
North of Sunset District

OTHER

At-Large Members
Commercial or Office Enterprise Districts
Custodians of Open Space
Faith-Based Institutions
Public & Private Schools

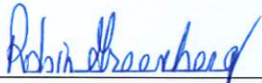
Re: LADBS Policies for Construction Permits and Haul Route Terms of Expiration

As the result of these policies, there are many projects either under construction or just starting construction, with permits that go as far back as 2015. Similarly, there are haul routes approved in 2014 or later that should have expired after the initial issuance. The fact that LADBS allows projects approved in 2015 to start construction in 2019 without additional review and compliance with the most recent codes and regulations is troubling.

The use of discretion as the basis for decisions rather than transparent, objective criteria creates the appearance of impropriety. The differential treatment that inevitably results leads to a general impression that something is amiss in our Building Department.

We propose revising current LAMC and related regulations to assure that permit extension is a transparent process that follows standard policies rather than policy exceptions.

Thank you for your attention to this urgent matter.



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APPENDIX A
Proposed Revisions to Terms of Construction Permit and Haul Route
Expiration

1) PLAN CHECK EXPIRATION

Require LADBS to expire plan check. Current regulations allow for an overabundance of discretion. The application of regulations seems the exception rather than the rule.

Applicable regulations:

1. Per LAMC Sec. 98.0603, plan check shall expire if permits are not secured within 18 months after plans have been filed.
2. Per LADBS Document P/BC 2017-120, at the discretion of plan check supervisor additional (3) 6-months extensions are allowed in addition to 18 months stipulated in LAMC Sec. 98.0603, total of 3 years for completion of plan check. Haul route approval remains valid through the plan check extension period.

Proposed modifications:

1. Enforce Item 1.
2. Provide tools that automatically generate alerts two weeks before plan check expiration date instead of relying on plan checkers to do it. Require LADBS to act upon the alerts.
3. Limit extension of plan check to maximum 6-months.
4. Extension process shall be transparent and rule-based rather than discretionary. Each request for extension must have substantiated with reasons that are publicly-available. Significant revisions to design should require new application for plan check.
5. Prohibit plan check extension after plan check has expired.

Current state of affairs:

At present we are not aware of plan check being expired.

2) PERMIT EXPIRATION

Require LADBS to expire already issued outdated permits immediately and to revoke permit extensions that were erroneously issued after permits were officially expired. Applicants must reapply for new permits under the current governing codes and regulations.

Currently permits continue to remain active or are reactivated without meaningful reasons. Here are a few examples.

8673 Franklin/1601 Mountcrest

Fence installed, no other activity has been observed for months yet permits remained active.

8685/8689 Franklin

Grading permit 15030-30000-08811 was issued in June 2016, was expired in July 2018, and reactivated in Feb. 2019.

Permits 15010-30000-04625, 15030-30000-08811, 15020-30000-03518 and 15047-30000-02100 were issued in June of 2016. Partial pre-inspection was conducted in May of 2018, after the date when permits should have been expired due to inactivity.

8555 Hedges

Grading permit 16030-10000-06657 issued on 4/14/2017, voided on 3/4/2019, reactivated on 3/21/2019.

Applicable regulations:

1. Per LAMC Sec. 98.0602(a), permits are valid for 24 month after the date of issue and expire after 180 days if permitted work has not commenced.
2. Per Assembly Bill 2913, permits remain valid if the work on the site authorized by that permit is commenced within 12 months after its issuance. Applies to permits issued after September 21, 2018.
3. Per current LADBS practices, a project is expected to be 75% complete 24 months after permits were issued. Exceptions to this Section allows extension of permits in case of unusual construction difficulties.
4. Per LAMC Sec. 98.0605, requests for permit extensions shall not be made later than 30 days after the expiration time per sections above.
5. Per LAMC Sec. 106.4.4.3, if a project was inactive for 180 days, the owner is given notice and has 90 days to obtain new permits to complete required work.

