

9. PRIVATE USE OF PUBLIC RIGHT-OF-WAY (The R-Permit)

9.1 Revocable Permit Description and Purpose

A street is defined as any public thoroughfare or way, including the sidewalk, parkway, and any other public property bordering upon a public way. A street serves several purposes or uses. Primarily, it serves as a passageway for vehicles and pedestrians. The borders of streets, although in some instances not used as passageways, are still used by the public for setback purposes, and therefore should be maintained clear of obstructions where feasible.

The purpose of the Revocable Permit (R-Permit) is to grant conditional encroachment of the public right-of-way by private parties not authorized to occupy the right-of-way. The R-Permit review process ensures that encroachments are checked for compliance with the City's specifications for design, use, material, and inspection.

The R-Permit is also a mechanism to utilize in special circumstances where placement of private structures out of a right-of-way would create a hardship due to topography or other restraints. Generally, private structures should not be permitted in the public right-of-way.

The most significant factor in considering whether the City approves a request for an encroachment of any type is the status of the encroachments of other properties in the neighborhood. If there are no other similar encroachments and the proposed encroachment is significant, it may be advisable to seek neighborhood opinion by way of a questionnaire.

City's Authority for R-Permits

The Los Angeles Municipal Code (LAMC), Section [62.118.2](#) provides for the issuance of an R-Permit. "Where the Board of Public Works finds that a building, structure, or improvement maintained or proposed to be constructed within the public street will not interfere with the maintenance or use of the street..."

In certain situations, the Board of Public Works has delegated the authority to a single Commissioner or District Engineers to approve and issue R- Permits.

How long does it take to get an R-Permit ?

It takes 2-8 weeks to process an R-Permit, depending on type of request and how quickly the Applicant can fulfill the conditions of approval.

How long is an R-Permit valid?

R-Permits are valid indefinitely, unless explicitly stated otherwise on the permit. The R-Permit remains valid as long as all conditions of approval are complied with, including maintenance.

When does an R-Permit expire?

R-Permits do not expire as long as the terms and conditions are met.

How does the City determine if an Applicant is diligently fulfilling R-Permit conditions of approval?

The Permittee is normally given 180 days to fulfill R-Permit conditions, once they are established. Extensions are granted when requested and warranted. Normally, one, 180-day extension is granted by the District Engineer. If the conditions of approval are not fulfilled within this timeframe, the Applicant must reapply.

9.2 General Conditions or Requirements for a Revocable Permit

In some cases it may be advisable to seek input from the Council Office over the area where the encroachment is proposed. The basis for approval should, of course, be the findings of the District Office regarding public safety, consistency within the neighborhoods, and compliance with applicable City standards.

Permittee's Obligations

Permittees are responsible for paying fees and fulfilling conditions.

Information Required Before a Revocable Permit Can be Issued

Include with application a sketch 8-1/2"x11" showing the encroachment with dimensions, elevations, details, north arrow, adjacent street names, a copy of a valid deed and the appropriate fee.

All R-Permits will normally require appropriate insurance coverage to reduce the City's liability, Waiver of Damages to hold the City harmless, and other maintenance agreements and permits. Criteria and requirements to allow the placement of the encroachments in the public rights-of-way will be determined based on the potential conflicts with the American Disabilities Act, pedestrian and vehicular traffic, and public safety.

For Hillside Areas Only

If the roadway fronting the property is less than 20 feet wide, the property owner will be required, as a condition of the R-Permit, to widen/improve it to a minimum paved width of 20 feet which may include concrete curb and gutter.

A copy of a land survey that shows the proposed/existing encroachments, property line, centerline of roadway/right-of-way, width of existing roadway, and any other existing street improvements fronting the property is required to be submitted with the application.

City Planning Specific Plan Applicability

All R-Permit applications will be checked for City Planning Specific Plan applicability. If your proposed encroachment is within a Specific Plan Area or other special City Planning area, your project must comply with the Specific Plan conditions. Customers will be referred to City Planning for specific requirements.

Public Notification

In general, no formal public notification is required for most over-the-counter R-Permits. However, as a result of the R-Permit approval process, neighbors may become aware of the proposed encroachment.

For R-Permits that require a full Board Report, a public hearing by the Board of Public Works is required for approval. The posting of the R-Permit item on the Board of Public Works agenda is considered sufficient public notice.

In all R-Permit cases, the Applicant is highly encouraged to notify neighbors of encroachment plans.

Safety Requirements

In general, safety measures in accordance with the current edition of the Work Area Traffic Control Manual are required for construction work. Specific safety requirements will be listed as conditions of the R-Permit that must be maintained by the Permittee.

9.3 Standard Fees

Basic Application Fees

There are three classes of R-Permits: 1) approved by the City Engineer and issued over-the-counter for minor encroachments; 2) a short form Special Report

that is approved by a single Commissioner of the Board; and 3) a full Board Report that is heard before the Board of Public Works.

For more details see [STANDARD FEES, CHARGES AND DEPOSITS](#)

Testing Fees

If special testing is required to investigate an R-Permit, a fee may be charged and shall be paid under a Special Deposit Excavation Permit at the current hourly rate.

Inspection Fees

Typically, construction related to an R-Permit is minor street construction and can be permitted and inspected under an A-Permit. Please go to Chapter 4, The A-Permit, for more information.

9.4 Cancellations and Refunds

Basic application fees are generally not refundable. Fees may be refundable on a case-by-case basis for Short-Form Reports and Full Board Reports if City staff has not begun processing the R-Permit. No refund will be allowed for any work already completed by City staff at the time that the refund request is made.

