

# CITY OF LOS ANGELES

CALIFORNIA



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MAYOR

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

RAYMOND S. CHAN, C.E., S.E.  
GENERAL MANAGER

FRANK BUSH  
EXECUTIVE OFFICER

October 15, 2014

BOARD FILE: 140048

C.D.: 4

9120 Oriole Way, LLC  
c/o Thomas DuMary III  
10960 Wilshire Blvd., Suite 1510  
Los Angeles, CA 90024

JOB ADDRESS: 9120 WEST ORIOLE WAY  
TRACT: PM 1904; LOTS A & B (Arb 2)

The Board of Building and Safety Commissioners, at its meeting of October 7, 2014, gave consideration to the application by Thomas DuMary III, to export 2,528 cubic yards of earth, from the above-referenced property.

The Board took the following actions:

1. FIND that with the imposition of the mitigation measures described in the MND, and incorporated herein as project conditions, there is no substantial evidence that the proposed project will have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental quality Act;
2. ADOPT the Mitigated Negative Declaration ENV-2014-1055-MND; and
3. APPROVE the application subject to all conditions specified in the Department's report dated September 24, 2014 with the following condition:
  - a. Item C.8 shall be amended as follows:

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 in haul route. *The "No Parking" signs shall only be placed on one side of the street along the haul route.*

- b. Item C.13 shall be added as follows:

An oversight committee consisting of LADBS inspection shall monitor the hauling activity in the area of the subject property on a daily basis.

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Job Address: 9120 WEST ORIOLE WAY

Board File: 140048

This action becomes effective and final when ten calendar days have elapsed from the date of the Board's action, unless an appeal is filed to the City Council pursuant to Section 91.7006.7.4 of the Los Angeles Municipal Code.

When a proposed Negative or Mitigated Negative Declaration has been approved, Public Resources Code Section 21152(a) requires that a Notice of Determination ("NOD") be filed within five working days after the effective date of the decision. The filing of the NOD with the County Clerk starts a 30-day statute of limitations on court challenges to the approval of the project pursuant to Public Resources Code Section 21167. Failure to file the notice results in the statute of limitations being extended to 180 days.



Van Ambatielos, President

BOARD OF BUILDING AND SAFETY COMMISSIONERS

Action By  
the BOARD OF BUILDING AND SAFETY  
COMMISSIONERS on  
*October 7, 2014*

NOT VALID WITHOUT STAMP AND SIGNATURE

CJ:mct

140048.FAL

c: Sr. Grading Inspector P. Mischlich  
Jonathan Brand  
C. Stoller  
Howard Smuckler  
John Fiedler  
Jason Somers

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RAYMOND S. CHAN, C.E., S.E.  
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September 24, 2014

BOARD FILE NO. 140048  
C.D.:4 (Councilmember T. LaBonge)

Board of Building and Safety Commissioners  
Room 1080, 201 North Figueroa Street

**APPLICATION TO EXPORT 2528 CUBIC YARDS OF EARTH**

PROJECT LOCATION: 9120 WEST ORIOLE WAY

TRACT: PM 1904

BLOCK: NONE

LOT: A & B(Arb 2)

OWNER:

9120 Oriole Way, LLC  
14 Todd Road  
Katonah, NY 10536

APPLICANT:

Thomas DuMary III  
10960 Wilshire Blvd., Suite 1510  
Los Angeles, CA 90024

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.

**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 2,528 cubic yards of material moved 6.5 miles within the hillside area at a rate of \$0.29 per cubic yard per mile results in a fee of \$3,000.00.
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 \$788,500.00 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 Susan Sugay, Bond Processor, Bureau of Engineering Valley District Office, 6262 Van Nuys Boulevard, Suite 351, 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.

2. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
3. The Traffic Coordinating Section of the Los Angeles Police Department shall be notified at least 24 hours prior to the start of hauling, (213) 486-0688/486-0690.
4. Loads shall be secured by trimming or 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).
5. 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.
6. Streets shall be cleaned of spilled materials during grading and hauling, and at the termination of each workday.
7. The owner/contractor shall be in conformance with the State of California, Department of Transportation policy regarding movements of reducible loads.
8. 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.
9. 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.
10. The owner/contractor shall notify the Street Services Investigation and Enforcement Division, (213) 847-6000, 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.
11. 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.
12. 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.
13. 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 Grading Division will be required.

