

PROTEST

16-0348

**BROADMOOR DEVELOPMENT**

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April 8, 2016

City Clerk  
200 N Spring  
Los Angeles, CA 90012

**Re: Notice to Stop Work and Intent to Revoke Building Permit No. 15010-70000-04140**

**Property:** Broadmoor Development, LLC  
646 W. 110th Street, Los Angeles, California 90044

To Whom it May Concern:

My company, Broadmoor Development, LLC, is the owner/developer of a property located at 646 W. 110th Street, Los Angeles, California 90044. I write to contest your office's recent issuance of a Notice to Stop Work and Intent to Revoke Building Permit for this property.

By way of background, my company submitted our building drawings to your office on 11/13/2015. It was made clear in our submission that construction would include a new 2nd dwelling unit with attached garage located at 646 W 110th St, per ZA Memo 120.

On 2/5/2016, your office approved our drawings for said construction. On March 1, 2016, your office issued Building Permit No. 15010-70000-04140 for said construction.

In reliance on your office's approval of the building plans for this property and further given the issuance of the Building Permit, Broadmoor Development, LLC began construction immediately after the Building Permit issuance.

To date, Broadmoor Development, LLC has complied with and passed all building inspections for this project. To wit, on 3/14/2016, the structure passed the rough plumbing inspection. On 3/16/2016, the deputy reinforced concrete was passed on 3/16/2016. The building is currently framed, uncovered, awaiting this situation to be reconciled.

The first notice given to my company of a this Notice to Stop Work and Intent to Revoke Building Permit was on April 5, 2016. By that date, Broadmoor Development, LLC had already spent 77,025.89 on labor and materials, including \$11,731.89 in plan check, permit and school fees paid to the city. Further, the project is currently sitting open, exposed to the elements.

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From reading said notice, it is my understanding that you base your decision on such action on a Los Angeles Superior Court case which was decided shortly before the issuance of our Building Permit. Specifically, *Los Angeles Neighbors In Action v. City of Los Angeles*, Order dated 2/25/2016. Nevertheless, your office issued the Building Permit, which my company detrimentally relied upon.

A developer gains a vested right to complete an approved project under California law if there has been (1) the issuance of a valid building permit, and (2) the expenditure of substantial sums in good faith reliance on the permit. 7 Cal. Real Est. § 25:39 (4th ed.). A validly issued building permit cannot be revoked without notice to the permittee and a hearing to determine whether the permit was issued improperly or that some other condition or grounds for revocation exist. See *Trans-Oceanic Oil Corp. v. City of Santa Barbara*, 85 Cal. App. 2d 776, 795 (2d Dist. 1948).

Given that Broadmoor Development, LLC has expended significant expenses in reliance on your Building Permit, a vested right therefore exists to continue work under the permit. *Id.*

This project was submitted, approved and started following the approved memorandum. To revoke the permit at this juncture would create a severe financial burden on the owner.

Both Aardvarck Group and the principals of Broadmoor Development have enjoyed a long history with the city, and are known for putting forth a best in class product. Broadmoor Development is a small business based here in Los Angeles and this project significant to our sustainability. Further, given the City's housing shortage, it would be against public policy to suspend this project.

We ask that you release this property as quickly as is feasible so as not to create further damage to the asset. We are hopeful this matter can be resolved without litigation.

Very truly yours,

JP Coghill  
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