9.5 Other Requirements for a Revocable Permit

R-Permit encroachment requests that require a full Board Report should be submitted as a joint report with the Bureau of Street Services (BSS). The District Engineer will determine when other Bureaus should be included depending on the type of encroachment proposed. R-Permit requests that are initiated by the Applicant due to a citation by the Street Use Division of BSS should be submitted as a joint report.

Street Tree Requirements

Please refer to BSS, Street Tree Division requirements.

Water Meter Boxes, Gas Shut-Off Valve Boxes, Street Light and Traffic Signal Conduit and Pull Boxes, and Parking Meters

No encroachments are allowed near utility appurtenances if the width of the sidewalk is less than the standard seven feet.

9.6 R-Permit Specifications

Requests for encroachment and R-Permit approval are varied and unique. Each encroachment request must be reviewed on its own merit. Listed below are common encroachment requests.

Sidewalk Dining - This should not be permitted where the encroaching tables and chairs would reduce the unobstructed sidewalk width for pedestrian access to less than seven feet. The unobstructed width shall not include any border hardware such as parking meters, street lights, signs, news racks, posts, or any other obstruction.

Sidewalk dining facilities shall be free standing, unattached to the sidewalk, and shall be removed from the sidewalk when the dining facility is not open for business.

Fences/Walls/Gates - Driveway gates should generally be placed 20 feet behind curb face or roadway edge to permit a vehicle to park in front of the gate, out of the roadway while opening the gate or waiting for ingress. This 20-foot setback should be maintained either within an excessive width border or on private property.

The allowable height of fences, walls, and gates are stipulated in the Zoning Code. In those cases where the permissible height of fences/walls is not apparent, a condition shall be imposed to require Planning Department approval of a proposal for an apparent over-in-height fence/wall.

Inspection - The type of encroachment will be the guide for which type of inspection will be needed. Most encroachments involve minor street construction and an A-Permit. Inspection will be conducted as it pertains to the A-Permit.

9.7 Enforcement

In general, R-Permit requirements and conditions are enforced through the investigation and inspection processes.

What is a violation?

- 1) Occupying the public right-of-way without an R-Permit
- 2) Erecting structures that are not allowed by the R-Permit
- 3) Failing to comply with provisions of the LAMC
- 4) Failing to comply with permit requirements
- 5) Failing to comply with City Planning Specific Plan requirements

How will violations be dealt with?

The R-Permit will be revoked.

9.8 How to Apply for a Revocable Permit

The Applicant shall submit the encroachment request by completing the R-Permit application at the appropriate District Office. At the time of submittal, Public Counter staff will determine the type of R-Permit required and the amount of fees required. The Applicant should then submit a check for the appropriate fee.

Many R-Permit requests can be approved over the counter. The procedure outlined below is generally for those R-Permit requests that require a field investigation and cannot be issued over the counter.

Encroachment Description

An encroachment address or location is required for all requests. Public Counter staff shall check and confirm the address and location.

The scope of the encroachment shall be stated on the application, and a detail plan or sketch shall be attached to the application.

Conduct Field Investigation

After applications are submitted, City staff will review the application and conduct a field investigation if necessary. In the case of complex encroachment, additional information may be required.

Other Agency Conditions and Clearances

The R-Permit request may require review and clearance from other agencies. This review often results in conditions determined by the reviewing agency. The Applicant must complete these conditions as part of the R-Permit approval.

City Planning Specific Plan Compliance

The R-Permit application will be checked if it is within a City Planning Specific Plan Area (or other special area). If applicable, BOE Staff will refer the applicant to City Planning. The Applicant must secure appropriate City Planning Specific Plan approvals as a condition of R-Permit approval.

Notification of Determination

Upon completion of the R-Permit report, the Applicant will be sent a copy of the R-Permit report. This report will include a list of conditions that must be satisfied before the R-Permit will be issued. Standard conditions will include executing of a "Waiver of Damages Agreement", providing liability insurance, and construction improvements with the necessary City permits. Other special conditions may apply. The Applicant has 180 days from the date of the R-Permit report to fulfill the conditions of approval.

Permit Issuance

The R-Permit will be issued when the Applicant fulfills all conditions of approval. The District Office in which the R-Permit application was received will issue the R-Permit.

Customer Satisfaction Survey

At the conclusion of all permit transactions with a customer, Applicant, and/or Permittee, all Public Counter Staff shall present the customer a Customer Satisfaction Survey Form. The Survey shall be presented to every customer, at every transaction. Should the customer decline to accept the Survey, Public Counter Staff are instructed to simply place the declined Survey back into Survey storage trays. The Survey is a valuable tool to improve customer service by listening to the customer.

9.9 How to Check the R-Permit Application

1) Check the R-Permit application

- Verify Applicant name, address and telephone
- Verify job address by completing an address search

- Verify ownership of proposed encroachment
- Verify if job is within a City Planning Specific Plan Area. Refer Applicant to City Planning. Applicant must secure City Planning approval as a condition of R-Permit approval

2) Verify scope and type of work

- Determine nature encroachment
- Check sketch of encroachment
- Determine type of encroachment
- Determine R-Permit fee
- Collect R-Permit fee

3) Conduct field investigation if necessary

- Determine compliance with minimum pedestrian passage requirements.
- Check for Hillside Area requirements

4) Verify Waiver of Damages and Liability Insurance

- Prepare Waiver of Damages documentation
- Determine amount of liability insurance and prepare forms
- Prepare and issue R-Permit conditions letter

5) Determine if other permits are required

6) Permit Issuance

- Determine if all R-Permit conditions have been met
- Obtain and verify required signatures
- Issue R-Permit