

12-1028

City of Los Angeles
200 North Spring Street #395
Los Angeles, CA 90012

3478 N/Floyd Terrace, Los Angeles 90068

MUNICIPAL CODE VIOLATION ENFORCEMENT HEARING

Municipal Code Section 98.0411 Sect 98.0402, Section 91.103

Notice Pending Lien / APN 5579-005-012

Please herewith receive notice of opposition to Los Angeles Building and Safety Lien Enforcement on the above mentioned property on the following grounds;

1. I have been deprived of due process as to an overly broad "violation" statute;
2. I have been deprived of due process (evidentiary hearing) as to a determination of fact in accordance with the violation notice;
3. I have been deprived of due process as to an incomplete Los Angeles Building and Safety Appeals Commission;
4. I have been deprived of due process due to an incomplete petition (copy appended) to Mr Wooden, Senior Grading Inspector LADBS (Mr Wooden went into retirement 3/4 through the review process)
5. I have been deprived of due process due to arbitrary penalty / punishment assessments;
6. The slope has not been impounded in a material fashion (other than prudent means of erosion abatement) (photo's enclosed);
7. The construction work was completed and signed off by the LADBS and a certificate of occupancy issued concurrent with prior to the slated violation.

I'm nonetheless agreeable to dispensing \$1,000 in \$100 payments per month as a consequence of hardship PLUS interest to settle the matter.

Sincerely

Charl E Janeke (PE)
3478 N/Floyd Terrace
Los Angeles CA 90068

Oct/22 2012

Encl:

- (1) NOTICE OF A HEARING (Sept/21 2012)
- (2) ORDER TO COMPLY (May/19 2009)
- (3) WOODEN REPORT (June/9 2009)
- (4) PICTURES (Oct 2004)

1 + 3 = 14P

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

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GENERAL MANAGER

RAYMOND S. CHAN, C.E., S.E.
EXECUTIVE OFFICER

NOTICE OF HEARING

CHARL E. JANCKE
1330 INGRAHAM, #114
LOS ANGELES, CA. 90017

DATE: September 21, 2012

APN: 5579-005-012

Council District: # 4

Regarding the property known as:

3478 NORTH FLOYD TERRACE, LOS ANGELES, CA AKA: 3209 NORTH CRAIG DRIVE, LOS ANGELES, CA

Under the Authority of the provisions of

Chapter IX, Articles 1 and 8, of the Los Angeles Municipal Code

and

Division 7, Chapter 1, Article 4.6 of the Los Angeles Administrative Code

Pursuant to the provisions of Section 98.0411, Section 98.0402 and Section 91.103 of the Los Angeles Municipal Code, the Department of Building and Safety filed a Notice of Pending Lien with the Los Angeles County Recorder's Office to recover a portion of the inspection and administrative costs incurred by the Department while identifying, investigating and securing compliance of code violations and/or performing annual inspections at the property located at: 3478 North Floyd Terrace, (aka: 3209 North Craig Drive), Los Angeles, California, (the "Property"). A copy of the title report containing a full legal description of the property is attached as Exhibit "A". A list of code violations is also attached as Exhibit "D".

The Department has advised the Los Angeles City Council (the "City Council") of the code enforcement costs incurred in identifying and investigating the code violations and/or performing the annual inspections referenced above. These costs include any relevant late charges or collection fees and interest at 1% per month after 60 days of nonpayment. The total amount due is \$4,622.14. It is the Department's recommendation that a lien in this amount be recorded against the property pursuant to Section 7.35.3 of the Los Angeles Administrative Code.

► The property owner and all interested parties referenced in the attached list (Exhibit "B") are hereby given notice that the City Council will consider the Department's report on the code enforcement costs referenced above and decide whether to approve the proposed lien. The hearing will be held on Tuesday, November 6, 2012 at 10:00 a.m. in the Los Angeles City Council Chamber Hall located at 200 North Spring Street, Room 340, Los Angeles, California. The property owner and all interested parties shall have 45 days from the date of this notice to pay the above referenced fee before the lien is recorded.

The owner and all interested parties may appear at the City Council Hearing to object to the confirmation of the proposed lien in the amount specified. Failure to appear at the City Council Hearing may result in the recordation of the proposed lien against the property and the placement of this Direct Assessment on the Secured Tax Roll for the County of Los Angeles without further notice.

