



DEPARTMENT OF CITY PLANNING
APPEAL RECOMMENDATION REPORT
TO CITY COUNCIL

Date:	August 26, 2021	Case No.:	CF 21-0808
Hearing Date:	August 31, 2021	CEQA No.:	N/A
Time:	After 2:00 P.M.	Related Cases:	N/A
Public Hearing:	Required	Council No.:	3 – Blumenfield
Appeal Status:	Not further appealable	Plan Area:	Canoga Park - Winnetka - Woodland Hills - West Hills
Expiration Date:	September 5, 2021		
Multiple Approval:	No		
		Specific Plan:	Ventura Cahuenga Boulevard Corridor
		Certified NC:	Woodland Hills – Warner Center
		GPLU:	Limited Commercial
		Zone:	RA-1
		Applicant:	Janet Jha
		Representative:	Akhilesh Jha
		Appellant:	Janet Jha
		Representative:	Akhilesh Jha

PROJECT LOCATION: 5353 Del Moreno Drive

PROPOSED PROJECT: City Planning application for a proposed 67-unit, mixed-use, Density Bonus project.

REQUEST: Appeal pursuant to Government Code Section 65943 of City Planning's determination that the application cannot be accepted for entitlement filing purposes.

RECOMMENDED ACTIONS:

1. **Deny** the appeal and **Sustain** the Department of City Planning's (City Planning's) determination that the application cannot be accepted for entitlement filing purposes; and,
2. **Adopt** the rationale and staff responses in the attached Appeal Report.

VINCENT P. BERTONI, AICP
Director of Planning

Maya E. Zaitzevsky

Maya Zaitzevsky, Principal City Planner

Sarah Molina Pearson

Sarah Molina Pearson, Senior City Planner

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APPEAL REPORT

BACKGROUND

The Appellant is challenging City Planning's determination that the Appellant's project application cannot be accepted for entitlement filing purposes or determined to be complete. The Appellant attempted to file a City Planning application for a proposed Density Bonus project located at 5353 Del Moreno Drive located in the RA-1 Zone with a Limited Commercial Land use designation. The application was not accepted for filing and was not determined to be complete because: 1) it lacks filing requirements such as a completed Geographic Project Planning Referral Form signed by City Planning staff and a completed Affordable Housing Referral Form signed by City Planning staff; and 2) the project entitlement path is incorrect in that the site zoning and land use designation are consistent and do not allow the multi-family residential and commercial uses proposed by the Applicant. These points are explained more fully below. On July 8, 2021, City Planning received an appeal under Government Code Section 65943(c) regarding these filing actions. The appeal was filed by Akhilesh Jha acting as the representative for the Appellant, Janet Jha.

Project Description

The Appellant's project application proposes to disregard the density associated with the site's zoning, and instead utilize the density permitted by the Limited Commercial land use designation for the construction, use and maintenance of a Density Bonus project to include one commercial unit and 67 residential dwelling units, including 7 units designated for very low-income households.

Location and Setting

The Project Site is in the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan area of the City of Los Angeles (City). The Project Site is zoned RA-1 with a Limited Commercial land use. The RA (Suburban) Zone is subject to the regulations in Los Angeles Municipal Code (LAMC) Section 12.07 that permits a single-family dwelling, limited agricultural uses, truck gardening and nurseries, backyard beekeeping, and home occupations. A two-family dwelling may be permitted on a RA zoned lot which has a side lot line adjoining a lot in a commercial or industrial zone, if the lot complies with the requirements of LAMC Section 12.07.A(8)(a) and (b). The subject 16,807 square-foot Project Site does not have the minimum 20,000 square-foot lot area to permit a two-family dwelling. The Project Site is developed with a single-family dwelling. The Project Site is irregular shaped and relatively flat with limited ornamental landscaping that includes several mature trees. The approximate 0.4-acre Project Site is located along Del Moreno Drive to the south and is adjacent to other lots to the north, east and west. Major arterials providing regional access to the Project Site include Ventura Boulevard and Winnetka Avenue.

Adjacent Uses

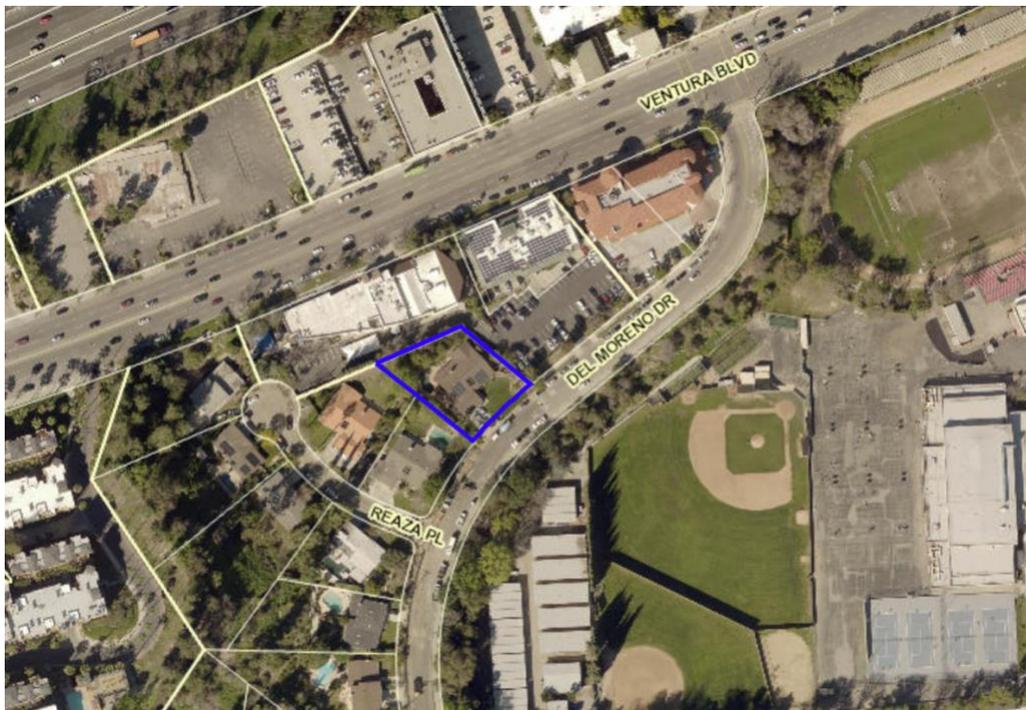
- North: The lot immediately adjacent to the north of the Project Site is zoned (Q)CR-1 and RA-1 and is developed with a church and associated parking lot. Other lots to the north are zoned RA-1, RA-1VLD and (Q)CR-1VLD and are developed with a single-family dwelling and office buildings with associated parking lots. Further north, across Ventura Boulevard, lots are zoned (Q)C4-1LD, C2-1LD, A1-1LD and P-1LD and are developed with three-story commercial office buildings with associated parking areas.
- West: The lots immediately adjacent to the west of the Project Site are zoned RA-1 and developed with single-family dwellings. Further west, across Reaza Place, lots are zoned RA-1 and (Q)C-1VLD developed with single-family dwellings and multi-family residential buildings.

- South: The large lot across Del Moreno Drive to the south/southeast is zoned PF-1XL is developed with Ivy Academia Charter School and Taft High School with associated parking and sports fields.
- East: The lot immediately adjacent to the east of the Project Site is zoned (Q)P-1 and RA-1 and is developed with a surface parking lot for the associated office building.

ZIMAS Generalized Zoning Map



ZIMAS Aerial Photo (2017)



Chronology of Correspondence

All correspondence listed below were between City Planning staff and Akhilesh Jha, the Appellant's Representative, and are attached in Exhibit C.

- May 19, 2020 – The Appellant's Representative initiated a request for vesting with City Planning Case Management to file a SB 330 Preliminary Application, pursuant to Government Code Section 65941.1, via email.
- May 22, 2020 – The invoice to process the SB 330 Preliminary Application was sent to the Appellant's Representative via email by Planning staff from Case Management.
- May 29, 2020 – The invoice to process the SB 330 Preliminary Application was paid by the Appellant's Representative.
- June 8, 2020 – Planning staff from Case Management emailed the Appellant's Representative advising that the proposed project would not be eligible to use Density Bonus because Density Bonus law requires a minimum of 5 base residential units, whereas the Project Site's RA zone only allows for one residential unit, and that the SB 330 Preliminary Application was incomplete due to inaccurate statements on the application regarding the proposed entitlement path. The Appellant's Representative was referred to the Housing Services Unit to request an Affordable Housing Referral Form (AHRF) and to verify the appropriate entitlement path.
- June 11, 2020 – Planning staff from Case Management provided instruction via email to the Appellant's Representative that a signed AHRF is required as a part of the City Planning application.
- July 20, 2020 – Planning staff from Case Management spoke with the Appellant's Representative by phone and reiterated direction regarding the SB 330 Preliminary Application.
- August 7, 2020 – The Appellant's Representative was contacted by Planning staff from Case Management via email reiterating that the SB 330 Preliminary Application was incomplete because it contains inaccurate information, that the project requires a zone change, and additional contact information was provided.
- August 10, 2020 - Planning staff from Case Management spoke with the Appellant's Representative by phone and explained that the existing Limited Commercial land use and the existing RA zone are consistent and that the community plan map footnote and community plan text substantiate the consistency. Planning staff also offered to discuss other viable options that could be pursued.
- August 11, 2020 – The Appellant's Representative initiated contact with the Metro Public Counter via email. A virtual appointment was scheduled with Planning staff from the Metro Public Counter for August 17, 2020.
- August 11, 2020 - Planning staff from Case Management contacted the Appellant's Representative via email to explain again that the Limited Commercial land use and the RA zone are consistent. Planning staff offered to help explore other options, including a Senate Bill 35 (SB 35) project under Government Code Section 65913.4.
- August 17, 2020 - The Appellant's Representative submitted an AHRF and set of architectural plans to the Housing Services Unit via email. Planning staff from Housing Services Unit did not send the Appellant's Representative an invoice for payment because the proposed preliminary application was deemed inaccurate for several reasons.

- August 18, 2020 – The Applicant submitted physical documents for application filing to City Planning Metro Public Counter offices located at 201 Figueroa.
- August 21, 2020 – Planning staff reviewed the documents submitted to the Metro Public Counter. Planning staff from the Metro Public Counter notified the Appellant's Representative via email that a zone change would be required before the proposed Density Bonus project could be filed and that required documents were missing including, the Geographic Project Planning Referral Form (GPPRF) and Affordable Housing Referral Form (AHRF). The Appellant's Representative was also asked to retrieve his documents from City Planning.
- August 21, 2020 – The Appellant's Representative made his first contact with the Ventura Cahuenga Boulevard Corridor Specific Plan Planning staff regarding submittal of a GPPRF. Planning staff provided corrections to the Appellant's Representative via email and asked him to provide a proposed plan and Planning Application.
- August 26, 2020 – Planning staff from the Housing Services Unit contacted the Appellant's Representative via email to again let him know that the project site is not eligible for a Density Bonus project because the site is zoned for single-family uses, and does not allow the multi-family uses required for a density bonus project, therefore an invoice for payment of Preliminary Application fees would not be issued.
- August 26, 2020 – Planning staff from Case Management contacted the Appellant's Representative via email and reiterated that he could not seek a density bonus project on his RA zoned lot, therefore City Planning could not issue an AHRF.
- August 28, 2020 - Planning staff the Metro Public Counter notified the Appellant's Representative via email that City Planning upper management would review his request to proceed with a Density Bonus Project.
- September 15, 2020 – City Planning staff from the Metro Public Counter provided a City Planning memo dated September 15, 2020, regarding SB 35 projects being allowed to use the maximum density permitted by the land use designation or zone. The memo was provided to the Appellant's Representative to further clarify why SB 35 projects may use the maximum density via email along with a courtesy Primary Checklist form outlining the outstanding items needed for filing an application.
- September 30, 2020 - Planning staff from Case Management notified the Appellant's Representative via phone to explain again that a possible path forward to utilizing the land use density would be to utilize SB 35 because the City has determined that there is not an inconsistency between the project site's Limited Commercial land use and the RA zone.
- December 23, 2020 – Planning staff from the Ventura Cahuenga Boulevard Corridor SP provided assistance to the Appellant's Representative via email regarding his GPPRF.
- January 1, 2021 – The Appellant's Representative submitted a revised SB 330 Preliminary Application to City Planning Case Management via email. The project was revised to include ground floor commercial and related parking.
- January 21, 2021 – The Appellant's Representative submitted a revised GPPRF to City Planning Ventura Cahuenga Boulevard Corridor SP staff via email.
- January 21, 2021 - The Appellant's Representative submitted a revised AHRF to City Planning Housing Services Unit via email. Planning staff informed the Appellant's Representative via email that his proposed project was not viable for two major reasons; the RA zone does not

allow multi-family residential or commercial uses and the City of Los Angeles is not subject to the 50% density increase provision in Assembly Bill 2345 (AB 2345), Government Code Section 65915(s). Planning staff reminded the Appellant's Representative that they had previously been informed about these restrictions on several occasions.

- January 21, 2021 – The Appellant's Representative submitted a Preliminary Zoning Assessment (PZA) to City Planning Case Management via email.
- January 21, 2021 – The Appellant's Representative emailed Planning staff at the Metro Public Counter a photograph of documents he dropped off in the building lobby.
- January 22, 2021 – Planning staff from Case Management provided the Appellant's Representative an invoice to pay fees for the revised SB 330 Preliminary Application that was submitted on January 1, 2021.
- January 23, 2021 – The Appellant's Representative paid the City Planning invoice for the SB 330 Preliminary Application.
- January 25, 2021 – Planning staff from the Ventura Cahuenga Boulevard Corridor SP contacted the Appellant's Representative via email and advised again that the project is not in conformance with the Ventura Cahuenga Boulevard Corridor Specific Plan. Planning staff advised the following: the project site's RA zone does not allow commercial uses, setbacks should be based on the RA zone with a minimum front yard setback of 18 inches, the specific plan limits the floor area ratio (FAR) to 1:1, the maximum lot coverage is 60%, and the specific plan limits height to 30 feet. Planning staff advised the Appellant's Representative to schedule consultation with Planning staff from the Housing Services Unit for a possible SB 35 project.
- January 27, 2021 – Planning staff from Case Management provided comments via email on the revised SB 330 Preliminary Application that would need to be updated (clarification of residential and non-residential building area, clarification on building material types, and a California Building Code Building Area diagram and calculation table). Given the passage of Senate Bill 1030 (SB 1030) in October 2020, the Appellant's Representative was advised that the revised SB 330 Preliminary Application would be processed so long as the requested revisions were made because the Preliminary Application could now be applied to any development utilizing either a state or local program that offers additional density.
- February 3, 2021 – Planning staff from Case Management provided the Appellant's Representative their PZA with Section II signed via email and advised that it be submitted to the Los Angeles Department of Building and Safety (LADBS) along with a set of plans. The PZA would need to be completed by LADBS and resubmitted to City Planning with their entitlement application.
- February 17, 2021 – Planning staff from the Ventura Cahuenga Boulevard Corridor SP met with the Appellant's Representative virtually to discuss the proposed project. Planning staff informed the Appellant's Representative that they would not sign the GPPRF due to project deficiencies. Direction was provided to the Appellant's Representative on how to amend the proposed project to fit with Specific Plan Regulations. The same day, Planning staff re-sent their previous corrections and instructions for entitlement filing via email.
- February 26, 2021 – Planning staff at the Metro Public Counter emailed the Appellant's Representative to let him know that the materials dropped off for entitlement filing were received. Planning staff notified the Appellant's Representative that he was still missing a completed and signed GPPRF, a completed and signed AHRF and a completed and signed PZA.

- February 26, 2021 – The Appellant’s Representative emailed Planning staff from the Metro Public Counter to request the process to file an appeal for the rejection of his entitlement filing.
- March 7, 2021 – The Appellant’s Representative notified City Planning staff from the Metro Public Counter via email that he provided the PZA form to LADBS.
- March 24, 2021 – Planning staff from Case Management provided the last set of comments on the SB 330 Preliminary Application to the Appellant’s Representative via email. The SB 330 Preliminary Application is still pending a determination of completeness.
- June 7, 2021 - A letter from Daniel Freedman of Jeffer Mangels Butler & Mitchell, LLP, on behalf of the Appellant’s Representative, was sent via email to City Planning staff from the Metro Public Counter requesting an appeal process for the rejection of the entitlement filing.
- July 8, 2021 - City Planning received an appeal under Government Code Section 65943(c).

Rationale for City Planning’s Determination

- 1) Planning staff advised the Appellant’s representative that the documents submitted to City Planning could not be accepted for entitlement filing purposes because several pertinent filing requirements were missing, including an accurate and complete Geographic Project Planning Referral Form and Affordable Housing Referral Form. As such, a City Planning case number was never created, entitlement fees were never paid, and the application was not received. Therefore, the 30-day *Permit Streamlining Act* requirement to provide a written determination of completeness, pursuant to Government Code Section 65934, was not triggered. To the extent the 30-day *Permit Streamlining Act* was applicable, City Planning timely notified the Appellant of filing deficiencies. As such, the documents submitted by the Appellant’s Representative were not “determined to be complete” as stated by Planning staff via email. Therefore, a determination of consistency with the “applicable plan, program, policy, ordinance, standard, requirement, or other similar provision” was not required pursuant to Government Code Section 65589.5(i)(2), of the *Housing Accountability Act*.
- 2) On several occasions, via email and phone, several members of City Planning staff advised the Appellant’s representative that the information in its Geographic Project Planning Referral Form and Affordable Housing Referral Form is inaccurate, and that the project as proposed does not comply with the objective standards of the RA zone, because the RA zone does not allow multi-family residential or commercial uses. Therefore, a multi-family Density Bonus project with commercial uses cannot be developed on the subject site. Further, the proposed development does not trigger the requirement of a consistency determination pursuant to Government Code Section 65589.5(i)(2). In addition, the site’s RA zoning is enforceable because City Planning has determined that the existing zone and land use designation are consistent and advised the Appellant’s representative of this determination citing consistency language in the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan text and map. The Appellant’s representative was advised that in order to pursue the proposed project they would either need to seek approval of a zone change to enact zoning that allows the development of multi-family residential and commercial uses, or seek approval of a SB 35 project to utilize the Limited Commercial land use density.

California Statute Authorizing Appeal

Government Code Section 65943 of the *Permit Streamlining Act* states that after City Planning has received an application for a development project, it has 30 days to determine if the application is complete. Upon resubmittal of the missing materials, City Planning has another 30 days to

determine whether the supplemented application is complete. An applicant may appeal the second determination that the application is not complete under Government Code Section 65943(c). The subject appeal was authorized and accepted by City Planning pursuant to Government Code Section 65943(c) of the *Permit Streamlining Act*, even though the application for a development project was never determined to be received:

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.....

The “public agency” has been determined to be Los Angeles City Planning and the “governing body of the agency” has been determined to be the Los Angeles City Council.

APPEAL POINTS AND STAFF RESPONSES

The following is a summary of the appeal points by the Appellant and responses by Planning staff.

Appeal Point No. 1

Per CA Govt Code§ 65915 (o)(4), CA Govt Code§ 65589.5 (d)(2), CA Govt Code§ 65589.5 (d)(5), CA Govt Code§ 65589.5 (j)(4), and from the table (Generalized Summary of Zoning Regulations, City of Los Angeles, shown below), the maximum density allowed on the Limited Commercial land use element is R4 uses, which is one unit every 400 sf. This gives the number of base units for this project as 43 units (16,807 /400). Using the State Density Bonus incentive of 50% (by providing 15% of the base number of units to very-low income households per AB 2345), and using 20% bonus incentive under AB 2442, this housing project proposes a 67-unit apartment including the 7 units to be given to the low-income disabled veterans.

Staff Response No. 1

As noted above, the project site is zoned RA-1 with a Limited Commercial land use designation and is located within the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan. The Appellant incorrectly states that the subject site is permitted to utilize the maximum density allowed by the Limited Commercial land use. The appellant was advised on several occasions by several different Planning staff that the subject site is subject to the regulations of the RA-1 and is limited to the uses enumerated in Los Angeles Municipal Code (LAMC) Section 12.07A, including one-family dwellings, truck gardening, nurseries and two-family dwellings. Additionally, the appellant was advised that the existing RA zoning is consistent with the land use designation and therefore not eligible for Density Bonus because the RA zone does not allow for multi-family residential or commercial uses. In an email dated August 7, 2020, Planning staff provided the following information:

2. The Site Requires A Zone Change For The Proposed Project

The site requires a zone change because the General Plan's applicable Community Plan, here the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan ("Community Plan"), states that the site's zone is consistent with the "Limited Commercial" land use designation. Consistency is supported by: a) the Community Plan map, b) text in the "Plan Consistency" section on page 20 of the Community Plan, and c) Footnote no. 9 on the Community Plan Land Use Map relating to "Corresponding Zones." Footnote 9 states the following in pertinent part:

"Each Plan category permits all indicated corresponding zones as well as those zones referenced in the Los Angeles Municipal Code (LAMC) as permitted by such zones unless further restricted by adopted Specific Plans, specific conditions and/or limitations of project approval, plan footnotes or other Plan map or text notations."

Footnote 9 explains that each land use category permits the less intensive zones referenced by the LAMC, in addition to the more intensive corresponding zones listed on the face of the Community Plan land use map. The site's zone-plan consistency is further explained by the City's hierarchy of less to more intensive zones found in LAMC Section 12.04-A, and a review of LAMC Sections 12.07 (RA zone) through 12.13 (C1.5 zone).

AB 2345, *Density Bonus*, amending Government Code Section 65915 and effective on September 28, 2020, supersedes AB 2442, *Density Bonus*, amending Government Code Section 65915 that was effective as of September 28, 2016. In addition, the 50% density increase introduced by AB 2345 is not applicable to the City of Los Angeles under Government Code Section 65915(s), therefore a

Density Bonus project would be limited to a 35% increase in density when multi-family residential uses are permitted. It is also infeasible to request a density bonus from both a 50% density increase per AB 2345 and a 20% density increase per AB 2442 and is another flaw in the Appellant's request. The City is only required to grant "one density bonus" (Government Code Section 65915(b)(1) and (f).)

Further, a "Housing Development" is defined in Government Code Section 65915 as "a development project for five or more residential units, including mixed-use developments." As such, the subject site is not eligible for a Density Bonus pursuant to Government Code Section 65915 because the existing RA zoning of the subject site does not allow for the development of five (5) base units (LAMC Section 12.07).

In addition, it has been determined by City Planning that the documents submitted by the Appellant's representative do not constitute a "received application" for filing purposes under the *Permit Streamlining Act* (Government Code Section 65934), therefore *Permit Streamlining Act* timelines were not triggered and the Appellant is not entitled to receive an approval of their proposed project. Since *Permit Streamlining Act* timelines were not triggered, the documents submitted by the Appellant's representative were not "determined to be complete", and therefore a determination of consistency with the "applicable plan, program, policy, ordinance, standard, requirement, or other similar provision" was not required pursuant to Government Code Section 65589.5, of the *Housing Accountability Act*. To the extent the 30-day *Permit Streamlining Act* timeline was applicable, City Planning timely notified the Appellant of filing deficiencies. The actions by Planning staff are consistent with long-standing practice consistent with the *Permit Streamlining Act* for case processing milestones as described in "Exhibit F - Technical Bulletin 17."

Appeal Point No. 2

The following table show the timeline of the documents submitted to the City of Los Angeles following the SB-300 [sic] timeline. Per Govt Code Section 65941.1. (a) a Preliminary Application was submitted to the City of Los Angeles on city-provided form "CP-4062 Housing Crisis Act of 2019 (SB330) Preliminary Application Referral Form (12/17 /2019)", California state form "Housing Crisis Act of 2019 (SB 330) Preliminary Application Form (Revised April 9, 2020)" on 5/20/2020 and by paying the city-generated fees on 5/29/2020.

Staff Response No. 2

The Appellant's representative submitted a SB 330 Vesting Preliminary Application, pursuant to Government Code Section 65941.1 on January 21, 2021, and paid the preliminary application fee on January 23, 2021. On January 27, 2021, Planning staff requested that the Appellant's representative provide clarification regarding building area calculations, as some of the requested information was not provided. On March 24 2021, the Appellant's representative was provided another set of comments to be revised and or updated on their SB 330 Preliminary Application. As of the writing of this report, the SB 330 Preliminary Application is still pending a determination of completeness due to outstanding information requested by Planning staff.

Appeal Point No. 3

Following SB-330 timeline, the Department of City Planning Case was filed on 8/18/2020. Based on the City of Los Angeles memo published on 09/15/2021 [sic], the city accepted our DCP case following the maximum density permitted by land use designation. Subsequently, on 09/18/2021 [sic], the City of Los Angeles Planning Department issued document checklist.

