

## APPLICATIONS



### APPEAL APPLICATION Instructions and Checklist

#### RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

#### PURPOSE

This application is for the appeal of Los Angeles City Planning determinations, as authorized by the LAMC, as well as first-level Building and Safety Appeals.

#### APPELLATE BODY

**Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.**

- ☐ Area Planning Commission (APC)      ☐ City Planning Commission (CPC)      ☒ City Council  
☐ Zoning Administrator (ZA)      ☐ Director of Planning (DIR)

#### CASE INFORMATION

**Case Number:** ADM-2023-4205-DB-ED1-VHCA

**Project Address:** 10898 W OLINDA ST, LOS ANGELES, CA

**Final Date to Appeal:** N/A

#### APPELLANT

**For main entitlement cases, except for Building and Safety Appeals:**

**Check all that apply.**

- ☐ Person, other than the Applicant, Owner or Operator claiming to be aggrieved  
☒ Representative      ☒ Property Owner      ☒ Applicant      ☐ Operator of the Use/Site

**For Building and Safety Appeals only:**

**Check all that apply.**

- ☐ Person claiming to be aggrieved by the determination made by **Building and Safety**<sup>1</sup>  
☐ Representative      ☐ Property Owner      ☐ Applicant      ☐ Operator of the Use/Site

<sup>1</sup> Appellants of a Building and Safety Appeal are considered the Applicant and must provide the Noticing Requirements identified on page 4 of this form at the time of filing. Pursuant to LAMC Section 12.26 K, an appeal fee shall be required pursuant to LAMC Section 19.01 B.2.

## APPELLANT INFORMATION

Appellant Name: \_\_\_\_\_

Company/Organization: MAMBA 24 LLC

Mailing Address: 4043 IRVING PL, SUITE B

City: CULVER CITY State: CA Zip Code: 90232

Telephone: 310.853.5004 E-mail: JEFF@JZARCH.LA

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

☒ Self ☐ Other: \_\_\_\_\_

Is the appeal being filed to support the original applicant's position? ☐ YES ☐ NO

## REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): JEFF ZBIKOWSKI

Company: JZA

Mailing Address: 4043 IRVING PL, SUITE B

City: CULVER CITY State: CA Zip Code: 90232

Telephone: 310.853.5004 E-mail: JEFF@JZARCH.LA

## JUSTIFICATION / REASON FOR APPEAL

Is the decision being appealed in its entirety or in part? ☒ Entire ☐ Part

Are specific Conditions of Approval being appealed? ☐ YES ☒ NO

If Yes, list the Condition Number(s) here: \_\_\_\_\_

On a separate sheet provide the following:

- ☒ Reason(s) for the appeal
- ☒ Specific points at issue
- ☒ How you are aggrieved by the decision
- ☒ How the decision-maker erred or abused their decision

## APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true.

Appellant Signature:  Date: 12/1/2023

## GENERAL NOTES

*A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.*

*The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

### THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: \$166.00

Reviewed & Accepted by (DSC Planner): Maxfield Vermey

Receipt No.: 01122303A-8F170DE 9-A518-407E-A36F-7A6E79B171526 Date: 12/1/2023

☐ Determination authority notified

☐ Original receipt and BTC receipt (if original applicant)

## GENERAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our [Online Application System \(OAS\)](#).

### APPEAL DOCUMENTS

#### 1. Hard Copy

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

- ☒ Appeal Application
- ☒ Justification/Reason for Appeal
- ☒ Copy of Letter of Determination (LOD) for the decision being appealed

#### 2. Electronic Copy

- ☒ Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., "Appeal Form", "Justification/Reason Statement", or "Original Determination Letter"). No file should exceed 70 MB in size.

#### 3. Appeal Fee

- ☒ *Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a), or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.
- ☐ *Aggrieved Party.* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b).

#### 4. Noticing Requirements (Applicant Appeals or Building and Safety Appeals Only)

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per the LAMC for all Applicant appeals. Appellants for BSAs are considered Original Applicants.
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).

See the Mailing Procedures Instructions ([CP-2074](#)) for applicable requirements.

## SPECIFIC CASE TYPES

### ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

#### DENSITY BONUS (DB) / TRANSIT ORIENTED COMMUNITIES (TOC)

Appeal procedures for DB/TOC cases are pursuant to LAMC Section 12.22 A.25(g).

- Off-Menu Incentives or Waiver of Development Standards are not appealable.
- Appeals of On-Menu Density Bonus or Additional Incentives for TOC cases can only be filed by adjacent owners or tenants and is appealable to the City Planning Commission.
- ☐ Provide documentation confirming adjacent owner or tenant status is required (e.g., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, driver's license, bill statement).

#### WAIVER OF DEDICATION AND / OR IMPROVEMENT

Procedures for appeals of Waiver of Dedication and/or Improvements (WDIs) are pursuant to LAMC Section 12.37 I.

- WDIs for by-right projects can only be appealed by the Property Owner.
- If the WDI is part of a larger discretionary project, the applicant may appeal pursuant to the procedures which govern the main entitlement.

#### [VESTING] TENTATIVE TRACT MAP

Procedures for appeals of [Vesting] Tentative Tract Maps are pursuant LAMC Section 17.54 A.

- Appeals must be filed within 10 days of the date of the written determination of the decision-maker.

#### BUILDING AND SAFETY APPEAL

##### First Level Appeal

Procedures for an appeal of a determination by the Los Angeles Department of Building and Safety (LADBS) (i.e., Building and Safety Appeal, or BSA) are pursuant LAMC Section 12.26 K.1.

- The Appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

##### 1. Appeal Fee

- ☐ Appeal fee shall be in accordance with LAMC Section 19.01 B.2 (i.e., the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code, plus surcharges).

##### 2. Noticing Requirement

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 12.26 K.3. Appellants for BSAs are considered Original Applicants.

- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).

See the Mailing Procedures Instructions (CP-2074) for applicable requirements.

## **Second Level Appeal**

Procedures for a appeal of the Director's Decision on a BSA Appeal are pursuant to LAMC Section 12.26 K.6. The original Appellant or any other aggrieved person may file an appeal to the APC or CPC, as noted in the LOD.

### **1. Appeal Fee**

- ☐ *Original Applicant.* Fees shall be in accordance with the LAMC Section 19.01 B.1(a).

### **2. Noticing Requirement**

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 12.26 K.7. Appellants for BSAs are considered Original Original Applicants.
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).

See the Mailing Procedures Instructions (CP-2074) for applicable requirements.

## **NUISANCE ABATEMENT / REVOCATIONS**

Appeal procedures for Nuisance Abatement/Revocations are pursuant to LAMC Section 12.27.1 C.4. Nuisance Abatement/Revocations cases are only appealable to the City Council.

### **1. Appeal Fee**

- ☐ *Applicant (Owner/Operator).* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(a).

For appeals filed by the property owner and/or business owner/operator, or any individuals/agents/representatives/associates affiliated with the property and business, who files the appeal on behalf of the property owner and/or business owner/operator, appeal application fees listed under LAMC Section 19.01 B.1(a) shall be paid, at the time the appeal application is submitted, or the appeal application will not be accepted.

- ☐ *Aggrieved Party.* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b).