NOTICE OF HEARING

CHARL E. JANEKE
1330 INGRAHAM, #114
LOS ANGELES, CA. 90017

DATE: September 21, 2012
APN #: 5579-005-012

Regarding the property known as:

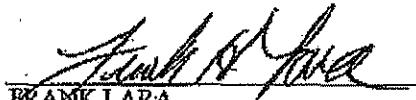
**3478 NORTH FLOYD TERRACE, LOS ANGELES, CA
AKA: 3209 NORTH CRAIG DRIVE, LOS ANGELES, CA**

If you are planning to file a written protest, please provide 15 copies not later than ten (10) days in advance of the hearing date to the Office of the City Clerk, 200 North Spring Street, Room 395, Los Angeles, CA 90012, Attention: Clerk of the Council.

For additional information, contact Charles Kalibbala at telephone number (213) 202-9829.

This Notice of Hearing is being served pursuant to Division 7, Chapter 1, Article 4.6, Section 7.35.3 (f) of the Los Angeles Administrative Code.

DEPARTMENT OF BUILDING AND SAFETY


FRANK LARA,
Principal Inspector

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

ANDREW A. ADIELMAN, P.E.
GENERAL MANAGER
RAYMOND CHAN
EXECUTIVE OFFICER

ANTONIO R. VILLARAIGOSA
MAYOR

May 19, 2009

Charl B. Jancke
1330 Ingraham St. #114
Los Angeles, CA 90017

NON-COMPLIANCE FEES \$100.00
3-2-2010 EX

ORDER TO COMPLY

Violation Address: 3478 Floyd Terrace (APN 5579005012) Order # MS-3478-9-1
(AKA 3209 Craig Dr.)

An inspection of the site referenced above on August 27, 2007 reveals that retaining wall(s) have been constructed of unapproved materials and without the required permits, inspection and approvals.

Therefore you are hereby ordered to comply with the following requirements of the Los Angeles Municipal Code (LAMC) and other laws on or before October 10, 2007.

Stop all work on the construction of (a) retaining wall(s) without the required permits and benefit of inspection.
91.104.2.4 L.A.M.C.

No person shall commence or perform any grading, and no person shall import or export any earth materials to or from any grading site, without first having obtained a permit therefor from the Department.
91.106.1.2 L.A.M.C.

Submit three(3) copies of a foundation investigation report by a registered geotechnical engineer and engineering geologist to the Grading Division for review and approval and, Obtain all required permits to construct wall(s) in accordance with the Los Angeles Municipal Code.
91.106.1.1, 91.106.1.2, 91.1819.1 L.A.M.C.

The job site is located in an area designated by the department as a Hillside Grading Area. Provide a site plat which indicates the proposed location of the structure or grading area, pay the required fee and arrange for the department to conduct a grading pre-inspection.
91.107.3.1.4 L.A.M.C.

Obtain the required permits and do not resume work until authorized to do so by the District Grading Inspector.
91.106.1.2; 91.106.1.2; 91.108.9 L.A.M.C.

The permittee or the permittee's agent shall notify the department when the grading operation is ready for each inspection.
91.108.8 L.A.M.C.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Superintendent of Building.
91.108.4 L.A.M.C.

Submit the required investigation fee for the work commenced without a permit. L.A.M.C. 98.0402
This

Order to Comply incorporates Order to Comply number MS-3478-9 dated Aug. 30, 2007 and MS-3478-9-1 Dated Oct 05, 2007 is addendum thereto except for the compliance dates.

No person shall fail, refuse or neglect to comply with all orders issued by the department pursuant to the provisions of this division. Any person violating this subsection shall be guilty of a misdemeanor which shall be punishable by a fine of not more than \$1,000.00 or by imprisonment in the County jail for a period of not more than six months, or by both. The Department shall collect investigation fees. LAMC 91.7005.8.1; 11.00 (m) & 91.107.5.1

This Order is issued pursuant to the provisions of LAMC 91.7005.7. If this substandard condition is not eliminated within the specified time limit, this Department will record a "Certificate of Substandard Property" with the Office of the County Recorder.

Appeals to this order may be made pursuant to Section 88.0403.2 of the Los Angeles Municipal Code. Please inquire about procedures.

