

Daniel Freedman
dff@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

Ref: 85237-0001

April 4, 2025

VIA E-MAIL & PORTAL (clerk.plumcommittee@lacity.org)

Hon. Chair Bob Blumenfield and

Members of the Planning and Land Use Management Committee

Attention: Candy Rosales, Legislative Assistant

200 North Spring Street, Room 272

Los Angeles, CA 90012

Re: Property Address: 5922–5930 N. Buffalo Avenue
HCM Case No. CHC-2024-6156-HCM
Project Case No. ADM-2024-7802-DB-VHCA-RED1
Council File 25-0179
Hearing: April 8, 2025

Hon. Chair Bob Blumenfield and Hon. Members of the PLUM Committee:

Our office represents the owners of 5922–5930 N. Buffalo Avenue (the “Property”), in connection with the above-referenced nomination to designate their Property as a Historic-Cultural Monument (HCM) pursuant to Los Angeles Administrative Code (LAAC) Section 22.171.10. As the Committee may be aware, the City of Los Angeles Department of City Planning issued a Letter of Compliance (LOC) on March 13, 2025, approving a 100% affordable housing development on the Property. The approved project includes 102 deed-restricted affordable units, and was processed under the Mayor’s Executive Directive 1 (ED1) initiative. The City deemed the project application complete on March 5, 2025. (See **Attachment A.**)

Despite this, a pending HCM nomination for the Property is currently scheduled to be heard by the City Council’s PLUM Committee on April 8, 2025. This is deeply problematic. California Government Code §65913.10 expressly prohibits a local agency from acting to designate a property as historic once an application for a qualifying affordable housing project has been deemed complete. (See Government Code §65913.10, “...the city... *shall* make [a historic] determination at the time the application for the housing development project is deemed complete.”)(emphasis added) **Because the City failed to act on the nomination prior to March 5, it is now barred from taking any further action—including holding a hearing or voting on the nomination.**

This is not a procedural technicality. State law imposes this prohibition to prevent the misuse of historic preservation as a tool to block housing. The timing of this nomination—filed after the housing application was submitted, and now advanced after project approval—raises

precisely the kind of concern that the California Legislature sought to eliminate. Proceeding with the nomination would constitute a direct violation of both the Housing Crisis Act and the Housing Accountability Act, and would expose the City to serious legal risk. Moreover, as our clients were not provided with notice or an opportunity to be heard at the several neighborhood council hearings held in connection with this nomination, a further action would also violate our clients' due process rights.

We respectfully urge the PLUM Committee to cancel the April 8 hearing and to take no further action on this nomination. The City has no legal authority to proceed, and doing so would undermine both its legal obligations and its public commitment to solving the housing crisis.

Please do not hesitate to contact me should you require additional information.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Freedman', with a stylized, flowing script.

DANIEL FREEDMAN of
Jeffer Mangels Butler & Mitchell LLP

CC: Kevin Keller, City of Los Angeles Department of City Planning
Lambert Giessinger, City of Los Angeles Department of City Planning
Melissa Jones, City of Los Angeles Department of City Planning
Donna Wong, Office of the City of Los Angeles City Attorney
Doug Mensman, Office of Councilmember Nazarian
Elizabeth Ene, Office of Councilmember Blumenfield
Mashaël Majid, Office of Councilmember Raman
Hakeem Parke-Davis, Office of Councilmember Hutt
Dan Rosales, Office of Councilmember John Lee
Grace Wu, California Department of Housing & Community Development
Lisa Frank, California Department of Housing & Community Development
Ali Sapirman, Housing Action Coalition
Sonja Trauss, YIMBY Law
Scott Epstein, Abundant Housing
Alex Fisch, California Department of Justice

ATTACHMENT A

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

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PRESIDENT

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CALIFORNIA**



KAREN BASS
MAYOR

EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

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DEPUTY DIRECTOR

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DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