Staff Response No. 3

The Appellant's representative submitted a package of documents for filing purposes to the City Planning Metro Public Counter located at 201 Figueroa on August 18, 2020. The contents of the package were reviewed by Planning staff on August 21, 2021. Three days later, on August 21, 2021, Planning staff notified the Appellant's representative via email that there were "major problems" with the proposed case filing, including the need to file a zone change to allow a Density Bonus project. In addition, Planning staff outlined essential missing items, including an attachment listing additional entitlement requests, a Geographic Project Planning Referral Form for the Ventura Cahuenga Boulevard Corridor Specific Plan, an Affordable Housing Referral Form and a Bureau of Engineering Hillside Referral Form. Contact information for each of the referral forms was also provided to the Appellant's representative. Lastly, because the case filing was determined to be deficient, Planning staff requested that the Appellant's representative retrieve their documents from City Planning. As noted by the Appellant, on September 18, 2020, after several communications were sent via email by Planning staff to the Appellant's representative outlining the outstanding items, Preliminary Checklist CP-7782.1, was provided to the Appellant's representative as a courtesy, to further describe all the items that were missing. Contrary to the Appellant's claim, it has been determined by City Planning that the documents submitted by the Appellant's representative do not constitute a "received application" for filing purposes pursuant to Government Code Section 65943 subdivision (a), of the *Permit Streamlining Act*, because the project as proposed is not permitted in the RA zone and several pertinent documents required for filing have not been provided to City Planning staff. The actions by Planning staff are consistent with long-standing practice consistent with the *Permit Streamlining Act* for case processing milestones as described in "Exhibit F - Technical Bulletin 17."

As of the writing of this report, the Appellant's representative has failed to provide a completed and signed Geographic Project Planning Referral Form for the Ventura Cahuenga Boulevard Corridor Specific Plan and a completed and signed Affordable Housing Referral Form as described in further detail in the "Staff Response" to "Appeal Point No. 6" below. Other required documents for filing that are outstanding include the Preliminary Zoning Assessment, to be completed and signed by Building and Safety. In addition, the documents submitted are still located at City Planning offices and have not been retrieved by the Appellant as requested by Planning staff. Please note that the memo, referenced by the Appellant, was issued by City Planning on September 15, 2020 (not September 15, 2021) and refers to projects utilizing Senate Bill 35 (SB 35) and is not relevant to the project proposed by the Appellant.

Appeal Point No. 4

The project main application was submitted on 8/18/2020. The checklist was provided by the city on 9/18/2020, which was 31 days after the submission of documents. To this end, CA Govt Code §65943 (a) was violated since the city took 31 days (as opposed to 30 days) to provide the checklist of incomplete documents. Therefore, the application should be deemed complete as submitted.

Staff Response No. 4

As noted above, the Appellant's representative submitted documents to City Planning for filing purposes on August 18, 2020 and Planning staff responded via email on August 21, 2020 outlining missing items. On September 18, 2020, after several communications were sent via email by Planning staff to the Appellant's representative outlining the outstanding items, Preliminary Checklist CP-7782.1, was provided to the Appellant's representative as a courtesy, to further describe all the items that were missing. This form is routinely provided to applicants after documents are received by City Planning for filing purposes, a case number has been created and entitlement fees have been paid. As such, it has been determined by City Planning that the documents submitted by the Appellant's representative do not constitute a "received application" for filing purposes pursuant to

Government Code Section 65943 subdivision (a), of the *Permit Streamlining Act*, therefore a case number was never created in the Planning and Case Tracking System (PCTS) and an invoice was never created requesting payment of entitlement fees. Therefore, the 30-day clock requiring written notification of completeness is not applicable. The actions by Planning staff are consistent with long-standing practice consistent with the *Permit Streamlining Act* for case processing milestones as described in “Exhibit F - Technical Bulletin 17.”

As of the writing of this report, the Appellant’s representative has failed to provide a completed and signed Geographic Project Planning Referral Form for the Ventura Cahuenga Boulevard Corridor Specific Plan and a completed and signed Affordable Housing Referral Form as described in further detail in the “Staff Response No. 6” below.

Appeal Point No. 5

After receiving the document checklist from the city, the applicant started working on gathering the documents identified in the checklist. To this end, on 1/1/2021 the applicant requested the city to extend the deadline for submitting the documents. The city agreed to extend the deadline on 1/4/2021. Subsequently, the documents identified in the checklist were submitted on 1/21/2021. The city responded on 02/26/2021, which was 36 days after the submission of documents stating that the documents submitted is not complete.

CA Govt Code §65943 (b) was violated since the city took 36 days (as opposed to 30 days) to provide the checklist of incomplete documents. Therefore, the project [sic] Therefore, the application should be deemed complete as submitted as submitted [sic].

Staff Response No. 5

As noted above, the Appellant’s representative requested an extension to submit the outstanding items via email on January 1, 2021. On January 4, 2021, Planning staff responded via email stating the following, “your application has not been deemed complete for filing, so there are no deadlines yet. You can submit the outstanding documents to me whenever you receive them...” Contrary to the Appellant’s claim, all of the outstanding items were not and have not been submitted to City Planning, including a completed and signed Geographic Project Planning Referral Form for the Ventura Cahuenga Boulevard Corridor Specific Plan and a completed and signed Affordable Housing Referral Form as described in further detail in the “Staff Response No. 6” below.

As noted above, City Planning has determined that the documents submitted by the Appellant’s representative do not constitute a “received application” for entitlement filing purposes pursuant to Government Code Section 65943 subdivision (a), of the *Permit Streamlining Act*, therefore a case number was never created in the Planning and Case Tracking System (PCTS) and an invoice was never created requesting payment of entitlement fees. Therefore, the 30-day clock requiring written notification of completeness is not applicable.

Appeal Point No. 6

As shown in the Exhibit 1, all documents requested in the checklist was [sic] submitted to the city on 01/21/2021. However, the City of Los Angeles declared that the application was incomplete because the Geographic Referral Form and Affordable Housing Referral Form were not signed by the City of Los Angeles.

Staff Response No. 6

The Appellant correctly states that the Geographic Project Planning Referral Form and the Affordable Housing Referral Form were not signed by the City of Los Angeles. Planning staff advised the Appellant's representative on several occasions that the proposed project request is inaccurate because the subject site, zoned RA, is not permitted to develop multi-family residential or commercial uses and is therefore not eligible for Density Bonus pursuant to Government Code Section 65915. The Appellant's representative submitted an Affordable Housing Referral Form on August 17, 2020 to the Housing Services Unit. Planning staff from the Housing Services Unit communicated with the Appellant's representative on August 26, 2020 via email informing them the following, "... your site is not eligible for a density bonus because your site is zoned for single family uses. If you would like to propose multifamily uses you will have to request zone change for your site." The proposed project is infeasible and not in conformance with the existing RA zoning and Government Code 65915, therefore Planning staff did not issue a completed and signed Affordable Housing Referral Form to the Appellant's representative.

The Appellant's representative requested initial review of a Geographic Project Planning Referral Form for the Ventura Cahuenga Boulevard Corridor Specific Plan on August 21, 2020. On several occasions between August 2020 and February 2021, Planning staff advised the Appellant's representative that there were several deficiencies with the submitted form. On February 21, 2021, Planning staff notified the Appellant's representative during a virtual meeting that the subject site is not permitted to develop multi-family residential or commercial uses because of the RA zoning and is therefore not eligible for a Density Bonus project. The proposed project is infeasible and not in conformance with the existing RA zoning and Government Code 65915, therefore Planning staff did not issue a completed and signed Geographic Project Planning Referral Form for the Ventura Cahuenga Boulevard Corridor Specific Plan to the Appellant's representative.

City Planning is unable to issue a completed and signed Affordable Housing Referral Form and a completed and signed Geographic Referral Form for the Ventura Cahuenga Boulevard Corridor Specific Plan due to the flaw in the request for a Density Bonus on the subject site that does not allow for multi-family residential or commercial uses. Therefore, City Planning has determined that the documents submitted by the Appellant's representative do not constitute a "received application" for entitlement filing purposes pursuant to Government Code Section 65943 subdivision (a), of the *Permit Streamlining Act*. Even though the timelines were not triggered, the City provided Appellants with written notice of their deficiencies within 30 days of the attempted filings.

Appeal Point No. 7

Per CA Govt Code § 65589.5 (U)(2)(A), the city 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. The city is required to do so 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. The proposed housing project contains 67 housing units. Furthermore, as described earlier, the main application is deemed complete because of the following reasons:

- (a) All the forms and documents were submitted per the checklist provided by the city based on the land use element of the general plan of the lot*
- (b) At no point of time, the City of Los Angeles determined any deficiencies in the way the forms were filled or documents associated with the main application form*
- (c) At no point of time, the City of Los Angeles determined any deficiencies in the way the forms were filled or documents were provided for the main application itself [sic]*

- (d) *The City of Los Angeles refused to provide an appeal process even after repeated request within 60-day timeline as required by the law. This violation automatically makes the submitted documents deemed complete as submitted.*
- (e) *The City of Los Angeles violated state laws regarding the 30-day timeline for the city to provide any feedback on any deficiencies of the submitted documents. These violations automatically make the submitted documents deemed complete as submitted.*

Therefore, per CA Govt Code § 65589.5.(j)(2)(B), the main application to be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision since the City of Los Angeles has failed to provide the required documentations within 30 days.

Staff Response No. 7

As stated previously, at no point in time did City Planning determine that the documents submitted by the Appellant's representative constituted a "received application" for entitlement filing purposes due to the flaws in the requests, deficiencies in the documents submitted, and missing documents, therefore the Appellant is not entitled to receive an approval of their proposed project. The documents submitted by the Appellant's representative were not "determined to be complete", therefore a determination of consistency with the "applicable plan, program, policy, ordinance, standard, requirement, or other similar provision" was not required pursuant to Government Code Section 65589.5, of the *Housing Accountability Act*. Contrary to the Appellant's claims:

- (a) All the required forms and documents have NOT been submitted per the initial email from Planning staff and the courtesy checklist provided, including a completed and signed Affordable Housing Referral Form, a completed and signed Geographic Project Planning Referral Form for the Ventura Cahuenga Boulevard Corridor Specific Plan and a completed and signed Preliminary Zoning Assessment;
- (b) Three days after the documents were submitted to City Planning, Planning staff notified the Appellant's representative via email that required referral forms were missing and that the Planning Application was missing additional required entitlement requests. In the same communication, Planning staff notified the Appellant's representative that the project would need a zone change;
- (c) Same response as (b) above;
- (d) City Planning did not refuse to allow an appeal process as evidenced by the appeal itself; and
- (e) City Planning did not violate any state laws. City Planning has determined that the documents submitted by the Appellant's representative do not constitute a "received application" for entitlement filing purposes pursuant to Government Code Section 65943 subdivision (a), of the *Permit Streamlining Act*.

Appeal Point No. 8

The following California Government Codes are applied in order to ascertain that the proposed project is a proper, valid, and legal use of the site's general plan: CA Govt Code § 65915 (o) (4) "Maximum allowable residential density" means the density allowed under the zoning ordinance and land use element of the general plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. If the density allowed under the zoning ordinance is inconsistent with the density allowed

under the land use element of the general plan, the general plan density shall prevail. CA Govt Code § 65589.5

Staff Response No. 8

As discussed in “Staff Response No. 1” above and contrary to the Appellant’s claim, City Planning staff notified the Appellant’s representative as early as August 7, 2020 that the subject sites RA zone and Limited Commercial Land Use are consistent. For this reason, the RA zone may be enforced against the site. The Applicant was advised on several occasions that the Community Plan Map and Text substantiate consistency between the RA zone and the Limited Commercial land use because each land use category permits the less intensive zones referenced by the LAMC. The subject site is zoned RA, is limited to the development standards of the RA Zone pursuant to LAMC Section 12.07 and is therefore not permitted to utilize “a range of density” as suggested by the Appellant.

CONCLUSION

Upon in-depth review and analysis of the issues raised by the Appellant, no substantial evidence exists that City Planning violated any state laws, including the *Permit Streamlining Act* and the *Housing Accountability Act*. Prior to submittal of documents to City Planning by the Appellant’s representative, several City Planning staff notified the Appellant’s representative that the subject site’s RA zone and Limited Commercial Land Use are consistent, a Density Bonus project would not be permitted and that any proposed multi-family residential or commercial development would require a zone change. In addition, City Planning has determined that the documents submitted by the Appellant’s representative do not constitute a “received” application for entitlement filing purposes pursuant to Government Code Section 65943 subdivision (a), of the *Permit Streamlining Act*, due to the flaws of the requests, deficiencies in the documents submitted, and missing pertinent documents. City Planning has also determined that the Appellant is not entitled to an approval of the proposed project. The documents submitted by the Appellant’s representative were not “determined to be complete”, therefore a determination of consistency with the “applicable plan, program, policy, ordinance, standard, requirement, or other similar provision” was not required pursuant to Government Code Section 65589.5, *Housing Accountability Act*. City Planning recommends that the appeal be denied and the determination of City Planning be sustained.

EXHIBIT A

Appeal Application



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

- Area Planning Commission City Planning Commission City Council Director of Planning
- Zoning Administrator

Regarding Case Number: _____

Project Address: 5353 Del Moreno Dr, Woodland Hills, CA 91364

Final Date to Appeal: _____

2. APPELLANT

Appellant Identity:
(check all that apply)

- Representative Property Owner
- Applicant Operator of the Use/Site

Person, other than the Applicant, Owner or Operator claiming to be aggrieved

Person affected by the determination made by the **Department of Building and Safety**

- Representative Owner Aggrieved Party
- Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: Janet Jha

Company/Organization: _____

Mailing Address: 92 Sea Breeze Ave

City: Rancho Palos Verdes State: CA Zip: 90275

Telephone: 310-995-4859 E-mail: akhilesh.jha@gmail.com

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

Self Other: _____

b. Is the appeal being filed to support the original applicant's position? Yes No

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Akhilesh Jha

Company: _____

Mailing Address: 92 Sea Breeze Ave

City: Rancho Palos Verdes State: CA Zip: 90275

Telephone: 310-995-4859 E-mail: akhilesh.jha@gmail.com

5. JUSTIFICATION/REASON FOR APPEAL

a. Is the entire decision, or only parts of it being appealed? Entire Part

b. Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature: Janet Jha Date: 07/08/21

GENERAL APPEAL FILING REQUIREMENTS

B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES

1. Appeal Documents

a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.

- Appeal Application (form CP-7769)
- Justification/Reason for Appeal
- Copies of Original Determination Letter

b. Electronic Copy

Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

- Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement None (see Exhibit 1)

- Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
- Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

SPECIFIC CASE TYPES - APPEAL FILING INFORMATION

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)

1. Density Bonus/TOC

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

NOTE:

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.

- Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

NOTE:

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING

1. Tentative Tract/Vesting - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

- Provide a copy of the written determination letter from Commission.

F. BUILDING AND SAFETY DETERMINATION

- 1.** Appeal of the Department of Building and Safety determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

a. Appeal Fee

- Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

b. Notice Requirement

- Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- 2.** Appeal of the Director of City Planning determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

a. Appeal Fee

- Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

b. Notice Requirement

- Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

G. NUISANCE ABATEMENT

1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

a. Appeal Fee

Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.

Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

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.

***Please note** that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of 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:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

Justification and Reason for Appeal

The reason for the appeal

The applicant applied for a seven-story mixed-used project comprising of one commercial unit and 67 residential units under the California State Density Bonus laws, Senate Bill 330, Assembly Bill 2345, and Assembly Bill 2442. The applicant followed the state and city requirements of document submissions and timelines. However, the project was not approved by the City of Los Angeles. The applicant finds this inaction by the City of Los Angeles in direction violation of numerous city and state-wide laws such as Density Bonus laws, Housing Accountability Act, Housing Crisis Act, and others.

Specifically the points at issue

Per CA Govt Code § 65589.5.(j) (2) (B), this housing project to be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.

How you are aggrieved by the decision

We are the owner of the property located at 5353 Del Moreno Dr, Woodland Hills, CA 91364. We are also the applicants of the housing project, which was denied by the City of Los Angeles Planning Department.

Why you believe the decision-maker erred or abused their discretion

1. Proposed Housing Project

The applicant applied to the Los Angeles City Planning Department a seven-story mixed-used project comprising of one commercial unit and 67 residential units under the California State Density Bonus laws, SB-330 laws, AB 2345 incentive, and AB2442 incentive. In this project, seven units to be assigned to very low- income household of disabled veterans. The site 5353 Del Moreno Dr, Woodland Hills, CA (APN 2166-035-032) lot has the zoning of RA-1 and the General Plan Land Use of Limited Commercial.

Per CA Govt Code § 65915 (o)(4), CA Govt Code § 65589.5 (d)(2), CA Govt Code § 65589.5 (d)(5), CA Govt Code § 65589.5 (j)(4), and from the table (Generalized Summary of Zoning Regulations, City of Los Angeles, shown below), the maximum density allowed on the Limited Commercial land use element is R4 uses, which is one unit every 400 sf. This gives the number of base units for this project as 43 units (16,807/400). Using the State Density Bonus incentive of 50% (by providing 15% of the base number of units to very-low income households per AB 2345), and using 20% bonus incentive under AB 2442, this housing project proposes a 67-unit apartment including the 7 units to be given to the low-income disabled veterans.

Table 1: Generalized Summary of Zoning Regulations, City of Los Angeles

Zone	Use	Maximum Height		Required yards			Minimum Area Per Lot/ Unit	Min. Lot Width
		Stories	Feet	Front	Side	Rear		
Commercial (see loading and parking, next page)								
CR	Limited Commercial Banks, Clubs, Hotels, Churches, Schools, Business and Professional Colleges, Child Care, Parking Areas, R4 Uses	6 (8)	75 ft. (8)	10 ft. min.	10% lot width < 50 ft.; 10 ft.; 5 ft. min., for corner lots, lots adj. to A or R zone, or for residential uses	15 ft. min + 1 ft. for each story over 3rd	same as R4 for resid. uses; otherwise none	50 ft. for resid. uses; otherwise none
C1	Limited Commercial Local Retail Stores < 100,000 sq. ft., Offices or Businesses, Hotels, Hospitals and/or Clinics, Parking Areas, CR Uses Except for Churches, Schools, Museums, R3 Uses	Unlimited (8)			same as R3 for corner lots, lots adjacent to A, or R zone, or residential uses	15 ft. + 1 ft. for each story over 3rd; 20 ft. max for resid. uses or abutting A, or R zone	same as R3 zone for residential uses; otherwise none	
C1.5	Limited Commercial C1 Uses--Retail, Theaters, Hotels, Broadcasting Studios, Parking Buildings, Parks and Playgrounds, R4 Uses						same as R4 zone for residential uses; otherwise none	

2. Why the project should be deemed consistent, compliant, and in conformity

This section summarizes the documents along with relevant dates in order to show the City of Los Angeles violated the state laws time and again. As it will be shown in this section, the language of the law is clear when the laws are violated by a local agency regarding the development of a housing project. It is to be noted that the city might have violated several other associated laws and regulations. Therefore, the applicant reserves the right to show those violations in the due course.

2.1 Per SB-330, Preliminary Application Was Filed by the Applicant

The following table show the timeline of the documents submitted to the City of Los Angeles following the SB-300 timeline. Per Govt Code Section 65941.1. (a) a Preliminary Application was submitted to the City of Los Angeles on city-provided form "CP-4062 Housing Crisis Act of 2019 (SB330) Preliminary Application Referral Form (12/17/2019)", California state form "Housing Crisis Act of 2019 (SB 330) Preliminary Application Form (Revised April 9, 2020)" on 5/20/2020 and by paying the city-generated fees on 5/29/2020.

Table 2: Timeline of the Preliminary Application Submitted to the City of Los Angeles

Date	Submitted documents regarding Preliminary Application
5/12/2020	Submitted Online Application for SB330 Vesting
5/13/2020	City Requesting Email Communication Re SB 330 Prelim App
5/20/2020	First Submission of SB-330 Preliminary Application
5/20/2020	Invoice Generated for SB330 Preliminary Application
5/22/2020	City Fee Demand Re SB-330 Preliminary Application
5/22/2020	City Requesting Proof of Payment for SB330 Prelim App
5/29/2020	Payment Processed for SB-330 Preliminary Application
5/29/2020	City Promising SB330 Prelim App Review After Receiving Docs and Fees
5/29/2020	Fees Paid for SB-330 Preliminary Application
5/29/2020	Receipt of Payment for SB330 Preliminary Application
5/29/2020	Sent Proof of Payment to Planner for SB330 Prelim App

2.2 Per SB-330, the Department of City Planning Main Application Was Filed by the Applicant

Following SB-330 timeline, the Department of City Planning Case was filed on 8/18/2020. Based on the City of Los Angeles memo published on 09/15/2021, the city accepted our DCP case following the maximum density permitted by land use designation. Subsequently, on 09/18/2021, the City of Los Angeles Planning Department issued document checklist.

2.3 The Main Application to be Deemed Complete due to the First Violation of CA Govt Code §65943 by the City of Los Angeles

The project main application was submitted on 8/18/2020. The checklist was provided by the city on 9/18/2020, which was 31 days after the submission of documents. To this end, CA Govt Code §65943 (a) was violated since the city took 31 days (as opposed to 30 days) to provide the checklist of incomplete documents.¹ Therefore, the application should be deemed complete as submitted.²

Table 3: Timeline of the Department of City Planning (DCP) Main Application Submitted to the City

Date	Document Description
7/30/2020	Proof of SB 330 Filing with HCID
8/17/2020	Submission of Affordable Housing Referral
8/18/2020	DCP Application Case Filing
8/21/2020	Geographic Referral From Submitted
9/15/2020	City Issues Memo - SB 35 Maximum Density by Land Use Designation or Zone
9/18/2020	City Granting Document Checklist Per Land Use Designation
9/18/2020	City's Checklist

¹ **CA Govt Code §65943**

(a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the application is determined to be incomplete, the lead agency shall provide the applicant with an exhaustive list of items that were not complete. That list shall be limited to those items actually required on the lead agency's submittal requirement checklist. In any subsequent review of the application determined to be incomplete, the local agency shall not request the applicant to provide any new information that was not stated in the initial list of items that were not complete....

² **CA Govt Code §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.

2.4 The Main Application to be Deemed Complete due to the Second Violation of CA Govt Code §65943 by the City of Los Angeles

After receiving the document checklist from the city, the applicant started working on gathering the documents identified in the checklist. To this end, on 1/1/2021 the applicant requested the city to extend the deadline for submitting the documents. The city agreed to extend the deadline on 1/4/2021. Subsequently, the documents identified in the checklist were submitted on 1/21/2021. The city responded on 02/26/2021, which was 36 days after the submission of documents stating that the documents submitted is not complete.

CA Govt Code §65943 (b) was violated since the city took 36 days (as opposed to 30 days) to provide the checklist of incomplete documents.³ Therefore, the project Therefore, the application should be deemed complete as submitted as submitted.⁴

Table 4: Timeline of the issuance and compliance with DCP Main Application Checklist

Date	Document Description
9/22/2020	LID Case Referral Form - Signed
9/20/2020	SB330 Determination Letter
1/1/2021	Request to City for Date Extension for Submitting Documents
1/4/2021	City granting Date Extension for Submitting Documents
1/21/2021	City's Checklist Noted with Submission Dates
1/21/2021	Submission of Documents from Checklist for Completing the Main Application
2/26/2021	City Determined the Documents to be Incomplete

³ CA Govt Code §65943

(b) Not later than 30 calendar days after receipt of the submitted materials described in subdivision (a), the public agency shall determine in writing whether the application as supplemented or amended by the submitted materials is complete and shall immediately transmit that determination to the applicant. In making this determination, the public agency is limited to determining whether the application as supplemented or amended includes the information required by the list and a thorough description of the specific information needed to complete the application required by subdivision (a)...

⁴ CA Govt Code §65943

(b)... If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete for purposes of this chapter.

2.5 The Main Application to be Deemed Complete due to the Third Violation of CA Govt Code §65943

As shown in the **Exhibit 1**, all documents requested in the checklist was submitted to the city on 01/21/2021. However, the City of Los Angeles declared that the application was incomplete because the Geographic Referral Form and Affordable Housing Referral Form were not signed by the City of Los Angeles. This raised two important points regarding this project:

(a) The City of Los Angeles did not make any determination stating that the submitted documents were incomplete as far as the submission of the forms and documents are concerned.

(b) Please note that the Affordable Housing Referral Form was submitted to the City of Los Angeles on 08/17/2020 (**Exhibit 2**) and Geographic Referral Form was submitted to the City of Los Angeles on 08/21/2020 (**Exhibit 3**). The City of Los Angeles refused to sign these two forms even though the forms were completely and properly filled. At no point of time, the City of Los Angeles made an assessment that these two forms were not properly filled or that any documents required in these two forms were not provided by the applicant.

The bottom-line here is that the City of Los Angeles refused to sign these two forms without any valid reason and then deemed the main application incomplete because these two forms were not signed by the City of Los Angeles. On 02/26/2021, an appeal was requested by the applicant, which was also refused by the city on the same day 02/26/2021. Therefore, CA Govt Code §65943 (c) was violated since the city did not provide an appeal process within 60 days as required by the law. Therefore, per CA Govt Code §65943 (c), the submitted material to be deemed complete.⁵

Table 5: Timeline of the Appeal Process with the DCP Application

Date	Document Description
8/17/2020	Submission of Affordable Housing Referral
8/21/2020	Geographic Referral From Submitted
1/21/2021	Submission of Documents from Checklist for Completing the Main Application
2/26/2021	City Determined the Documents to be Incomplete
2/26/2021	Requested Appeal Process Against the City's Determination of Incompleteness
2/26/2021	City Denied any appeal process to the decision of incompleteness

⁵ CA Govt Code §65943

(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.