If you fail to comply with this order within 15 days of ~~RECEIVED~~ or of any extension of time granted by the Department, you then may be subject to a noncompliance fee. LAMC 88.0411(a)

Raymond Kehoe
Raymond Kehoe
Building Mechanical Inspector
Grading Division, Van Nuys District Office
(818) 374-4356

June 10, 2008

Mr. Charles E. Janeke

Mr. Steven Chu

Respective owners of property situated at;

3478 Floyd Terrace, and 3474 Floyd Terrace, Los Angeles, Ca 90068

RE: Order to Comply- 3478 Floyd Terrace (AKA 3209 Craig Dr.), And 3474 Floyd Terrace
Los Angeles, CA 90068

TO: Mr. Ray Wooden
Senior Grading Inspector
LA Department Building & Safety

Dear Mr. Wooden

This letter is directed in response to the questions pertaining go the block wall fence constructed at the properties listed above. Having deliberated the matter with Geoxx, the geotechnical consultants appointed in accordance with the letter to comply, we will be addressing the respective issues with the ensuing report. The services of Geoxx ware retained shortly after the initial letter of comply. Geoxx conducted a provisionary investigation late 2007 and determined that 1) the slope at task is inherently stable and 2) that neither landscaping NOR the stack-block wall affected the slope adversely. Geoxx was however not in a position as geologists to certify the stack blocks as stack blocks do not conform to their field of expertise. We have hence conducted an investigation into the use/acceptance of stack blocks in the industry and found some compelling examples executed by reputable agencies. The conclusion is that the (stack) walls in question are safe and should remain as is. Once the stack-block issues has been formalized Geoxx will prepare and present a formal report to the Department Building & Safety to finalize the matter.

A. OVERVIEW;

A block wall was constructed at 3478 Floyd Terrace (AKA 3209 Craig Dr.), and 3474 Floyd Terrace Los Angeles, CA 90068 within the height allowed for a fence without a permit from the Building and Safety in September of 2006. A construction/grading permit was however in affect at the time over the property at 3478 Floyd Terrace. The construction/grading permits were signed off August 2007 without recourse. The block wall was constructed open and notoriously and was noticed by the building inspector without objection.

An “Order to Comply” demand, Dated August 30, 2007 from Los Angeles Building and safety Grading department. Having gone trough an extended ordeal we had this issue transferred to your office so that this matter could be resolved. Upon our many discussions you indicated that the wall could be kept as it stand upon a terminations that the wall is stable, does not create a danger to property of persons and that the ground above is stable within the Los Angeles Building and safety Grading department standards. You further indicated upon resolution of the questions addressed in

this report all that we need to seek in keeping the walls as they stand would a simple variance that would include the facts discussed below.

On April 7th 2008 you emailed me a list of eleven things that a geological report should include. The contents were discussed with Geoxx. Geoxx indicated that some of the question where outside of their field of practice and needed to be resolved via another route. Having shared this with you indicated that this was true and that the geological report should determine the slope stability and that other questions could be resolved outside of the report, as such we have compiled this letter seeking to address the eleven questions (Copy of your email is attached).

This letter seeks to address the issues that are outside of the field the geologists, so that all that is to remain is the report addressing the slope stability.

B. QUESTIONS and ANSWERS;

1. Plot plan showing dwelling and retaining walls in question;

The diagram will show the dwelling, as well as the side steps that are located on the north side of the house. This diagram is provided for a general view of the location of the wall and other structures on the property. Please see fig 1 large, also Fig 1 on composite page below.

2. Cross-sections through walls. The sections should show, if possible, the material the walls are founded on in (important);

Please see Fig 2 and 3 as well as fig 2 and 3 on composite page below showing all three diagrams of block wall.

3. Indicate the height of each wall:

The height of the wall is 36 inches in one point, and 42 inches the other end. It should be noted that the block wall is low which further contributes to its stability.

4. Discuss the intended use of each wall;

The walls intent is to provide a clean looking fence esthetically pleasing and do not have any function otherwise. This is especially true since as will be shown in the geological report that the ground is stable and does not require retaining wall.

5. Discuss the material used for backfill, and any compaction effort;

(a) Back fill included no more then 20 inches at its greatest area, which were necessary to create a flat surface near the top of the wall. The reason for the flat surface was for small plant such as daisy's, and like, small plant that would have been planted absent the order to comply requiring a complete stop on further work.

(b) Compacting effort was made manually with a compacting devise used to pound the ground.