March 13, 2025

Applicant/Owner

Roozbeh Toorani &
Maryam Zaverah
2510 Steinbeck Ave
Stevenson Ranch, CA 91381

Representative

Shapour Shajirat
DCC
13725 Ventura Blvd #200
Sherman Oaks, CA
91423

Case No. ADM-2024-7802-DB-VHCA-
RED1

Related Cases: PAR-2024-5275-AHRF-ED1
PAR-2024-5538-VHCA-ED1
PAR-2024-5378-CM-ED1
CHC-2024-6156-HCM

CEQA: N/A

Location: 5922 – 5930 N Buffalo Avenue

Council District: 2 - Nazarian

Neighborhood Council: Greater Valley Glen

Community Plan Area: Van Nuys – North Sherman Oaks

Specific Plan: N/A

Land Use Designation: Low Medium II Residential

Zone: [Q]RD1.5-1

Legal Description: Arb 2 & 3, Lot FR 14, and Arb 2
Lot 13, Tract TR 5949

LETTER OF COMPLIANCE – Ministerial Density Bonus Affordable Housing Incentive Program

Pursuant to the Los Angeles Municipal Code (“LAMC”) Section 12.22 A.25 (AB2334), I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

APPROVE a Density Bonus Compliance Review for a 100% Affordable Housing Development (as defined in CA Govt. Code Section 65915(b)(1)(G)), for a project totaling 104 dwelling units, reserving 83 units for Low-Income households, 20 units for Moderate Income households, and one (1) manager’s unit at Market rate occupancy for a period of 55 years. As the project has requested a waiver from maximum controls on density, the project is allowed five incentives and one waiver (pursuant to CA Govt. Code Section 65915(e)(3)) and the following are granted:

1. **Floor Area Ratio (FAR) (On-Menu Incentive).** An up to 25.15% increase in allowable floor area for a maximum FAR of 3.76:1 in lieu of 3:1.
2. **Open Space (Off-Menu).** An up to 50% reduction in the required open space, allowing a minimum of 5,228 square feet of open space in lieu of the required 10,400 square feet.

3. Yards

- a. **Side Yard Setback (Off-Menu Incentive).** An up to 37.5% reduction in the required yard setback, for a minimum northerly side yard of five feet in lieu of eight feet.
- b. **Side Yard Setback (On-Menu Incentive).** An up to 37.5% reduction in the required yard setback, for a minimum southerly side yard of five feet in lieu of eight feet.
- c. **Rear Yard Setback (On-Menu Incentive).** An up to 46.66% reduction in the required rear yard setback, for a minimum easterly rear yard of eight feet in lieu of 15 feet.

CONDITIONS OF APPROVAL

1. **On-Site Restricted Affordable Units.** 83 units shall be reserved for Low-Income, and 20 units shall be reserved for Moderate Income Households, as defined by the California Government Code Section 65915 and by the Los Angeles Housing Department (LAHD) and restricted for Seniors aged 55 years and older. In the event the SB 8 Replacement Unit condition requires additional affordable units or more restrictive affordability levels, the most restrictive requirements shall prevail.
2. **SB 8 Replacement Units (California Government Code Section 66300 et seq.)** The project shall be required to comply with the Replacement Unit Determination (RUD) letter, dated February 26, 2025, to the satisfaction of LAHD. The most restrictive affordability levels shall be followed in the covenant. In the event the On-site Restricted Affordable Units condition requires additional affordable units or more restrictive affordability levels, the most restrictive requirements shall prevail.
3. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Central Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
4. **Residential Density.** The project shall be limited to a maximum density of 104 residential units per Exhibit "A."
5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to make 83 units available to Low-Income, and 20 units available to Moderate Income Households for sale or rental as determined to be affordable to such households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22 A.25, to the satisfaction of LAHD, and in consideration of the project's Replacement Unit Determination.

Unless otherwise required by state or federal law, the project shall provide an onsite building manager's unit, which the owner shall designate in the covenant. The Owner may not use an affordable restricted unit for the manager's unit.