2.6 The Main Application to be Deemed consistent, compliant, and in conformity per CA Govt Code § 65589.5 (j)

Per CA Govt Code § 65589.5 (j)(2)(A), the city 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. The city is required to do so 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.⁶ The proposed housing project contains 67 housing units. Furthermore, as described earlier, the main application is deemed complete because of the following reasons:

(a) All the forms and documents were submitted per the checklist provided by the city based on the land use element of the general plan of the lot

(b) At no point of time, the City of Los Angeles determined any deficiencies in the way the forms were filled or documents associated with the main application form

(c) At no point of time, the City of Los Angeles determined any deficiencies in the way the forms were filled or documents were provided for the main application itself

(d) The City of Los Angeles refused to provide an appeal process even after repeated request within 60-day timeline as required by the law. This violation automatically makes the submitted documents deemed complete as submitted.

(e) The City of Los Angeles violated state laws regarding the 30-day timeline for the city to provide any feedback on any deficiencies of the submitted documents. These violations automatically make the submitted documents deemed complete as submitted.

Therefore, per CA Govt Code § 65589.5.(j)(2)(B), the main application to be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision since the City of Los Angeles has failed to provide the required documentations within 30 days.⁷

⁶ CA Govt Code § 65589.5.(j)

(2) (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.

⁷ CA Govt Code § 65589.5.(j)

(2) (B) If the local agency fails to provide the required documentation pursuant to subparagraph (A), the housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.

2.7 California Government Codes Allowing Development Based on General Plan Land Use

The following California Government Codes are applied in order to ascertain that the proposed project is a proper, valid, and legal use of the site's general plan:

CA Govt Code § 65915 (o) (4)

"Maximum allowable residential density" means the density allowed under the zoning ordinance and land use element of the general plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.⁸

CA Govt Code § 65589.5

(a) (2) (L) It is the policy of the state that this section be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing.

(a) (3) It is the intent of the Legislature that the conditions that would have a specific, adverse impact upon the public health and safety, as described in paragraph (2) of subdivision (d) and paragraph (1) of subdivision (j), arise infrequently.

(b) It is the policy of the state that a local government not reject or make infeasible housing development projects, including emergency shelters, that contribute to meeting the need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d).

(d) A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the housing development project infeasible for development for the use of very low, low-, or moderate-income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record⁹, as to one of the following:

⁸ CA Govt Code § 65915 (o)(4) shows that the state density bonus law allows a housing project can use the maximum density of the general plan.

⁹ CA Govt Code § 65589.5 (d) was violated when the City of Los Angeles did not provide any written findings on why this housing project was rejected.

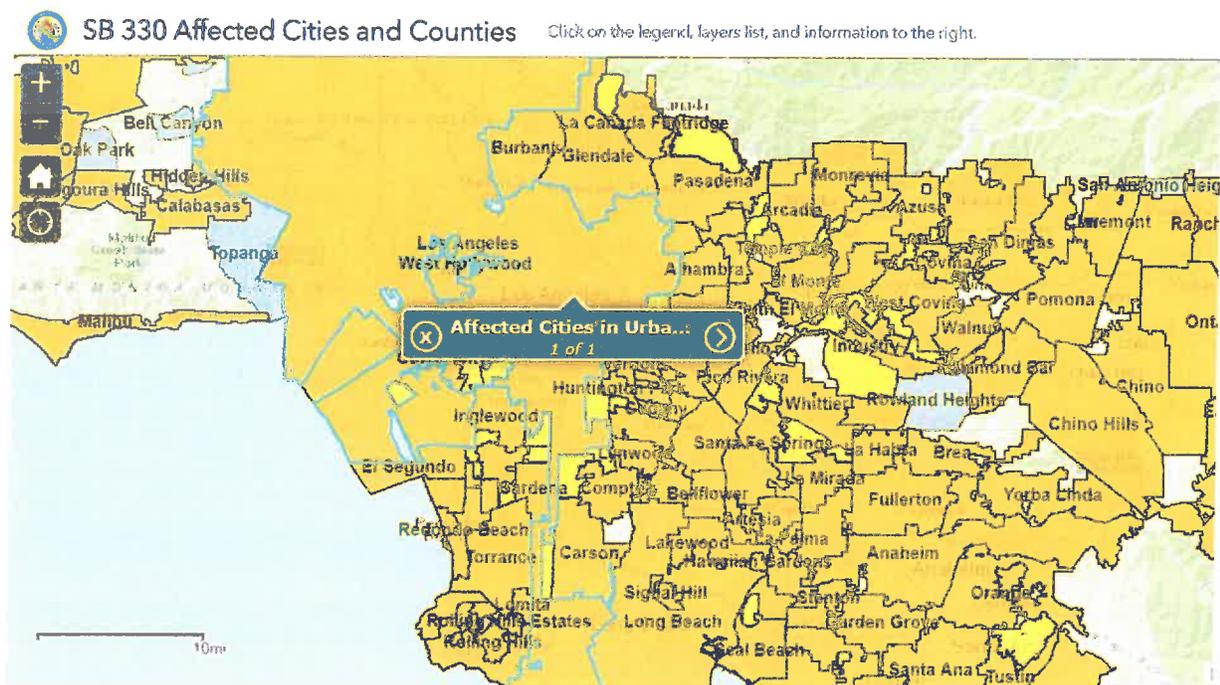
(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584¹⁰ for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the housing development project. The share of the regional housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have

¹⁰ State law requires the City to update its Housing Element every eight years and demonstrate sufficient zoned capacity for housing to accommodate the number of units identified in the Regional Housing Needs Assessment (RHNA). SB 330 (Statutes of 2019) requires the California Department of Housing and Community Development (HCD) to develop a list of cities (“affected cities”) and census designated places (CDPs) within the unincorporated county (“affected counties”) that are prohibited from taking certain zoning-related actions, including, among other things:

1. Downzoning certain parcels
2. Imposing a moratorium on development
3. Imposing design review standards that are not objective

<https://cahcd.maps.arcgis.com/apps/webappviewer/index.html?id=5a63b04d7c494a6ebb2aa38a2c3576f5>

On February 1, 2018, HCD released maps showing that City of Los Angeles has met its 2013-2021 RHNA goals for the “above market” income category; however, the City is not showing sufficient progress in meeting the RHNA for the lower income categories.



met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(2) The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a “specific, adverse impact” means 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. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.¹¹

(3) The denial of the housing development project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The housing development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The housing development project or emergency shelter is inconsistent with both the jurisdiction’s zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete¹², and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article. For purposes of this section, a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter.

(B) If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and are sufficient to provide for the jurisdiction’s share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify adequate sites with appropriate zoning and development

¹¹ CA Govt Code § 65589.5 (d)(2) prohibits a city from denying a housing project based on the inconsistency between zoning and general plan.

¹² CA Govt Code § 65589.5 (d)(5) requires that inconsistency between zoning and general plan cannot be used in the preponderance of evidence by the city.

standards and with services and facilities to accommodate the local agency's share of the regional housing need for the very low, low-, and moderate-income categories.

CA Govt Code § 65589.5 (f) (4)

For purposes of this section, a housing development project or emergency shelter shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity.

CA Govt Code § 65589.5 (j)

(4) For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan.¹³ If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.¹⁴

¹³ CA Govt Code § 65589.5 (j)(4) requires that the rezoning is not required for this lot.

¹⁴ CA Govt Code § 65589.5 (j)(4) was violated when the city did not allow the density per the general plan of the site.

Exhibit 1



Akhilesh Jha <akhilesh.jha@gmail.com>

Case Filing - 5353 Del Moreno Drive

Maxfield Vermy <maxfield.vermy@lacity.org>

Fri, Sep 18, 2020 at 9:28 AM

To: Akhilesh Jha <akhilesh.jha@gmail.com>, Praveen Jha <praveenkjha@gmail.com>

Cc: Ralph Avila <ralph.avila@lacity.org>, Anna Vidal <anna.vidal@lacity.org>

Good morning Akhilesh,

Attached is a memo clarifying density via a land use designation. You will need to go back to the Specific Plan and Housing unit for their referrals now that the clarification letter has been issued.

Your case is still incomplete for filing so I have also attached a checklist indicating which items are incomplete.



LOS ANGELES
CITY PLANNING

Maxfield Vermy

Preferred Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

201 N. Figueroa St., 4th floor

Los Angeles, CA. 90012

Planning4LA.org

T: (213) 482-7340



[Quoted text hidden]

2 attachments



SB 35 Maximum Density Permitted by Land Use Designation or Zone 09.15.20.pdf
76K



Checklist - 5353 Del Moreno Dr.pdf
265K

5353 Del Moreno Drive



INSTRUCTIONS

PRIMARY CHECKLIST and DEEMED COMPLETE FOR CASE FILING

Case No. _____
Environmental Case No. _____

Staff Maxfield Vermy
Date 9/18/2020

DEPARTMENT OF CITY PLANNING APPLICATION FORM

Application Type Density Bonus
(Zone Change, Plan Amendment, Zone Variance, Conditional Use, etc.)

1. Project Location

Comp.	Incomp.	N/A		Comp.	Incomp.	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Street address in ZIMAS or BOE Referral form if address is not in ZIMAS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lot area
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Legal description (including all contiguously owned parcels)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lot dimensions
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Assessor's Parcel Number(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Total project size

2. Project Description

Comp.	Incomp.	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Present and proposed use, especially if units are to be demolished.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Description of project such as existing and proposed number of units, parking spaces, seats, hours of operation, height, use, scope and/or operation of the proposed project etc.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Existing Site Conditions
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Proposed Project information
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Housing Component Information
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Public Right-of-Way Information

3. Action Requested

Comp. Incomp. N/A

- | | | | |
|-------------------------------------|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Authorizing Code Section |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Code Section from which deviation is required, if applicable |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Actions Request, Narrative of what is required verses what is requested |

4. Related Department of City Planning Cases

Comp. Incomp. N/A

- | | | | |
|-------------------------------------|--------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | List of previous, recent or pending case numbers related to the project. |
|-------------------------------------|--------------------------|--------------------------|--|

5. Related Documents/Referrals

Comp. Incomp. N/A

- | | | | |
|-------------------------------------|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Specialized Requirement forms.
<input checked="" type="checkbox"/> Findings or Justification for <u>each</u> requested action |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Geographic Project Planning Referral |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Redevelopment Plan Administrative Review and Referral Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Citywide Design Guidelines Compliance Review Form |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Affordable Housing Referral Form |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Mello Form |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Unpermitted Dwelling Unit (UDU) Inter-Agency Referral Form |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | HPOZ Authorization Form |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Management Team Authorization |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Expedite Fee Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Department of Transportation (DOT) Referral Form |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Preliminary Zoning Assessment Referral Form (2+ new units, mixed-use with 2/3 residential, transitional housing, supportive housing) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | SB330 Preliminary Application (when requesting SB330 vesting) |

- Bureau of Engineering (BOE) Planning Case Referral Form (PCRF)
- Order to Comply
- Building Permits and Certificates of Occupancy
- Hillside Referral Form (BOE)
- Low Impact Development (LID) Referral Form (Storm water Mitigation)
- SB330 Determination Letter from the Housing and Community Investment Department (2+ new units, mixed-use with 2/3 residential, transitional housing, supportive housing)
- Proof of Filing with the Housing and Community Investment Department
- Are there any recorded Covenants, affidavits or easements on this property?

6. Project Team Information.

Comp. Incomp. N/A

- Applicant (Note: The Applicant cannot be the Representative unless the Representative has a vested interest in the project)
- Owner
- Representative
- Other

7. Property Owner Affidavits

Comp. Incom N/A
P-

- Ownership Disclosure if property is owned by LLC, Corporation, partnership or Trust
 - Agent for Service of Process
 - Names and addresses of principal owners (25% interest or greater)
 - Copy of current corporate articles, partnership agreement, or trust document as applicable
- Letter of Authorization from owner granting Power of Attorney to the Signatory (if MLU not signed by owner) Notarized LOA preferred if no supporting documentation to compare signature.
- Grant Deed (always required for CDP's)
- Multiple owners

Copy of Lease (if applicant is lessee of entire site)

Notarized

Note: If there are multiple parcels and/or owners, all owners need to give consent.

8. Applicant Declaration

Comp. Incomp. N/A

Owner

Applicant (Note: The Applicant cannot be the Representative unless the Representative has a vested interest in the project)

Representative

9. (Optional) Neighborhood Contact Sheet.

Comp. Incomp. N/A

Neighborhood Contact Sheet

Supplemental Filing Requirements

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Comp. Incomp. N/A

Categorical Exemption recommended _____ - _____ - _____

Environmental Assessment Form _____ - _____ - _____

Reconsideration of: _____ - _____ - _____

Existing ENV: _____ - _____ - _____

EIR _____ - _____ - _____

Additional documentation and information to be attached to all Department of City Planning Applications.

1. Photographs

Comp. Incomp. N/A

- Neighboring properties also, on 8 ½" x 11" paper
- Index map showing from which direction photos were taken

2. Vicinity Map

Comp. Incom N/A
p.

- Location map showing surrounding area (*should minimally show nearest Collector Street*)

3. Radius Maps (as applicable)

Comp. Incomp. N/A

- Ownership Map—must include all contiguously owned properties, keyed to match numbers on the ownership list (*abutting notification cases only*)
- Radius Map—must include all contiguously owned properties , keyed to match numbers on the ownership and occupant lists
 - Original plus seven (7) copies
 - 8 ½" x 11" copy
 - Dated within 180 days of submittal

Existing Plan, Proposed Plan and Existing Zoning Maps (*GPA cases only*)

- 8½" x 11" size maps (*color preferred, old ZIP-a-tone acceptable, individually prepared—not just ZIMAS printouts*)
- Five (5) copies each

4. Zimas Profile Report

Comp. Incomp. N/A

- One (1) copy of Parcel Profile Report selecting all contiguously owned properties
- One (1) copy of ZIMAS aerial view

5. Public Noticing

Comp. Incomp. N/A

- BTC receipt number _____
- Perjury affidavit (*never waived*)
- Labels of abutting property owners (*never waived*)
- Copy of abutting property owners list (*never waived*)
- Copy of owners and occupants list (for projects requiring radius maps only)
- Applicant, owner and representative must be on all labels and copies (cannot be handwritten)
- Dated within 180 days of submittal
- Posting to be done by: BTC Applicant or Representative

6. Plans Required (each folded to 8 ½" x 11")

Comp. Incomp. N/A

- Size and number of all Plans**
- One (1) full size on 24" x 36" paper
 - Four (4) reduced size on 11" x 17" paper, (APC cases 6 copies, CPC cases 11 copies)
 - One (1) reduced size on 8 ½" x 11" paper (*for Expedite Processing cases only*)
 - Plot Plan
 - Includes all contiguously owned parcels (*identify which parcels are not a part of project*)
 - Summary of information table
 - Floor Plans
 - For CUB cases, Floor Plans include # of seats, alcohol storage area and outdoor seating areas
 - Elevations
 - Color renderings of project in conjunction with landscaping (all PPB cases)

- Sections *(if project involves multiple levels or subterranean parking or basement floors)*
- Landscape Plan *(for projects with 6+ new units, include Open Space area and summary table)*
- Trees

7. Duplicate Case Files

Comp. Incomp. N/A

- Certified Neighborhood Council in an unsealed, postage affixed envelope with Public Counter return address *(for all cases)*
- California Coastal Commission *(for CDP's only)*
- LAPD *(for CUB's only)*
- Council Office *(for CUB's only)*
- Fire Department *(for Amateur Radio Antenna only)*

8. Electronic Copy of Application Materials

Comp. Incomp. N/A

- Copy of significant documents on flash drive or CD *(PDF format only)*

Staff: Please check the appropriate box.

- Your project has been accepted for review to determine completeness for filing. The review will be completed within 30 days of the date of this form. The assigned planner will contact you if additional information or corrections are required.

Staff:
Date:

- There are portions of your application that have been determined to be "incomplete" for filing purposes, those items have been checked incomplete above. Please provide the completed/corrected items to the Department of City Planning Department as soon as possible in order to continue processing your request.

Staff: *Maxfield Vermey*
Date: *9/18/2020*

- Your project has been reviewed for completeness for filing purposes. Your corrections and revised documents have been accepted and your project is deemed complete for filing purposes. The entitlement request will now be process as requested.

Staff:
Date:

Applicant name

Company/Firm: _____
Address: _____ Unit/Space Number: _____
City: _____ State: _____ Zip Code: _____
Telephone: _____ E-mail: _____

Representative name

Company/Firm: _____
Address: _____ Unit/Space Number: _____
City: _____ State: _____ Zip Code: _____
Telephone: _____ E-mail: _____

Owner name

Company/Firm: _____
Address: _____ Unit/Space Number: _____
City: _____ State: _____ Zip Code: _____
Telephone: _____ E-mail: _____

5353 Del Moreno Drive



INSTRUCTIONS:

PRIMARY CHECKLIST and DEEMED COMPLETE FOR CASE FILING

Case No. _____

Staff Maxfield Vermey

Environmental Case No. _____

Date 9/18/2020

DEPARTMENT OF CITY PLANNING APPLICATION FORM

Application Type Density Bonus
(Zone Change, Plan Amendment, Zone Variance, Conditional Use, etc.)

1. Project Location

Comp. Incomp. N/A

Street address in ZIMAS or BOE Referral form if address is not in ZIMAS

Legal description (including all contiguously owned parcels)

Assessor's Parcel Number(s)

Comp. Incomp. N/A

Lot area

Lot dimensions

Total project size

2. Project Description

Comp. Incomp. N/A

Present and proposed use, especially if units are to be demolished.

Description of project such as existing and proposed number of units, parking spaces, seats, hours of operation, height, use, scope and/or operation of the proposed project etc.

Existing Site Conditions

Proposed Project information

Housing Component Information

Public Right-of-Way Information

3. Action Requested

Comp. Incomp. N/A

- | | | | |
|-------------------------------------|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Authorizing Code Section |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Code Section from which deviation is required, if applicable Submitted 01/21/2021 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Actions Request, Narrative of what is required verses what is requested Submitted 01/21/2021 |

4. Related Department of City Planning Cases

Comp. Incomp. N/A

- | | | | |
|-------------------------------------|--------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | List of previous, recent or pending case numbers related to the project. |
|-------------------------------------|--------------------------|--------------------------|--|

5. Related Documents/Referrals

Comp. Incomp. N/A

- | | | | |
|-------------------------------------|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Specialized Requirement forms.
<input checked="" type="checkbox"/> Findings or Justification for <u>each</u> requested action |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Geographic Project Planning Referral Submitted 08/21/2020 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Redevelopment Plan Administrative Review and Referral Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Citywide Design Guidelines Compliance Review Form |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Affordable Housing Referral Form Submitted 08/17/2020 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Mello Form |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Unpermitted Dwelling Unit (UDU) Inter-Agency Referral Form |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | HPOZ Authorization Form |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Management Team Authorization |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Expedite Fee Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Department of Transportation (DOT) Referral Form |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Preliminary Zoning Assessment Referral Form (2+ new units, mixed-use with 2/3 residential, transitional housing, supportive housing) Submitted 12/20/2020 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | SB330 Preliminary Application (when requesting SB330 vesting) |

- Bureau of Engineering (BOE) Planning Case Referral Form (PCRF)
- Order to Comply
- Building Permits and Certificates of Occupancy
- Hillside Referral Form (BOE)
- Low Impact Development (LID) Referral Form (Storm water Mitigation) Submitted 09/22/2020
- SB330 Determination Letter from the Housing and Community Investment Department (2+ new units, mixed-use with 2/3 residential, transitional housing, supportive housing) Submitted 08/21/2020
- Proof of Filing with the Housing and Community Investment Department Submitted 07/30/2020
- Are there any recorded Covenants, affidavits or easements on this property?

6. Project Team Information.

Comp. Incomp. N/A

- Applicant (Note: The Applicant cannot be the Representative unless the Representative has a vested interest in the project)
- Owner
- Representative
- Other

7. Property Owner Affidavits

Comp. Incom N/A
p.

- Ownership Disclosure if property is owned by LLC, Corporation, partnership or Trust
 - Agent for Service of Process
 - Names and addresses of principal owners (25% interest or greater)
 - Copy of current corporate articles, partnership agreement, or trust document as applicable
- Letter of Authorization from owner granting Power of Attorney to the Signatory (if MLU not signed by owner) Notarized LOA preferred if no supporting documentation to compare signature.
- Grant Deed (always required for CDP's)
- Multiple owners

Copy of Lease (if applicant is lessee of entire site)

Notarized

Note: If there are multiple parcels and/or owners, all owners need to give consent.

8. Applicant Declaration

Comp. Incomp. N/A

Owner

Applicant (Note: The Applicant cannot be the Representative unless the Representative has a vested interest in the project)

Representative

9. (Optional) Neighborhood Contact Sheet.

Comp. Incomp. N/A

Neighborhood Contact Sheet

Supplemental Filing Requirements

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Comp. Incomp. N/A

Categorical Exemption recommended _____ - _____ - _____

Environmental Assessment Form _____ - _____ - _____

Reconsideration of: _____ - _____ - _____

Existing ENV: _____ - _____ - _____

EIR _____ - _____ - _____

Additional documentation and information to be attached to all Department of City Planning Applications.

1. Photographs

Comp. Incomp. N/A

- Neighboring properties also, on 8 ½" x 11" paper
- Index map showing from which direction photos were taken

2. Vicinity Map

Comp. Incom N/A
p.

- Location map showing surrounding area (*should minimally show nearest Collector Street*)

3. Radius Maps (as applicable)

Comp. Incomp. N/A

- Ownership Map—must include all contiguously owned properties, keyed to match numbers on the ownership list (*abutting notification cases only*) **Submitted 09/10/2020**
- Radius Map—must include all contiguously owned properties , keyed to match numbers on the ownership and occupant lists **Submitted 09/10/2020**
- Original plus seven (7) copies
 - 8 ½" x 11" copy
 - Dated within 180 days of submittal

Existing Plan, Proposed Plan and Existing Zoning Maps (*GPA cases only*)

- 8½" x 11" size maps (*color preferred, old ZIP-a-tone acceptable, individually prepared—not just ZIMAS printouts*)
- Five (5) copies each

4. Zimas Profile Report

Comp. Incomp. N/A

- One (1) copy of Parcel Profile Report selecting all contiguously owned properties
- One (1) copy of ZIMAS aerial view

5. Public Noticing

Comp. Incomp. N/A

- BTC receipt number _____ Submitted 09/10/2020
- Perjury affidavit (*never waived*) Submitted 09/10/2020
- Labels of abutting property owners (*never waived*) Submitted 09/10/2020
- Copy of abutting property owners list (*never waived*) Submitted 09/10/2020
- Copy of owners and occupants list (for projects requiring radius maps only) Submitted 09/10/2020
- Applicant, owner and representative must be on all labels and copies (cannot be handwritten) Submitted 09/10/2020
- Dated within 180 days of submittal Submitted 09/10/2020
- Posting to be done by: BTC Applicant or Representative Submitted 09/10/2020

6. Plans Required (each folded to 8 ½" x 11")

Comp. Incomp. N/A

Size and number of all Plans

- One (1) full size on 24" x 36" paper
- Four (4) reduced size on 11" x 17" paper, (APC cases 6 copies, CPC cases 11 copies)
- One (1) reduced size on 8 ½" x 11" paper (*for Expedite Processing cases only*)
- Plot Plan
 - Includes all contiguously owned parcels (*identify which parcels are not a part of project*)
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- Elevations
- Color renderings of project in conjunction with landscaping (all PPB cases)

- Sections (if project involves multiple levels or subterranean parking or basement floors)
- Landscape Plan (for projects with 6+ new units, include Open Space area and summary table)
- Trees Submitted 01/21/2021 Submitted 01/21/2021

7. Duplicate Case Files

Comp. Incomp. N/A

- Certified Neighborhood Council in an unsealed, postage affixed envelope with Public Counter return address (for all cases)
- California Coastal Commission (for CDP's only)
- LAPD (for CUB's only)
- Council Office (for CUB's only)
- Fire Department (for Amateur Radio Antenna only)

8. Electronic Copy of Application Materials

Comp. Incomp. N/A

- Copy of significant documents on flash drive or CD (PDF format only) Submitted 01/21/2021

Staff: Please check the appropriate box.

- Your project has been accepted for review to determine completeness for filing. The review will be completed within 30 days of the date of this form. The assigned planner will contact you if additional information or corrections are required.

Staff:
Date:

- There are portions of your application that have been determined to be "incomplete" for filing purposes, those items have been checked incomplete above. Please provide the completed/corrected items to the Department of City Planning Department as soon as possible in order to continue processing your request.

Staff: *Maxfield Vermey*
Date: *9/18/2020*

- Your project has been reviewed for completeness for filing purposes. Your corrections and revised documents have been accepted and your project is deemed complete for filing purposes. The entitlement request will now be process as requested.

Staff:
Date:

Applicant name

Company/Firm: _____
Address: _____ Unit/Space Number: _____
City: _____ State: _____ Zip Code: _____
Telephone: _____ E-mail: _____

Representative name

Company/Firm: _____
Address: _____ Unit/Space Number: _____
City: _____ State: _____ Zip Code: _____
Telephone: _____ E-mail: _____

Owner name

Company/Firm: _____
Address: _____ Unit/Space Number: _____
City: _____ State: _____ Zip Code: _____
Telephone: _____ E-mail: _____

Exhibit 2



Akhilesh Jha <akhilesh.jha@gmail.com>

Geographic Referral from the Ventura Corridor Specific Plan

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Olga Ayala <olga.ayala@lacity.org>
Cc: Marianne King <marianne.king@lacity.org>

Fri, Aug 21, 2020 at 3:03 PM

Hi Olga,

Thanks for sending the link. Attached please find all three documents. Please let me know if you have any questions.