Jeff Zbikowski  
JZ Development LLC  
310.853.5004  
jeff@jzarch.la

December 1, 2023

**VIA ELECTRONIC SUBMISSION**

Los Angeles City Council  
201 N. Spring Street, 4<sup>th</sup> Floor  
Los Angeles, CA 90012

**Re: Appeal Pursuant to Government Code Section 65943(c) Case No. ADM-2023-4205-DB-ED1-VHCA / 10898 W Olinda St**

To the Los Angeles City Council:

I represent Mamba 24 LLC, the property owner and applicant, respectively, (collectively referred to as the "Applicant"), of the proposed 78-unit 100 percent affordable housing development located at 10898-10898 ½ W Olinda St (the "Project") in the City of Los Angeles ("City"). The Project seeks to use the City's streamlined ministerial approval process for 100 percent affordable projects granted by the Mayor's Executive Directive No. 1 ("ED 1"), originally issued on December 16, 2022. Accordingly, pursuant to Government Code Section 65941.1 and ED 1's implementing guidelines published by the City ("ED 1 Guidelines"), the Applicant submitted a Housing Crisis Act ("HCA") preliminary application ("HCA Preliminary Application") for the Project on March 15, 2023, thereby vesting the Project against subsequent changes in City ordinances, policies, and standards, subject to a timely filing of the Project's application materials as required by ED 1. On June 21, 2023, the Applicant timely filed these application materials for the Project with the Department of City Planning ("DCP") and the Project was assigned case number ADM-2023-4205-DB-ED1-VHCA ("Case Filing").<sup>1</sup> On June 12, 2023, the Mayor issued a revised version of ED 1 ("Revised ED 1") that no longer permitted 100 percent affordable projects proposed to be located on single-family zoned properties with General Plan land use designations that permit multifamily development to be eligible for streamlined ministerial processing.

On July 6, 2023, DCP issued a letter to the Applicant that was not titled, but included language stating: "The proposed project located at 10898, 10898 ½, and

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<sup>1</sup> The case number ADM-2023-4205-DB-ED1-VHCA includes the following suffixes as defined by DCP's website: "DB" meaning Density Bonus, "VHCA" meaning Vesting Housing Crisis Act, and "ED1" meaning Executive Directive 1.

10900 West Olinda St is in the R1-1-CUGU zone and is not eligible for ED1 processing". The July 6, 2023 letter is herein referred to as the "Notice of Ineligibility" (attached as Exhibit A). The Notice of Ineligibility states that other entitlement options *may be available* to the Applicant to pursue the Project, but does not provide specific options or directions on how to proceed with processing and clearly states that the Project may no longer use ED 1. Curiously, the Notice of Ineligibility also makes no reference to the Applicant's previously filed HCA Preliminary Application and provides no explanation as to why the Project is not vested under the City's regulations in place at that time – including the original ED 1 which unquestionably applied to single family zoned properties with General Plan/Community Plan land use designations that permit multifamily development such as the Project site.

On July 10, 2023, DCP issued a letter to the Applicant titled "Status of Project Review: Application Incomplete and Case Processing on Hold," which listed four items that were required to be provided or revised to proceed with the processing of the case (attached as Exhibit B).

On August 4, 2023, the City issued a letter titled "Second Status of Project Review: Application Incomplete and Case Processing on Hold" ("Second Status of Project Review Letter") which is attached as Exhibit C. In this letter, the City references the Notice of Ineligibility to justify the conversion of the case to a "regular entitlement process" using case number CPC-2023-4205-DB-PHP-VHCA, along with an explanation that the case was considered converted as of July 6 (the date of the Notice of Ineligibility) to a discretionary City Planning Commission review process based on the procedures specified in LAMC Section 12.22.A.25 for off-menu density bonus incentives and waivers. The Second Status of Project Review Letter asks the Applicant to pay \$35,256.86 of additional fees to continue the discretionary entitlement processing of the Project and to provide the materials referenced in the July 10, 2023 "Status of Project Review: Application Incomplete and Case Processing on Hold" letter in addition to "materials related to needed CEQA analysis." Importantly, the Second Status of Project Review Letter states that the "project remains vested in the LAMC provisions and land use plans in effect on the date of your complete Preliminary Application." Despite acknowledging the Preliminary Application vesting, the City cites the narrow vesting of the "LAMC provisions and land use plans" instead of the "ordinances, policies, and standards" which may be vested through a HCA Preliminary Application.<sup>2</sup> ED 1, a formally issued executive order, is a policy which may

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<sup>2</sup> Government Code Section 65589.5(o)(1). Refer to Section II.B of this letter for further discussion of the importance of this distinction.



be vested such that the Project is still eligible for ED 1 ministerial processing based on the date of the HCA Preliminary Application prior to the revision of ED 1.

On September 27, 2023, the Applicant responded to the first “Status of Project Review: Application Incomplete and Case Processing on Hold” letter dated July 10, within the required 90 day timelines as stipulated by State Law SB330 and the HCA Preliminary Application to retain vesting rights (Exhibit D). There was no response provided to the Applicant by the City within the 30 day limits as required under Government Code Section 65943(a) which expired on October 27, 2023. As such, under state law SB330 and the Housing Accountability Act (“HAA”), this case, ADM-2023-4205-DB-ED1-VHCA, shall be deemed complete.

Based on the content of the Notice of Ineligibility, the discontinuation of ministerial case processing efforts by DCP, and the forced conversion of the case to a discretionary City Planning Commission case, the City has effectively denied this 100% affordable housing Project’s ministerial Case Filing. However, as a matter of State law the HCA Preliminary Application filed for the Project grants vesting protections that require the City’s continued ED 1 processing of the Case Filing, as the Project became vested prior to the issuance of the Revised ED 1. As such, this appeal is filed pursuant to Government Code Section 65943(c) to request that the City rescind the Notice of Ineligibility, rescind the Second Status of Project Review Letter, convert the entitlement case number back to an ED 1 case, acknowledge that the Project has State law vested rights to utilize ED 1 based on the filing of the HCA Preliminary Application, and reinstate processing of the Project’s Case Filing under ED 1, consistent with the express provisions and intent of the HCA and the Housing Accountability Act (“HAA”).

## I. ED 1 AND PROJECT BACKGROUND

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### A. Overview of ED 1’s Provisions.

On December 12, 2022, pursuant to Los Angeles Administrative Code Section 8.29, the City’s Mayor declared the existence of a local emergency in the City due to the City’s ongoing homelessness crisis (“Emergency Declaration”).<sup>3</sup> Shortly thereafter,

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<sup>3</sup> Los Angeles Administrative Code Section 8.29 authorizes the Mayor at times of emergencies to “promulgate, issue and enforce rules, regulations, orders and directives which the [Mayor] considers necessary for the protection of life and property.” Such rules, regulations, orders and directives shall take effect immediately upon their issuance, and copies thereof shall be filed in the Office of the City Clerk.

on December 16, 2022, the Mayor issued ED 1 – a formal Executive Order – which authorized the expedited ministerial issuance of all necessary City approvals for the construction of temporary shelters and 100 percent affordable housing projects meeting certain criteria. Specifically, ED 1 established the following relevant provisions:

- Applications for 100 percent affordable housing projects or shelters are deemed exempt from discretionary review processes otherwise required by the Los Angeles Municipal Code (“LAMC”), as long as such plans do not require any zoning change, variance, or General Plan amendment.
- All City departments are directed to process all plans for such 100 percent affordable housing projects or shelters using the streamlined ministerial review process currently used for projects eligible under Government Code section 65913.4 (i.e., the ministerial review process created by Senate Bill 35).
- An application for the development of a 100 percent affordable housing project or shelter may use the density permitted for that site either by the applicable zoning or the General Plan Land Use Designation, consistent with state law. In addition, a project may utilize the State Density Bonus and LAMC bonuses, incentives, waivers and concessions if such are in compliance with the applicable requirements.

