

**BOARD OF
BUILDING AND SAFETY
COMMISSIONERS**

—
VAN AMBATIELOS
PRESIDENT

JAVIER NUNEZ
VICE PRESIDENT

JOSELYN GEAGA-ROSENTHAL
GEORGE HOVAGUIMIAN
ELVIN W. MOON

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

**DEPARTMENT OF
BUILDING AND SAFETY**
201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

—
OSAMA YOUNAN, P.E.
GENERAL MANAGER
SUPERINTENDENT OF BUILDING

JOHN WEIGHT
EXECUTIVE OFFICER
—

May 19, 2021

BOARD FILE NO. 210003
C.D.: 13 (Councilmember M. O'Farrell)

Board of Building and Safety Commissioners
Room 1030, 201 North Figueroa Street

APPLICATION TO EXPORT 5,835 CUBIC YARDS OF EARTH

PROJECT LOCATION: 4629-4651 WEST MAUBERT AVENUE

TRACT: TR 2646

BLOCK: NONE

LOT: 24 (ARB 2), 25 (ARB 1, ARB 2), 26 (ARB 1, ARB 2)

OWNER:

Maubert LA VI LLC
c/o Cox Castle, Nicholson LLP and Corin M Koreanaga
1000 Sansome Street, 1st floor
San Francisco, CA 94111

APPLICANT:

Haas Consulting Group
4645 ½ Maubert Avenue
Los Angeles, CA 90027

The Department of Transportation (DOT) and the Department of Public Works (DPW) have reviewed the subject haul route application and have forwarded the following recommendations to be considered by the Board of Building and Safety Commissioners (Board) in order to protect the public health, safety and welfare.

CONDITIONS OF APPROVAL

Additions or modifications to the following conditions may be made on-site at the discretion of the Grading Inspector, if deemed necessary to protect the health, safety, and welfare of the general public along the haul route.

Failure to comply with any conditions specified in this report may void the Board's action. If the hauling operations are not in accordance with the Board's approval, The Department of Building and Safety (DBS) shall list the specific conditions in violation and shall notify the applicant that immediate compliance is required. If the violations are not corrected or if a second notice is issued by DBS for violations of any of the conditions upon which the approval was granted, said approval shall be void. Inasmuch as Board approval of the import-export operations is a condition precedent to issuing a grading permit in a "hillside" designated area, violation of this condition may result in the revocation of the grading permit issued in reliance of this approval.

Violation of haul route conditions shall be reported to the appropriate Department. The Department responsible for enforcement is indicated by an acronym at the end of each haul route condition. Refer to the table below for agency name and contact information.

Acronym	Agency Name	contact
BSS	Bureau of Street Services	myLA311 Website: www.myla311.lacity.org Phone: Dial 311 or (213) 473-3231
LAPD	Los Angeles Police Department Special Enforcement Unit	Email: Trafficgroup@lapd.online Phone: (877) 275-5273
DOT	Department of Transportation	Phone: (818) 374-4823
DBS	Department of Building and Safety	Los Angeles District Office: Sr. Insp. Patrick Mischlich (213) 482-0396 Van Nuys District Office: Sr. Insp. Barton Holmes (818) 374-4355 West Los Angeles District Office: Sr. Insp. Kirk Linklater (310) 914-3934

A. PERMITS AND BONDS REQUIRED BY THE DEPARTMENT OF PUBLIC WORKS:

PERMIT FEE MUST BE PAID BEFORE THE DEPARTMENT OF BUILDING AND SAFETY WILL ISSUE A GRADING PERMIT.

1. Under the provisions of Section 62.201 of the Los Angeles Municipal Code, the following permit fee shall be required:
 - a) A total of 5,835 cubic yards of material moved 0.13 miles within the hillside area at a rate of \$0.29 per cubic yard per mile results in a fee of \$219.98.

2. The required permit fee shall be paid at the Street Services Investigation and Enforcement Division office, 1149 South Broadway, Suite 350, Los Angeles, California, 90015, telephone (213) 847-6000.
3. Under the provisions of Section 62.202 of the Los Angeles Municipal Code, a cash bond or surety bond in the amount of \$147,000.00 shall be required from the property owner to cover any road damage and any street cleaning costs resulting from the hauling activity.
4. Forms for the bond will be issued by Bond Control, Bureau of Engineering Valley District Office, 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401; telephone (818) 374-5082.