Proposed modifications:

1. Enforce Items 1, 2 and 3.
2. Provide tangible criteria for determining a degree of project completion for Item 2 above.
3. Provide tools that automatically generate alerts two weeks before permit expiration date instead of relying on inspectors to do it. Require LADBS to act upon the alerts.
4. Make permit extensions for projects with any discretionary requests a transparent process (proper notification of interested parties, hearings). Any claim of construction difficulties and financial hardship has to be thoroughly substantiated (bank statements, loan documents, etc.) with all information made available to the public.
5. Make permit extension for by-right projects that are *5000 sf or larger* (review criteria) a transparent process (proper notification of interested parties, hearings).
6. Prohibit permit extensions for expired permits.
7. Installation of temporary fence or pre-inspection meeting with the grading inspector may not be considered a construction activity for the purpose of determining the date of permit expiration.

3) HAUL ROUTE EXPIRATION AND REVOCATION

Create a process to invalidate existing haul routes for:

1. Projects that did not obtain grading permits within 12 months from the time of haul route final approval.
2. For project with expired grading permits.
3. For projects with expired plan check.

Presently LADBS does not make BBSC aware of expired grading permits and haul routes appear active on BBSC website for all listed projects.

9210 Robin Dr., BF#160021 is an example of a site where grading permits and haul routes have been revoked but appear active on BBSC website
[https://www.ladbs.org/docs/default-source/publications/misc-publications/importexport-route-\(haul-route\)-requests-status-table.pdf?sfvrsn=219](https://www.ladbs.org/docs/default-source/publications/misc-publications/importexport-route-(haul-route)-requests-status-table.pdf?sfvrsn=219)

Applicable Regulations:

1. Condition listed in every Final Action Letter of approval by BBSC.
2. Per LAMC Sec. 98.0602(a) – see above

Proposed modifications:

1. Revise current protocol of communication between the LADBS (Grading Department) and BBSC: upon receiving a notification from the LADBS's Inspection Bureau regarding expiration of grading permits BBSC shall invalidate respective haul routes.
2. Revise the Haul Route Requests Status Table: add a column to indicate that a haul route has been revoked.

4) HAUL ROUTE APPROVAL

The entire process of haul route approval shall be executed by LADBS instead of the Department of City Planning.

For new projects, BBSC shall not accept applications for haul routes approval for projects that do not have issued grading permits. To assure that grading permits do not expire before the hearing is scheduled, timeline for haul route approval process shall be revised.

Currently the BBSC approves environmental review or grants categorical exemptions from environmental review for each applicant during the haul route hearing. Projects apply for haul routes before grading permits are issued. By the time hauling commences, environmental conditions for the project site may change drastically and previously approved documents become outdated.

Some examples:

9161 Oriole Way, BF#160104

Approved in March of 2017. Demolition completed in June of 2019. Hauling has not started yet.

9196 Thrasher BF#160085

Approved in June of 2017. Construction, including hauling, has not started yet.

5) SALE OF PROPERTY AND HAUL ROUTE EXPIRATION

In order to decrease potential volume of expired permits and haul routes, prohibit haul routes to be sold with the property unless at the time the property is put on the market excavation has already commenced.