5. **100% Affordable Housing Project (ED1).** If a project changes at any time in the review and construction process such that it no longer meets ED 1 eligibility criteria, the project becomes disqualified from ED1 streamlining and all prior determinations on the project become inapplicable. For projects requiring a City Planning application, if a project changes at any point during the City Planning review or post-approval process such that the project would no longer qualify for ED 1, a new application for the revised project shall be required.
6. **Parking.**
 - 1) **Automobile Parking for Residential Uses.** The project shall be permitted to provide a minimum of zero parking space pursuant to California Government Code Section 65863.2 (AB 2097). Zero parking spaces are provided.
 - 2) **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21 A.16.
 - 3) **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be recalculated by the Department of Building and Safety, based upon the ratios set forth in the Density Bonus Affordable Housing Incentive Program Guidelines.
7. **Floor Area (FAR) (On-Menu Incentive).** The project total Floor Area shall be limited to 37,478 square feet and a 3.76:1 FAR.
8. **Height.** Project is limited to a maximum height of 30 feet per Ordinance No.167939, plus an addition 33 feet per CA Govt. Code Section 65915. The project is proposing a height of 54 feet, nine inches.
9. **Setbacks.** The project shall have the following minimum setbacks.
 - 1) **Side Yard Setback (Off-Menu Incentive).** An up to 37.5% reduction in the required yard setback, for a minimum northerly side yard of five feet in lieu of eight feet.
 - 2) **Side Yard Setback (On-Menu Incentive).** An up to 37.5% reduction in the required yard setback, for a minimum southerly side yard of five feet in lieu of eight feet.

- 3) **Rear Yard Setback (On-Menu Incentive).** An up to 46.66% reduction in the required rear yard setback, for a minimum easterly rear yard of eight feet in lieu of 15 feet.
- 4) **Front Yard.** A minimum 15-foot front yard setback.
10. **Changes in On-Site Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25.
11. **Open Space (Off-Menu Incentive).** A minimum of 5,228 square feet of open space in lieu of the required 10,400 square feet.
12. **Landscape Plan.** The landscape plan shall indicate landscape points for the project equivalent to **10% more than otherwise required** by LAMC 12.40 and Landscape Ordinance Guidelines "O". All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
13. **Street Trees.** Street trees shall be provided to the satisfaction of the Urban Forestry Division.
14. **Required Trees per 12.21 G.2.** As conditioned herein, a final submitted landscape plan shall be reviewed to be in substantial conformance with Exhibit "A". There shall be a minimum of 26 24-inch box, or larger, trees onsite pursuant to LAMC Section 12.21 G.2.

Any required trees pursuant to LAMC Section 12.21 G.2 shown in the public right-of-way in Exhibit "A" shall be preliminarily reviewed and approved by the Urban Forestry Division prior to building permit issuance. In-lieu fees pursuant to LAMC Section 62.177 shall be paid if placement of required trees in the public right-of-way is proven to be infeasible due to City-determined physical constraints.

ED 1 Eligibility Conditions – Development Standards

15. Any building fronting a public street shall have at least one pedestrian entrance facing a public street. Pedestrian access to the street facing entrance shall be provided.
16. All floors located above the ground floor shall have glazing equivalent to a minimum of 20 percent of the facade area. Ground floor facades in commercial zones fronting the primary street shall have glazing equivalent to a minimum of 30 percent of the facade area.

Administrative Conditions

17. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped

by Department of City Planning staff "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.

18. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet and shall include any modifications or notations required herein.
19. **Approval.** Verification and Submittals. Copies of any approvals guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
20. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
21. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
22. **Recording Covenant.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center at the time of Condition Clearance for attachment to the subject case file.
23. **Indemnification and Reimbursement of Litigation Costs. Applicant shall do all of the following:**
 - a. 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.
 - b. 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.

- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant 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 \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- d. 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 Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- e. 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 applicant 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 applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant 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 applicant of any obligation imposed by this condition. In the event the Applicant 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 Applicant otherwise created by this condition.