On February 9, 2023, the City’s Planning, Building and Safety, and Housing Departments promulgated the ED 1 Guidelines, which provide guidance for applicants seeking to file an application for projects that are eligible for ED 1’s ministerial approval process. Specifically, the ED 1 Guidelines established the following relevant guidance:

- A “100 percent affordable housing project” is defined as a housing project with five or more units, and with all units affordable either at 80 percent of Area Median Income (“AMI”) or lower under U.S. Department of Housing and Urban Development (“HUD”) rent levels, or at mixed income with up to 20 percent of units at 120 percent AMI (California Department of Housing and Community Development [“HCD”] rent levels) and the balance at 80 percent AMI or lower (HUD rent levels). (ED 1 Guidelines p. 2.)
- Projects requiring a legislative action (e.g., General Plan Amendment, Zone Change, Height District Change), seeking a deviation from development standards (e.g., adjustment, variance, specific plan exception, waiver of dedication/Improvement), or that require

consideration of a Coastal Development Permit or are subject to the Subdivision Map Act are ineligible for ED 1's ministerial approval process. (ED 1 Guidelines p. 2.)

- ED 1 projects *shall utilize* the maximum allowable base density under the zoning ordinance, specific plan or zoning overlay, or General Plan land use designation. (ED 1 Guidelines p. 10, emphasis added.)
- Through the ED 1 Ministerial Approval Process, City Planning will review only the objective development standards of the Zoning Code and of any applicable Specific Plans, Redevelopment Plan, Historic Preservation Overlay Zone, Community Plan Implementation Overlay or other Zoning Overlay areas. Any requested State Density Bonus and LAMC bonuses, incentives, waivers and concessions that are allowable through the incentive programs may be used to achieve compliance with applicable objective zoning standards. (ED 1 Guidelines p. 4.)
- *An ED 1 project may qualify for vesting of City ordinances, policies, and standards through either the submittal of plans sufficient for a complete plan check to LADBS, consistent with LAMC §12.26-A.3 or the submittal of a complete HCA Vesting Preliminary Application prior to case filing.*<sup>4</sup> (ED 1 Guidelines p. 11.) (Emphasis added).
- Projects eligible for the ED 1 Ministerial Approval Process shall be exempt from California Environmental Quality Act (CEQA) as a ministerial project and from Site Plan Review procedures, pursuant to LAMC §16.05 (or Project Review, pursuant to LAMC §13 B.2.4, as the Site Plan Review process will be referred to after the July 2023 operative date of Chapter 1A of the new Zoning Code). In addition, no public hearings will be required, and the

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<sup>4</sup> The ED 1 Guidelines provide the following additional direction to project applicants regarding HCA vesting protections: "*Most housing projects qualify to submit an optional HCA Vesting Preliminary Application, which 'locks in' local planning and zoning rules at the time the complete application is submitted.* To initiate a request for HCA vesting rights, submit a Housing Crisis Act Vesting Preliminary Application (CP-4062) Form and the required materials through City Planning's Online Application Portal. Email Planning.HCA@lacity.org or visit City Planning's HCA implementation page (<https://planning.lacity.org/development-services/housing-crisis-act>) for more information." (ED 1 Guidelines p. 14, emphasis added.)

Administrative Compliance Letter will not be subject to appeals. (ED 1 Guidelines p. 4.)

- Pre-application referrals within the [Planning] department shall be reviewed concurrently for ED 1 projects, provided that the request for the referrals along with the applicable materials are submitted through the City Planning's Online Application System (OAS) (<https://plncts.lacity.org/oas>). City Planning *affordable housing referral forms*, Redevelopment Project referral forms, Project Planning referral forms, Historic Preservation Overlay Zone referral forms, and *Housing Crisis Act Vesting Preliminary Applications* shall be assigned to staff for review within two (2) business days of receipt of all required documents and payment of fees (when applicable). Within ten (10) business days of receiving a complete set of information, staff will either issue the applicable referrals or provide the applicant with all information required in order to issue the referrals. (ED 1 Guidelines p. 3, emphasis added.)

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#### B. City's Revision of ED 1 and Determination of Ineligibility for Processing Under ED 1

On June 12, 2023, the Mayor issued the Revised ED 1, which altered the originally issued ED 1, in relevant part, as follows (new language is shown in underline):

- Applications for 100% affordable housing projects, or for Shelter as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC) (hereinafter referred to as Shelter), shall be, and hereby are deemed exempt from discretionary review processes otherwise required by either the zoning provisions of Chapter 1 of the LAMC or other Project Review including Site Plan Review as described in LAMC Section 16.05 and LAMC Section 13B.2.4, as long as such plans do not require any zoning change, variance, or General Plan amendment, and in no instance shall the project be located in a single family or more restrictive zone. All City departments are directed to process all plans for such 100 percent affordable housing projects or Shelter using the streamlined ministerial review process currently used for projects eligible under Government Code section 65913.4, State Density Bonus law.

The Revised ED 1 was not accompanied by any explanation by the City of why these changes were being made, nor were the ED 1 Guidelines revised to reflect the

changes. Moreover, the Revised ED 1 does not contain any new or revised language addressing vested rights.

### **C. Project Application Using ED 1 and Density Bonus**

The Project involves the construction, use, and maintenance of a new three-story residential building with 78 affordable multi-family apartment units with associated parking, open space and uses ancillary to the residential use. In conformance with ED 1's affordability requirements, of the 78 units, 14 units will be reserved for Moderate Income households, 62 units will be reserved for Low Income households, one unit will be reserved for Very Low Income, and one unit will be unrestricted for a manager. The Project site is located in the Sun Valley - La Tuna Canyon ("Community Plan") area and is comprised of two lots with a total area of approximately 30,304 square feet. The Community Plan designates the Project site for Low Residential land uses and the Project site is zoned R1-1-CUGU (Suburban Zone, Height District 1). According to the Community Plan's General Plan Land Use Map, the Low Residential land use designation corresponds to the RE9, RS, R1, RU, RD6, and RD5 zones, which accommodate a range of single and multi-family residential densities ranging from one unit per lot to one unit per 5,000 square feet of lot area.

As permitted by ED 1, the Project includes a request pursuant to State density bonus law ("DBL") codified at Government Code Section ("GCS") 65915 (as amended by Assembly Bill ["AB"] 1763, AB 2334, and AB 2345) and LAMC Section 12.22.A.25 for a Ministerial Density Bonus Compliance Review to permit unlimited density for a 100 percent affordable project with up to four development incentives/concessions and waivers. Consistent with DBL as amended by AB 2334 and the ED 1 Guidelines (p. 10), the Project may utilize the Project site's "maximum allowable residential density" to establish a base density calculation. Accordingly, pursuant to the Project site's Low Residential land use designation, the Project may utilize RD5 multi-family zoning density to establish a base density of 6.06 units, which rounds up to 7 units. Further pursuant to DBL as amended by AB 1763 and AB 2334 and the ED 1 Guidelines (pp. 4, 10, and 11), a 100 percent affordable housing development project located within one half mile of a major transit stop or located within a Very Low Vehicle Mile Travel Area ("Very Low VMT Area") may achieve unlimited density, as well as four development incentives/concessions and waivers. The Site is located in a designated Very Low VMT Area *and* within ½ mile of a major transit stop as defined by CA GCS 65915. Accordingly, the Applicant proposes to utilize these DBL and State law provisions, alongside ED 1's streamlined ministerial review process, to authorize the Project's proposed density, height, floor area, reduced parking and other development characteristics.