APPENDIX B
Status of Permits and Haul Routes

<u>Job Address</u>	<u>Export Cubic Yds.</u>	<u>Number of Lots</u>	<u>Board File #</u>	<u>Haul Route Approval Date</u>	<u>Status of permits</u>	<u>Site conditions</u>
8441 Carlton Way	3,094		170096	11/28/17	Grading permit 17030-30000-00615 was applied for on 4-21-2017 and issued on 12-20-2017. Grading permit 18030-10000-03338 was applied for on 5-16-2018 and issued on 5-25-2018. As of today, there is no activity registered for these permit.	Grading permits shall be expired after 18 month and 13 months of inactivity respectively.
8673 Franklin/1601 Mountcrest (Colin)	4,339	2	170056		Grading permit 16030-20000-03421 issued on 03-15-2018. Other permits issued 11-09-2017	Fence installed, no work has been done. Grading permits shall be expired. Haul route shall be revoked. Fence shall be removed as it encroaches on the narrow street.
8677-8679-8681 Franklin	7,200	3	170176		Grading permits 16030-20000-06035, 16030-20000-06036 and supplemental to 16030-20000-06036 were issued in feb. 2018.	no signs of work. Grading permits shall be expired. Haul route shall be revoked
8685-8689 Franklin	4,811	2	150128		Application for grading permit 15030-30000-08812 is dated Feb. 2015. No further activity has been shown. Grading permit 15030-30000-08811 was issued in June 2016, and was expired in July 2018, and reactivated in Feb. 2019. Supplemental permit application was submitted in March 2019 For this project permits 15010-30000-04625, 15030-30000-08811, 15020-30000-03518 and 15047-30000-02100 were issued in June of 2016. Partial pre-inspection was conducted in May of 2018, after the date when permits should have	Permit -08811 should have been expired in January 2017, after 6 month of inactivity and haul route should have been revoked at the same time. Active construction started in April 2019 and stopped a month later because of constructibility problems.
8692 Franklin	n/a		n/a		Grading permit 16030-10000-00994 issued 7-29-2016, expired 01-11-2019	Partial demo completed without inspection, fence and porta-potty installed. Permits should be permanently expired
8745-8751-8757 Hollywood Blvd	7,386	3	170057		Grading permit 16030-20000-02403 was issued 03-15-2018. Grading permit 16030-20000-02404 was approved on 10-03-2017 but has never been pulled.	Construction only started 2 days ago even though there are records of inspections on file. http://www.benbacal.com/propertydetails/301889/8757-hollywood-blvd . Permits should have been expired and haul route revoked after 14 months of inactivity.
8765-8771 Hollywood Blvd	3,500	2	150058		Grading permit issued 07-28-2017. Supplemental Permit 15030-10001-00622 requested additional export	Do they need to obtain new haul route for added export quantities?
8777-8781 Hollywood Blvd.	4,200	2	150056	09-10-2016, revised 6-11-2018	Permit 15030-30000-00627 issued 07-26-2017, issued supplement 03-28-2019 Supplemental to permit 15030-30000-00627 to add 125 cubic yards of cut approved on 3-28-2019	Construction frozen. Supplemental permit to add 125 CY of cut - does it require a hearing?

	8787-8793 Hollywood Blvd.	5,100	2	150057		Grading permit 15030-30000-00633 - no activity and permit has not been issued. Grading permit 15030-30000-00631 - no activity and has not been issued.	No signs of work. Both grading permits and a haul route shall be expired
	1550 Blue Jay Way	5,800		160015	7/12/16	Permits have not been issued . The last entry was made in 2016	Plan check and haul route shall expire
	1514 Blue Jay Way	2,182		140191	4/21/15	Old grading permit 14030-20000-07239 has never been issued or expired; new grading permit 18030-30000-07839 was applied for on 11-13-2018 and issued on 3-11-2019.	2015 haul route shall be invalidated and the project shall apply for new haul route
	1492 Blue Jay Way	6,600		160038	5/16/17	grading permit 16030-30000-01879 expired.	There are no valid grading permits that were pulled within 12 months since haul route approval. Haul route shall be invalidated
	1635 Blue Jay Way			150063	1/19/16	Grading permit 16030-10000-02164 was withdrawn. Other permits were expired.	There are no valid grading permits that were pulled within 12 months since haul route approval. Haul route shall be invalidated
	1482 Blue Jay Way	2,547		160058	3/21/17	Grading permit 16030-10000-04572 refunded; grading permit 16030-10000-05415 expired	There are no valid grading permits that were pulled within 12 months since haul route approval. Haul route shall be invalidated
	9211 Nightingale	4,400		140041	7/16/14	Grading permit 13030-20000-07375: application filed on 12-23-2013; issued on 8-18-2015; voided on 12-20-2016 due to inactivity; reactivated on 9-6-2017. The project changed hands several times and is barely moving forward	Permits should not have been reactivated 6 month after they were voided. The project should have applied for new haul route, after staying dormant for more than 12 months. After 24 month the project is 25% completed - LADBS should take measures to either expedite the completion of shut it down
	9196 Thrasher	8,150		160085	6/22/17	demolition and grading permit expired	There are no valid grading permits that were pulled within 12 months since haul route approval. Haul route shall be invalidated
	8555 Hedges	16,638		160006	4/19/16	Grading permit 16030-10000-06657 issued on 4/14/2017, voided on 3/4/2019, reactivated on 3/21/2019	Haul route should have been invalidated when grading permit was voided.
	9105 Cordell					Permits were issued in 2017 and Mach 2018	no signs of work. Permits should be expired due to inactivity. Hal rout shall be invalidated.