B. GENERAL CONDITIONS:

1. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times shall provide reasonable control of dust caused by wind, at the sole discretion of the grading inspector. (DBS)
2. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law. (LAPD)
3. Loads shall be secured by trimming and watering or may be covered to prevent the spilling or blowing of the earth material. If the load, where it contacts the sides, front, and back of the truck cargo container area, remains six inches from the upper edge of the container area, and if the load does not extend, at its peak, above any part of the upper edge of the cargo container area, the load is not required to be covered, pursuant to California Vehicle Code Section 23114 (e) (4). (LAPD)
4. Trucks and loads are to be watered at the export site to prevent blowing dirt and are to be cleaned of loose earth at the export site to prevent spilling. (DBS)
5. Streets shall be cleaned of spilled materials during grading and hauling, and at the termination of each workday. (BSS)
6. The owner/contractor shall be in conformance with the State of California, Department of Transportation policy regarding movements of reducible loads. (DOT)
7. The owner/contractor shall comply with all regulations set forth by the State of California Department of Motor Vehicles pertaining to the hauling of earth. (LAPD)
8. A copy of the approval letter from the City, the approved haul route and the approved grading plans shall be available on the job site at all times. (DBS)

9. The owner/contractor shall notify the Street Services Investigation and Enforcement Division, (213) 847-6000 and LAPD traffic group, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations. Any change to the prescribed routes, staging and/or hours of operation must be approved by the concerned governmental agencies. Contact the Street Services Investigation and Enforcement Division prior to effecting any change. (BSS & LAPD)
10. No person shall perform any grading within areas designated "hillside" unless a copy of the permit is in the possession of a responsible person and available at the site for display upon request. (DBS)
11. A copy of this report, the approval letter from the Board and the approved grading plans shall be available on the job site at all times. A request to modify or change the approved routes must be approved by the Board of Building and Safety Commissioners before the change takes place. (DBS)
12. The grading permit for the project shall be obtained within twelve months from the date of action of the Board. If the grading permit is not obtained within the specified time, re-application for a public hearing through the Commission Office will be required. (DBS)
13. Hauling must commence within eighteen months after Board action approval. Failure to haul within that time will result in additional fees and a bond reassessment by the Bureau of Engineering. (DBS)
14. A log noting the dates of hauling and the number of trips (i.e. trucks) per day shall be available on the job site at all times. (DBS)
15. Hauling vehicles shall not stage on any streets adjacent to the project, unless specifically approved as a special condition in this report. (DOT)
16. Hauling vehicles shall be spaced so as to discourage a convoy affect. (LAPD)
17. Grading and hauling activities shall be discontinued during periods of high winds and Red Flag days as determined by the Los Angeles Fire Department. (DBS)
18. This approval pertains only to the City of Los Angeles streets. Those segments of the haul route outside the jurisdiction of the City of Los Angeles may be subject to permit requirements and to the approval of other municipal or governmental agencies and appropriate clearances or permits is the responsibility of the contractor.
19. **A copy of the first page of this approval and all Conditions and/or any subsequent appeal of this approval and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the City's Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.**

20. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Owner shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.**
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.**
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the owner and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the owner from responsibility to reimburse the City pursuant to the requirement in paragraph (iii).**
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the owner from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).**
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.**

The City shall notify the owner within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the owner of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the owner shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such

participation shall not relieve the owner of any obligation imposed by this condition. In the event the owner fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the owner otherwise created by this condition.

C. SPECIFIC CONDITIONS

An authorized Public Officer may make additions to, or modifications of, the following conditions if necessary to protect the health, safety, and welfare of the general public.

1. The hauling operations are restricted to the hours between 9:00 a.m. and 3:00 p.m. on Mondays through Fridays and from 8:00 a.m. to 4:00 p.m. on Saturdays. No hauling is permitted on Sundays or City holidays. Haul vehicles may not arrive at the site before the designated start time. (DBS)
2. Hauling of earth shall be completed within the maximum time limit of 49 hauling days. (DBS)
3. Staging is allowed on-site only. Staging shall not interfere with traffic nor access to neighboring driveways. (DOT)
4. The approved haul vehicles are bottom dump trucks. (BSS)
5. Total amount of dirt to be hauled shall not exceed 5,835 cubic yards. (DBS)
6. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction. (BSS)
7. A minimum of two flag attendants, each with two-way radios, will be required during hauling hours to assist with staging and getting trucks in and out of the project area. One flag attendant will be placed at the following locations:

- A. The entrance of the project site.
- B. The intersection of Maubert Avenue and Rodney Drive.