6. What is the angle of the fill placed;

In line with the stack blocks (approx 1:5) (fill varies 2-20 inches)

7. Will the walls pose a danger to adjoining properties, including the public way.

The wall will not pose a danger to adjoining properties for the following reasons;

- (a) The block wall is not abutting adjoining properties, as such it is not a danger to adjoining properties.
- (b) The wall has a leaning tilt that is against stable slope, again the stability of the slope can be found in the geological report.
- (c) Walls were constructed in conformance with the vendor's specifications, which has been determined safe by case study by the Department of transportation of the New Mexico. In its case study CASE STUDY: BARRIER APPLICATION, Key stone rock barrier helps save lives, CASE STUDY: LAND DEVELOPMENT, as well as CASE STUDY: WATER APPLICATION, Wall protects housing development from floodwaters. The later "Water application is particularly telling in that it provide a clear understanding that the key stone wall stability even with great pressures.
- (d) The wall as it stand has been in place for some (20 months) as such it is been time tested without any noticeable movement. The time-tested argument is true even thought a construction crew during construction in the area drove a forklift into the wall the only one block was effected leaving the rest of the wall unchanged.
- (e) Contained within 1:1 rule (See CASE STUDY: LAND DEVELOPMENT). Issue hence is if slope has been manufactured in accordance with City specifications or if the slope is preexisting/stable (See the prior construction Engineer/geology report in your files from Grover and Hollingsworth).

8. What is the angle of the slope the walls are built on?

The angle of the slope of the wall varies 1:1.5 to 1:2.5. See picture marked fig 4, provided below showing the end of the block wall as well as showing the slope the angle of the slope which was identical to the our slope before the wall was constructed.

9. Are returns required at the ends of each wall, or do the walls require returns?

No returns are required as the key stone design and tested application as shown in the last 20 months of existence any noticeable movement as well as the case studies provides as supplement to in this report are self supporting – gravity.

10. Sub-drains? Drainage devices?

As is indicated in the prior geological report used during the construction of the house structure and or construction plan house structure the property has a conforming central ducted storm water drainage system, also the key stone walls is self draining by virtue of its design and assembly.

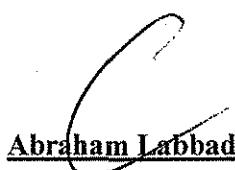
11. When were walls were constructed?

As discussed above as indicating the stability for some 20 months, the wall was first constructed in September of 2006 and was finished in October 2006.

C. CONCLUSION;

The block wall is conforming to its aesthetic function of a fence, and does not create a risk to persons or property. This is demonstrated with the fact of this report, which includes findings from the manufacturer, government agencies, as well as the 22 months that the wall has been there without any disturbance. Therefore we conclude that the City should allow a variance permit to have the wall to stand as is. The only outstanding item remaining is the soil stability report, which should be forthcoming, as soon as your office determines the matter on this letter acceptable.

Sincerely



Abraham Labbad

June 9, 2008

Enclosures:

Figures, pictures and reports discussed above attached below.