-AJ
310-995-4589

On Fri, Aug 21, 2020 at 2:09 PM Olga Ayala <olga.ayala@lacity.org> wrote:
<https://planning.lacity.org/development-services/forms>

Here it is. Thank you.



LOS ANGELES
CITY PLANNING

Planning Assistant
Los Angeles City Planning
6262 Van Nuys Boulevard, Room 430
Van Nuys, CA 91401
Planning4LA.org
T: (818) 374-5042



Did you know ... ZIMAS provides you with property information for any parcel within the City of Los Angeles? Look up planning & zoning information, overlay districts, associated cases, and much more! <http://zimas.lacity.org/>
Case information can be found here, by entering the case number <http://planning.lacity.org/pdiscaseinfo/>
City Planning staff assignments are here: <http://planning.lacity.org/phonelist/assignmentlist.pdf>

On Fri, Aug 21, 2020 at 2:04 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:
Hello Olga,

Thank you.

Please send me a blank referral form. I will submit to you the filled referral form, proposed plan, and planning application.

-AJ
310-995-4859

On Fri, Aug 21, 2020 at 1:54 PM Olga Ayala <olga.ayala@lacity.org> wrote:
Yes, that is correct. Thank you.

I would like to continue working with the applicant from this point forward, so I need the plans and all of the necessary forms to be reviewed.
Thank you both,
Have a wonderful Friday. ;-)



LOS ANGELES
CITY PLANNING

Olga L. Aguilar

Planning Assistant
Los Angeles City Planning
6262 Van Nuys Boulevard, Room 430
Van Nuys, CA 91401
Planning4LA.org
T: (818) 374-5042



Did you know ZIMAS provides you with property information for any parcel within the City of Los Angeles? Look up planning & zoning information, overlay districts, associated cases, and much more! <http://zimas.lacity.org/>
Case information can be found here. By entering the case number: <http://planning.lacity.org/pdiscaseinfo/>
City Planning staff assignments are here: <http://planning.lacity.org/phonelist/assignmentlist.pdf>

On Fri, Aug 21, 2020 at 1:49 PM Marianne King <marianne.king@lacity.org> wrote:
Hi,

Olga we will need to see the proposed plans and planning application form in addition to the referral form. It will take about two weeks for us to review and respond.

Marianne



LOS ANGELES
CITY PLANNING

Marianne King
City Planning Associate
Los Angeles City Planning
6262 Van Nuys Blvd., Room 430
Van Nuys, CA 91401
Planning4LA.org
T: (818) 374-5059

E-NEWS

On Fri, Aug 21, 2020 at 11:08 AM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:
Dear Mariane,

Good morning!

12/20/2020

Gmail - Geographic Referral from the Ventura Corridor Specific Plan

I am applying to get an approval from the planning department to build a 60-unit apartment building on the lot 5353 Del Moreno Dr, Woodland Hills, CA 91364.

I have been referred to you to get Geographic Referral from the Ventura Corridor Specific Plan. Can you please tell me which forms I need to fill out? Thank you!

-AJ
310-995-4859

3 attachments



Geographic Project Planning Referral.pdf
337K



Del Moreno 06-23-2020.pdf
3717K



1. CP-7771.1 DCP Application Form.pdf
2173K



REFERRAL FORMS:

GEOGRAPHIC PROJECT PLANNING REFERRAL

APPLICABILITY: This form, completed and signed by appropriate Planning Staff, must accompany any application submitted to the Department of City Planning regarding any of the following proposed project types:

- Specific Plan area
• Community Design Overlays (CDO)
• Neighborhood Oriented District (NOD)
• Sign District (SN)
• Zone Change
• Design Review Board (DRB)
• Pedestrian Oriented District (POD)
• Community Plan Implementation Ordinance (CPIO)
• Public Benefit Alternative Compliance
• Zone Variance

NOTE: The Department of City Planning reserves the right to require an updated form for the project if more than 180 days have transpired since the date of the Project Planning Signature, or as necessary, to reflect project modifications, policy changes and/or amendments to the LAMC, local laws, and State laws.

PROJECT SUMMARY

1. Subject Property Address: 5353 Del Moreno Dr, Woodland Hills, CA 91364

2. Community Plan Area Name:

a. Specific Plan Name, DRB, CDO, POD, NOD, CPIO, or SN, including subarea if applicable: (If this is a Density bonus, Small Lot Subdivision or Zone Variance case, please write in the application type).

Density Bonus Project

3. Project Type (check all that apply)

- [x] New construction [] Addition [] Renovation [] Sign
[] Change of Use [x] Grading [x] Density Bonus [] Small Lot Subdivision
[] Other (describe)

If Change of Use, what is:

Existing Use? Proposed Use?

Description of proposed project: The proposed project is a mixed-use commercial/residential building comprising of one commercial and 67 residential units. It will have seven stories with a 58,000 sf of floor area and 76 ft height. The project uses California State Density Bonus, AB 2345, and AB 2442 incentives.

Items 4-7 to be completed by Department of City Planning Staff Only

4. AUTHORIZATION TO FILE (check all that apply)

Specific Plan/SN

- [] Project Permit
o Minor (3 signs or less OR change of use)
o Standard (Remodel or renovation in which additions are no greater than 200 sq. ft. more than 3 signs, wireless equipment)
o Major (All other projects, e.g. new buildings, remodels that include an addition of more than 200 sq. ft.
[] Modification
[] Adjustment
[] Exception
[] Amendment
[] Interpretation
[] Not a Project
[] Other

INSTRUCTIONS: Project Planning Referrals

1. **Appointments** - A pre-filing appointment with the assigned planner is required to complete this referral form. City Planning's current *Assignment List* can be found on our website at <http://planning.lacity.org> under the "About" tab. [After the form is completed an appointment to file your application at the Development Services Centers is also required and must be made via the City Planning website.]

2. **Review Materials** - Review of the application by assigned staff is intended to identify the level of review required for the project and to provide the Applicant with early notification of any issues with regard to requested actions or the adequacy of application exhibits/materials which could subsequently delay processing.
 - a. Provide the assigned planner with a copy of this form with items in the Project Summary section completed.
 - b. Provide a complete copy of all application materials as specified in the Master Filing Instructions (e.g. completed DCP Application, plot plans, photographs, etc.).
 - c. Provide the Specialized Requirements/Findings or Instructions pertinent to your project (e.g. Specific Plan filing instructions, DRB filing instructions, Tentative Tract filing instructions, etc.).

3. **Other Applicable Approvals** - Applicants are strongly advised to obtain a pre-plan check consultation with the Los Angeles Department of Building and Safety (LADBS) to ascertain if there are any other issues or necessary approvals associated with the project/site which should be resolved prior to filing. The design of the proposed project may require alterations in order to comply with the Los Angeles Municipal Code.

City of Los Angeles Department of City Planning WEBSITE: <http://planning.lacity.org>

<u>DOWNTOWN OFFICES:</u>	Central Project Planning Offices Los Angeles City Hall 200 N. Spring Street, Room 621 Los Angeles, CA	West/South/Harbor Project Planning Offices Los Angeles City Hall 200 N. Spring Street, Room 720 Los Angeles, CA	DSC Metro Counter Figuroa Plaza, 4 th Floor 221 N. Figuroa St. Los Angeles, CA
<u>VALLEY OFFICES:</u>	Valley Project Planning Offices Marvin Braude Building 6262 Van Nuys Blvd., Suite 430 Van Nuys, CA		DSC Valley Counter Marvin Braude Building 6262 Van Nuys Blvd., Suite 251 Van Nuys, CA
<u>WEST LA OFFICE:</u>			DSC West Los Angeles Counter 1828 Sawtelle Blvd., 2nd Floor West Los Angeles, CA 90025

Exhibit 3



Akhilesh Jha <akhilesh.jha@gmail.com>

5353 Del Moreno Dr Density Bonus Application

Akhilesh Jha <akhilesh.jha@gmail.com>

Mon, Aug 17, 2020 at 4:58 PM

To: DCP PHP <dcpphp@lacity.org>

Hello Planning Officer,

Good afternoon!

Attached please find the plan and application form for Affordable Housing Referral Form for the building proposed under the State Density Bonus Program at the location 5353 Del Moreno Dr, Woodland Hills, CA 91364.

Please let me know the next step. Thank you!

-AJ
310-995-4859

3 attachments

-  **Affordable Housing Referral Form - 4043.pdf**
1121K
-  **Del Moreno 06-23-2020.pdf**
3717K
-  **Exhibit A - Codes Supporting Housing Project Based on General Plan.pdf**
227K



REFERRAL FORMS:

AFFORDABLE HOUSING REFERRAL FORM
LOS ANGELES CITY PLANNING DEPARTMENT

This form is to serve as a referral to the Department of City Planning Development Services Center for affordable housing case filing purposes (in addition to the required Department of City Planning Application and any other necessary documentation) and as a referral to HCIDLA, CRA, LA County, or other City agency for project status and entitlement need purposes. This form shall be completed by the applicant and reviewed and signed by Department of City Planning staff prior to case filing. Any modifications to the content(s) of this form after its authorization by the Department of City Planning staff is prohibited.

CITY STAFF USE ONLY

Referral To:
[] Planning DSC - Filing [] HCIDLA Funding [] CRA [x] LA County [] Other:
NOTES:
Planning Staff Name and Title Planning Staff Signature Date

(The Department of City Planning reserves the right to require an updated AHRF for the project if more than 180 days have transpired since the above date, or as necessary, to reflect project modifications, policy changes and/or amendments to the LAMC, local laws, and State laws.)

I. PROPOSED PROJECT

1. PROJECT LOCATION/ ZONING

Project Address: 5353 Del Moreno Dr, Woodland Hills, CA 91364
Project Name:
Applicant Name and Phone/Email:
Assessor Parcel Number(s):
Community Plan: Number of Lots: The proposed pLot Size: comprising of one c.s.f.
Existing Zone: area and 76 ft height. The project use Land Use Designation:
[] Specific Plan [] HPOZ [] DRB [] Enterprise Zone [] CRA
[] Q-condition/ D-limitation/ T-classification (please specify):
[] Other pertinent zoning information (please specify):
[] Location of Major Transportation Stop or Intersection (please specify):

2. DESCRIPTION OF PROPOSED PROJECT

The proposed project is a mixed-use commercial/residential building comprising of one commercial and 67 residential units. It will have seven stories with a 61,000 sf of floor area and 76 ft height. Project uses California State Density Bonus, AB 2345, and AB 2442 incentives and provides 7 units to very low-income disabled-veteral households, 80 automobile parking spaces, 58 bicycle parking spaces, balconies, qym facility, and courtyard. The existing single-family home will be demolished.

1 Per AB 744, A Major Transit Stop means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. It also includes major transit stops that are included in the applicable regional transportation plan. Per Sec 12.22.A.25(b) of LAMC, the definition of Transit Stop/Major Employment Center includes: (1) a station stop for a fixed transit guideway or fixed rail system, (2) a Metro Rapid Bus stop or route, (3) the boundaries of three major economic activity areas, and (4) the boundaries of a college or university campus with an enrollment exceeding 10,000 students.

3. EXISTING USE

A. Describe Existing Development: A single-family house of 4 bedrooms and 3 bathrooms and 3,001 sq. ft.

Characteristic of existing use Dwelling Unit (DU), Commercial/ Industrial, or Other	Existing		To Be Demolished	Proposed ²	
	No. of DU or Guest Rooms	Approximate sq. ft./ea.		No. of DU or Guest Rooms	Approximate sq. ft./ea.
Guest Rooms					
Studio					
One Bedroom				54	663
Two Bedrooms					1010
Three Bedrooms					
<u>1</u> Bedroom	1	3001	Yes		
Commercial / Industrial					333
Other:					

B. Previous Cases Filed

	<u>(1)</u>	<u>(2)</u>	<u>(3)</u>
Case Number(s):	_____	_____	_____
Date Filed:	_____	_____	_____
Date Approved:	_____	_____	_____
End of Appeal Period:	_____	_____	_____
Environmental No.	_____	_____	_____

4. TYPE OF APPLICATION

- Density Bonus (per LAMC Sec. 12.22.A.25) with **no** incentives filed in conjunction with a discretionary approval. If no entitlement case is requested, please contact the Los Angeles Department of Building and Safety (LADBS) at ladbs.org or call 3-1-1 within the City of Los Angeles or (213) 473-3231 outside of the City of Los Angeles.
- Density Bonus per LAMC Sec. 12.22.A.25 **with incentives on the menu** (please specify): _____
- Density Bonus per LAMC Sec. 12.22.A.25 **with incentives off menu** (please specify): See below in "Other dis..."
- Density Bonus per LAMC Sec. 12.22.A.25 **with on and off menu incentives** (please specify): _____
- Greater Downtown Housing Incentive Area per LAMC Sec. 12.22.A.29, Ordinance 179,076 (Sections 7 and 9 through 11 of this form do not apply)
- Public Benefit Project per LAMC Sec. 14.00.A.2
- Unapproved Dwelling Unit per LAMC Sec. 14.00.A.10
- Agreement for Partnered Housing Between Commercial and Housing Developer:
 - 30% or more of total units provided for low income housing
 - 15% or more of total units provided for very low income housing
- General Plan Amendment per LAMC Sec. 11.5.6. Request: _____
- Zone/Height District Change per LAMC Sec. 12.32. Request: _____
- Conditional Use per LAMC Sec. 12.22.U.26
- Site Plan Review per LAMC Sec. 16.05
- Specific Plan Project Permit Compliance per LAMC Sec. 11.5.7.C
- Community Design Overlay per LAMC Sec. 13.08
- Coastal Development Permit per LAMC Sec. 12.20.2 or 12.20.2.1
- Tract or Parcel Map per LAMC Sec. 17.00 or 17.50
- Other discretionary incentives requested (please specify): 1) FAR 3.4, 2) 0'/0' front setback, 3) 0'/5' rear setback, 4) 0'/5' sideyard setback (1st number for the 1st and 2nd floors and the 2nd number for floors 3-7) 5) 70% decrease in open space, 6) 21' commercial frontage, 7) 18' commercial depth, 8) 76' height & 7 stories, 9) No transitional height, 10) 90% lot coverage, 11) 80 parking spaces including 25 tandem

² Replacement units, per AB 2556, shall be equivalent to the number of units, size, and number of bedrooms of the existing development.

5. ENVIRONMENTAL REVIEW

- Environmental Review Not Required – Project is Ministerial.³ Please explain: _____
- Not filed (please contact the Department of City Planning Development Services Center for more information)
- Filed (indicate case number): _____

6. HOUSING DEVELOPMENT PROJECT TYPE (please check all that apply):

- For Sale
- For Rent
- Extremely Low Income
- Very Low Income
- Low Income
- Moderate Income
- Market Rate
- Mixed Use Project
- Senior
- Residential Hotel
- Transitional Foster Youth
- Disabled Veteran
- Homeless
- Special Needs (please describe): _____

Per AB 2335, 50% density bonus (instead of 35%). Total Units = 43 x 1.5 = 65
 Per AB 2335, 15% to Very Low Income. Very Low Income Units = 43 x 0.15 = 7
 Per AB 2445, 20% Bonus for Disabled Veteran Units. AB 2445 Bonus = 7 x 0.2 = 2
 Total Allowable Units = 65 + 2 = 67

7. DENSITY CALCULATION

A. Base Density: Maximum density allowable per zoning

Lot size	<u>16,807.4</u>	s.f. (a)
Density allowable by zone	<u>400</u>	units/s.f. of lot area (b)
Units allowed by right (Base Density)	<u>43</u>	units (c) [c = a/b, Including fraction and round up to the next whole number]

B. Maximum Allowable Density Bonus: 67 units (d) [d = c x 1.35, include fraction and round up to whole number]

C. Proposed Project: Please indicate total number of Units requested as well as breakdown by levels of affordability set by each category (HCD or HUD). For information on HCD and HUD levels of affordability please contact the Housing and Community Investment Department of Los Angeles (HCIDLA) at (213) 808-8843 or hcidla.lacity.org.⁴

	<u>Total</u>	<u>HCD (State)</u>	<u>HUD (TCAC)</u>
Market Rate	<u>60</u>	<u>N/A</u>	<u>N/A</u>
Managers Unit(s) - Market Rate	<u> </u>	<u>N/A</u>	<u>N/A</u>
Extremely Low Income	<u> </u>	<u> </u>	<u> </u>
Very Low Income	<u> </u>	<u> </u>	<u> </u>
Low Income	<u> </u>	<u> </u>	<u> </u>
Moderate Income	<u> </u>	<u> </u>	<u>N/A</u>
Seniors- Market Rate	<u> </u>	<u>N/A</u>	<u>N/A</u>
Seniors- Very Low Income	<u> </u>	<u> </u>	<u> </u>
Seniors- Low Income	<u> </u>	<u> </u>	<u> </u>
Seniors – Moderate Income	<u> </u>	<u> </u>	<u> </u>
Transitional Foster Youth–Very Low Income*	<u> </u>	<u> </u>	<u> </u>
Disabled Veterans – Very Low Income*	<u>7</u>	<u>7</u>	<u> </u>
Homeless – Very Low Income*	<u> </u>	<u> </u>	<u> </u>
Total # of Units per Category	<u>67</u>	<u>7</u> (e)	<u> </u> (f)
Percent of Affordable Units by Category	<u>16.27%</u>	<u>16.27%</u> (g)	<u> </u> (h)
		[g = e/c or e/i, whichever is less, c or i] [h = f/c or f/i, whichever is less, c or i]	
TOTAL # of Units Proposed	<u>67</u> (i)		
Number of Density Bonus Units	<u>24</u> (j) [if i>c, then j=i-c; if i<c, then j=0]		
Percent Density Bonus Requested	<u>55.81%</u> (k) [k= j/c]		
Percent of Affordable Set Aside	<u>16.27%</u> (c) x % of affordable housing units provided		

* Per AB 2442, a 10% setaside with Very Low Income units at 20% Density Bonus.

³ Ministerial Projects (aka, "By-Right") do not require any discretionary Planning approvals. Developers of such housing file building plans with the Department of Building & Safety. Plans are checked for compliance with the Building Code and, when in compliance, permits are issued to begin construction.

⁴ HCD (State) = Published affordability levels per California Department of Housing and Community Development. HUD (TCAC) = Published affordability levels per the United States Department of Housing and Urban Development.

8. SITE PLAN REVIEW CALCULATION An application for Site Plan Review may be required for projects that meet any of the Site Plan Review thresholds as outlined in LAMC Section 16.05.C. unless otherwise exempted per Section 16.05.D. For Density Bonus projects involving bonus units, please use the formula provided below to determine if the project meets the Site Plan Review threshold for unit count. If project meets the threshold(s) but qualifies under the exemption criteria per Section 16.05.D please confirm exemption with Department of City Planning's DSC Housing Unit.

42 units allowed by right (permitted by LAMC) – 1 existing units = 41 units

- YES, Site Plan Review is required, if Proposed Base Density units minus existing units is equal to or greater than 50⁵
- NO, Site Plan Review is not required, if Base Density units minus existing units is less than 50
- NO, Site Plan Review is not required if Proposed Project is not utilizing a Density Bonus and total Project is less than 50
- Exempt (please specify): _____

II. DENSITY BONUS (LAMC Sec.12.22.A.25, Ordinance 179,681)

9. DENSITY BONUS OPTIONS (Please check all that apply)

- Land Donation
- Child Care
- Restricted Affordable Units Located Near Transit Stop/ Major Employment Center
- Common Interest Development with Low or Very Low Income Restricted Affordable Units for Rent
- Condominium Conversion

Parking (Please choose only one of the following options):

Parking Option 1: Based on # of bedrooms, inclusive of Handicapped and Guest parking. Fractional numbers are rounded down.

	# of Units	Spaces/Unit	Parking Required	Parking Provided
0-1 Bedroom	54	1	54	53
2-3 Bedrooms	13	2	26	26
4 or more Bedrooms		2.5		
TOTALS			80	79

Out of the 80 available parking spaces, 1 space is being provided to the commercial unit and 79 to residential units.

Parking Option 2: Reduced only for Restricted Affordable Units: up to 40% of required parking for Restricted Affordable Units may be compact stalls. Fractional numbers are rounded down.

	# of Units	Spaces/Unit	Parking Required	Parking Provided
Market Rate (Including Senior Market Rate)		Per code		
Restricted Affordable		1		
Very Low/ Low Income Senior or Disabled		.5		
Restricted Affordable in Residential Hotel		.25		
TOTALS				

Parking Option 3: AB 744 - Applies to two types of projects: (A) 100% affordable developments consisting solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families; or (B) mixed-income developments consisting of the maximum number of very low- or low income units, which is 11% and 20% set aside, respectively.

⁵ Site Plan Review may also be required if other characteristics of the project exceeds the thresholds listed in Sec. 16.05 of the LAMC.

A) 100% Affordable Rental Projects

	# of Units	Spaces/Unit	Parking Required	Parking Provided
Located within 1/2 mile of major transit stop		0.5		
Senior having either paratransit service or unobstructed access within 1/2 mile to fixed bus route service that operates at least 8 times/day		0.5		
Special needs having either paratransit service or unobstructed access within 1/2 mile to fixed bus route service that operates at least 8 times/day		0.3		

B) Mixed Income Projects consisting of the maximum number of very low- or low income units, which is 11% and 20% set aside, respectively

	# of Bedrooms	Spaces/Bedroom	Parking Required	Parking Provided
Located within 1/2 mile of major transit stop with unobstructed access to project		0.5		

APPLICABLE TO PARKING OPTION 3 – AB744 ONLY: (1) **Major transit stop** means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. It also includes major transit stops that are included in the applicable regional transportation plan. (2) The maximum 1/2 mile distance to a major transit stop is measured in a straight line ("as the crow flies"). (3) Tandem or uncovered parking is permitted. (4) Fractional numbers are rounded up.

10. INCENTIVES

Please check if you are requesting an incentive from AB 2501 "Development Bonuses From a Mixed Use Development".

A. Project Zoning Compliance & Incentives (Please check all that apply)

	<u>Required/ Allowable</u>	<u>Proposed</u>	<u>ON Menu</u>	<u>OFF Menu</u>
<input checked="" type="checkbox"/> (1) Yard/Setback (each yard counts as 1 incentive)				
<input checked="" type="checkbox"/> Front	<u>25 ft</u>	<u>0 ft/0 ft (comm/res)</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Rear	<u>25 ft</u>	<u>0 ft/5 ft (comm/res)</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Side(s)	<u>15 ft</u>	<u>0 ft/5 ft (comm/res)</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> (2) Lot Coverage	<u>25%</u>	<u>90%</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> (3) Lot Width	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> (4) Floor Area Ratio ⁶	<u>3.0</u>	<u>3.4</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> (5) Height/ # of Stories ⁷	<u>36 ft/3 stories</u>	<u>76 ft/7 stories</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> (6) Open Space	<u>7025</u>	<u>2100</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> (7) Density Calculation	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> (8) Averaging (all count as 1 incentive)			<input type="checkbox"/>	<input type="checkbox"/>
FAR	_____	_____	---	---
Density	_____	_____	---	---
Parking	_____	_____	---	---
OS	_____	_____	---	---
Vehicular Access	_____	_____	---	---
<input checked="" type="checkbox"/> Other (please specify):	<u>Commer frontage 39.4'</u>	<u>Commer frontage 21'</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<u>Commercial Depth 25'</u>	<u>Commercial Depth 18'</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<u>Height transition 25'</u>	<u>Height transition 0'</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<u>Required Parking 81</u>	<u>Provided Parking 80</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	_____	<u>(including tandem)</u>	<input type="checkbox"/>	<input type="checkbox"/>

TOTAL # of Incentives Requested:

_____ 11 _____

⁶ If applicable, provide vicinity map showing 50% of commercially zoned parcel is within 1,500 feet from Transit Stop or Major Employment Center.

⁷ See Sec. 12.22.A.25(f) 5 for additional requirements.

B. Qualification for Incentives On the Menu: (Please check only one)

Incentives	% Very Low Income	% Low Income	% Moderate Income
One	<input type="checkbox"/> 5% to <10%	<input type="checkbox"/> 10% to <20%	<input type="checkbox"/> 10% to <20%
Two	<input type="checkbox"/> 10% to <15%	<input type="checkbox"/> 20% to <30%	<input type="checkbox"/> 20% to <30%
Three	<input checked="" type="checkbox"/> 15% or greater	<input type="checkbox"/> 30% or greater	<input type="checkbox"/> 30% or greater
3+	<input type="checkbox"/> (Specify):	<input type="checkbox"/> (Specify):	<input type="checkbox"/> (Specify):

11. COVENANT:

All Density Bonus projects are required to prepare and record an Affordability Covenant to the satisfaction of the Los Angeles Housing Department's Occupancy Monitoring Unit **before** a building permit can be issued. Please contact the Housing and Community Investment Department of Los Angeles (HCIDLA) at (213) 808-8843 or hcidla.lacity.org

12. REPLACEMENT UNITS:

AB 2222 requires that density bonus eligible projects replace any pre-existing affordable housing units on the project site. Replacement units include the following: (Answer the following with yes or no.)