PROJECT BACKGROUND

Subject Property

The subject site is a flat rectangular shaped site comprised of three interior lots with a total area of approximately 16,605 square feet. It has a frontage of approximately 102 feet along the east side of Buffalo Avenue with a lot of depth of approximately 138 feet. The project site is currently developed with two triplexes built in 1954 with detached garages. The site is not currently designated as a historic resource. According to the tree disclosure date October 14, 2024, there are no protected trees and four deodar cedar trees on site. The subject site is located approximately 200 feet from the Metro G Line BRT station at Oxnard Street and Buffalo Avenue.

The site is zoned [Q]RD1.5-1 and is in the Van Nuys – North Sherman Oaks Community Plan Area with a General Plan Land Use Designation of Low Medium II Residential. The project site is located within an AB 2334 Very Low VMT area, an AB 2097 reduced parking area, an Urban Agriculture Incentive Zone, a Liquefaction zone, and is within 6.6 kilometers of the nearest known fault (Hollywood Fault). The site is not located within a Designated Hillside Area, Very High Fire Hazard Severity Zone, Flood Zone, Landslide area, or Tsunami Inundation Zone.

The subject site is currently under consideration as a Historic Monument (CHC-224-6156-HCM). The William Mellenthin Birdhouse Apartments is a courtyard apartment complex consisting of two triplexes and two detached garages located on the east side of Buffalo Avenue between Califa Street and Oxnard Street in the Valley Glen neighborhood of Los Angeles. It was constructed in 1954 by builder/designer William Mellenthin in the Traditional Ranch architectural style to serve as apartment buildings.

On September 24, 2024, a completed application for designation of the property as an Historic-Cultural Monument was submitted to City Planning and pursuant to LAAC Section 22.171.12 no permit for demolition, substantial alteration, or removal shall be issued. At the October 17, 2024, meeting of the Cultural Heritage Commission, the Commission determined that the application for the proposed designation of the property referenced above as an Historic-Cultural Monument, merits further review, moved to take the proposed designation under consideration, and adopted the staff report findings.

Project Description

The project is the construction of a new five-story, 54 foot, nine inches in height residential building totaling 104 dwelling units, reserving 83 units for Low-Income households, 20 units for Moderate Income households, and one (1) manager's unit at Market rate occupancy for a period of 55 years. The project will have a maximum proposed Floor Area Ratio ("FAR") (On-Menu Incentive) of 3.76:1 with approximately 37,478 square feet of floor area and an Off-Menu Incentive for a 50% reduction in required open space and reduced side yards and rear yard. The project is not subject to parking requirements pursuant to AB 2097 and will provide zero parking spaces. The LAMC required number of bicycle parking will be provided, including 84 long term spaces and nine short term spaces. The four deodar cedar trees will be removed, and 26 24-inch box trees will be planted.

On November 1, 2024, City Planning accepted a completed Vesting Housing Crisis Act (VHCA) application for the project, Case No. PAR-2024-5538-VHCA-ED1. The subject case was subsequently filed on December 5, 2024 and a hold letter for missing items was issued on December 16 2024. The application was deemed complete on March 5, 2025.

ED1 eligibility states that a project does not include any parcels that are included in the National Register of Historic Places or the California Register of Historical Resources, either individually or within a historic district, or included within a Historic Preservation Overlay Zone (HPOZ), or designated as a City Historic-Cultural Monument, does not include any eligible historic or architectural resource located in the Westwood Village Specific Plan, Central City West Specific Plan, Echo Park CDO District, or the North University Park Specific Plan, and does not include any eligible historic resource identified within the South Los Angeles Community Plan Implementation Overlay (CPIO) Section 1-6.C.5.b, the Southeast Los Angeles CPIO Section 1-6.C.5.b, the West Adams CPIO Section 6.C.5.b, or the San Pedro CPIO Section 7.C.5.b. 4.

While the subject site is currently under consideration as an HCM, it is not currently designated as one and not designated one as of the date of the vesting determination. The project was also not identified as potentially historic by any of the listed resources in Executive Directive 1. Therefore, the HCM nomination does not affect the ED1 eligibility of the proposed project.