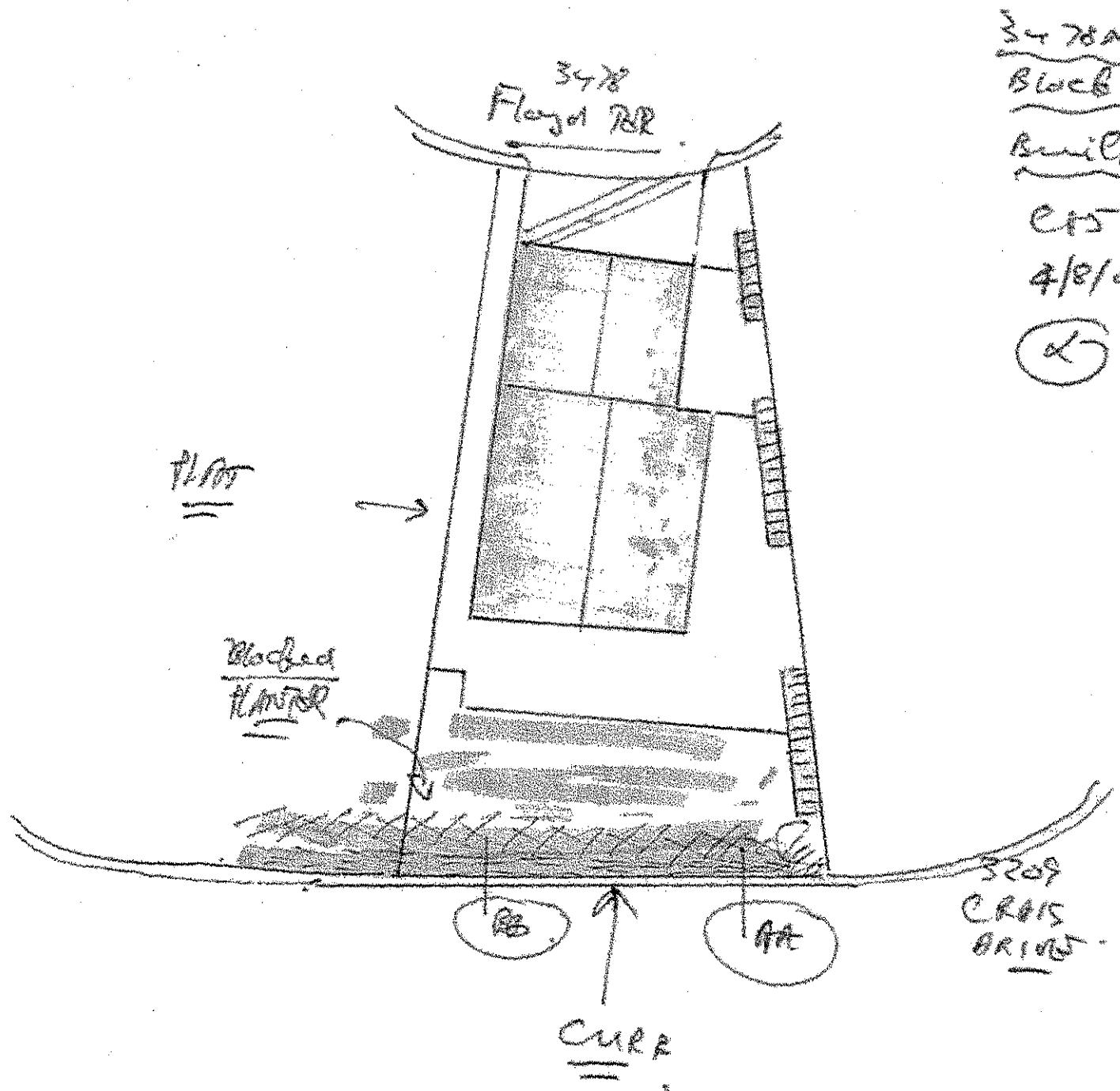


Fig 1 Large