#### **D. Applicant Consultation with City and Project Submittals in Accordance with ED 1 and the HCA**

Out of an abundance of caution and to confirm that the Project's proposed entitlement strategy would be eligible for ED 1 processing, the Applicant communicated extensively with City and DCP staff regarding the applicability of ED 1 and DBL to the Project. In the course of these communications, City and DCP staff repeatedly and consistently confirmed that these requests would be accepted for ED 1 processing. After receiving these confirmations, the Applicant made a substantial investment in the Project site and proceeded with various submittals to seek approval of the Project. However, following the Mayor's issuance of the Revised ED 1, the City abruptly informed the Applicant that the Project was no longer eligible for ED 1 processing, notwithstanding its clear State law vested rights pursuant to the HCA.

The following is a timeline of the pertinent dates:

- March 21, 2023: The Applicant submitted and paid for a HCA Preliminary Application for the Project, in accordance with the City's guidance and established procedures. The HCA Preliminary Application reflects a proposed density of 78 units and a total square footage of construction of 38,528 square feet (included in Exhibit D). Pursuant to the HCA, the Applicant's submittal and payment of fees for the HCA Preliminary Application established vesting rights for the Project against future changes in City ordinances, policies, and standards. These vesting rights would terminate if the Project's full entitlement application was not submitted to the City within 180 days of the HCA Preliminary Application filing date, or if the Project's number of units or total square footage of construction was revised by 20 percent or more. The HCA Preliminary Application also includes reference to the ED 1 request in multiple locations, including a box checked off by Planning staff.
- May 9, 2023: The Applicant received DCP approval of an Affordable Housing Referral Form reflecting the Project's proposed entitlement strategy as well as its eligibility for ED 1 processing (included in Exhibit D). This is a critical pre-application form solely designed to confirm the Project's consistency with the State DBL. The form includes detailed information regarding Project density, height and parking. This form also includes an eligibility check box indicating that the Project is eligible for ED 1.
- May 31, 2023: The Applicant submitted and paid for a 100% Building Permit Application for the Project, including coordinated engineering and

architectural plans consistent with pre-entitlement referrals described above.

- June 21, 2023: The Applicant submitted and paid all required application submittal fees for the Case Filing, which reflects a total density of 78 units and a total square footage of construction of 38,420 square feet. The Project's vesting HCA Preliminary Application was acknowledged by DCP as part of the Case Filing, as evidenced by the "VHCA" suffix in the Case Filing number. The filing plans are included in Exhibit D.
- June 12, 2023: As noted above, the Revised ED 1 was issued, prohibiting all projects located in single-family zones from utilizing ED 1's streamlined ministerial process (even if the site's land use designation permits multifamily use and density).
- July 6, 2023: DCP issued the Notice of Ineligibility (Exhibit B) to the Applicant, which states in part:
  - "Per the revised Executive Directive 1 (ED1) issued by Mayor Karen Bass on June 12, 2023, projects located in single-family or more restrictive zones cannot use the ED1 Ministerial Approval Process. This revision affects projects in the following zones: OS, A1, A2, RA, RE, RS, R1, RU, RZ, and RW1. The proposed project located at 10898, 10898 ½, 10900 W Olinda St is in the R1-1-CUGU zone and is not eligible for ED1 processing."
  - The Notice of Ineligibility goes on to state: "To discuss other project review options or to revise the Affordable Housing Referral Form for the project, please contact the Affordable Housing Services Section at [planning.priorityhousing@lacity.org](mailto:planning.priorityhousing@lacity.org), or schedule an appointment for a consultation via BuildLA. *Please be aware that modification of entitlement requests will likely require updated and/or additional application materials including environmental clearance documentation.*" (Emphasis added.)
- July 10, 2023: DCP issued a letter to the Applicant titled "Status of Project Review: Application Incomplete and Case Processing on Hold," which listed four items required to be provided or revised to proceed with the processing of the case (attached as Exhibit A). After receiving this letter, the Applicant began working on compiling the requested items. Pursuant to

the HCA, the Applicant has 90 days to submit the specific information needed to complete the application.

- September 27, 2023 the Applicant responded to the “Status of Project Review: Application Incomplete and Case Processing on Hold” Letter with revised architectural plans within the 90 day timeline.
- October 27, 2023 the city failed to respond or acknowledge receipt of the related documents within the required 30 day timeline as required under Government Code Section 65943(a): “If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency’s determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description.”
- November 17, 2023 the Applicant followed up email communication with planning staff to confirm receipt of the documents and to advise them that the case shall be deemed complete pursuant to stipulations in the HAA regarding the City’s failure to provide a written determination. The Applicant requested within 5 days a written determination of completeness.
- November 17, 2023, the City confirmed receipt of the documents.
- November 22, 2023, the City provided Exhibit F, “Letter of Non-Compliance”

To summarize, the Project submitted an HCA Preliminary Application during the effective period of the original ED 1, timely filed a full entitlement application within 180 days, has not revised the Project’s number of units or total square footage of construction by 20 percent or more, and therefore has satisfied all requirements to maintain vested rights as of the date of the HCA Preliminary Application (March 21, 2023) All this effort occurred after many discussions with City Planning Department staff and receipt of approved pre-application forms – all that confirmed and re-



confirmed the Project's eligibility for ministerial processing under ED 1. Despite these facts, the City has ignored the Project's State law vesting protections afforded by the completed HCA Preliminary Application and now refuses to process the project under ED 1. Instead, the City informed the Applicant that a different entitlement strategy must be pursued and then automatically converted the case to a discretionary process and sent an invoice requiring additional fees and materials necessary to process a discretionary case. The discretionary City Planning Commission density bonus process and the "other project review options" alluded to in the Notice of Ineligibility would all subject this 100 percent affordable housing project to discretionary and California Environmental Quality Act ("CEQA") review – substantially increasing processing time, cost and risk. The Applicant's decision to purchase the Project site and proceed with this Project was largely predicated on the expectation of ministerial and expedited processing under ED 1 with no associated discretionary or CEQA risk. The City's decision to abruptly issue the Notice of Ineligibility has now gravely threatened the Project's feasibility and viability. To ensure this outcome would not befall the Project, the Applicant intentionally filed an HCA Preliminary Application to lock in the rules and regulations in place at that time. As explained in detail below, the City cannot now conveniently choose to totally ignore State housing law's vesting protections and must grant this appeal and allow the Project's ministerial processing to continue.

## II. BASIS FOR APPEAL

### A. Government Code Section 65943(c)

As part of the HCA, Government Code Section 65943(c) provides an opportunity for appeal when an application for submittal has been determined not to be complete:

*"(c) If the application together with the submitted materials are determined not to be complete pursuant to subdivision (b), the public agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both.*

*There shall be a final written determination by the agency on the appeal not later than 60 calendar days after receipt of the applicant's written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-day period. Notwithstanding a decision*

*pursuant to subdivision (b) that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 60-day period, the application with the submitted materials shall be deemed complete for the purposes of this chapter.”*

As described in detail above, the Project’s completion of a HCA Preliminary Application and subsequent Case Filing established the Project’s vested rights, including the use of ED 1 as it existed on the date of filing the HCA Preliminary Application. Notwithstanding, the City subsequently determined that no vesting protections applied to the Project, the Project was no longer eligible to utilize ED 1 due to its location within a single-family zone, and the Case Filing application was therefore not complete and that updated and additional materials would be required to obtain entitlements to allow the Project.

The Applicant followed all City procedures, responded in a timely manner, and most importantly acted under the guidance of City employees and agents. The City’s failure to abide by State Laws, the Housing Accountability Act, and not provide responses in a timely manner shall serve as proper justification to deem this case complete.

As such, this appeal is filed in accordance with the procedure established by Government Code Section 65943(c) and must be routed to the City Council as the City’s governing body for a determination within 60 days.