- A. Units subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income? No
- B. Units occupied by lower or very low income households below 80% AMI per California Department of Housing and Community Development levels not already listed above? No
- C. Units subject to the Rent Stabilization Ordinance not already listed above? No
- D. Units that have been vacated or demolished in the last 5 years? No
- E. Per AB 2556, are the number of replacement units, size and number of bedrooms equivalent to that being demolished (as shown on Existing Development Table on page 2 above)? No

III. GREATER DOWNTOWN HOUSING INCENTIVE AREA (GDHIA)

13. GREATER DOWNTOWN HOUSING INCENTIVE AREA (LAMC SEC. 12.22.A.29, Ordinance 179,076)

A. ELIGIBILITY FOR FLOOR AREA BONUS

NOTE: Published affordability levels per the United States Department of Housing and Urban Development (HUD/TCAC). Please consult with Los Angeles Housing Department's Occupancy Monitoring Unit for additional information.

- (1) 5% of the total number of dwelling units provided for Very Low Income households; and
- (2) One of the following shall be provided:
 - 10% of the total number of dwelling units for Low Income households; or
 - 15% of the total number of dwelling units for Moderate Income households; or
 - 20% of the total number of dwelling units for Workforce Income households, and
- (3) Any dwelling unit or guest room occupied by a household earning less than 50% of the Area Median Income that is demolished or otherwise eliminated shall be replaced on a one-for-one basis within the Community Plan Area in which it is located.

B. INCENTIVES (Please check all that apply)

NOTE: Must meet all 3 eligibility requirements from above and provide a Covenant & Agreement (#11).

- (1) A 35% increase in total floor area.
- (2) Open Space requirement pursuant to Section 12.21.G reduced by one-half, provided fee is paid.
- (3) No parking required for units for households earning less than 50% AMI.
- (4) No more than one parking space required for each dwelling unit.

C. ADDITIONAL INCENTIVES TO PRODUCE HOUSING IN THE GREATER DOWNTOWN HOUSING INCENTIVE AREA

- (a) No yard requirements except as required by the Urban Design Standards and Guidelines
- (b) Buildable area shall be the same as the lot area (for the purpose of calculating buildable area for residential and mixed-use)
- (c) Maximum number of dwelling units or guest rooms permitted shall not be limited by the lot area provisions as long as the total floor area utilized by guest rooms does not exceed the total floor area utilized by dwelling units.
- (d) No prescribed percentage of the required open space that must be provided as either common open space or private open space.

EXHIBIT B

ZIMAS Map



Zoning: RA-1
General Plan: Limited Commercial

Tract: TR 23652
Block: None
Lot: FR 5
Arb: None

Address: 5353 N DEL MORENO DR
APN: 2166035032
PIN #: 171B113 53

EXHIBIT C

Email Correspondence



Justin Bilow <justin.bilow@lacity.org>

Fwd: SB330 Vesting Preliminary Application for 1848 S Gramercy Place

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Justin Bilow <justin.bilow@lacity.org>

Wed, May 20, 2020 at 4:49 PM

Hi Justin,

Thank you! Looking forward to receiving your comments. Stay safe!

-AJ

On Wed, May 20, 2020 at 4:21 PM Justin Bilow <justin.bilow@lacity.org> wrote:

Hi AJ,

I see the request for SB330 vesting below. I'll take look at the materials and information this week, and get back to you with comments.

Stay Well,

**Justin L. Bilow**

City Planner

Los Angeles City Planning

201 N. Figueroa St., Room 525

Los Angeles, CA. 90012

Planning4LA.org

T: (213) 202-5401



----- Forwarded message -----

From: **Akhilesh Jha** <akhilesh.jha@gmail.com>

Date: Wed, May 20, 2020 at 11:38 AM

Subject: SB330 Vesting Preliminary Application for 1848 S Gramercy Place

To: Diane Hamilton <diane.hamilton@lacity.org>

Hello Diane,

I hope everything is well with you and your family.

Thanks for your email. Yes, I am interested in applying for vesting rights under SB330.

Attached please find the documents. Please let me know if I am missing any documents. Thank you!

-AJ

310-995-4859

On Wed, May 13, 2020 at 2:21 PM Diane Hamilton <diane.hamilton@lacity.org> wrote:

Hi [Name],

In response to the City's policy of minimizing the spread of COVID-19, the initial submittal of the optional SB330 vesting Preliminary Application will be done via email. I also want to confirm with you that the appointment request is to file an optional vesting SB330 Preliminary Application available to Housing Development Projects related to a City Planning Application that will be filed. This preliminary application is optional for vesting purposes only, not for submittal or receipt of the Preliminary Zoning Assessment nor the HCID Replacement Unit Determination.

Please provide the information and documentation required in the application and instructions attached.

As you prepare the digital package, please note the following:

FORMS & DOCUMENTS: Copies of the required forms and information needed to file an SB330 Preliminary Application are attached for your convenience.

SQUARE FOOTAGE OF CONSTRUCTION/BUILDING AREA: Any reference in the Preliminary Application and Instructions to the phrase "Square Footage of Construction" refers to "Building Area," as defined by the California Building Standards Code (Title 24 of the California Code of Regulations) – California Government Code Section 65941.1(c). Please identify on the plans a table with the total Building Area as well as the Building Area broken down by level. Please provide a dimensioned and shaded Building Area diagram indicating the areas counted as Building Area. In addition, if the project is mixed-use, please differentiate the residential and non-residential areas in the Building Area diagram and the table.

ELEVATIONS: Elevations are required to identify the design, color and material, massing, and height of each building. Refer to Elevation Instructions (CP-7817) for additional guidance.

OWNERSHIP VERIFICATION: The owner of each property involved must provide a signature on the preliminary application to verify the Preliminary Application is being filed with their knowledge. Staff will confirm ownership based on records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts, the agent for service of process or an officer of the ownership entity so authorized, and verified through the applicable documentation, may sign. Please provide the appropriate documentation linking the signatory to the property owner. A wet-signed application (and Letter of Authorization, if applicable) will be required before the project is vested and the referral form is released.

FEES: The fee to file a vesting SB 330 Preliminary Application is \$1,060.26. Please be prepared to pay the fee at the time of deeming complete the preliminary application. The invoice will be sent when all other documents are verified for completeness and accuracy. The next step will be to arrange to drop off the invoice, check, and routing slip for payment in the "City Planning" box in the lobby of one of the Development Services Centers. Upon proof of payment from the cashier, we'll set the vesting

date and release the referral form. Alternatively, if you do not want to drop off the check at the DSC, you may mail it with the invoice and routing slip to the following address:

City of Los Angeles
Department of City Planning
200 N Spring Street, Room 570,
Los Angeles, CA 90012

Attention: FMU

Stay Safe and Well,

--

Diane Hamilton
201 N. Figueroa, 5th Floor
Los Angeles, CA 90012

--

Diane Hamilton
201 N. Figueroa, 5th Floor
Los Angeles, CA 90012



Justin Bilow <justin.bilow@lacity.org>

Fwd: SB330 Vesting Preliminary Application for 5353 Del Moreno Dr

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Justin Bilow <justin.bilow@lacity.org>

Thu, Jul 9, 2020 at 5:54 PM

Hi Justin,

No worries! Yes, tomorrow 11 am works for me.

Regarding [1848 S Gramercy](#), I am still thinking about whether to file SB-330 application or not. I will let you know.

Thank you!

-AJ
310-995-4859

On Thu, Jul 9, 2020 at 5:51 PM Justin Bilow <justin.bilow@lacity.org> wrote:

Hi AJ,

I'm sorry I was not available this afternoon. How about if we get on a call tomorrow at 11:00 AM. Are you available then?

Also, are we moving forward on [1848 S. Gramercy Place](#)?

Justin L. Bilow
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Los Angeles City Planning
201 N. Figueroa St., Room 525
Los Angeles, CA. 90012
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On Wed, Jul 8, 2020 at 9:27 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hi Justin,

Thanks again for your email. So that we have a fruitful discussion tomorrow, let me reiterate why I think my housing project does qualify for the density project.

As you mentioned, the zoning of the lot is RA-1. However, the General Plan Land Use Element of the lot is Limited Commercial, which allows a maximum density of one unit per 400 sf. I believe that I can apply for the housing project based on the general plan density and it would not require any rezoning per the following code sections:

- 1) California State Density Bonus Law § 65915(o)(2): If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.
- 2) California State Density Bonus Law § 65915(o)(2): "Maximum allowable residential density" means the density allowed under the zoning ordinance and land use element of the general plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project.
- 3) Housing Crisis Act 2019 65589.5.(d), A local agency shall not disapprove a housing development project unless it makes written findings that the project would have an adverse impact upon the public health or safety.
"Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific,

adverse impact upon the public health or safety."

4) Housing Crisis Act 2019 65589.5.(j)(4) A project shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan.

So, I would be interested in knowing why the above laws are not applicable to my project. In other words, how are the above laws superseded by other state or city laws?

I am looking forward to talking with you tomorrow afternoon. My phone number is 310-995-4859. Please call me whenever you have time.

Thank you!

-AJ

On Wed, Jul 8, 2020 at 7:18 PM Justin Bilow <justin.bilow@lacity.org> wrote:

Hi AJ,

I do sense your frustration, and I think it might help if we spend some time on the phone to discuss the relevant aspects of the project, the content of the SB330 preliminary application and the Planning processes. Keep in mind that a project does not qualify to use Density Bonus on a site zoned RA-1 among other issues that have not been worked out, so the information provided on the SB330 Preliminary Application cannot be deemed complete. Are you available for a phone call tomorrow afternoon or Friday?



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On Mon, Jul 6, 2020 at 12:57 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Dear Mayor Garcetti, Attorney Feuer, and Attorney Kapur:

I hope my email finds you well.

I am writing this email to all of you because you have been involved in resolving our historic housing crisis. This email will give you some insight into how a housing project suffers in LA City for no apparent reason.

On May 20, 2020, I started the application of getting vesting rights under SB-330 (Housing Crisis Act of 2019).

By June 23, 2020, with the help from the city staff, I was able to provide all the required information as specified in the State SB-330 form and City SB-330 Form. However, the city planner is not taking any action on it. It is asking for approval of a housing form from another unit. I will explain to you, as I explained to the city planner, that requesting such external approval is following neither the text of the SB-330 law, nor the spirit of the SB-330 law, nor the instructions on the very SB-330 form.

As LA City memo on this issue clarifies, "In order for a Housing Development Project to receive initial vesting rights, preliminary application must include all of the information required on CP-4063 form consistent with subdivision (a) of CA Govt Code Section 65941.1"

I also verified that the information that I submitted indeed satisfy all the government code of subdivision (a) apart from satisfying every instruction on the City and State SB-330 forms. Please see the attached documents.

Government code 65941.1(b)(3) also states that **a checklist or form shall not require or request any information beyond that expressly identified in subdivision (a)**. The law also requires a local agency to

make specified written findings based on a preponderance of the evidence in the record on why an SB-330 application was rejected.

I do admire our lawmakers for the farsightedness they show in writing the law. I do not know how they can make the law clearer than this.

However, I do not understand why our planners will be so keen on not following the plain laws. After the repeated requests, I have not gotten any clear answer as to why my SB-330 application has not been accepted or rejected. Which portion of the state law or the municipal code or instruction have I not satisfied? No answer.

It does not matter how many thousands of laws we write, if the very people who are in-charge happen to be in its way, our city will always have a housing crisis.

I am not asking for something more or extra. All I am asking is either accept or reject my application. I believe that this is a very appropriate and simple expectation from the city. But, they would rather sit on the application, and that should not be acceptable to you or me or anyone.

Development of a house is already a complicated, risky, and messy process. My experience in dealing with our city is that every unit of our city tries its best to delay and subvert the law. Please let me know if you are interested in knowing very clear examples of these delays and subversion. The city makes a developer suffer. Our bureaucracy has mastered that art. Coming from India, it comes to my mind to share with you that India has the largest constitution in the entire world. However, it is also one of the most corrupt countries in the world. There is no dearth of laws in the Indian constitution as there is no dearth of laws in our state for facilitating housing projects. However, those laws are moot points if our bureaucrats are not on-board.

Dealing with our city makes me think and reminds me on a daily basis that, maybe and just maybe, I have not left my native country.

I hope we resolve this issue and the city either approves or rejects my SB-330 application.

Thank you for your time. I hope you are keeping yourself safe and sound in the midst of everything that is going on around us.

-AJ
310-995-4859

On Fri, Jun 26, 2020 at 3:20 PM Justin Bilow <justin.bilow@lacity.org> wrote:

Hi AJ,

Maybe you want to get on a call with me next week. I can explain to you the Department's processes and policies and clarify the City's implementation of SB330. But, in order to keep progress moving on this project, I suggest just reaching out to Housing Services as I've recommended. The Department's Housing Services unit verifies whether a project qualifies to use Density Bonus incentives. This project has not yet received that verification from anyone in the Department. Please be aware that the project cannot file an entitlement application for Density Bonus incentives or otherwise without having received the determination/referral form from that unit, even if the project can use Density Bonus. The PARP unit does not do that; PARP provide certain pre-entitlement services, including support in the implementation of SB330, which does not include the provisions of State law that you're citing, a common misunderstanding.

Housing Services can be reached at dcpphp@lacity.org. You may also reach out to Eric Claros at eric.claros@lacity.org or Ulises Gonzalez at ulises.gonzalez@lacity.org.

Stay Well,



Justin L. Bilow
City Planner
Los Angeles City Planning
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Los Angeles, CA. 90012
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T: (213) 202-5401



On Thu, Jun 25, 2020 at 5:11 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:
Hi Justin,

It is always a pleasure to receive your email. I certainly appreciate your prompt response. Also, I request that our difference in opinion to be not taken personally. Without having ever met you, I can tell from how you have interacted with me, that you are prompt and professional.

I did consult three attorneys regarding the issue of getting approval from the planning department on whether this project "will be able to use Density Bonus". We have uniformly come to the conclusion that approval of AHRF is not required for the following reasons:

1) Both state law and city law explicitly allow provision of putting density bonus information of the project on the respective SB330 forms without requiring approval from planning department.

2) Per Housing Crisis Act 2019 65589.5.(d), A local agency shall not disapprove a housing development project unless it makes written findings that the project would have an adverse impact upon the public health or safety. "Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety."

3) Per Housing Crisis Act 2019 65589.5.(j)(4) A project shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan.

4) Per California State Density Bonus Law § 65915(o)(2): "Maximum allowable residential density" means the density allowed under the zoning ordinance and land use element of the general plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project.

5) Per California State Density Bonus Law § 65915(o)(2): If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

I feel that law is overwhelmingly clear on this topic. Therefore, I have every reason to believe that my application is complete and consistent with the Housing Crisis Act and State Density Bonus Laws.

Since you are the authority to decide, I leave upto to reconsider my application and grant me the vesting rights as required by the law. Otherwise, please provide a written finding on the rejection of my vesting right application.

Thank you so much for being patient with me. I really appreciate that.

-AJ
310-995-4859

On Thu, Jun 25, 2020 at 4:26 PM Justin Bilow <justin.bilow@lacity.org> wrote:
Hi AJ,

How's it going with Housing Services? You can reach them at [dcp-php@lacity.org](mailto:dcpphp@lacity.org). We'll continue the formal review of this preliminary application after there is clarity on whether the project will be able to use Density Bonus.



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On Tue, Jun 23, 2020 at 5:09 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hi Justin,

Thanks for your feedback. Attached please find the updated architectural plan. Hopefully, your request for two items have been provided:

1. Shaded and dimensioned Building Area diagram along with the tally table - A3.5
2. Specific materials on the elevations. Material board to indicate the design, materials and color - A1.2

I have also updated the construction area and floor area on the application to be more accurate. Please let me know if you have any questions or you need anything else. Thank you!

-AJ

On Fri, Jun 19, 2020 at 6:34 PM Justin Bilow <justin.bilow@lacity.org> wrote:

Hi AJ,

Thank you for resending everything. That is very helpful as a general practice.

The AHRF is something to be thinking about because the proposed project would seek to use Density Bonus. We need that to be verified as true. If the project will not use Density Bonus, then the answer on the SB330 Preliminary Application can also be changed in order to satisfy the application requirements.

Here are my comments on the plans:

-Please provide the shaded and dimensioned Building Area diagram that was requested along with the tally table.

-The materials on the elevations need to be specified. One option would be to provide a material board. "stone" and "wood" and "metal" are terms that are still too vague to indicate that the design, materials and color have been identified.



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Justin L. Bilow

City Planner

Los Angeles City Planning

201 N. Figueroa St., Room 525

Los Angeles, CA. 90012

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T: (213) 202-5401



On Thu, Jun 18, 2020 at 11:40 AM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hi Justin,

Good morning!

We have revised the architectural plan to conform to your request for additional data. For your convenience, I have attached all the documents once again so that you do not have to go back and forth on emails. I have also filled and attached the state form for SB-330.

I am still thinking about AHRF because it might delay this application and cause additional fees that I am unable to pay right now.

Please let me know, apart from AHRF, if you have everything else. Thank you!

-AJ
310-995-4859

On Thu, Jun 11, 2020 at 2:31 PM Justin Bilow <justin.bilow@lacity.org> wrote:

Also, in terms of gaining assistance on confirming the entitlement process available, you can also reach out directly to the Housing Services Unit supervisors, Eric Claros at Eric.Claros@lacity.org and Ulises Gonzalez at Ulises.Gonzalez@lacity.org before submitting a formal application for an Affordable Housing Referral Form.



Justin L. Bilow
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Los Angeles City Planning
201 N. Figueroa St., Room 525
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On Tue, Jun 9, 2020 at 5:37 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hi Justin,

Thank you so much for your prompt response. After receiving your email, I did dig deeper and found that there are two easements on the property. The easements are described in the Exhibit B of the modified application. Please let me know if you need additional details on the easements.

I will respond to the rest two items (AHRF and missing plan details) in a separate email. Thank you!

-AJ

On Tue, Jun 9, 2020 at 3:58 PM Justin Bilow <justin.bilow@lacity.org> wrote:

Hi Akhilesh,

See below for responses:

1 & 2. The AHRF is optional insofar as it helps to supplement the information provided when the information provided is unclear or incomplete. In the case of this project, you're proposing to use the development standards of the underlying land use designation rather than the zone and proposing to use Density Bonus. I understand that you're interpreting State law to allow this; however, State law does not go as far as you're assuming. The SB330 application asks applicants to identify whether the project is proposing to use Density Bonus, and you've stated that the project is using Density Bonus. At the same time, I have to make sure that the information provided is accurate and complete. Gaining the AHRF will assure that the information about using Density Bonus is correct. At this time, the SB330 application cannot be deemed complete until we gain the AHRF to verify whether Density Bonus, or another entitlement process, is going to be used for this project. Please provide the AHRF

3. What information did you use to verify whether there are any public easements on the site?

4. Thanks. I'll take a look at the architectural plans once provided.

Stay Well,

Justin L. Bilow



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City Planner
Los Angeles City Planning
 201 N. Figueroa St., Room 525
 Los Angeles, CA. 90012
 Planning4LA.org
 T: (213) 202-5401



On Tue, Jun 9, 2020 at 1:19 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:
 Hello Justin,

I hope all is well with you.

1) To get clarification on your comment, are you requesting only one form (i.e. Affordable Housing Referral Form) or are you requesting any other entitlement or HCID referrals? Please clarify which and how many referrals you are asking.

2) Per the LA City CP-4062 SB 330 form, the Affordable Housing Referral Form is Optional and only if known. So, can you please review my SB330 form without requiring the Affordable Housing Referral form. I also checked with the California State-provided SB330 form. The state form also does not require to provide the Affordable Housing Referral Form while filing for SB330. Since SB330 is a state law, I was hoping that you could comply with state requirements and not require optional items since it will delay the process, and thereby, defeating the very purpose of SB-330.

I do understand that, once the SB330 form is approved by you, I will have to go through the Affordable Housing Referral Form and Case filing for the Density Bonus project like any other project. I am not trying to short-circuit that process.

3) I verified that there are no recorded Covenants, affidavits or easements on this property.

4) My architect is working on giving you a fully-dimensioned site plan and other plan-related documents.

Thank you!

-AJ

On Mon, Jun 8, 2020 at 2:16 PM Justin Bilow <justin.bilow@lacity.org> wrote:
 Hi Akhilesh,

See below for my comments on the materials provided for the SB330 Preliminary Application:

Application form:

- Verify entitlement requests with the Housing Services Unit. Provide a signed Affordable Housing Referral form to verify the entitlements.
- indicate the public easements on the site where the application asks for easements to be identified.

Fully dimensioned Site Plan: missing
 Building Area diagram and table: missing
 Elevations: missing colors and materials

Justin L. Bilow
 City Planner
Los Angeles City Planning



LOS ANGELES
CITY PLANNING

201 N. Figueroa St., Room 525
Los Angeles, CA. 90012
Planning4LA.org
T: (213) 202-5401



On Fri, May 29, 2020 at 5:22 PM Justin Bilow <justin.bilow@lacity.org> wrote:
Thank you. We'll review the application early next week.



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Justin L. Bilow
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Los Angeles, CA. 90012
Planning4LA.org
T: (213) 202-5401



On Fri, May 29, 2020 at 4:40 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:
Hi Justin,

Good afternoon!

Attached please find the proof of payment. Please let me know if you need anything else to process the vesting application.

Thank you!

-AJ

On Fri, May 22, 2020, 12:19 PM Justin Bilow <justin.bilow@lacity.org> wrote:
Hi Akhilesh,

Thank you for the documents and information. The next step will be to arrange to drop off the invoice, check, and routing slip for payment in the "City Planning" box in the lobby of one of the Development Services Centers. Upon proof of payment from the cashier, we'll begin the formal review of the materials. Alternatively, if you do not want to drop off the check at the DSC, you may mail it with the invoice and routing slip to the following address:

City of Los Angeles
Department of City Planning
[200 N Spring Street, Room 570,](#)
[Los Angeles, CA 90012](#)

Attention: FMU

Stay Safe and Well,



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Justin L. Bilow
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Planning4LA.org

T: (213) 202-5401



----- Forwarded message -----

From: **Akhilesh Jha** <akhilesh.jha@gmail.com>
Date: Wed, May 20, 2020 at 10:25 AM
Subject: SB330 Vesting Preliminary Application for [5353 Del Moreno Dr](#)
To: Diane Hamilton <diane.hamilton@lacity.org>

Hello Diane,

I hope everything is well with you and your family.

Thanks for your email. Yes, I am interested in applying for vesting rights under SB330.

Attached please find the documents. Please let me know if I am missing any documents. Thank you!

-AJ
310-995-4859

On Wed, May 13, 2020 at 2:21 PM Diane Hamilton <diane.hamilton@lacity.org> wrote:

Hi [Name],

In response to the City's policy of minimizing the spread of COVID-19, the initial submittal of the optional SB330 vesting Preliminary Application will be done via email. I also want to confirm with you that the appointment request is to file an optional vesting SB330 Preliminary Application available to Housing Development Projects related to a City Planning Application that will be filed. This preliminary application is optional for vesting purposes only, not for submittal or receipt of the Preliminary Zoning Assessment nor the HCID Replacement Unit Determination.

Please provide the information and documentation required in the application and instructions attached.

As you prepare the digital package, please note the following:

FORMS & DOCUMENTS: Copies of the required forms and information needed to file an SB330 Preliminary Application are attached for your convenience.

SQUARE FOOTAGE OF CONSTRUCTION/BUILDING AREA: Any reference in the Preliminary Application and Instructions to the phrase "Square Footage of Construction" refers to "Building Area," as defined by the California Building Standards Code (Title 24 of the California Code of Regulations) – California Government Code Section 65941.1(c). Please identify on the plans a table with the total Building Area as well as the Building Area broken down by level. Please provide a dimensioned and shaded Building Area diagram indicating the areas counted as Building Area. In addition, if the project is mixed-use, please differentiate the residential and non-residential areas in the Building Area diagram and the table.

ELEVATIONS: Elevations are required to identify the design, color and material, massing, and height of each building. Refer to Elevation Instructions (CP-7817) for additional guidance.

OWNERSHIP VERIFICATION: The owner of each property involved must provide a signature on the preliminary application to verify the Preliminary Application is being filed with their knowledge. Staff will confirm ownership based on records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts, the agent for service of process or an officer of the ownership entity so authorized, and verified through the applicable documentation, may sign. Please provide the appropriate documentation linking the signatory to the property owner. A wet-signed application (and Letter of Authorization, if applicable) will be required before the project is vested and the referral form is released.