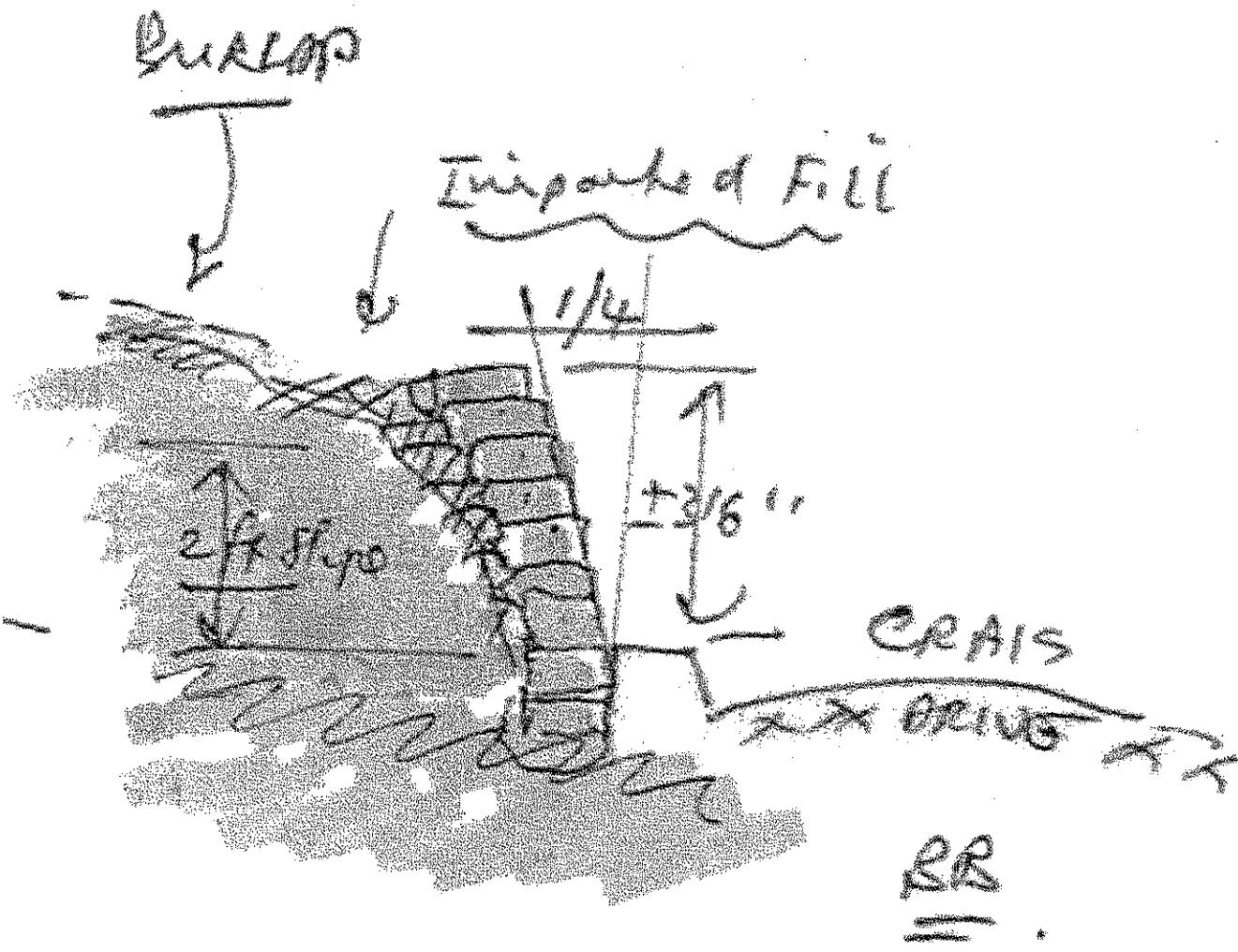


Fig 2 Large