### **B. Appeal Justification**

The City’s Notice of Ineligibility cites the Revised ED 1 as the justification for disallowing the Project from utilizing ED 1’s review process, but does not acknowledge nor address the Project’s HCA Preliminary Application or associated vesting protections. This action by the City represents a clear violation of the vesting protections provided by the HCA Preliminary Application filed for the Project and directly conflicts with the provisions and intent of the HAA as amended by the Housing Crisis Act of 2019 (i.e., Cal Gov. Code Section 65941.1). The City’s attempt to claim in the Second Status of Review Letter that the HCA Preliminary Application vesting only applies to the “LAMC provisions and land use plans” is a selective, overly narrow and erroneous interpretation that completely ignores the plain language of the HAA.

Specifically, the submittal of a complete HCA Preliminary Application pursuant to Government Code Section 65941.1 vests the right to develop a housing development project in accordance with the “ordinances, policies, and standards” in

effect when a HCA Preliminary Application is submitted.<sup>5</sup> The plain language of the statute makes it clear that not just ordinances or legislative actions may be vested against – other existing “policies” and “standards” promulgated by a jurisdiction may also be vested. To ensure there is no doubt regarding the breadth of those local regulations that may be vested against, the HAA specifically, intentionally and very broadly defines “ordinances, policies, and standards” to include “general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, *and any other rules, regulations, requirements, and policies of a local agency.*”<sup>6</sup> Given this statutory provision, any attempt by the City to claim that ED 1 – a formal regulation promulgated pursuant to the Mayor’s authority under the City’s Administrative Code – cannot be vested against because it is not an ordinance directly contradicts the plain statutory language and crystal clear intent of both the HCA and HAA.

To allow a jurisdiction to apply a different set of development standards to a qualified 100 percent affordable housing development project in the middle of the entitlement process would undermine the clear benefit of an HCA Preliminary Application. Further, the HAA explicitly requires that the vested right obtained through the preliminary application “shall not be construed in a manner that would lessen the restrictions imposed on a local agency, or lessen the protections afforded to a housing development project, that are established by any other law, including any other part of this section.”<sup>7</sup>

Furthermore, HCD has previously considered the issue of whether the vesting protections of a HCA Preliminary Application apply to a temporary set of circumstances, and has determined that vesting shall be maintained even when those circumstances change. Specifically, in a letter of technical assistance to this firm dated October 5, 2022, HCD determined that the submittal of a complete HCA Preliminary Application at a time that a jurisdiction does not have a compliant housing element would have the effect of vesting that jurisdiction’s noncompliant status throughout the proposed project’s entitlement process, regardless of whether the jurisdiction subsequently achieved compliance with State Housing Element Law during the entitlement process (which all jurisdictions are required to achieve).<sup>7</sup> Under this same logic, the filing of a HCA Preliminary Application for a qualifying project during the effective term of ED 1 would vest ED 1’s provisions for the entire duration of the project’s entitlement process, regardless of ED 1’s subsequent revision or

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<sup>5</sup> Government Code Section 65589.5(o)(1).

<sup>6</sup> Government Code Section 65589.5(o)(4).

<sup>7</sup> Government Code Section 65589.5(o)(5).

<sup>7</sup> HCD, October 5, 2022, Letter of Technical Assistance re: 3030 Nebraska Avenue, Santa Monica.

termination, or any claim by the City that ED 1 was of no further force or effect due to the expiration of the Mayor's Emergency Declaration.

The HAA is intended to encourage and protect housing development, and affordable housing in particular, to the greatest extent feasible, and thus it should not be construed to allow jurisdictions to weaken vested development rights for affordable housing development projects. The HAA identifies specific barriers to housing production, including ever-increasing costs of land and development fees, discrimination against low-income and minority households and shortsightedness of local agencies, among others. It has been stated that the core purpose of the HAA is to provide "reasonable certainty to all stakeholders."<sup>8</sup> The HAA even declares that "[i]t is the policy of the state that [the HAA] be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing."<sup>9</sup> In no case are these foundational HCA principles more critically important than with 100 percent affordable housing projects.

Prior to approval of any affordable housing development project, developers must invest significant costs to design and perfect project plans, analyze potential environmental impacts, and submit applications, all the while incurring hefty consultant and legal fees. To allow the City to change applicable development standards mid-way through an approval process or to claim that a previously available entitlement process was no longer valid, after the filing of a HCA Preliminary Application, would invite manipulation and inject immeasurable uncertainty into the housing development process that would be inconsistent with the clear intent of the HAA.

To be clear, we wholeheartedly applaud Mayor Bass' extraordinary efforts to address Los Angeles' affordability crisis since being recently elected to office. ED 1 has been a massive success story – streamlining and spurring the production of the most needed type of housing in the City. Our firm has seen it first hand as numerous clients have enthusiastically seized this benefit to deliver 100 percent affordable housing projects in record time. We also completely understand the reasons behind the Mayor's decision to formally amend ED 1 to *prospectively* prohibit the ministerial and streamlined processing benefits to apply to projects filed on single family zoned properties *in the future*, notwithstanding the allowances and protections afforded by the State DBL. That is a rational and understandable policy decision, and unquestionably within the Mayor's authority. Our only issue and concern is ensuring

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<sup>8</sup> *CaRLA v. City of San Mateo* (2021) 68 Cal App.5th 820, 842 [quoting Assem., 3d reading analysis of Assem. Bill No. 1515, as amended May 1, 2017, p. 2].

<sup>9</sup> Government Code Section 65589.5(f)(1).

that applicants who filed timely applications under the prior ED 1 (an official City regulatory order) and obtained a legal vested right under the HCA to proceed under the terms of that prior order do not have their investments completely upended and their projects substantially delayed and put at risk given the uncertainties and risks inherent in the discretionary review process.

For the above reasons and given the HAA's clear purpose of maximizing the production of housing, including the affordable housing so desperately needed in the City, the City's move to terminate the processing of this Project represents a clear violation of the HAA. We respectfully request that the City grant the appeal, reinstate the processing of the Project's Case Filing, deem the case complete, and grant approval of the Project pursuant to the streamlined review procedures of ED 1.

---

Sincerely,

A handwritten signature in black ink, reading "Jeff Zbikowski". The signature is fluid and cursive, with the first name "Jeff" and last name "Zbikowski" clearly legible.

Jeff Zbikowski  
JZ Development LLC

Attachments

- Exhibit A – Status of Project Review
- Exhibit B – Notice of Ineligibility
- Exhibit C – Second Status of Project Review
- Exhibit D – Project Documents
- Exhibit E- Applicant's Responses to Status of Project Review
- Exhibit F – Letter of Non-Compliance



**DEPARTMENT OF  
CITY PLANNING**

COMMISSION OFFICE  
(213) 978-1300

CITY PLANNING COMMISSION

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**CITY OF LOS ANGELES  
CALIFORNIA**



KAREN BASS  
MAYOR

**EXECUTIVE OFFICES**

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

VINCENT P. BERTONI, AICP  
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LISA M. WEBBER, AICP  
DEPUTY DIRECTOR

July 6, 2023

**Applicant/Owner**

MAMBA 24 LLC  
4043 Irving Place  
Culver City, CA 90232

**Representative**

Jeff Zbikowski  
JZ DEVELOPMENT LLC  
4043 Irving Place  
Culver City, CA 90232

**Case No.** ADM-2023-4205-DB-ED1-VHCA

**Related Case:** PAR-2023-2458-AHRF-ED1

**CEQA:** None

**Location:** 10898, 10898 1/2, 10900  
W OLINDA ST

**Council District:** 6

**Neighborhood Council:** Sun Valley Area

**Community Plan Area:** Sun Valley - La Tuna Canyon

**Overlay Plan:** None

**Land Use Designation:** Low Residential

**Zone:** R1-1-CUGU

**Legal Description:** Lot PT 7, Arbs 1 & 2, Block 29,  
Tract LOS ANGELES LAND  
AND WATER CO'S  
SUBDIVISION OF A PART OF  
MACLAY RANCHO