FEES: The fee to file a vesting SB 330 Preliminary Application is \$1,060.26. Please be prepared to pay the

fee at the time of deeming complete the preliminary application. The invoice will be sent when all other documents are verified for completeness and accuracy. The next step will be to arrange to drop off the invoice, check, and routing slip for payment in the "City Planning" box in the lobby of one of the Development Services Centers. Upon proof of payment from the cashier, we'll set the vesting date and release the referral form. Alternatively, if you do not want to drop off the check at the DSC, you may mail it with the invoice and routing slip to the following address:

City of Los Angeles
Department of City Planning
200 N Spring Street, Room 570,
Los Angeles, CA 90012

Attention: FMU

Stay Safe and Well,

--

Diane Hamilton
201 N. Figueroa, 5th Floor
Los Angeles, CA 90012



Justin Bilow <justin.bilow@lacity.org>

5353 Del Moreno Drive

Akhilesh Jha <akhilesh.jha@gmail.com>

Wed, Aug 12, 2020 at 5:07 PM

To: Sarah Molina-Pearson <sarah.molina-pearson@lacity.org>

Cc: Justin Bilow <justin.bilow@lacity.org>, Praveen Jha <praveenkjha@gmail.com>, Donna Wong <donna.wong@lacity.org>, Leela Kapur <leela.kapur@lacity.org>, Terry Kaufmann Macias <terry.kaufmann-macias@lacity.org>, Maya Zaitzevsky <maya.zaitzevsky@lacity.org>, Lisa Webber <lisa.webber@lacity.org>, Sonja Trauss <sonja@yimbylaw.org>, Roderick Hall <roderick@abundanthousingla.org>, Leonora Camner <leonora@abundanthousingla.org>, Tami Kagan-Abrams <projects@abundanthousingla.org>, Ben Libbey <ben@yesinmybackyard.org>, Gerlinde.Bernd@hcd.ca.gov, Info@bcsh.ca.gov, SAOstaff@hcd.ca.gov, info@urbanize.la, paul.anderson@latimes.com, phil.witte@latimes.com

Hi Sarah,

It is very noble of you to work with us in exploring options to move this housing project further. We need more people like you in the current housing crisis. You are of the opinion that the site's zone (RA-1) is consistent with the site's general plan Limited Commercial. This is not necessarily bad news for this project since the Housing Accountability Act (HAA) strictly limits local governments' authority to reject housing projects that comply with applicable general plan. As the law states:

A local agency shall not disapprove a housing development project unless it makes written findings that "(t)he housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete." [CA Govt Code § 65589.5.(d)(5)]

The standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project. [CA Govt Code § 65589.5.(j)(4)]

Therefore, since the proposed project is consistent with the site's general plan, the local authority cannot disapprove the project on this basis. Furthermore, as the HAA states, California has a "housing supply and affordability crisis of historic proportions", law to be interpreted and implemented in a manner "to afford the fullest possible weight to the interest of housing", and conditions to deny a housing project to arise "infrequently".

Therefore, either way, zoning and general plan are consistent or not, the law is clear that this housing project should be given a green light since it is consistent with the general plan. I would appreciate it if you could give it a thought and let me know your opinion.

Thank you!

-AJ
310-995-4859

On Tue, Aug 11, 2020 at 5:09 PM Sarah Molina-Pearson <sarah.molina-pearson@lacity.org> wrote:

Hi Akhilesh,

Yes, the zone and land use designation are consistent. As I mentioned to you yesterday, I would like to continue to explore options for your project to move forward. Please feel free to reach out to me in the next week or two. If I receive any new information before then, I will make sure to let you know.

Thank you,

**Sarah Molina Pearson**

Senior City Planner

Los Angeles City Planning

201 N. Figueroa, Room 1030

Los Angeles, CA 90012

Planning4LA.org

T: (213) 482-0376



On Mon, Aug 10, 2020 at 8:02 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hello Justin and Sarah,

Once again, thank you very much for your time writing the email where you clarified your point of view and the follow up call by Sarah to further elaborate the points you made in your email. It does help to understand the city's position. Here are some of the points, I would like to consider:

1. You wrote that "The site requires a zone change because the ...Community Plan... **states** that the site's zone is consistent with the "Limited Commercial" land use designation."

Let's clarify that the word "states" is not correct. In fact, you are inferring that the zone is consistent by some logic. However, factually speaking, the General Plan or Community Plan does not outright "state" that site's zone is consistent with Limited Commercial land use designation.

2. Please correct me if I am wrong in understanding your email. You are saying the site's zone (RA-1, Suburban Zone) is consistent with the site's General Plan (Limited Commercial). To prove the consistency, you are quoting Footnote 9 that states the following:

"Each Plan category permits all indicated corresponding zones as well as those zones referenced in the Los Angeles Municipal Code (LAMC) as permitted by such zones unless further restricted by adopted Specific Plans, specific conditions and/or limitations of project approval, plan footnotes or other Plan map or text notations."

From this footnote, you are inferring that it "explains that each land use category permits the less intensive zones referenced by the LAMC". Hence, it seems, according to you that RA-1 is consistent with Limited Commercial.

Here are the main issues with your reasoning:

A) While each plan category may permit less intensive zones, these zones must be in the "corresponding zones" permitted by each Plan. These less intensive zones cannot arbitrarily come from other plan categories. For example, the Plan "Very Low Density" has the corresponding zones of RE-20, RA, RE-15, and RE-11. On the other hand, the Plan "Limited Commercial" has the corresponding zones of CR, C1, C1.5, RAS3, RAS4, and P". However, the sliding down from one plan does not take you to another plan. These two plans are categorically different and zones within any plans follow that plan umbrella.

B) Let's say you can somehow legally slide down the density ladder and reach from Limited Commercial to RA-1. That does not still make RA-1 consistent with the plan Limited Commercial. Because, housing density is not the only criterion that differentiate the two plan categories. For example, I can open a Bakery shop in a Limited Commercial plan but I cannot open such a shop in the RA-1 zone. So, you cannot say that the RA-1 zone is somehow consistent, albeit a smaller version, with Limited Commercial just because lowering the density from one could lead to another. It is like saying that if I miniaturize an elephant, I will somehow end up with a mouse.

Please let me know if you still believe that the site's zone RA-1 is consistent with the site's General Plan Limited Commercial. I have attached the general plan of the lot with this email for reference.

Thank you for your time.

-AJ
310-995-4859

On Mon, Aug 10, 2020 at 1:32 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hi Sarah,

So that we have a fruitful discussion at 2pm today, the main question I am struggling with is why I cannot file a housing project based on the general plan and without changing the existing single family zone. For reference, here is the relevant code section.

Government Code Section 65589.5 (j)(4) states:

"For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project."

-AJ
310-995-4859

On Mon, Aug 10, 2020, 12:50 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:
Hello Sarah,

Thanks for your email. Yes, 2pm works for me.

-AJ
310-995-4859

On Mon, Aug 10, 2020, 12:17 PM Sarah Molina-Pearson <sarah.molina-pearson@lacity.org> wrote:
Hi Akhilesh,

Are you available for a call this afternoon? I can give you a call at 2 pm. Please let me know if that works for you and the best number to reach you.



Sarah Molina Pearson
Senior City Planner
Los Angeles City Planning
201 N. Figueroa, Room 1030
Los Angeles, CA 90012
Planning4LA.org
T: (213) 482-0376



On Fri, Aug 7, 2020 at 7:58 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:
Hello Justin,

Thanks for your email.

In your email, not even once you mentioned that my project is based on the general plan land use element of the lot. In my SB-330 application, I had cited several current state laws that allow housing project based on the maximum density general plan and that they specifically state that project based on general plan does not require the zone change (exhibit re-attached). Your email simply ignored all of them. I never made a claim that I should be given vesting rights of building a 60-unit apartment based on RA-1 zone of the lot.

Can you please tell me what my options are regarding appealing your decision?

Thank you!

-AJ
310-995-4859

On Fri, Aug 7, 2020, 4:04 PM Justin Bilow <justin.bilow@lacity.org> wrote:
Hi AJ,

This email follows up on and summarizes information discussed during our call from Friday July 10, 2019. Below is a summary of zoning information related to your proposed project at [5353 Del Moreno Drive](#) ("Project"); information related to your questions about the Project's SB330 Preliminary Application

for vesting under Government Code Section 65941.1 ("Preliminary Application"); and contact information to assist you with pursuing your later application for a development project.

1. The Preliminary Application Is Incomplete

The Project's Preliminary Application for vesting under Government Code Section 65941.1 is not considered submitted because the Preliminary Application contains inaccurate information regarding the use of Density Bonus, and therefore does not contain all of the information required. The Preliminary Application states that the Project will seek Density Bonus incentives and bonus units for 60 residential units. However, the site's RA-1 zoning does not support a Density Bonus development because the existing zoning authorizes a single one-family dwelling. Additional density for the project may be sought through a Zone Change (LAMC 12.32 F) or Vesting Zone Change (LAMC Section 12.32 Q).

The Department seeks accurate and complete Preliminary Application information from the applicant at this early stage in order to, among other things: (1) give project applicants an opportunity to secure the earliest possible Preliminary Application submittal date through an early opportunity to correct and accurately submit all of the information required; (2) facilitate a smooth and expeditious development project application process because incorrect or incomplete information can cause unexpected delays or loss of vesting, (3) facilitate an applicant's ability to maintain vesting rights during the next short development project application timeline — i.e., the 90-day period under Government Code Section 65941.1(d)(2) to submit information needed for the subsequent complete development project application; (4) provide an accurate basis upon which the City is required to evaluate any potential project revisions under Government Code Section 65941.1(c); and (5) avoid delays by facilitating an early accurate understanding about what standards, rules, and entitlement procedures apply to the project based on the information required by Government Code Section 65941.1.

Your requested findings under California Government Code Section 65589.5(j)(1) are not applicable to the Preliminary Application, and are therefore not required to determine that the Preliminary Application is incomplete. The findings at Government Code Section 65589.5(j)(1) apply to the later development project application which is supposed to be submitted to the Department of City Planning within 180 calendar days after you submit a Preliminary Application with all of the information required. See Government Code Section 65914.1(d). The later development project application would request specific development approvals through procedures, hearings, and findings specified by the Los Angeles Municipal Code.

2. The Site Requires A Zone Change For The Proposed Project

The site is zoned RA-1, but the Project is proposed at C1.5-1 development standards with 60 residential units. As a consequence, the proposed Project requires the site to seek a Zone Change or Vesting Zone Change.

The site requires a zone change because the General Plan's applicable Community Plan, here the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan ("Community Plan"), states that the site's zone is consistent with the "Limited Commercial" land use designation. Consistency is supported by: a) the Community Plan map, b) text in the "Plan Consistency" section on page 20 of the Community Plan, and c) Footnote no. 9 on the Community Plan Land Use Map relating to "Corresponding Zones." Footnote 9 states the following in pertinent part:

"Each Plan category permits all indicated corresponding zones as well as those zones referenced in the Los Angeles Municipal Code (LAMC) as permitted by such zones unless further restricted by adopted Specific Plans, specific conditions and/or limitations of project approval, plan footnotes or other Plan map or text notations."

Footnote 9 explains that each land use category permits the less intensive zones referenced by the LAMC, in addition to the more intensive corresponding zones listed on the face of the Community Plan land use map. The site's zone-plan consistency is further explained by the City's hierarchy of less to more intensive zones found in LAMC Section 12.04-A, and a review of LAMC Sections 12.07 (RA zone) through 12.13 (C1.5 zone).

3. Contact Information For Questions and Information Related To Filing The Later Development Project Application

Project Planning lead for Canoga Park to review the Zone Change request:

Valentina Knox-Jones

818.374.5038

valentina.knox.jones@lacity.org**Housing Services Unit to discuss entitlement paths for projects with affordable housing and to obtain the Affordable Housing Referral Form for any discretionary housing project using any affordable housing incentive program (including Density Bonus and Zone Change requests):**dcpphp@lacity.org<https://planning.lacity.org/development-services/housing-services>**Forms required for this Project to file a development project application:**[City Planning Application Filing Instructions](#) (for all filing requirements and applicable referral forms)[Geographic Project Planning Referral Form](#) (for Zone Changes)[Affordable Housing Referral Form](#) (for Density Bonus and Zone Change requests. A Housing Development Project application filed cannot be deemed complete for processing without this.)**Questions about the on-going Community Plan Update:**<https://planning.lacity.org/plans-policies/community-plan-update/southwest-valley-community-plans-update>**Records Management for questions about appointments to view related Planning Department cases for site background:** <https://planning.lacity.org/development-services/appointment/form>

Lastly, please feel free to reach out again to me, Sarah Molina-Pearson (copied here), or the Housing Service Unit to explore other entitlement paths.

Best Regards,

LOS ANGELES
CITY PLANNING**Justin L. Bilow**

City Planner

Los Angeles City Planning

201 N. Figueroa St., Room 525

Los Angeles, CA. 90012

Planning4LA.org

T: (213) 202-5401





Justin Bilow <justin.bilow@lacity.org>

Fwd: Case Filing - 5353 Del Moreno Drive

Akhilesh Jha <akhilesh.jha@gmail.com>
 To: Justin Bilow <justin.bilow@lacity.org>
 Cc: Maxfield Vermy <maxfield.vermy@lacity.org>

Fri, Sep 18, 2020 at 6:35 PM

Hello Justin,

I hope everything is going well with you.

The planning department finally issued the guideline stating that housing development based on the land use designation will not require a zone change. Please see the attachment. Please see below the email from Maxfield who finally took my case filing application based on this guideline.

Please let me know if you would be willing to accept the SB-330 Preliminary Application that I had submitted to you.

Thank you!

-AJ
 310-995-4859

----- Forwarded message -----

From: **Maxfield Vermy** <maxfield.vermy@lacity.org>
 Date: Fri, Sep 18, 2020 at 9:29 AM
 Subject: Re: Case Filing - 5353 Del Moreno Drive
 To: Akhilesh Jha <akhilesh.jha@gmail.com>, Praveen Jha <praveenkjha@gmail.com>
 Cc: Ralph Avila <ralph.avila@lacity.org>, Anna Vidal <anna.vidal@lacity.org>

Good morning Akhilesh,

Attached is a memo clarifying density via a land use designation. You will need to go back to the Specific Plan and Housing unit for their referrals now that the clarification letter has been issued.

Your case is still incomplete for filing so I have also attached a checklist indicating which items are incomplete.



LOS ANGELES
 CITY PLANNING

Maxfield Vermy
 Preferred Pronouns: He, His, Him
 Planning Assistant
Los Angeles City Planning
 201 N. Figueroa St., 4th floor
 Los Angeles, CA. 90012
 Planning4LA.org
 T: (213) 482-7340



On Tue, Sep 8, 2020 at 2:01 PM Anna Vidal <anna.vidal@lacity.org> wrote:

Good Afternoon Akhilesh,

When we receive the information from management, we will let you know.

Thank you for your patience.

Anna M. Vidal
 Preferred Pronouns: She/her/hers



Justin Bilow <justin.bilow@lacity.org>

Fwd: Preliminary Zoning Assessment Referral - 5353 Del Moreno Dr

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Justin Bilow <justin.bilow@lacity.org>

Wed, Feb 3, 2021 at 7:38 PM

Hello Justin,

I completely agree with your assessment. I totally understand that getting this form signed does not make me entitled or is not an endorsement of my project. What I like about you signing this form is that you have followed the form and signed the pertinent part of it without making an overall judgement on the entire project, which is a subject of a different form. Most of the time, I see that different units of the planning department starts giving me final judgement while the form that they are signing does not even call for that. So, thank you!

-AJ

On Wed, Feb 3, 2021 at 5:54 PM Justin Bilow <justin.bilow@lacity.org> wrote:

Hello,

See attached for the determination on Section II of the PZA form that the proposed project is a Housing Development Project. The determination does not affirm the feasibility of the project or any proposed entitlement review path. Information on the zoning Plan Check component of the PZA process can be found here: <https://www.ladbs.org/services/special-assistance/affordable-housing>

Take Care,

**Justin Bilow**He/Him
City Planner**Los Angeles City Planning**

201 N. Figueroa St., Room 525

Los Angeles, CA 90012

T: (213) 202-5401 | Planning4LA.org

LOS ANGELES
CITY PLANNING

On Sat, Jan 23, 2021 at 12:14 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hello Justin!

Thank you, Sir.

Attached please find the new form filled. I am also attaching the architectural plan for your reference.

-AJ

On Fri, Jan 22, 2021 at 4:44 PM Justin Bilow <justin.bilow@lacity.org> wrote:

Hi AJ,

Diane Hamilton forwarded this request to me. Normally, you would submit a request for a determination on Section II of the PZA form to Planning.PARP@lacity.org with the architectural plans and Section I of the PZA form completed. In this instance, though, I'll help take care of this. Before I make the determination on Section II, can you please send me the information on the newest PZA form. The one provided is old and no longer used. Here's a link to the new version of the form: <https://planning.lacity.org/odocument/8311dcfc-3c99-4167-9532-3c278e28a22c/Zoning%20Assessment,%20Preliminary>

Thank You,



Justin Bilow

He/Him

City Planner

Los Angeles City Planning

201 N. Figueroa St., Room 525

Los Angeles, CA 90012

T: (213) 202-5401 | Planning4LA.org



On Thu, Jan 21, 2021 at 8:32 AM Diane Hamilton <diane.hamilton@lacity.org> wrote:

Hi Justin,

Forwarding you this information.

----- Forwarded message -----

From: **Akhilesh Jha** <akhilesh.jha@gmail.com>

Date: Thu, Jan 21, 2021 at 5:00 AM

Subject: Preliminary Zoning Assessment Referral - 5353 Del Moreno Dr

To: Diane Hamilton <diane.hamilton@lacity.org>

Hello Diane,

I have not received any feedback on my Preliminary Zoning Assessment Referral Form submitted on December 20, 2020. Please advise. I am reattaching the files for your perusal.

Thank you!

-AJ

On Sun, Dec 20, 2020 at 4:32 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Sorry, the subject line should be " **Re: Preliminary Zoning Assessment Referral - 5353 Del Moreno Dr** "

On Sun, Dec 20, 2020 at 4:31 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hi Diane,

I would like the PZA form referral signed. Please let me know if you have any questions. Thank you!

-AJ

On Thu, Apr 16, 2020 at 2:26 PM Diane Hamilton <diane.hamilton@lacity.org> wrote:

Hi Akhilesh Jha,

In response to the City's policy of minimizing the spread of COVID-19, all requests to gain a determination and sign-off on Section II of the Preliminary Zoning Assessment forms are now initiated by sending the following to Planning.PARP@lacity.org:

1. The Preliminary Zoning Assessment form with Section I completed

2. The architectural plan set—particularly the site plan, floor plans, and sections. Other sheets, such as the cover sheet, data sheet, and elevations may also be useful.

3. If the project is mixed-use, then also provide the following: (1) a Building Area table broken down by level and residential/non-residential areas and (2) a dimensioned and shaded Building Area diagram for each level divided between areas used for residential purposes and areas used for non-residential purposes.

Once the determination is made, we will email you the form with Section II signed. When you receive that email, you may then email LADBS at ladbs.ASAP@lacity.org in order to initiate the zoning Plan Check process to get Section III completed and signed by the Plan Check engineer and supervisor along with a set of plans that have gone through a zoning-only plan check.

Stay Safe and Stay Well,

--
Diane Hamilton
201 N. Figueroa, 5th Floor
Los Angeles, CA 90012

--
Diane Hamilton
201 N. Figueroa, 5th Floor
Los Angeles, CA 90012



Justin Bilow <justin.bilow@lacity.org>

Vesting SB330 Preliminary Application - 5353 N DEL MORENO DR

Justin Bilow <justin.bilow@lacity.org>
To: Akhilesh Jha <akhilesh.jha@gmail.com>

Wed, Mar 24, 2021 at 6:21 PM

Hi AJ,

Thank you for the diagram and table. Here are my comments:

-All Building Area above the first floor is residential for the purpose of this analysis, including corridors and any portions of balconies, stairs or elevators that would be considered as Building Area per CBC. Remember, we don't use occupancy type to determine all residential areas.

-Stair shafts and elevator shafts would not be counted more than once so should not be shaded above the lowest floor that they serve.

-I don't see a mechanical/electrical room for the building identified on the floor plans. Can you point it out if I'm missing it? If there is one, please include it as shared if it would also serve the retail space.

-Once the above is complete, use one of the calculation tables attached to input the values and calculate the totals residential and non-residential Building Area. The first table shows the equations; the second table autofills the results when you enter the values based on the square-footages produced from the diagram.

Let me know if you have any questions.

**Justin Bilow** (he/him)

City Planner

Los Angeles City Planning

201 N. Figueroa St., Room 525

Los Angeles, CA 90012

T: (213) 202-5401 | Planning4LA.org



On Wed, Mar 17, 2021 at 9:16 AM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

I uploaded the updated architectural plan file on the planning portal.

On Wed, Mar 17, 2021 at 8:52 AM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hi Justin,

Good morning!

Will the attached document work for what you are looking for? If yes, please let me know and I can submit it on the website.

-AJ

On Mon, Mar 15, 2021 at 4:43 PM Justin Bilow <justin.bilow@lacity.org> wrote:

Hi AJ,

Thank you for the revised information. The elevations and most of the information is complete.

The last item we need to work on is the numbers identified on the "Square Footage of Construction" table on the form and what they relate to on the plans. Since this project is now designed as a mixed-use project, the total Building Area ("square footage of construction") as well as the breakout by residential/non-residential need to be identified. I see that the total is approximately 90,794 (sheet A0.1). However, how the residential/non-residential s.f. was broken out is unclear, especially since the non-residential portion is relatively small, and there is only a small amount of non-residential parking.

For the purpose of this process, residential area includes the units as well as any areas accessory to them, including rec rooms, hallways, residential parking areas, etc. Non-residential areas would include the commercial space on the ground floor, its related parking areas, etc. Certain areas are shared between residential and non-residential uses and would have certain percentages of those shared areas allocated to each. Those areas often include drive aisles, certain hallways, mechanical/electrical rooms, etc. Occupancy types are not used to define the residential areas. To start, I suggest providing a Building Area diagram that shades in which areas on each floor area residential, non-residential, and shared. From there, we can work on calculating the amounts of each.

Please let me know if you have any questions.



Justin Bilow (he/him)

City Planner

Los Angeles City Planning

201 N. Figueroa St., Room 525

Los Angeles, CA 90012

T: (213) 202-5401 | Planning4LA.org



On Tue, Mar 9, 2021 at 8:40 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

I replaced the previous architectural plan with the new one on the website and submitted it. Thank you, Justin! Looking forward to the rejection.

On Tue, Mar 9, 2021 at 5:33 PM Justin Bilow <justin.bilow@lacity.org> wrote:

Thanks, AJ. Can you please upload the revised plan to the online portal. Then I'll take a look and provide feedback.



Justin Bilow (he/him)

City Planner

Los Angeles City Planning

201 N. Figueroa St., Room 525

Los Angeles, CA 90012

T: (213) 202-5401 | Planning4LA.org



On Sun, Mar 7, 2021 at 9:11 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hello Justin,

I hope everything is going well with you. Attached please find the architectural plan with the pages added to it in order to conform with your requirements. Thank you!

-AJ

On Wed, Jan 27, 2021 at 3:42 PM Justin Bilow <justin.bilow@lacity.org> wrote:

Hi AJ,

Here are the comments for correction and clarification on the SB 330 Preliminary Application materials and information provided.

Application:

-item B.3. A total of 90, 795 s.f. is identified as building area and a portion is identified as residential and another portion as residential. These number will need to be revised. See below regarding instructions on identifying residential and non-residential Building Area/Square Footage of Construction for the purpose of deeming complete this preliminary application.

Elevations:

Where the terms "wood," "metal," and "stone" are used in the material legends, please clarify on the legends their types and styles since the terms can encompass a broad variety of materials.

Building Area/Square Footage of Construction:

Because this project is a mixed-use project, please provide a Building Area (per CBC) diagram and calculation table with the plans. All references in SB 330 and the SB 330 preliminary application materials refers to "Building Area" as defined in California Building Code. The diagram should show which areas of the project are residential, which are non-residential, and which are shared (e.g. drive aisle, mechanical rooms, etc.). The diagram can be illustrated similarly to the way an Open Space or Zoning Floor Area diagram is illustrated. The calculation table should correspond with the diagram and result in total percentages and quantities of residential and non-residential areas.

I've attached sample calculation tables that can be used as a reference for this project. I've also attached the City's SB 330 implementation memo that clarifies what it considers as residential (page 2) for the purpose of applying the "Housing Development Project" definition. Please note that for the purposes of the definition of Housing Development Project, areas such as parking stalls may be considered as residential Building Area if they're intended for residential uses in the project. Please take a look and let me know if you have any questions.



Justin Bilow

He/Him

City Planner

Los Angeles City Planning

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Los Angeles, CA 90012

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 **Building Area Analysis - Mixed-use Project Tables.xlsx**
14K



Sarah Molina-Pearson <sarah.molina-pearson@lacity.org>

Re: 5353 Del Moreno Dr Density Bonus Application

1 message

Eric Claros <eric.claros@lacity.org>

Thu, Jan 21, 2021 at 4:55 PM

To: Akhilesh Jha <akhilesh.jha@gmail.com>

Cc: Sarah Molina-Pearson <sarah.molina-pearson@lacity.org>, Maya Zaitzevsky <maya.zaitzevsky@lacity.org>

Hello Akhilesh,

We are unable to move forward with this specific request because there are a few issues with your proposal. See below:

- 1) The RA zone does not allow for multifamily uses or commercial uses.
- 2) The 50% density increase introduced in AB 2345 is not applicable to the City of Los Angeles.

This information has been previously shared with you so I'm confused as to why you are attempting to move forward with a project that includes features that are clearly not allowed. Let me know if you have any new questions

- Eric

On Thu, Jan 21, 2021 at 3:56 AM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hello Sarah and Eric,

Good morning!

Attached please find the updated Affordable Housing Referral Form for [5353 Del Moreno Dr, Woodland Hills, CA 91364](#). This update is consistent with the revision being submitted to the case filing (DCP Application).

Please let me know if you have any questions. Thank you!

-AJ
310-995-4859

On Wed, Aug 26, 2020 at 2:07 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Thank you, Sarah, for your response. I really appreciate straight answers. Thank you.

On Wed, Aug 26, 2020 at 1:05 PM Sarah Molina-Pearson <sarah.molina-pearson@lacity.org> wrote:

Hi Akhilesh,

As discussed previously, you are not able to seek a density bonus project on your RA zoned lot. Therefore, City Planning cannot issue an Affordable Housing Referral form to you. There is no appeal process for rejecting a referral form request.