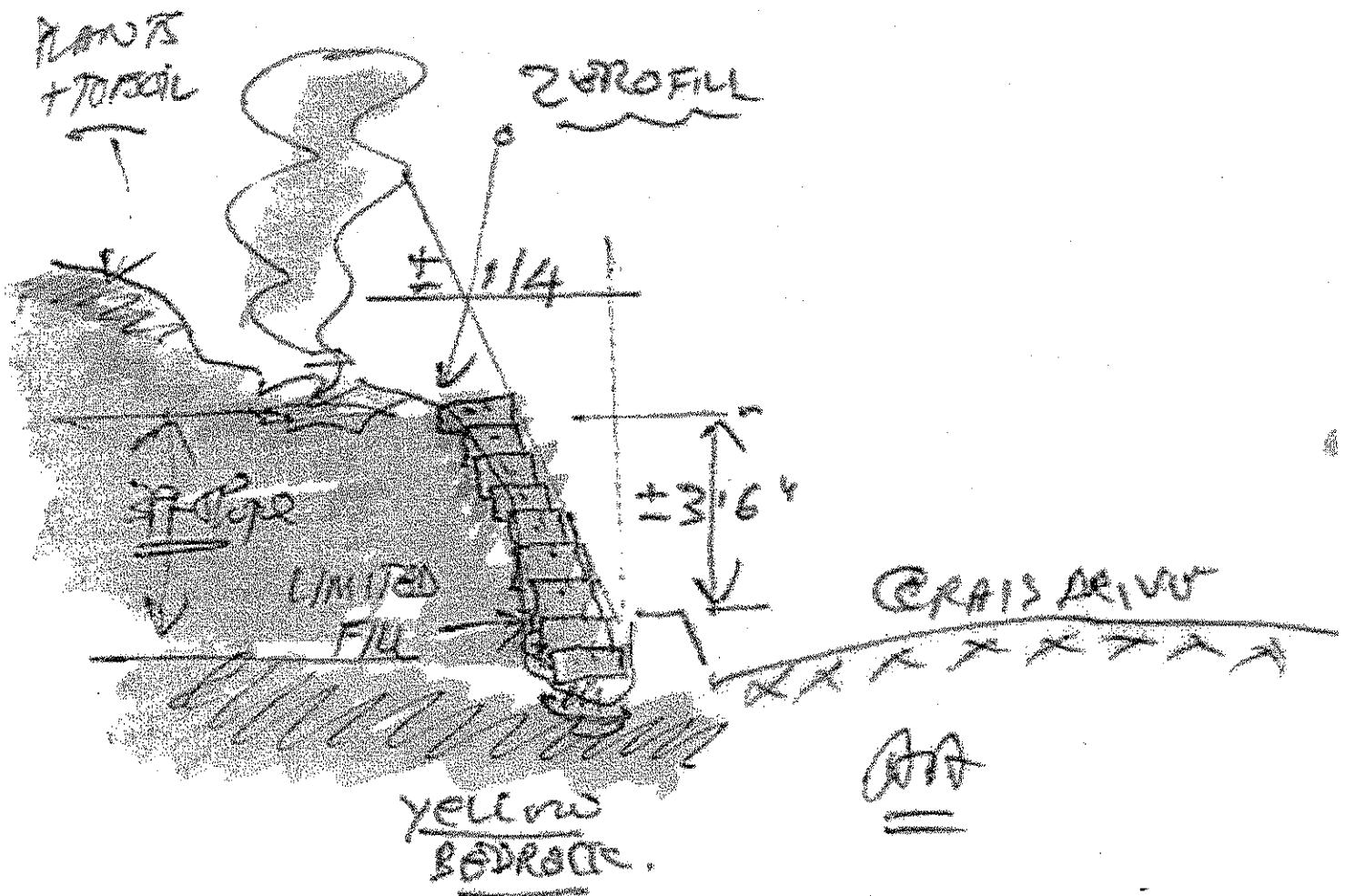
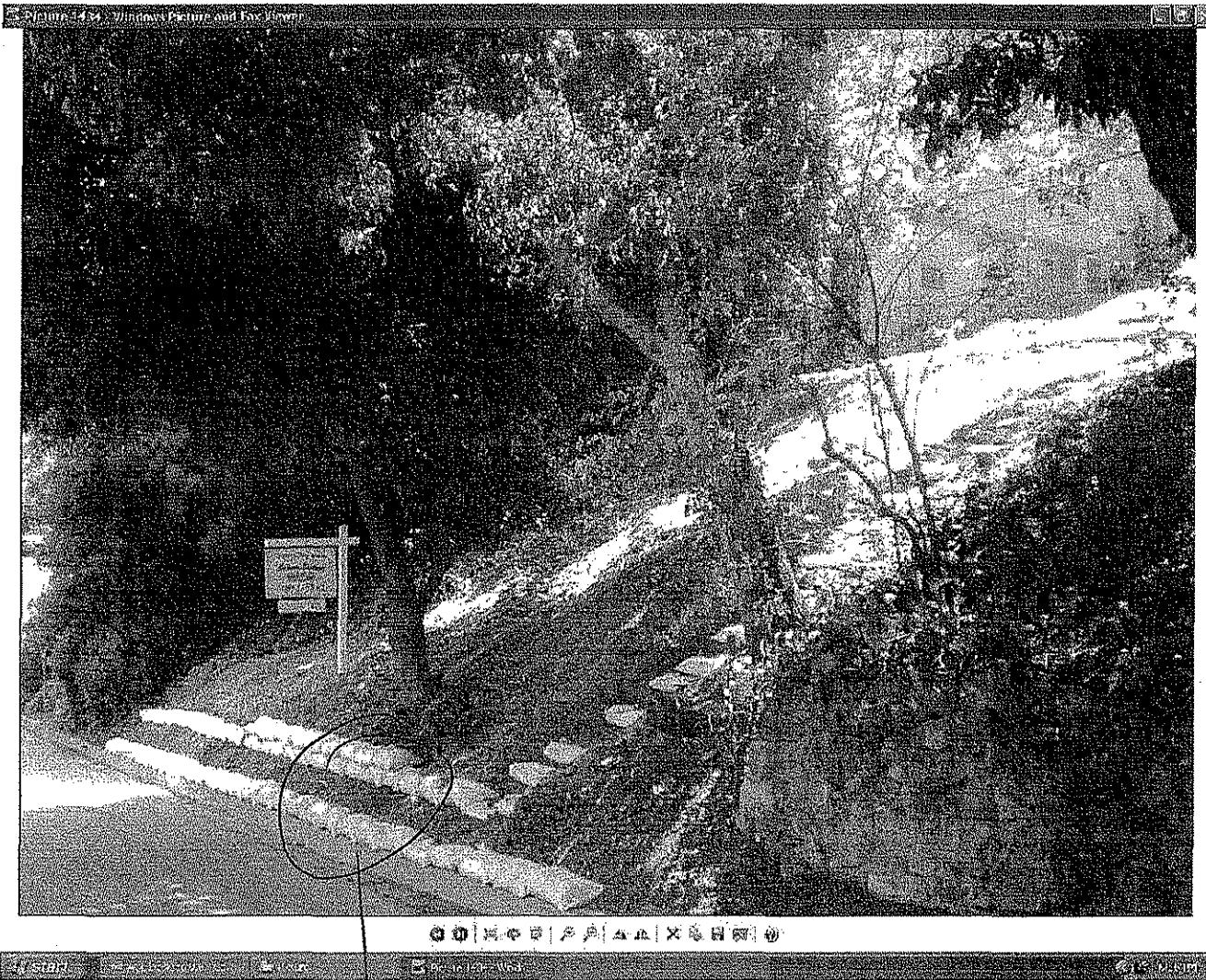