Ministerial Review

Executive Directive 1 (ED-1) went into effect on December 16, 2022, to facilitate the expeditious processing of shelters and 100 percent affordable housing projects to address the homelessness crisis in the City of Los Angeles. A 100 percent Affordable Housing Project is defined as “A project with at least 5 units that has at least two-thirds residential square footage, with all units affordable at 80% of Area Median Income (HUD) levels, OR affordable at mixed income with up to 20% of units at 120% AMI (HCD rents) and the balance at 80% AMI or lower (HUD rents) as technically described here: A housing development project defined in Government Code Section 65589.5 that includes 100% restricted affordable units (excluding any manager’s units) for which rental or mortgage amounts are limited so as to be affordable to and occupied by Lower Income households, as defined by CA Health and Safety Code 50079.5, or that meets the definition of a 100% affordable housing development in CA Gov. Code 65925(b)(1)(G)2, as determined by the Los Angeles Housing Department (LAHD)”. For 100 percent affordable housing projects and shelters, the review shall be complete within 60 days after the application is complete.

Housing Replacement (SB 8 Determination)

On October 9, 2019, the Governor signed into law the Housing Crisis Act of 2019 (SB 330). SB 330 creates a new state law regarding the production, preservation, and planning for housing, and establishes a statewide housing emergency until January 1, 2025. This was subsequently amended by SB 8 on September 16, 2021. During the duration of the statewide housing emergency, SB 330, among other things, create new housing replacement requirements for Housing Development Projects by prohibiting the approval of any proposed housing development project on a site that will require the demolition of existing residential dwelling units or occupied or vacant “Protected Units” unless the proposed housing development project replaces those units.

The Los Angeles Housing Department (LAHD) has made the following determination on February 26, 2025, in regard to the project. LAHD has determined that six dwelling units existed on the site within the last five years subject to the Rent Stabilization Ordinance (RSO). Per the Owner’s statement, one (1) of the units were vacant at the time of application and five (5) of the units were occupied. On October 24, 2024, LAHD sent tenant packets to the one (1) vacant unit. LAHD has not received a TIC form for the one (1) vacant unit on the Property. On October 25, 2024, Interwest sent tenant packets to the five (5) occupied units on the Property. Interwest has not received a

TIC form for the five (5) occupied units. Therefore, LAHD cannot verify the income levels of the households occupying each of the six (6) residential units.

Pursuant to the Housing Crisis Act, when the former or existing tenants' incomes are unknown the required percentage of affordability is determined by the percentage of extremely low, very low, and low income rents in the jurisdiction as shown in the HUD Comprehensive Housing Affordability Strategy (CHAS) database. At present, the HUD CHAS database shows 29% extremely low income, 17% very low income and 19% low income for TOC projects and 46% very low income and 19% low income for DB projects. In the absence of specific entitlements, the affordability will default to 46% very low income and 19% low income. The remaining 35% of the units are presumed above-low income.

Pursuant to CHAS, four (4) units need to be replaced with equivalent type units. For DB projects, the replacement requirement will consist of three (3) units restricted to Very Low Income Households and one (1) unit restricted to Low Income Households.

The two (2) remaining units presumed to have been occupied by an above-lower income person or household must be replaced as Low Income units in compliance with the ED1 guidelines.

Density Bonus Incentives and Waiver

Pursuant to State Density Bonus Law under Government Code Section 65915(d)(2)(D), which was modified under AB 1763 and AB 2345, a project located within one-half mile of a Major Transit Stop may receive a waiver from any maximum controls on density, a height increase of up to three additional stories or up to 33 additional feet, and an Applicant may request that the city not impose any minimum vehicular parking requirement for 100 percent affordable housing projects.

Additionally, 100% Affordable Housing Developments are entitled to request unlimited density if the project is within a one-half mile of a major transit stop or within a very low vehicle travel area (CA Govt. Section 65915(f)(3)(D)(ii)). Lastly, the Housing Development that receives a waiver from any maximum controls on density shall be eligible for one waiver unless the City agrees to additional waivers or reductions of development standards (CA Govt. Section 65915(e)(3)).