Per the revised Executive Directive 1 ([ED1](#)) issued by Mayor Karen Bass on June 12, 2023, projects located in single-family or more restrictive zones cannot use the ED1 Ministerial Approval Process. This revision affects projects in the following zones: OS, A1, A2, RA, RE, RS, R1, RU, RZ, and RW1. The proposed project located at 10898, 10898 1/2, and 10900 West Olinda Street is in the R1-1-CUGU zone and is not eligible for ED1 processing. However, there are other entitlement options available for your project to be considered for approval, none of which require a legislative act (e.g. General Plan Amendment or Zone Change). To discuss other project review options or to revise the Affordable Housing Referral Form for the project, please contact the Affordable Housing Services Section at [planning.priorityhousing@lacity.org](mailto:planning.priorityhousing@lacity.org), or schedule an appointment for a consultation via [BuildLA](#). Please be aware that modification of entitlement requests will likely require updated and/or additional application materials including environmental clearance documentation. If you have questions related to the status of your case, please contact Principal City Planner Blake Lamb at (818) 374-9914 or [blake.lamb@lacity.org](mailto:blake.lamb@lacity.org) for questions regarding this matter.

Lisa M. Webber, AICP  
Deputy Director

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LISA M. WEBBER, AICP  
DEPUTY DIRECTOR

July 10, 2023

*Transmitted via email*

**Applicant/Owner**

MAMBA 24 LLC  
4043 Irving Place  
Culver City, CA 90232

**Representative**

Jeff Zbikowski  
JZ DEVELOPMENT LLC  
4043 Irving Place  
Culver City, CA 90232

**Case No.** ADM-2023-4205-DB-ED1-VHCA

**Related Case:** PAR-2023-2458-AHRF-ED1

**CEQA:** None

**Location:** 10898, 10898 1/2, 10900  
W OLINDA ST

**Council District:** 6

**Neighborhood Council:** Sun Valley Area

**Community Plan Area:** Sun Valley - La Tuna  
Canyon

**Overlay Plan:** None

**Land Use Designation:** Low Residential

**Zone:** R1-1-CUGU

**Legal Description:** Lot PT 7, Arbs 1 & 2, Block  
29, Tract LOS ANGELES  
LAND AND WATER CO'S  
SUBDIVISION OF A PART  
OF MACLAY RANCHO

**Status of Project Review: Application Incomplete and Case Processing on Hold**

This is to advise you that the above referenced case, filed on June 21, 2023, associated with revised plans dated June 15, 2023, was submitted to the Department of City Planning Development Services Center and forwarded to the Valley Project Planning Division for review on June 21, 2023.

I am your assigned Project Planner. During the review and processing of your case, the Department requests that you clarify, amplify, correct, or otherwise supplement the information provided for the application in accordance with Government Code Section 65944 of the California Government Code.



□	Item for Correction	Correction Required	Date Corrected	Initials of Approval
<b>For Case No. ADM-2023-4205-DB-ED1-VHCA</b>				
1	Environmental Assessment Form (EAF)	<p>Please review and complete an <a href="#">Environmental Assessment Form</a> (EAF) per CP-1204, including any required supplemental documents as illustrated on page 17 of the EAF.</p> <p>Please work with <a href="#">the Los Angeles City Planning Development Services Center</a> in order to process the EAF, including any subject fees, and any other required materials or studies needed to supplement your case.</p>		
2	Updated AHRF Application	<p>Review of your Affordable Housing Referral Form shows inconsistencies between revised plans stamped June 29, 2023.</p> <ul style="list-style-type: none"> <li>- Affordable Housing Referral Form (signed 5/9/2023) lists: <ul style="list-style-type: none"> <li>o 1 Very Low Income,</li> <li>o 62 Low Income</li> <li>o 15 Moderate Income,</li> </ul> </li> <li>- Project Plans title sheet G0001 proposes: <ul style="list-style-type: none"> <li>o <b><u>0 Very Low Income,</u></b></li> <li>o 62 Low Income</li> <li>o 15 Moderate Income.</li> </ul> </li> </ul> <p>Please provide updated materials to reflect consistent information across all forms, documents, and proposed plans.</p>		
3	Project Plans	<p>On June 29, 2023, you provided a signed Preliminary Zoning Assessment, along with a new set of plans (stamp dated by Los Angeles Building and Safety dated for June 29, 2023), which superseded the previous set.</p> <p>Review of your application materials and entitlement set dated June 29, 2023 is missing the following sheet(s):</p> <ul style="list-style-type: none"> <li>- Landscape Plan(s)</li> </ul> <p>Please provide landscape plans.</p>		

<input type="checkbox"/>	Item for Correction	Correction Required	Date Corrected	Initials of Approval
4	Entitlement Prefix & Suffix	Please contact and work with <a href="#">the Los Angeles City Planning Development Services Center</a> supervisors to convert your previous case number from ADM-2023-4205-DB-ED1-VHCA, to CPC-2023-4205-DB-VHCA.		

The above is necessary in order to continue the processing of your case. It is the intent of the Department to carry out the project review process in a timely manner and therefore request that you provide the information within **30 days** of the date of this letter. In the event that all of the requested materials are not provided at that date, the Department may initiate termination of the case file after subsequent outreach to you. Please note, additional requests for information or material may be made subsequent to this letter.

*Dang Nguyen*

---

Dang Nguyen, City Planner  
Valley Project Planning  
Department of City Planning  
6262 Van Nuys Blvd, Rm 430  
Van Nuys, CA 91401  
Phone: 818-374-5027  
E-mail: dang.nguyen@lacity.org

**Applicant Copy**

Office: Downtown

Application Invoice No: 89959



\*6800189959\*

City of Los Angeles  
Department of City Planning**City Planning Request**

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please the assigned planner, please visit <https://planning.lacity.org/pdiscaseinfo/> and enter the Case Number.

Invoice is valid for 5 days, payment must be received by 08/09/2023. For appeal cases, your appeal is not valid unless the payment is received prior to 4:30PM on the last day of the appeal period.

Applicant: Jeff Zbikowski (MAMBA 24 LLC)
Representative:
Project Address: 10898 W OLINDA ST, 91352

NOTES: Not ED1 eligible; Conversion from the prior case number ADM-2023-4205-DB-VHCA-ED1 to CPC-2023-4205-DB-PHP-VHCA

CPC-2023-4205-DB-PHP-VHCA			
Item	Fee	%	Charged Fee
Application for Density Bonus including a request for an Incentive not included in the Menu of Incentives	\$24,349.00	100 %	\$24,349.00
<b>Case Total</b>			<b>\$24,349.00</b>
ENV-2023-5356-EAF			
Item	Fee	%	Charged Fee
EAF-Initial Study to ND/MND	\$6,911.00	100 %	\$6,911.00
Publication Fee for ND/MND	\$1,700.00	100 %	\$1,700.00
<b>Case Total</b>			<b>\$8,611.00</b>
* Fees Subject to Surcharges			\$31,260.00
Fees Not Subject to Surcharges			\$1,700.00
Plan & Land Use Fees Total			\$0.00
Expediting Fee			\$0.00
Development Services Center Surcharge (3%)			\$937.80
City Planning Systems Development Surcharge (6%)			\$1,875.60
Operating Surcharge (7%)			\$2,188.20
General Plan Maintenance Surcharge (7%)			\$2,188.20
CREDIT INFORMATION			
INVOICE 88931 – ADM-2023-4205-DB-ED1-VHCA			
Item	Fee	%	Charged Fee
Administrative Review - Major	\$(3,978.00)	100 %	\$(3,978.00)
<b>Case Total</b>			<b>\$(3,978.00)</b>
Development Services Center Surcharge (3%)			\$(119.34)
City Planning Systems Development Surcharge (6%)			\$(238.68)
Operating Surcharge (7%)			\$(278.46)
General Plan Maintenance Surcharge (7%)			\$(278.46)