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.
15. 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.
16. **The applicant shall defend, indemnify and hold harmless the City of Los Angeles (City), its agents, officers, or employees, from any claim, action, or proceeding against the City to attack, set aside, void or annul this approval, which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.**
17. **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.**

### 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. No hauling allowed on Saturdays, Sundays or holidays. Haul vehicles may not arrive at the site before the designated start time.
2. Hauling of earth shall be completed within the maximum time limit of 60 hauling days.
3. Staging: Staging is allowed on site only.
4. The approved haul vehicles are 10 wheel dump trucks.
5. Total amount of dirt to be hauled shall not exceed 2,528 cubic yards.

6. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction. Seven additional signs will be placed at the following locations:
  - A. Two on Oriole Way in advance of Oriole Drive.
  - B. Two on Thrasher Avenue in advance of Oriole Drive.
  - C. Two on Doheny Drive in advance of Oriole Drive.
  - D. One on Bluebird Avenue in advance of Doheny Drive.

7. Five 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 Oriole Way and Oriole Drive.
- C. The northern intersection of Oriole Drive and Thrasher Avenue.
- D. The intersection of Doheny Drive and Oriole Drive.
- E. The intersection of Doheny Drive and Bluebird Avenue.

Flag persons and warning signs shall be in compliance with Part II of the latest Edition of "Work Area Traffic Control Handbook."

*(The intent of two-way radio communication is to permit the flag attendants to be able to sequence the haul vehicles so no trucks will by-pass on the same section of Oriole Way, Oriole Drive, and Doheny Drive They will have the ability to temporarily cease hauling to allow emergency or utility vehicles safe access.)*

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 in haul route.
9. The City of Los Angeles, Department of Transportation, telephone (213) 485-2298, shall be notified four days prior to beginning operations in order to have "Temporary Tow Away No Stopping" signs posted along Oriole Way, adjacent to the jobsite.
10. Prior to hauling, the applicant shall provide the following information to Los Angeles Fire Department Station #41 located at 1439 N. Gardner Street, Los Angeles, CA 90046; telephone (213) 485-6241:
  - 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.

11. The recommended route is as follows:

**LOADED TRUCKS:**

Exit project site eastbound on Oriole Way, turn north (left) on Oriole Drive, south (left) on Doheny Drive, east (left) on Sunset Boulevard, north (left) on Highland Avenue, east (right) on Odin Street, north (left) on Cahuenga Boulevard East, enter northbound US-101 Freeway, transition northbound US-170 Freeway, transition northbound I-5 Freeway and continue to the disposal site north of the city.

**EMPTY TRUCKS:**

From the disposal site, travel southbound on I-5 Freeway, transition southbound US-170, transition southbound US-101 Freeway, exit Highland Ave southbound, turn west (right) on Sunset Boulevard, north (right) on Doheny Drive, south (right) on Oriole Drive, west (right) on Oriole Way and continue to the project site.

12. 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.

**D. ENVIRONMENTAL CONDITIONS**

A Mitigated Negative Declaration (MND) was prepared for this project by the Department of City Planning (ENV-2014-1055-MND). Each mitigation measure identified in the MND is incorporated herein by reference as though fully set forth, and compliance with each is expressly made a condition of this project approval.



**E. MANDATORY FINDINGS AND RECOMMENDED ACTIONS**

1. On August 21, 2014, the Department of City Planning issued the above described MND No. (ENV-2014-1055-MND).
2. FIND that this project will not have a significant effect on the environment under the above described MND No. (ENV-2014-1055-MND) because on the basis of the whole of the record before the Lead Agency, including any comments received, the Lead Agency FINDS that with the imposition of the mitigation measures described in the MND, and incorporated herein as project conditions, there is no substantial evidence that the proposed project will have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental quality Act; that the MND reflects the independent judgment of the lead agency, the City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in the files of the Department of City Planning, Environmental Review Section, and the Los Angeles Department of Building and Safety Commission Office.
3. ADOPT the Mitigated Negative Declaration (ENV-2014-1055-MND).

**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.

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Job Address: 9120 WEST ORIOLE WAY

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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.

RAYMOND S. CHAN, C.E., S.E.  
General Manager

Decided By  
THE BOARD OF BUILDING AND SAFETY  
COMMISSIONERS on  
October 7, 2014

  
Jason Healey  
Staff Engineer, Commission Office