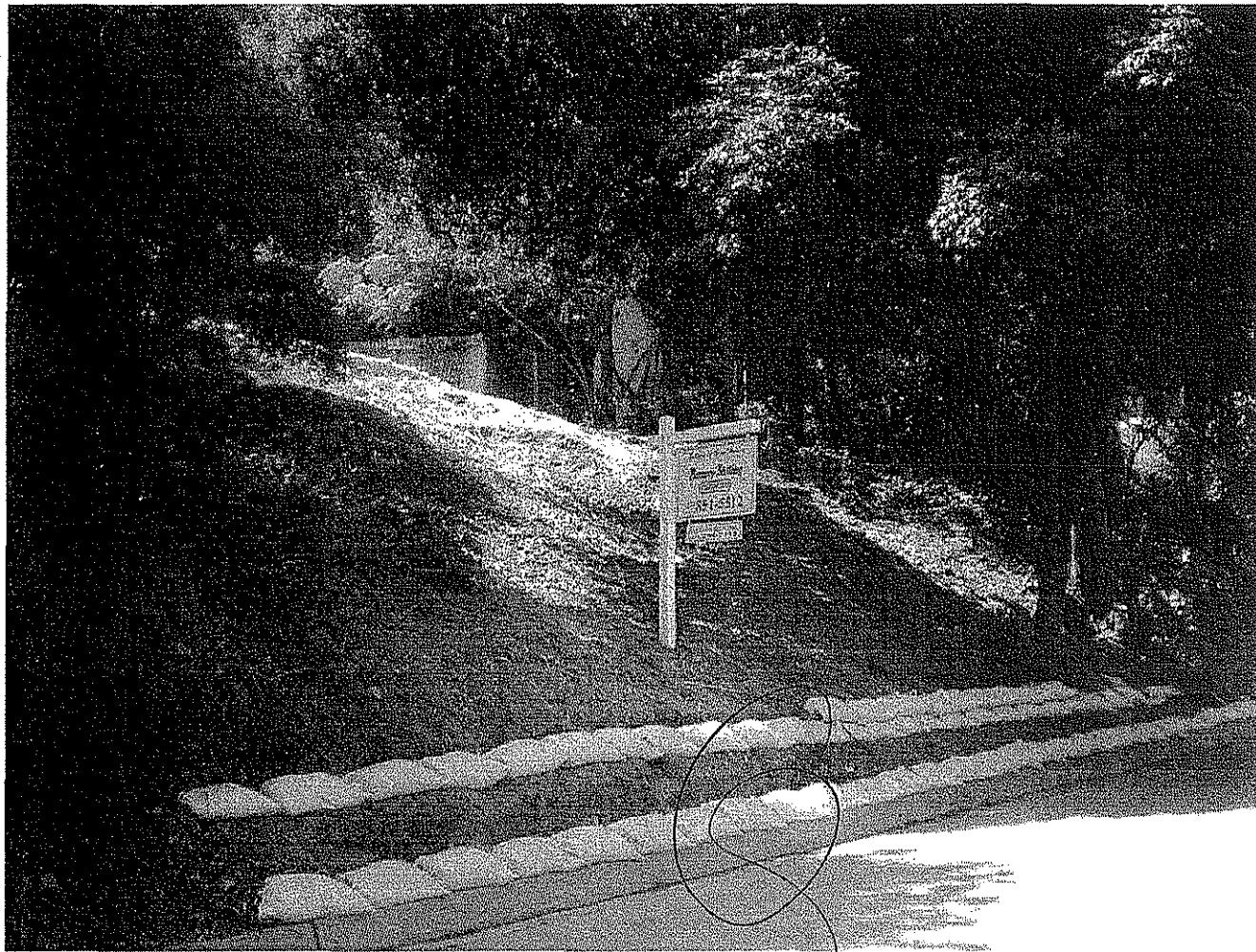
Fig 3 Large

Sub: FLOYD PICX WHEN I BOUGHT THE LOT July 2004
Date: 9/25/2012 6:11:08 P.M. Pacific Daylight Time
From: Cjaneke@aol.com
To: abelabbad@gmail.com

X



3 ft above creek!



3ft above curb!