* Fees Subject to Surcharges	\$27,282.00
Fees Not Subject to Surcharges	\$1,700.00
Plan & Land Use Fees Total	\$0.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$818.46
City Planning Systems Dev. Surcharge (6%)	\$1,636.92
Operating Surcharge (7%)	\$1,909.74
General Plan Maintenance Surcharge (7%)	\$1,909.74
Grand Total	\$40,149.80
Total to be Credited	\$(4,892.94)
Total Overpayment Amount	\$0.00
Total to be Paid (amount must equal sum of all checks)	\$35,256.86

Council District: 6  
Plan Area: Sun Valley - La Tuna Canyon  
Processed by NOAH MCCOY on 8/4/2023

Signature: 

**DEPARTMENT OF  
CITY PLANNING**

COMMISSION OFFICE  
(213) 978-1300

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DEPUTY DIRECTOR

July 10, 2023

*Transmitted via email*

**Applicant/Owner**

MAMBA 24 LLC  
4043 Irving Place  
Culver City, CA 90232

**Representative**

Jeff Zbikowski  
JZ DEVELOPMENT LLC  
4043 Irving Place  
Culver City, CA 90232

**Case No.** ADM-2023-4205-DB-ED1-VHCA

**Related Case:** PAR-2023-2458-AHRF-ED1

**CEQA:** None

**Location:** 10898, 10898 1/2, 10900  
W OLINDA ST

**Council District:** 6

**Neighborhood Council:** Sun Valley Area

**Community Plan Area:** Sun Valley - La Tuna  
Canyon

**Overlay Plan:** None

**Land Use Designation:** Low Residential

**Zone:** R1-1-CUGU

**Legal Description:** Lot PT 7, Arbs 1 & 2, Block  
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2	Updated AHRF Application	<p>Review of your Affordable Housing Referral Form shows inconsistencies between revised plans stamped June 29, 2023.</p> <ul style="list-style-type: none"> <li>- Affordable Housing Referral Form (signed 5/9/2023) lists: <ul style="list-style-type: none"> <li>o 1 Very Low Income,</li> <li>o 62 Low Income</li> <li>o 15 Moderate Income,</li> </ul> </li> <li>- Project Plans title sheet G0001 proposes: <ul style="list-style-type: none"> <li>o <b>0 Very Low Income,</b></li> <li>o 62 Low Income</li> <li>o 15 Moderate Income.</li> </ul> </li> </ul> <p>Please provide updated materials to reflect consistent information across all forms, documents, and proposed plans.</p>		
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<input type="checkbox"/>	Item for Correction	Correction Required	Date Corrected	Initials of Approval
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The above is necessary in order to continue the processing of your case. It is the intent of the Department to carry out the project review process in a timely manner and therefore request that you provide the information within **30 days** of the date of this letter. In the event that all of the requested materials are not provided at that date, the Department may initiate termination of the case file after subsequent outreach to you. Please note, additional requests for information or material may be made subsequent to this letter.

*Dang Nguyen*

---

Dang Nguyen, City Planner  
Valley Project Planning  
Department of City Planning  
6262 Van Nuys Blvd, Rm 430  
Van Nuys, CA 91401  
Phone: 818-374-5027  
E-mail: dang.nguyen@lacity.org

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LISA M. WEBBER, AICP  
DEPUTY DIRECTOR

November 22, 2023

*Transmitted via email*

**Applicant/Owner**

MAMBA 24 LLC  
4043 Irving Place  
Culver City, CA 90232

**Representative**

Jeff Zbikowski  
JZ DEVELOPMENT LLC  
4043 Irving Place  
Culver City, CA 90232

**Updated Case No.** CPC-2023-4205-DB-PHP-VHCA

**Previous Case No.** ADM-2023-4205-DB-ED1-VHCA

**Related Case:** PAR-2023-1937-VHCA-ED1  
PAR-2023-2458-AHRF-ED1

**CEQA:** ENV-2023-5356-EAF  
**Location:** 10898, 10898 1/2, 10900  
W OLINDA ST

**Council District:** 6  
**Neighborhood Council:** Sun Valley Area  
**Community Plan Area:** Sun Valley - La Tuna Canyon  
**Overlay Plan:** None  
**Land Use Designation:** Low Residential  
**Zone:** R1-1-CUGU

**Legal Description:** Lot PT 7, Arbs 1 & 2, Block 29, Tract LOS ANGELES LAND AND WATER CO'S SUBDIVISION OF A PART OF MACLAY RANCHO

**Letter of Non-Compliance**

On June 21, 2023, the applicant filed Case No. ADM-2023-4205-DB-ED1-VHCA for a 100% affordable (exclusive of the manager's unit) 78-unit multiple family housing project. The Applicant sought a ministerial density bonus under the Mayor's Executive Directive 1 (ED1) and LAMC Section 12.22 A.25 in conjunction with California Assembly Bills AB2345 and AB1763 with base incentives for unlimited density, zero parking, additional height, and additional off-menu incentives for rear yard reduction, front yard reduction, residential floor area increase, reduction of bicycle parking and five waivers of development standards to eliminate R-1 side yard plane break, surface parking landscape requirements, tree planting requirements, front yard encroachment plane, and to allow compact parking to count towards the total provided parking. The project sought to utilize the highest density allowed under the Low Residential General Plan Land Use Designation of the Sun Valley – La Tuna Canyon Community Plan (RD5 Zone) area utilizing AB2334 and AB1763.



On August 4, 2023, ADM-2023-4205-DB-ED1-VHCA was converted to CPC-2023-4205-DB-ED1-VHCA; the new case number reflects: 1) the project does not qualify for ED1 processing by removal of the ED1 suffix; 2) a change from an administrative review process originally indicated by the "ADM" prefix, to a City Planning Commission review process based on the procedures specified in LAMC 12.22 A.25 for off-menu density bonus incentives and waivers, as specified by the new "CPC" prefix; 3) a density bonus under State law was pursued under the ADM case number and is also being pursued under the CPC case number by the suffix "DB"; 4) a new Priority Housing Program (PHP) suffix to denote that the project qualifies for PHP by providing at least 10 units and for setting aside at least 20 percent of rental units for Low Income households.; and 5) the project remains vested in the LAMC provisions and land use plans in effect on the date of your complete Preliminary Application by carrying over the "VHCA" suffix to the CPC case number. The project application was deemed complete on October 27, 2023, by operation of law, in accordance with the Permit Streamlining Act.

Government Code Section 65944 states that local agencies may, "...in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.....". In order to correctly process your application, the following information is required in order to clarify, amplify, correct and supplement the information provided previously. In addition, Government Code Section 65589.5(j)(2)(a) states the following:

(A) If the local agency considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision as specified in this subdivision, it shall provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity as follows:

(i) Within 30 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains 150 or fewer housing units

In accordance with GC Section 65589.5(j)(2)(a) the Department of City Planning finds that the project is inconsistent and not in compliance with the following provisions of the Zoning Code, as determined through the preliminary zoning review process:

#### **DENSITY/USE**

The proposed project includes a 100% affordable 78-unit multiple family (exclusive of the manager's unit) project located within the R1 Zone, a single-family zone, located within the Sun Valley – La Tuna Canyon Community Plan. In accordance with LAMC Section 12.08, the permitted residential density of the R1 Zone is one dwelling unit per 5,000 square feet of lot area. The subject property has approximately 30,304 square feet of lot area, which allows for a maximum of 6 units. The project proposes a 1200% unit increase for a total of 78 multiple family units and is not compliance with the use nor density of R1 Zone.