Sarah Molina Pearson
 Senior City Planner
Los Angeles City Planning
 201 N. Figueroa, Room 1030
 Los Angeles, CA 90012
 Planning4LA.org
 T: (213) 482-0376



On Wed, Aug 26, 2020 at 11:53 AM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hello Sarah,

I hope my email finds you well.

During the review of my SB-330 Preliminary Application, Mr. Justin Bilow had suggested that I get the Affordable Housing Referral form signed by the housing unit. I submitted the Affordable Housing Referral form on August 17, 2020 to the city planning department. The planning officer, Eric Carlos, did not accept my referral form. When asked about the appeal process regarding his decision, he suggested that I write to you.

Please let me know your decision on whether you will accept the referral form for this housing project based on the site's general plan and no zoning change. If you are not going to accept it, please let me know the appeal process so that I can complete the city's appeal process.

Thank you!

-AJ
310-995-4859

On Wed, Aug 26, 2020 at 11:43 AM Eric Claros <eric.claros@lacity.org> wrote:

Akhilesh,

You need to talk to my supervisor first. I will await her instructions on this matter.

- Eric

On Wed, Aug 26, 2020 at 11:32 AM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hello,

I would rather pay the fee. Please send me the invoice.

Thank you!

-AJ

On Wed, Aug 26, 2020 at 11:30 AM Eric Claros <eric.claros@lacity.org> wrote:

Hello,

I am merely advising you that your site is not eligible for a density bonus because it is zoned for single family uses. That is important information to consider before you pay the fee of \$1060.26 that is required to review a project that is clearly not eligible for a density bonus. If you disagree, you may speak with my supervisor Sarah Molina-Pearson. You may reach her at sarah.molina-pearson@lacity.org.

- Eric

On Wed, Aug 26, 2020 at 10:27 AM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hi Eric,

Thanks for getting back to me on my Affordable Housing Referral Form.

My project is based on the site's general plan. The Housing Accountability Act 2019 is very clear on this topic. A housing project, based on the general plan, would not need a zone change:

Government Code Section 65589.5 (j)(4) states:

"For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project."

Furthermore, the Housing Accountability Act (HAA) strictly limits local governments' authority to reject housing projects that comply with applicable general plan. As the law states:

A local agency shall not disapprove a housing development project unless it makes written findings that "(t)he housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete." [CA Govt Code § 65589.5.(d)(5)]

The standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project. [CA Govt Code § 65589.5.(j)(4)]

Therefore, since the proposed project is consistent with the site's general plan, the local authority cannot disapprove the project on this basis. Furthermore, as the HAA states, California has a "housing supply and affordability crisis of historic proportions", law to be interpreted and implemented in a manner "to afford the fullest possible weight to the interest of housing", and conditions to deny a housing project to arise "infrequently".

I am also attaching with this email other parts of laws that allow a housing project based on the site's general plan. Please let me know how I can appeal your decision in case you reject the approval of the affordable housing referral form.

Thank you!

-AJ
310-995-4859

On Wed, Aug 26, 2020 at 9:39 AM Eric Claros <eric.claros@lacity.org> wrote:

Hello,

I took a look at your materials and saw that your site is not eligible for a density bonus because your site is zoned for single family uses. If you would like to propose multifamily uses you will have to request zone change for your site.

- Eric

On Fri, Aug 21, 2020 at 2:19 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hello Planning Officer,

I submitted an Affordable Housing Referral Form four days ago for a housing project at 5353 Del Moreno Dr., Woodland Hills, CA 91364. However, I have not heard back. Please advise if you received my application. Thank you!

-AJ
310-995-4859

On Mon, Aug 17, 2020 at 4:58 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hello Planning Officer,

Good afternoon!

Attached please find the plan and application form for Affordable Housing Referral Form for the building proposed under the State Density Bonus Program at the location [5353 Del Moreno Dr, Woodland Hills, CA 91364](#).

Please let me know the next step. Thank you!

-AJ
310-995-4859

--

Eric Claros

**Maxfield Vermy** <maxfield.vermy@lacity.org>

Case Filing - 5353 Del Moreno Drive

60 messages

Akhilesh Jha <akhilesh.jha@gmail.com>
To: maxfield.vermy@lacity.org

Tue, Aug 11, 2020 at 3:20 PM

Hello Maxfield,

Thanks for giving me the opportunity to do the case filing for 5353 Del Moreno Dr.

Please advise the next step. Do I bring all the documents next Monday at 9:00 AM and put them in one of the bins corresponding to the planning department?

You can always reach me at 310-995-4859.

-AJ

Maxfield Vermy <maxfield.vermy@lacity.org>
To: Akhilesh Jha <akhilesh.jha@gmail.com>

Thu, Aug 13, 2020 at 6:57 AM

Good morning Akhilesh,

If you are available I would drop off all your documents now. It takes about 24 hours to get them to my desk. Do you have digital files that can be downloaded? I work from home on Mondays, so I will have to do a digital review during our appointment time and then verify the physical copies when I come in Tuesday.

LOS ANGELES
CITY PLANNING**Maxfield Vermy**
Planning Assistant
Los Angeles City Planning
201 N. Figueroa St., 4th floor
Los Angeles, CA. 90012
Planning4LA.org
T: (213) 482-7340

[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Maxfield Vermy <maxfield.vermy@lacity.org>

Fri, Aug 14, 2020 at 9:19 AM

Hi Maxfield,

Good morning!

I will be ready to give you the electronic files on Monday. Do you accept the link to Dropbox or Google Drive?

I would be able to deposit the hard copies on Monday. So, if you would prefer, maybe we can move the appointment by a few days. Please let me know. Thank you!

-AJ

[Quoted text hidden]

Maxfield Vermy <maxfield.vermy@lacity.org>

Fri, Aug 14, 2020 at 1:18 PM

To: Akhilesh Jha <akhilesh.jha@gmail.com>

Afternoon Akhilesh,
We can accept GoogleDrive, and DropBox (if a public link).

What is probably our best method is for you to give me the electronic files Monday, I'll start the review with a draft of comments. Tuesday I will review the hardcopies and send you an status update. Then we can schedule a follow up phone call to discuss next steps.



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Maxfield Vermy

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[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Maxfield Vermy <maxfield.vermy@lacity.org>

Fri, Aug 14, 2020 at 1:24 PM

Excellent idea. Thank you, Maxfield.

[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Maxfield Vermy <maxfield.vermy@lacity.org>

Tue, Aug 18, 2020 at 1:42 AM

Hello Maxfield,

Here is the link of the files for the application:

https://drive.google.com/drive/folders/1Y6piqJGnG7kiNriCZ7RjC4t_rl8QBMjQ?usp=sharing

I will print the copies and submit it today. Please let me know if you have any questions. Thank you!

-AJ
310-995-4859

[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Maxfield Vermy <maxfield.vermy@lacity.org>

Tue, Aug 18, 2020 at 3:44 PM

Hi Maxfield,

Here is the picture of drop off package. Please let me know if there is any issues. Thank you!

-AJ

[Quoted text hidden]

20200818_154233.jpg
2466K



Maxfield Vermey <maxfield.vermy@lacity.org>
To: Akhilesh Jha <akhilesh.jha@gmail.com>

Fri, Aug 21, 2020 at 10:08 AM

Morning Akhilesh,

I've started to review your application. There are some major problems. While the general plan indicates this area as limited commercial this lot is still zoned RA-1 and you will need to file for a zone change. Was this included in your requests? I couldn't find your attachment to additional requests. Regardless, per measure JJJ and our department policy, you are not allowed to file for a zone change and the density bonus at the same time. You will have to file for the zone change first and get approval (9-12 months) and then file for this density bonus request.

You are missing three essential referral forms:

1. The Geographic Referral from the Ventura Corridor Specific Plan. Please reach out to Marianne King at marianne.king@lacity.org.
2. The Affordable Housing Referral Form completed by the Housing Unit please reach out to dcpphp@lacity.org to complete the form.
3. Bureau of Engineering Hillside Referral form since you are located in a Hillside area. You can request that from eng.ceninfo@lacity.org and this form is important to determine if the streets can support the housing project (visually it seems fine).

You need to reach out to Marianne King and the housing unit about how to proceed with your project, their advice and instruction will be essential.

I will not hold onto your documents, they will be available for pick up. Please let me know which day you are available and I'll have them brought downstairs that morning.



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[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Maxfield Vermey <maxfield.vermy@lacity.org>
Cc: Praveen Jha <praveenkjha@gmail.com>

Fri, Aug 21, 2020 at 11:33 AM

Hi Maxfield,

Thanks for getting back to me. Good morning! I have initiated getting referrals from all three units that you mentioned in your email. My proposed project is based on the general plan of the site. Please see the attached Exhibit, which details the state laws that authorize housing projects based on the general plan of the site. As the law states, a local agency shall not disapprove a housing development project unless it makes written findings that

"(t)he housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete." [CA Govt Code § 65589.5.(d)(5)]

"The standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project." [CA Govt Code § 65589.5.(j)(4)] .

Before you return the documents to me, I would appreciate it if you can please give me a written finding on why my housing project was rejected in its current state. Here are the relevant state laws that require a local authority to give a written finding under CA Govt Code § 65589.5.(j):

(j) (2) (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.

(ii) Within 60 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains more than 150 units.

I will keep you updated with the referrals as I make progress with them. Please let me know if you have any questions. Thank you!

-AJ
310-995-4859

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 **Exhibit A - Codes Supporting Housing Project Based on General Plan.pdf**
227K

Maxfield Vermy <maxfield.vermy@lacity.org>
To: Anna Vidal <anna.vidal@lacity.org>

Fri, Aug 21, 2020 at 11:38 AM

Anna,
Can you respond to the applicant regarding the Density Bonus project I mentioned to you earlier?



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Planning Assistant
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 **Exhibit A - Codes Supporting Housing Project Based on General Plan.pdf**
227K

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Maxfield Vermy <maxfield.vermy@lacity.org>
Cc: Praveen Jha <praveenkjha@gmail.com>

Fri, Aug 21, 2020 at 12:35 PM

Hi Maxfield,

In your previous email, you raised the issue of zoning and zone change. I do not need a zone change. The relevant state laws are mentioned in the attached exhibit, I am putting them here for convenience:

CA Govt Code § 65589.5. (j) (4) For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan.

Please let me know if you have any questions. Thank you!

-AJ
310-995-4859

[Quoted text hidden]

Maxfield Vermy <maxfield.vermy@lacity.org>
To: Anna Vidal <anna.vidal@lacity.org>

Fri, Aug 21, 2020 at 1:17 PM



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----- Forwarded message -----

From: **Akhilesh Jha** <akhilesh.jha@gmail.com>
Date: Fri, Aug 21, 2020 at 12:35 PM
Subject: Re: Case Filing - 5353 Del Moreno Drive
To: Maxfield Vermy <maxfield.vermy@lacity.org>
Cc: Praveen Jha <praveenkjha@gmail.com>

[Quoted text hidden]

Anna Vidal <anna.vidal@lacity.org>
To: akhilesh.jha@gmail.com
Cc: Maxfield Vermy <maxfield.vermy@lacity.org>, Ralph Avila <ralph.avila@lacity.org>

Fri, Aug 21, 2020 at 1:53 PM

Good Afternoon AJ,

The City requires that you get a zone change if you want to develop multiple family density on this property since it is a RA-1 zone. You are able to apply for a zone change since the general plan is limited commercial. JJJ does not allow a zone change and density bonus to happen together. You will have to file for the zone change first and get approval and then file for the density bonus request. I am attaching the zone change applications for your convenience. When you are ready to file, you may contact us for an appointment or drop off the application in our drop off box.

Thank you.



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Anna M. Vidal
Preferred Pronouns: She/her/hers
City Planner
Los Angeles City Planning
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Los Angeles, CA. 90012

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RDO 2nd Fridays. Holidays: Sept. 7



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4 attachments

-  **Department of City Planning Application.pdf**
844K
-  **Mailing Procedures Instructions.pdf**
405K
-  **Department of City Planning Application Filing Instructions.pdf**
565K
-  **Zone Change.pdf**
76K

Akhilesh Jha <akhilesh.jha@gmail.com>

Fri, Aug 21, 2020 at 2:02 PM

To: Anna Vidal <anna.vidal@lacity.org>

Cc: Maxfield Vermey <maxfield.vermey@lacity.org>, Ralph Avila <ralph.avila@lacity.org>

Hello Anna,

Thanks for getting back to me. I am assuming that you have read my emails where I quoted the relevant codes from the Housing Accountability Act 2019 that asks a local authority to

1. Approve a project if the project is consistent with the site's general plan.
2. Not require zone change in case there is inconsistency between the site's zoning and site's general plan.
3. Provide a written finding why the housing project was rejected.

Based on the above state laws, I am not going to apply for a zone change. Now, you have to decide if you allow the project to move forward based on the general plan or reject it. If you reject it, you have to provide a written finding.

Please let me know your next step. I am attaching the relevant codes with this email as well for your reference.

Thank you!

-AJ
310-995-4859

[Quoted text hidden]

-
-  **Exhibit A - Codes Supporting Housing Project Based on General Plan.pdf**
227K

Anna Vidal <anna.vidal@lacity.org>

Fri, Aug 21, 2020 at 2:14 PM

To: Akhilesh Jha <akhilesh.jha@gmail.com>

Cc: Maxfield Vermey <maxfield.vermey@lacity.org>, Ralph Avila <ralph.avila@lacity.org>

AJ,

The next step is for you to get the Affordable Housing Referral Form completed by the Housing Unit, please reach out to dcpphp@lacity.org to complete the form.

Thank you.

Anna M. Vidal

Preferred Pronouns: She/her/hers



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RDO 2nd Fridays. Holidays: Sept. 7



[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Anna Vidal <anna.vidal@lacity.org>
Cc: Maxfield Vermy <maxfield.vermy@lacity.org>, Ralph Avila <ralph.avila@lacity.org>

Fri, Aug 21, 2020 at 2:16 PM

Hi Anna,

Thanks for getting back to me. I submitted the affordable housing referral form a few days ago. I am going to follow-up with them right now.

-AJ

[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Maxfield Vermy <maxfield.vermy@lacity.org>
Cc: Praveen Jha <praveenkjha@gmail.com>

Thu, Aug 27, 2020 at 8:24 PM

Hello Maxfield,

I hope you are doing well.

Following your email, dated Aug 21, 2020, 10:08 AM, I have submitted documents for obtaining the three referrals you asked. These referral forms were submitted to the respective units of the City of Los Angeles. The original documents and, if available, their responses, are attached with this email for your reference. At this point, I have complied with all the document requests from the City of Los Angeles regarding the development of affordable housing at [5353 Del Moreno Dr, Woodland Hills, CA](#).

Please let me know if you have any questions for me. Thank you!

-AJ
310-995-4859

[Quoted text hidden]

4 attachments

-  **Affordable Housing Referral Form - 4043 - Revised.pdf**
393K
-  **2020-08-26 Response of City on Affordable Housing Referral.pdf**
150K
-  **Bureau of Engineering Hillside Referral - Signed.pdf**
122K
-  **Geographic Project Planning Referral.pdf**
337K

Maxfield Vermy <maxfield.vermy@lacity.org>
To: Akhilesh Jha <akhilesh.jha@gmail.com>

Fri, Aug 28, 2020 at 9:46 AM

Cc: Praveen Jha <praveenkjha@gmail.com>, Ralph Avila <ralph.avila@lacity.org>, Anna Vidal <anna.vidal@lacity.org>

Morning Akhilesh,

Upper management is reviewing this request and there should be a decision by the end of next week. At that point you will need to go back to the Housing Unit and Specific Plan to complete your required referrals.

I cannot intake a case that does not have the required forms completed and signed off by the respective agencies. Their instructions in those forms are required for me to create the appropriate case.



LOS ANGELES
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Maxfield Vermy

Preferred Pronouns: He, His, Him

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[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>

Fri, Aug 28, 2020 at 10:18 AM

To: Maxfield Vermy <maxfield.vermy@lacity.org>

Cc: Praveen Jha <praveenkjha@gmail.com>, Ralph Avila <ralph.avila@lacity.org>, Anna Vidal <anna.vidal@lacity.org>

Morning Maxfield,

Thanks for getting back to me. I appreciate your prompt response.

If you deny this affordable housing project, per the Housing Accountability Act, the City of Los Angeles ("local agency") has to "make written findings, based upon a preponderance of the evidence in the record" on why the project was denied.

A local agency cannot have both ways. The local agency cannot deny my referral and, at the same time, deny my application because the referral was denied. In other words, a denial of affordable housing referral by the local agency cannot be used by the same agency as the evidence in the record to deny the project.

Please let me know if you have any questions.

-AJ

310-995-4859

[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>

Fri, Sep 4, 2020 at 5:24 PM

To: Maxfield Vermy <maxfield.vermy@lacity.org>

Cc: Praveen Jha <praveenkjha@gmail.com>, Ralph Avila <ralph.avila@lacity.org>, Anna Vidal <anna.vidal@lacity.org>

Good afternoon, Maxfield!

I hope everything is going well with you.

In your previous email, you had mentioned that you would have the decision by your upper management regarding my housing project by today. Please let me know if you guys came to any conclusions.

Have a nice weekend! Thank you.

-AJ

[Quoted text hidden]

Anna Vidal <anna.vidal@lacity.org>

Tue, Sep 8, 2020 at 2:00 PM

To: Akhilesh Jha <akhilesh.jha@gmail.com>

Cc: Maxfield Vermy <maxfield.vermy@lacity.org>, Praveen Jha <praveenkjha@gmail.com>, Ralph Avila <ralph.avila@lacity.org>

Good Afternoon Akhilesh,

When we receive the information from management, we will let you know.

Thank you for your patience.



Anna M. Vidal

Preferred Pronouns: She/her/hers

City Planner

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RDO 2nd Fridays. Holidays: Oct. 12



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Maxfield Vermy <maxfield.vermy@lacity.org>
 To: Akhilesh Jha <akhilesh.jha@gmail.com>, Praveen Jha <praveenkjha@gmail.com>
 Cc: Ralph Avila <ralph.avila@lacity.org>, Anna Vidal <anna.vidal@lacity.org>

Fri, Sep 18, 2020 at 9:28 AM

Good morning Akhilesh,

Attached is a memo clarifying density via a land use designation. You will need to go back to the Specific Plan and Housing unit for their referrals now that the clarification letter has been issued.

Your case is still incomplete for filing so I have also attached a checklist indicating which items are incomplete.



Maxfield Vermy

Preferred Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

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2 attachments



SB 35 Maximum Density Permitted by Land Use Designation or Zone 09.15.20.pdf

76K



Checklist - 5353 Del Moreno Dr.pdf

265K

Akhilesh Jha <akhilesh.jha@gmail.com>
 To: Maxfield Vermy <maxfield.vermy@lacity.org>

Fri, Sep 18, 2020 at 2:16 PM

Hello Maxfield,

Thank you very much for the update and list of missing documents. I have a few questions:

1. In 2. Project Description, you stated "Incomplete" for Code Section and Action Request. I think I did put these items in the CP-7771.1 Application form. What did you have in mind that I should do to complete this request?

2. In 5. Related Documents/Referral, You stated that "N/A" for SB330 Preliminary Application. I did submit the SB330 Application several months ago for getting the SB330 vesting. I still want to pursue this route.

Thank you!

-AJ
310-995-4859
[Quoted text hidden]

Maxfield Vermy <maxfield.vermy@lacity.org>
To: Akhilesh Jha <akhilesh.jha@gmail.com>

Fri, Sep 18, 2020 at 3:18 PM

Akhilesh,
The authorizing code section is correct but your "relief from" code sections are missing. You are requesting not on menu relief. You need to indicate the code sections that regulate your setbacks, open space, lot coverage, parking, commercial frontage, heights, etc. You also marked additional requests attached but I'm not sure where it is. Is it part of another document? Usually people add additional page 2's or something within the DCP application form. Since you have at least 11 requests I would suggest attaching an exhibit for section 3 and leave the actual form blank. It will allow you to be more clear.

You need to provide the SB330 application to me, that's probably why I marked it N/A.



LOS ANGELES
CITY PLANNING

Maxfield Vermy
Preferred Pronouns: He, His, Him
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[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Maxfield Vermy <maxfield.vermy@lacity.org>

Fri, Sep 18, 2020 at 4:01 PM

Hi Maxfield,

Thanks for the excellent clarification. Attached please find my SB-330 Application,

-AJ

[Quoted text hidden]

 **CP-4062 SB 330 Preliminary Application - Filled and Signed.pdf**
2226K

Maxfield Vermy <maxfield.vermy@lacity.org>
To: Akhilesh Jha <akhilesh.jha@gmail.com>

Fri, Sep 18, 2020 at 4:34 PM

Akhilesh,
Do you have the application that was reviewed and processed by City Planning?

Maxfield Vermy
Preferred Pronouns: He, His, Him
Planning Assistant
Los Angeles City Planning



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[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Maxfield Vermy <maxfield.vermy@lacity.org>

Fri, Sep 18, 2020 at 4:41 PM

Maxfield,

I did submit the SB-330 application but they did not accept it because of the zoning issue. However, as the Government Code Section 65941.1 states:

(3) This section shall not require an affirmative determination by a city, county, or city and county regarding the completeness of a preliminary application or a development application for purposes of compliance with this section.

It means that submitting a SB-330 application is enough. It does not require an explicit approval from the local authority. Please see the attached code. However, since there is already some clarification regarding the zoning now, it may not hurt to ask the respective planner to reconsider my SB-330 preliminary application.

-AJ
310-995-4859

[Quoted text hidden]

 **GOV_65941.1 - Requirements for SB-330 Application.pdf**
138K

Maxfield Vermy <maxfield.vermy@lacity.org>
To: akhilesh.jha@gmail.com

Fri, Sep 18, 2020 at 4:42 PM

I will be out of the office Monday, September 21, 2020. If you need to reach someone urgently at the Metro DSC during business hours, you may call the Public Counter at (213) 482-7077

--
[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Justin Bilow <justin.bilow@lacity.org>
Cc: Maxfield Vermy <maxfield.vermy@lacity.org>

Fri, Sep 18, 2020 at 6:35 PM

Hello Justin,

I hope everything is going well with you.

The planning department finally issued the guideline stating that housing development based on the land use designation will not require a zone change. Please see the attachment. Please see below the email from Maxfield who finally took my case filing application based on this guideline.

Please let me know if you would be willing to accept the SB-330 Preliminary Application that I had submitted to you.

Thank you!

-AJ
310-995-4859

----- Forwarded message -----

From: **Maxfield Vermy** <maxfield.vermy@lacity.org>

Date: Fri, Sep 18, 2020 at 9:29 AM

Subject: Re: Case Filing - 5353 Del Moreno Drive

[Quoted text hidden]

[Quoted text hidden]

2 attachments



SB 35 Maximum Density Permitted by Land Use Designation or Zone 09.15.20.pdf
76K



Checklist - 5353 Del Moreno Dr.pdf
265K

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Maxfield Vermy <maxfield.vermy@lacity.org>

Tue, Sep 29, 2020 at 11:41 AM

Hi Maxfield,

Good morning!

Just to clarify a point that my housing project is not intending to utilize SB-35. Does the finding of the memo that you attached still apply to my project? The wording of the memo is not very clear on whether it is applicable to non SB-35 projects.

Thanks for the clarification.

-AJ
[Quoted text hidden]

----- Forwarded message -----

From: **Akhilesh Jha** <akhilesh.jha@gmail.com>
Date: Tue, Sep 29, 2020 at 2:17 PM
Subject: Fwd: Case Filing - 5353 Del Moreno Drive
To: <vince.bertoni@lacity.org>

Dear Mr. Bertoni,

I hope you are doing well.

I have a quick question for you. Regarding the attached memo that you wrote, is the memo applicable to only SB-35 projects? My project is a SB-330 project. I believe that the SB-35 code, which you are basing your memo upon, is similar to the Housing Accountability Act 2019 codes. Here is the side-by-side comparison:

The LA City Memo, which authorizes housing project based on land-use designation without zone change, is based on Government Code Section § 65913.4(a)(5)(A):

"A development shall be deemed consistent with the objective zoning standards related to housing density, as applicable, if the density proposed is compliant with the maximum density allowed within that land use designation, notwithstanding any specified maximum unit allocation that may result in fewer units of housing being permitted."

This is the language in Housing Accountability Act 2019 regarding the housing projects based on land-use designation: Govt Code § 65589.5.(d)(5):

A local agency shall not disapprove a housing development project unless it makes written findings that "(t)he housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete.

Govt Code § 65589.5.(j)(4):

The standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.

I am thinking that your memo should be applicable to non SB-35 projects as well since 65913.4 and 65589.5 are essentially saying the same thing.

I would appreciate any clarification in this matter.