Additional flag attendants may be required by the LADBS Inspector, LADOT, or BSS to mitigate a hazardous situation (e.g. blind curves, uncontrolled intersections, narrow portions of roads or where obstacles are present). Flag attendants and warning signs shall be in compliance with Part II of the latest Edition of "Work Area Traffic Control Handbook." (BSS)

- 8. The City of Los Angeles, Department of Transportation, telephone (213) 485-2298, shall be notified 72 hours prior to beginning operations in order to have temporary "No Parking" signs posted along streets of the haul route, if necessary. (DOT)
- 9. Contractor shall contact LADOT at (213) 485-2298 at least four business days prior to hauling to post "Temporary Tow Away No Stopping" signs along Maubert Avenue, adjacent to the project site if needed during hauling. (DOT)
- 10. The approved route by DOT and BSS is as follows:

LOADED TRUCKS:

From the project site, travel westbound on Maubert Avenue, turn left (south) on Vermont Avenue, left (east) on Oakwood Avenue, enter southbound US-101 Freeway, transition eastbound on I-10 Freeway and continue to the disposal site located outside the city limits.

EMPTY TRUCKS:

From the disposal site, travel westbound on I-10 Freeway, transition northbound on US-101 Freeway, exit northbound on Vermont Avenue, turn right (east) on Hollywood Boulevard, right (south) on Rodney Drive, right (west) on Maubert Avenue and continue to the project site. (BSS)

- 11. Only one hauling truck, associated with this project address, shall be allowed on Maubert Avenue and Rodney Drive at any time. (BSS)
- 12. Prior to hauling, the applicant shall provide the following information to Los Angeles Fire Department Station #35 located at 1601 North Hillhurst Avenue, Los Angeles, CA 90027; telephone (213) 485-6235:
 - A. Contact information for the construction superintendent or contractor.
 - B. A copy of this approved staff report.
 - C. A map clearly illustrating the approved hauling route and involved street names.
 - D. The approved hauling hours.
 - E. The estimated completion date of hauling.

13. The applicant shall provide a staked sign at the site containing the contact information for the Senior Street Services Investigator (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor. The letters shall be a minimum of 3 inches in height. (DBS)
14. A Registered Deputy Grading Inspector shall notify the LADBS haul route monitoring inspector at least 48 hours prior to the beginning of hauling operations, and whose sole responsibility shall be to continuously inspect and accurately log the dates and hours of hauling, the number of daily truck trips, the material in each loaded truck (i.e. soil or demolition material), and the approved haul route. (DBS)
15. Should the sidewalk need to be closed during hauling, a permit and approval from the Department of Public Works, Bureau of Street Services is required, and the proper sidewalk detour shall be implemented per CA MUTCD TA-28 or page 48 of the WATCH Manual. For questions, contact Jedah Mosqueda at (323) 957-6823. (DOT)

D. ENVIRONMENTAL CONDITIONS

The Department of City Planning has analyzed this project and determined that it qualifies for a Sustainable Communities Project Exemption pursuant to Section 21155.1 of the Public Resource Code (Case No. ENV-2019-3761-SCPE). If you concur with the Department of City Planning's exemption analysis, you can comply with your obligations under CEQA by determining that the project is exempt for the reasons outlined in the Notice of Exemption prepared by City Planning.

E. MANDATORY FINDINGS AND RECOMMENDED ACTIONS

1. Determine that based on the whole of the administrative record the project is statutorily exempt from CEQA pursuant to the Public Resource Code, Section 21155.1.

CODE:

SEC. 91.7006. CONDITIONS PRECEDENT TO ISSUING A GRADING PERMIT.

Section 91.7006.7. Limitation of Export and Import

5. At the public hearing, the Board of Building and Safety Commissioners shall consider the views of the applicant and all other affected persons. The board shall then grant or conditionally grant approval of export and import operations or, in the event it determines that the grading activity, including the hauling operation, will endanger the public health, safety and welfare, it shall deny the request. Where conditions of the permit are recommended by the Department of Public Works, including the condition that a bond be

posted pursuant to Section 62.202 of the Los Angeles Municipal Code, such conditions shall be made a part of any permit which may be issued. The decision of the board shall not be effective until 10 calendar days have elapsed from the date of the board's decision.

6. Any affected person, including the applicant, who is dissatisfied with the decision of the board, may appeal the board decision within 10 days to the City Council by filing an appeal with the city clerk on forms which the city clerk provides. The City Council shall hear and make its determination on the appeal not later than the 30th day after the appeal has been filed. The decision of the City Council on the matter shall be final. If the City Council fails to act on any appeal within the time limit specified in this section, the action of the board on the matter shall be final.

OSAMA YOUNAN, P.E.
General Manager
Superintendent of Building

A handwritten signature in dark ink, appearing to read 'Veronica', followed by a large, stylized, circular flourish or scribble.

Veronica Lopez
Staff Engineer, Commission Office