LAMC Section 12.22 A.25 and State Density Bonus Law (Government Code Section 65915) outline types of relief that minimize restrictions on the size of the project. In exchange for meeting the minimum set-aside requirements, the project may receive a set of incentives, concessions, and waivers to deviate from development standards in order to facilitate the provisions of affordable housing at the site. The approved incentives and waivers allow the developer to expand the building envelope so the additional affordable units can be constructed, provide for design efficiencies, and allow the overall space dedicated to residential uses to be increased.

Given that the applicant is providing 100 percent of dwelling units to be affordable to at Extremely Low-Income and Low-Income Household occupancy for a period of 55 years, and meets the criteria outline in Government Code Section 65915(d)(2)(D). The project is eligible for the base incentives and up to five (5) incentives and one (1) waiver per California Government Code Section 65915(d)(2)(D). The applicant has been approved for the following incentives and waiver:

- **Density.** An unlimited increase in density to allow a total of 104 units in lieu of the 10 base units.

- **Height.** An additional 33 feet or three stories in addition to the 30-foot height limit per Ordinance No 167939.
- **Floor Area Ratio (FAR) (On-Menu Incentive).** An up to 25.15% increase in allowable floor area for a maximum FAR of 3.76:1 in lieu of 3:1.
- **Open Space (Off-Menu).** An up to 50% reduction in the required open space, allowing a minimum of 5,228 square feet of open space in lieu of the required 10,400 square feet.
- **Yards**
 - a. **Side Yard Setback (Off-Menu Incentive).** An up to 37.5% reduction in the required yard setback, for a minimum northerly side yard of five feet in lieu of eight feet.
 - b. **Side Yard Setback (On-Menu Incentive).** An up to 37.5% reduction in the required yard setback, for a minimum southerly side yard of five feet in lieu of eight feet.
 - c. **Rear Yard Setback (On-Menu Incentive).** An up to 46.66% reduction in the required rear yard setback, for a minimum easterly rear yard of eight feet in lieu of 15 feet.

The record does not contain substantial evidence that would allow the decision maker to make a finding that the approved incentives do not result in identifiable and actual cost reduction to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for low- and moderate-income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed a predetermined percentage of income based on area median income thresholds dependent on affordability levels.

There is no evidence in the record that the approved incentives and waiver would have a specific adverse impact. A “specific adverse impact” is defined as “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” per LAMC Section 12.22 A.25(b). The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Though the site is currently under consideration as an HCM, the project is vested pursuant to the Housing Crisis Act to the regulations in place at the time of vesting. Since the project was vested as of November 1, 2024, and because the HCM status is still undetermined, any future HCM status will not apply to a project vested under PAR-2024-5538-VHCA-ED1. There is no evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. Based on the above, there is no basis to deny the incentives.

The Density Bonus Incentives result in identifiable and actual cost reductions to provide for affordable housing costs because the incentives by their nature increase the scale of the project

and thus facilitates the provision of affordable housing units. The project includes five (5) Incentives, which further expand the building envelope and allows for identifiable cost reductions in providing for the affordable units.

The requested incentives for a reduction in Yard Setbacks, and Open Space, and reduced vehicle parking result in building design or construction efficiencies that provide for affordable housing costs. The requested incentives allow the developer to expand the building envelope so the additional units can be constructed, and the overall space dedicated to residential uses is increased.

CONCLUSION

As a Density Bonus Housing Project that satisfies all the objective planning standards of LAMC Section 12.22 A.25(g)(3) and California Government Code Section 65915 and a 100% affordable housing project consistent with ED1 streamlined approval, the project is considered to be a ministerial project.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the Director's Letter of Compliance shall be fulfilled before the use may be established. The instant authorization is further conditioned upon the privileges being utilized within three years after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

The Applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the Applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment.”

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Building in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either through the Department of City Planning website at <http://planning.lacity.org> or by calling (213) 482-7052 or (818) 374-5050. The applicant is further advised to notify any consultant representing you of this requirement as well.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Effective Date/Appeals: The decision of this Letter of Compliance is final and effective upon the mailing of this letter and is not appealable.

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:


JoJo Pewsawang, Senior City Planner

Prepared by:


Maren Gamboa, City Planner