Pursuant to LAMC Section 12.22 A.25 for density bonus incentives and waivers, the project is seeking to utilize California State Assembly Bill AB2334 to request the RD5 Zone, which is the highest available density allowed under the site's General Plan Land Use designation of Low-Residential in the Sun Valley – La Tuna Canyon Community Plan Area.

**RESIDENTIAL FLOOR AREA (RFA)**

In accordance with 12.08 C.5, the permitted RFA in the R1-1 Zone is 45% of the gross lot area. The subject property has approximately 30,304 square feet of lot area, which allows for 13,636 square feet of RFA. The project proposes an RFA of 35,041 square feet of residential floor area and is not in compliance with 12.08 C.5. The Applicant is seeking an LAMC Section 12.22 A.25 off-menu incentive to increase the RFA by 257% from 13,636 to 35,041 square feet.

**SETBACKS / ENCROACHMENT PLANE**

In accordance with LAMC Section 12.08, properties within the R1 Zones have setback requirements of 20 feet, and a rear yard setback requirement of 15 feet minimum. Additionally, all portions of a building that have a side wall exceeding 14 feet in height and a continuous length greater than 45 feet shall have an offset/plane break that is a minimum depth of five feet beyond the required yard and a minimum length of 10 feet.

**FRONT-YARD SETBACK AND ENCROACHMENT PLANE**

In accordance with Section 12.08 C.1, front yard setbacks within the R1 Zone shall maintain a 20-foot setback. The project proposes a 3-foot front-yard setback and is not in compliance with Section 12.08 C.1. The project seeks an off-menu density bonus incentive to obtain an 85% front-yard reduction.

In accordance with LAMC Section 12.08 C.5, the encroachment plane shall originate from a point that is 20 feet in height from the existing or finished grade, whichever is lower, along the required front yard setbacks. The Project does not provide any front-yard encroachment plane breaks and is not in compliance with 12.08 C.5, and seeks a Density Bonus with Waiver of Development Standard for relief of front-yard encroachment plane break within the R1-1 Zone.

**SIDE-YARD SETBACK AND ENCROACHMENT PLANE**

Section 12.08 C.5 regulates requirements for side-yard encroachment plane breaks. In accordance with LAMC Section 12.08 C.5, the encroachment plane shall originate from a point that is 20 feet in height from the existing or finished grade, whichever is lower, along the required side yard setbacks. The project does not provide encroachment plane breaks within the southwest side yard setbacks is not in compliance with 12.08 C.5. The project seeks Density Bonus with Waiver of Development Standard for relief of side-yard encroachment plane break within the R1-1 Zone.

**REAR-YARD SETBACKS**

In accordance with LAMC Section 12.08 C.3, rear-yard setbacks within the R1 Zone require a 15-foot setback. The project proposes a 12-foot rear-yard setback and is not in compliance with LAMC Section 12.08 C.3. The project seeks an on-menu density bonus incentive for a 20% rear-yard reduction.

## **PARKING**

Pursuant to the LAMC Section 12.21 A.4, vehicular parking for the residential units is required at a rate of 1.5 space for each studio, or one-bedroom unit and 2 spaces for each two-bedroom unit; therefore, the Project would be required to provide a minimum of 121 parking spaces for the residential units. The project proposes 40 parking spaces, and is not in compliance with LAMC Section 12.21 A.4.

The applicant is seeking, as a base incentive, Parking Option 3 per the Affordable Housing Referral Form (dated May 9, 2023) which utilizes AB 2345 for 100% affordable housing developments to propose no minimum parking requirements for a qualifying housing development that is located within 0.5 miles of a Major Transit Stop. The applicant is also asking for a waiver to provide 65% compact parking.

## **BICYCLE PARKING**

Pursuant to the LAMC Section 12.21 A.16, bicycle parking for the residential units is required at a rate of one long-term space for each dwelling unit up to 25 units and at a rate of 2/3 long-term spaces for units 26-78. Additionally, one short-term space for each ten dwelling units up to 25 units and at a rate of one short-term space for each fifteen units 26-78. The total required bicycle would be 60 long-term and 6 short-term spaces for a total of 66 bicycle parking spaces.

The project proposes zero long-term bicycle parking and 6 short term bicycle parking and is not in compliance with LAMC Section 12.21 A.16. The project seeks an off-menu density bonus incentive request to allow zero long-term bicycle parking and is seeking a 100% reduction of long term bicycle parking requirements.

## **OPEN SPACE / LANDSCAPE**

Pursuant to LAMC Section 12.21 G.2, there shall be 100 square feet of open space provided for each residential unit having less than three habitable rooms and 125 square feet of open space provided for each residential unit having three habitable rooms. The Project consist of 31 studio units, 40 one-bedroom units, and 7 two-bedroom units, and is required to include 7,975 square feet of open space (3,987.5 square feet of common open space, and 3,987.5 square feet of private open space). The Project proposes 1,100 square feet of open space and is not in compliance with LAMC Section 12.21 G.2. The Applicant is seeking an off-menu density bonus incentive to reduce required open space by 86.2%. In addition, the Applicant is also seeking a Density Bonus with Waiver of Development Standard for tree requirements, and Density Bonus with Waiver of Development Standard for any required surface parking landscape requirements.

## **PROJECT DEFICIENCIES**

On July 6, 2023, a letter was issued stating that the Project does not qualify for ED1 processing based on its location in a single-family zone. On August 4, 2023, the Department of City Planning emailed a Second Status of Project Review Letter to the applicant. As part of this letter, the originally filed ADM-2023-4205-DB-ED1-VHCA was considered converted to CPC-2023-4205-DB-PHP-VHCA as of July 6, 2023. This letter included instructions to provide materials for an Environmental Assessment Form (EAF) per CP-1204, including any required supplemental documents as illustrated on page 17 of the EAF, along with invoicing for the entitlement path associated with the CPC case number & EAF per Invoice Number 88959. This letter also requested previously identified missing information, and to provide further clarification, amplification, correction, and/or supplementation with the submitted materials to the first Status of Project Review Letter sent on July 10, 2023.

On September 27, 2023, the applicant issued a response to the First Status of Project Review issued on July 10, 2023, that did not provide all missing or incomplete information listed in both letters of Status of Project Review dated July 10, 2023 and August 4, 2023, respectively. This includes missing CEQA documents to satisfy the Environmental Assessment Form application including all the required supplemental documents to accompany the EAF application, along with the outstanding balance left for pending Invoice Number 88959 for the entitlement path associated with the CPC-2023-4205-DB-PHP-VHCA case number and the associated EAF.

It is the intent of the Department to process this case in a timely manner. Please provide the clarification requested within 30 days of receipt of this correspondence. We are also available to discuss the project via telephone or video conference.

If you have any questions regarding this matter, please contact Dang Nguyen at (818) 374-5027 or at [dang.nguyen@lacity.org](mailto:dang.nguyen@lacity.org).

VINCENT P. BERTONI, AICP  
Director of Planning

For Dang Nguyen



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Dang Nguyen, City Planner  
Valley Project Planning  
Department of City Planning  
6262 Van Nuys Blvd, Rm 430  
Van Nuys, CA 91401  
Phone: 818-374-5027  
E-mail: [dang.nguyen@lacity.org](mailto:dang.nguyen@lacity.org)

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