-AJ
310-995-4859

----- Forwarded message -----

From: **Maxfield Vermy** <maxfield.vermy@lacity.org>
Date: Fri, Sep 18, 2020 at 9:29 AM
Subject: Re: Case Filing - 5353 Del Moreno Drive
To: Akhilesh Jha <akhilesh.jha@gmail.com>, Praveen Jha <praveenkjha@gmail.com>
Cc: Ralph Avila <ralph.avila@lacity.org>, Anna Vidal <anna.vidal@lacity.org>

[Quoted text hidden]

**SB 35 Maximum Density Permitted by Land Use Designation or Zone 09.15.20.pdf**76K

Sarah Molina-Pearson <sarah.molina-pearson@lacity.org>

Wed, Sep 30, 2020 at 10:31 AM

To: Lisa Webber <lisa.webber@lacity.org>

Cc: Flora Melendez <flora.melendez@lacity.org>, Maxfield Vermy <maxfield.vermy@lacity.org>, Ralph Avila <ralph.avila@lacity.org>, Anna Vidal <anna.vidal@lacity.org>, Maya Zaitzevsky <maya.zaitzevsky@lacity.org>, Justin Bilow <justin.bilow@lacity.org>

I was in communication with Mr. Jha yesterday. I let him know that he may only move forward with his project if he is utilizing SB 35.

Thank you,

Sarah Molina Pearson

Senior City Planner

Los Angeles City Planning



201 N. Figueroa, Room 1030
 Los Angeles, CA 90012
 Planning4LA.org
 T: (213) 482-0376



[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>
 To: Maxfield Vermey <maxfield.vermey@lacity.org>
 Cc: Ralph Avila <ralph.avila@lacity.org>, Anna Vidal <anna.vidal@lacity.org>

Sun, Dec 20, 2020 at 2:45 PM

Hello Maxfield,

Good morning!

I am ready to submit the documents you asked for in the Checklist dated 2020-09-18. Please let me know if you would like hard copies of all documents or the electronic copies will be sufficient. If you would need hard copies, please let me know the process to submit the copies to you.

Thank you

-AJ
 310-995-4859
 [Quoted text hidden]

Maxfield Vermey <maxfield.vermey@lacity.org>
 To: Akhilesh Jha <akhilesh.jha@gmail.com>
 Cc: Anna Vidal <anna.vidal@lacity.org>

Wed, Dec 23, 2020 at 11:39 AM

Good morning Akhilesh,
 I will need the hardcopies to process. Please drop them off in the City Planning bin at Figueroa Plaza to my attention.



Maxfield Vermey
 Preferred Pronouns: He, His, Him
 Planning Assistant
Los Angeles City Planning
 201 N. Figueroa St., 4th floor
 Los Angeles, CA. 90012
 Planning4LA.org
 T: (213) 482-7340



[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>

Fri, Dec 25, 2020 at 1:42 PM

To: Maxfield Vermy <maxfield.vermy@lacity.org>

Hello Maxfield,

Merry Christmas, Sir!

In the checklist you provided to me earlier, and attached here for your reference, you did not require DOT referral. Can you please tell me why my density bonus project will be exempt from the DOT referral? Thank you!

-AJ

[Quoted text hidden]

 **Checklist - 5353 Del Moreno Dr.pdf**
1957K

Maxfield Vermy <maxfield.vermy@lacity.org>
To: Akhilesh Jha <akhilesh.jha@gmail.com>

Tue, Dec 29, 2020 at 1:42 PM

Afternoon Akhilesh,

Your project might not necessarily be exempt from the DOT referral but it is not going to be required at time of filing, *unless your project planner requests it and says so in the Geographic Referral form.*

The DOT referral is usually worked on during the course of your project evaluation. However, if you are already in contact with DOT then you might as well include the document if it is ready.



LOS ANGELES
CITY PLANNING

Maxfield Vermy

Preferred Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

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Los Angeles, CA. 90012

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T: (213) 482-7340



[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Maxfield Vermy <maxfield.vermy@lacity.org>

Fri, Jan 1, 2021 at 2:52 PM

H Maxfield,

Thanks for your reply. I understand.

You provided me the Project Application checklist on 09/18/2020. I had 90 days to respond with all the documents. However, due to several reasons, I was not able to provide you the documents within 90 days, as required by the law. That 90 day deadline was on 12/17/2020. I am 15 days past the deadline.

So, either you could give me the exception and extend the deadline by 21 days or I have to restart the process from the Preliminary Application.

Please let me know if you would be willing to give me a 21-day extension. Thank you!

-AJ

310-995-4859

[Quoted text hidden]

Maxfield Vermy <maxfield.vermy@lacity.org>
To: Akhilesh Jha <akhilesh.jha@gmail.com>

Mon, Jan 4, 2021 at 8:00 AM

Morning Akhilesh,
Your application has not been deemed complete for filing, so there are no deadlines yet. You can submit the outstanding documents to me whenever you receive them. Some of our forms have expirations, such as the Geographic Referral or housing referral, but will say so on the form once it is completed.



LOS ANGELES
CITY PLANNING

Maxfield Vermy
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T: (213) 482-7340



[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Maxfield Vermy <maxfield.vermy@lacity.org>
Cc: Praveen Jha <praveenkjha@gmail.com>

Thu, Jan 21, 2021 at 3:42 PM

Good afternoon, Mr. Vermy!

I submitted all the documents per your checklist. Please see the attached picture of documents in the drop bin.

Please let me know if you find something missing once you have time to go through them. I submitted two copies of everything.

Thank you for your patience and time. You have been a great help.

-AJ

310-995-4859

[Quoted text hidden]



20210121_153605.jpg
2394K

Maxfield Vermy <maxfield.vermy@lacity.org>
To: Akhilesh Jha <akhilesh.jha@gmail.com>
Cc: Praveen Jha <praveenkjha@gmail.com>

Mon, Feb 1, 2021 at 10:39 AM

Morning Akhilesh,

I just wanted to let you know that I got sent home on the 22nd for exposure to Covid, so I won't be able to review your drop off items until the week of February 8th, since I can't go back into the office until then.



LOS ANGELES
CITY PLANNING

Maxfield Vermy

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[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Maxfield Vermy <maxfield.vermy@lacity.org>

Mon, Feb 1, 2021 at 11:05 AM

I am sorry to hear that, Maxfield. Are you feeling ok? I heard it comes with a lot of aches and pains. How are you doing?

[Quoted text hidden]

Maxfield Vermy <maxfield.vermy@lacity.org>
To: Akhilesh Jha <akhilesh.jha@gmail.com>

Mon, Feb 1, 2021 at 11:07 AM

I don't believe I caught it because I am feeling fine, but everyone that interacted with that individual was sent home as a precaution.



LOS ANGELES
CITY PLANNING

Maxfield Vermy

Preferred Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

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[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Maxfield Vermy <maxfield.vermy@lacity.org>

Mon, Feb 1, 2021 at 11:09 AM

Ok. Let's hope for the best. Take care of yourself. Plans can definitely wait.

[Quoted text hidden]

Maxfield Vermy <maxfield.vermy@lacity.org>
To: Akhilesh Jha <akhilesh.jha@gmail.com>

Fri, Feb 26, 2021 at 2:57 PM

Afternoon Akhilesh,

I've gone through your drop off files. These forms below need to be reviewed by their respective departments and signed off on **before** your application is submitted and I can do any further review.

- **The Geographic Referral** from the Ventura Corridor Specific Plan. Please reach out to Marianne King at marianne.king@lacity.org.
- **The Affordable Housing Referral** Form completed by the Housing Unit please reach out to dcpphp@lacity.org to complete the form.

- **Preliminary Zoning Assessment** form completed by the PARP unit, Planning.PARP@lacity.org

Your application materials will need to be picked up and re-submitted after you have received those executed referral forms, please let me know what day you would like to pick them up.



LOS ANGELES
CITY PLANNING

Maxfield Vermy

Preferred Pronouns: He, His, Him

Planning Assistant

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On Mon, Feb 1, 2021 at 11:09 AM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Ok. Let's hope for the best. Take care of yourself. Plans can definitely wait.

On Mon, Feb 1, 2021, 11:08 AM Maxfield Vermy <maxfield.vermy@lacity.org> wrote:

I don't believe I caught it because I am feeling fine, but everyone that interacted with that individual was sent home as a precaution.



LOS ANGELES
CITY PLANNING

Maxfield Vermy

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On Mon, Feb 1, 2021 at 11:06 AM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

I am sorry to hear that, Maxfield. Are you feeling ok? I heard it comes with a lot of aches and pains. How are you doing?

On Mon, Feb 1, 2021, 10:39 AM Maxfield Vermy <maxfield.vermy@lacity.org> wrote:

Morning Akhilesh,

I just wanted to let you know that I got sent home on the 22nd for exposure to Covid, so I won't be able to review your drop off items until the week of February 8th, since I can't go back into the office until then.



LOS ANGELES
CITY PLANNING

Maxfield Vermy

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On Thu, Jan 21, 2021 at 3:43 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Good afternoon, Mr. Vermy!

I submitted all the documents per your checklist. Please see the attached picture of documents in the drop bin.

Please let me know if you find something missing once you have time to go through them. I submitted two copies of everything.

Thank you for your patience and time. You have been a great help.

-AJ
310-995-4859

On Mon, Jan 4, 2021, 8:01 AM Maxfield Vermy <maxfield.vermy@lacity.org> wrote:

Morning Akhilesh,

Your application has not been deemed complete for filing, so there are no deadlines yet. You can submit the outstanding documents to me whenever you receive them. Some of our forms have expirations, such as the Geographic Referral or housing referral, but will say so on the form once it is completed.



LOS ANGELES
CITY PLANNING

Maxfield Vermy

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T: (213) 482-7340



On Fri, Jan 1, 2021 at 2:52 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

H Maxfield,

Thanks for your reply. I understand.

You provided me the Project Application checklist on 09/18/2020. I had 90 days to respond with all the documents. However, due to several reasons, I was not able to provide you the documents within 90 days, as required by the law. That 90 day deadline was on 12/17/2020. I am 15 days past the deadline.

So, either you could give me the exception and extend the deadline by 21 days or I have to restart the process from the Preliminary Application.

Please let me know if you would be willing to give me a 21-day extension. Thank you!

-AJ
310-995-4859

On Tue, Dec 29, 2020 at 1:42 PM Maxfield Vermy <maxfield.vermy@lacity.org> wrote:

Afternoon Akhilesh,

Your project might not necessarily be exempt from the DOT referral but it is not going to be required at time of filing, *unless your project planner requests it and says so in the Geographic Referral form.*

The DOT referral is usually worked on during the course of your project evaluation. However, if you are already in contact with DOT then you might as well include the document if it is ready.

Maxfield Vermy

Preferred Pronouns: He, His, Him



Planning Assistant
Los Angeles City Planning
 201 N. Figueroa St., 4th floor
 Los Angeles, CA. 90012
 Planning4LA.org
 T: (213) 482-7340



On Fri, Dec 25, 2020 at 1:43 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hello Maxfield,

Merry Christmas, Sir!

In the checklist you provided to me earlier, and attached here for your reference, you did not require DOT referral. Can you please tell me why my density bonus project will be exempt from the DOT referral? Thank you!

-AJ

On Wed, Dec 23, 2020 at 11:39 AM Maxfield Vermy <maxfield.vermy@lacity.org> wrote:

Good morning Akhilesh,

I will need the hardcopies to process. Please drop them off in the City Planning bin at Figueroa Plaza to my attention.



Maxfield Vermy
 Preferred Pronouns: He, His, Him
 Planning Assistant
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 T: (213) 482-7340



On Sun, Dec 20, 2020 at 2:45 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hello Maxfield,

Good morning!

I am ready to submit the documents you asked for in the Checklist dated 2020-09-18. Please let me know if you would like hard copies of all documents or the electronic copies will be sufficient. If you would need hard copies, please let me know the process to submit the copies to you.

Thank you

-AJ
 310-995-4859

On Fri, Sep 18, 2020 at 9:29 AM Maxfield Vermy <maxfield.vermy@lacity.org> wrote:

Good morning Akhilesh,

Attached is a memo clarifying density via a land use designation. You will need to go back to the Specific Plan and Housing unit for their referrals now that the clarification letter has been issued.

Your case is still incomplete for filing so I have also attached a checklist indicating which items are incomplete.



LOS ANGELES
CITY PLANNING

Maxfield Vermy

Preferred Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

201 N. Figueroa St., 4th floor

Los Angeles, CA. 90012

Planning4LA.org

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On Tue, Sep 8, 2020 at 2:01 PM Anna Vidal <anna.vidal@lacity.org> wrote:
Good Afternoon Akhilesh,

When we receive the information from management, we will let you know.

Thank you for your patience.



LOS ANGELES
CITY PLANNING

Anna M. Vidal

Preferred Pronouns: She/her/hers

City Planner

Los Angeles City Planning

201 N. Figueroa St., 4th floor

Los Angeles, CA. 90012

Planning4LA.org

T: (213) 482-7079 | F: (213) 482-0443

RDO 2nd Fridays. Holidays: Oct. 12



On Fri, Sep 4, 2020 at 5:24 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:
Good afternoon, Maxfield!

I hope everything is going well with you.

In your previous email, you had mentioned that you would have the decision by your upper management regarding my housing project by today. Please let me know if you guys came to any conclusions.

Have a nice weekend! Thank you.

-AJ

On Fri, Aug 28, 2020 at 10:18 AM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:
Morning Maxfield,

Thanks for getting back to me. I appreciate your prompt response.

If you deny this affordable housing project, per the Housing Accountability Act, the City of Los Angeles ("local agency") has to "make written findings, based upon a preponderance of the evidence in the record" on why the project was denied.

A local agency cannot have both ways. The local agency cannot deny my referral and, at the same time, deny my application because the referral was denied. In other words, a denial of affordable housing referral by the local agency cannot be used by the same agency as the evidence in the record to deny the project.

Please let me know if you have any questions.

-AJ

310-995-4859

On Fri, Aug 28, 2020 at 9:46 AM Maxfield Vermy <maxfield.vermy@lacity.org> wrote:
Morning Akhilesh,
Upper management is reviewing this request and there should be a decision by the end of next week. At that point you will need to go back to the Housing Unit and Specific Plan to complete your required referrals.

I cannot intake a case that does not have the required forms completed and signed off by the respective agencies. Their instructions in those forms are required for me to create the appropriate case.

LOS ANGELES
CITY PLANNING**Maxfield Vermy**

Preferred Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

201 N. Figueroa St., 4th floor

Los Angeles, CA. 90012

Planning4LA.org

T: (213) 482-7340



On Thu, Aug 27, 2020 at 8:25 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:
Hello Maxfield,

I hope you are doing well.

Following your email, dated Aug 21, 2020, 10:08 AM, I have submitted documents for obtaining the three referrals you asked. These referral forms were submitted to the respective units of the City of Los Angeles. The original documents and, if available, their responses, are attached with this email for your reference. At this point, I have complied with all the document requests from the City of Los Angeles regarding the development of affordable housing at 5353 Del Moreno Dr, Woodland Hills, CA.

Please let me know if you have any questions for me. Thank you!

-AJ
310-995-4859

On Fri, Aug 21, 2020 at 10:08 AM Maxfield Vermy <maxfield.vermy@lacity.org> wrote:

Morning Akhilesh,

I've started to review your application. There are some major problems. While the general plan indicates this area as limited commercial this lot is still zoned RA-1 and you will need to file for a zone change. Was this included in your requests? I couldn't find your attachment to additional requests. Regardless, per measure JJJ and our department policy, you are not allowed to file for a zone change and the density bonus at the same time. You will have to file for the zone change first and get approval (9-12 months) and then file for this density bonus request.

You are missing three essential referral forms:

1. The Geographic Referral from the Ventura Corridor Specific Plan. Please reach out to Marianne King at marianne.king@lacity.org.
2. The Affordable Housing Referral Form completed by the Housing Unit please reach out to dcpphp@lacity.org to complete the form.

3. Bureau of Engineering Hillside Referral form since you are located in a Hillside area. You can request that from eng.ceninfo@lacity.org and this form is important to determine if the streets can support the housing project (visually it seems fine).

You need to reach out to Marianne King and the housing unit about how to proceed with your project, their advice and instruction will be essential.

I will not hold onto your documents, they will be available for pick up. Please let me know which day you are available and I'll have them brought downstairs that morning.



LOS ANGELES
CITY PLANNING

Maxfield Vermy
Planning Assistant
Los Angeles City Planning
201 N. Figueroa St., 4th floor
Los Angeles, CA. 90012
Planning4LA.org
T: (213) 482-7340



On Tue, Aug 18, 2020 at 3:45 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hi Maxfield,

Here is the picture of drop off package. Please let me know if there is any issues. Thank you!

-AJ

On Tue, Aug 18, 2020, 1:42 AM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hello Maxfield,

Here is the link of the files for the application:

https://drive.google.com/drive/folders/1Y6piqJGnG7kiNriCZ7RjC4t_r18QBMjQ?usp=sharing

I will print the copies and submit it today. Please let me know if you have any questions. Thank you!

-AJ
310-995-4859

On Fri, Aug 14, 2020 at 1:24 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Excellent idea. Thank you, Maxfield.

On Thu, Aug 13, 2020, 6:57 AM Maxfield Vermy <maxfield.vermy@lacity.org> wrote:

Good morning Akhilesh,
If you are available I would drop off all your documents now. It takes about 24 hours to get them to my desk. Do you have digital files that can be downloaded? I work from home on Mondays, so I will have to do a digital review during our appointment time and then verify the physical copies when I come in Tuesday.

Maxfield Vermy



LOS ANGELES
CITY PLANNING

Planning Assistant
Los Angeles City Planning
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T: (213) 482-7340



On Tue, Aug 11, 2020 at 3:20 PM Akhilesh Jha
<akhilesh.jha@gmail.com> wrote:

Hello Maxfield,

Thanks for giving me the opportunity to do the case filing for 5353 Del Moreno Dr.

Please advise the next step. Do I bring all the documents next Monday at 9:00 AM and put them in one of the bins corresponding to the planning department?

You can always reach me at 310-995-4859.

-AJ

Akhilesh Jha <akhilesh.jha@gmail.com>

Fri, Feb 26, 2021 at 3:20 PM

To: Maxfield Vermy <maxfield.vermy@lacity.org>

Cc: Ryan Patterson <ryan@zfpplaw.com>, Sonja Trauss <sonja@yimbylaw.org>, Praveen Jha <praveenkjha@gmail.com>

Hello Maxfield,

Thanks for getting back to me.

The Geographic Referral

I already submitted all the documents to this unit. They rejected my referral form by email. Per their phone conversation, they will not review it further until the fees are paid and the case filing (you) accepts my application.

The Affordable Housing Referral

I already submitted all the documents to this unit. They rejected my application by email. There is no further review planned by this unit.

Preliminary Zoning Assessment

They signed off the form and I had attached the signed form with my second submission.

So, at this point, the ball is in your court. If you are rejecting my application as well, please let me know so that I can proceed further accordingly.

Thank you!

-AJ

-AJ

[Quoted text hidden]

Maxfield Vermy <maxfield.vermy@lacity.org>

Fri, Feb 26, 2021 at 4:07 PM

To: Akhilesh Jha <akhilesh.jha@gmail.com>, Anna Vidal <anna.vidal@lacity.org>, Maritza Przekop <maritza.przekop@lacity.org>

at the same time. You will have to file for the zone change first and get approval (9-12 months) and then file for this density bonus request.



Maritza Przekop

Senior City Planner

Los Angeles City Planning

METRO: 201 N. Figueroa Street 4th Floor

Los Angeles, CA 90012

Office: (213) 482-0421

Cell: (213) 317-4393

WLA: 1828 Sawtelle Blvd. 2nd Floor

Los Angeles, CA 90025

Office: (310) 231-2906



Akhilesh Jha <akhilesh.jha@gmail.com>

Sun, Mar 7, 2021 at 9:02 PM

To: Maxfield Vermy <maxfield.vermy@lacity.org>

Cc: Anna Vidal <anna.vidal@lacity.org>, Maritza Przekop <maritza.przekop@lacity.org>, Ryan Patterson <ryan@zfpaw.com>, Sonja Trauss <sonja@yimbylaw.org>, Praveen Jha <praveenkjha@gmail.com>

Hello Maxfield,

Good morning!

Just to let you know I submitted PZA Form Section III to LADBS. This completes every form, which I could find potentially needed or pointed in your checklist, filed and submitted with the City of Los Angeles. I would like to bring to your attention the following state laws:

Govt Code Section 65943 (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.

As you can see from the above section, you are required by the law to provide a process for me to appeal. The law is very clear in this regard.

Govt Code Section 65589.5 (j)(2)(B):

If the local agency fails to provide the required documentation pursuant to subparagraph (A), the housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.

Therefore, if you deny me the process to appeal and, subsequently, do not provide the required documentation on why my project was denied, my project will be automatically deemed consistent after 30 days.

Please let me know if you need any further documentation from me to comply with your list of required documents.
Thank you!

-AJ

On Fri, Feb 26, 2021 at 5:13 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Dear Maxfield,

This is a catch 22 situation.

The City of Los Angeles is denying me an appeal process because my application is supposedly not complete. At the same time, the city is also not letting me complete the application by rejecting the forms that complete the application.

By this approach, you want to have your cake and eat it too. Correct?

Where should I go to find an answer to why my development project under SB-330 was rejected by the City of Los Angeles?

- AJ

On Fri, Feb 26, 2021, 4:51 PM Maxfield Vermey <maxfield.vermy@lacity.org> wrote:

Akhilesh,

There is no appeal process for this. Your case is not complete, so I cannot accept it for filing.



LOS ANGELES
CITY PLANNING

Maxfield Vermey

Preferred Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

201 N. Figueroa St., 4th floor

Los Angeles, CA. 90012

Planning4LA.org

T: (213) 482-7340



On Fri, Feb 26, 2021 at 4:13 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hello Maxfield,

Thanks for getting back to me.

What is the process to file an appeal against your decision?

-AJ

On Fri, Feb 26, 2021, 4:07 PM Maxfield Vermey <maxfield.vermy@lacity.org> wrote:

Akhilesh,

I can't accept any case that doesn't have the required referral forms. If the Geographic team and the Housing Unit are not going to sign your referral forms then I am not going to intake your case because it is incomplete.



LOS ANGELES
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Maxfield Vermey

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Planning4LA.org
T: (213) 482-7340



On Fri, Feb 26, 2021 at 3:20 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:
Hello Maxfield,

Thanks for getting back to me.

The Geographic Referral

I already submitted all the documents to this unit. They rejected my referral form by email. Per their phone conversation, they will not review it further until the fees are paid and the case filing (you) accepts my application.

The Affordable Housing Referral

I already submitted all the documents to this unit. They rejected my application by email. There is no further review planned by this unit.

Preliminary Zoning Assessment

They signed off the form and I had attached the signed form with my second submission.

So, at this point, the ball is in your court. If you are rejecting my application as well, please let me know so that I can proceed further accordingly.

Thank you!

-AJ

-AJ

On Fri, Feb 26, 2021, 2:57 PM Maxfield Vermy <maxfield.vermy@lacity.org> wrote:

Afternoon Akhilesh,

I've gone through your drop off files. These forms below need to be reviewed by their respective departments and signed off on **before** your application is submitted and I can do any further review.

- **The Geographic Referral** from the Ventura Corridor Specific Plan. Please reach out to Marianne King at marianne.king@lacity.org.
- **The Affordable Housing Referral** Form completed by the Housing Unit please reach out to dcpphp@lacity.org to complete the form.
- **Preliminary Zoning Assessment** form completed by the PARP unit, Planning.PARP@lacity.org

Your application materials will need to be picked up and re-submitted after you have received those executed referral forms, please let me know what day you would like to pick them up.



LOS ANGELES
CITY PLANNING

Maxfield Vermy

Preferred Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

201 N. Figueroa St., 4th floor

Los Angeles, CA. 90012

Planning4LA.org

T: (213) 482-7340



On Mon, Feb 1, 2021 at 11:09 AM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Date: Sun, Mar 7, 2021 at 9:02 PM

Subject: Re: Case Filing - 5353 Del Moreno Drive

To: Maxfield Vermy <maxfield.vermy@lacity.org>

Cc: Anna Vidal <anna.vidal@lacity.org>, Maritza Przekop <maritza.przekop@lacity.org>, Ryan Patterson <ryan@zfplaw.com>, Sonja Trauss <sonja@yimbylaw.org>, Praveen Jha <praveenkjha@gmail.com>

Hello Maxfield,

Good morning!

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Govt Code Section 65589.5 (j)(2)(B):

If the local agency fails to provide the required documentation pursuant to subparagraph (A), the housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.

Therefore, if you deny me the process to appeal and, subsequently, do not provide the required documentation on why my project was denied, my project will be automatically deemed consistent after 30 days.

Please let me know if you need any further documentation from me to comply with your list of required documents. Thank you!

-AJ

On Fri, Feb 26, 2021 at 5:13 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Dear Maxfield,

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- AJ

On Fri, Feb 26, 2021, 4:51 PM Maxfield Vermy <maxfield.vermy@lacity.org> wrote:

Akhilesh,

There is no appeal process for this. Your case is not complete, so I cannot accept it for filing.

Maxfield Vermy

Preferred Pronouns: He, His, Him



Maxfield Vermy <maxfield.vermy@lacity.org>

5353 Del Moreno Drive; General Plan Compliant, Zoning Ordinance Non-compliant Projects

1 message

Ben Libbey <ben@yesinmybackyard.org>

Fri, Oct 23, 2020 at 1:41 PM

To: donna.wong@lacity.org

Cc: sarah.molina-pearson@lacity.org, justin.bilow@lacity.org, maxfield.vermy@lacity.org, anna.vidal@lacity.org, vince.bertoni@lacity.org, Sonja Trauss <sonja@yimbylaw.org>, Akhilesh Jha <akhilesh.jha@gmail.com>

YIMBY Law
1260 Mission Street
San Francisco, CA 94103

10/23/2020

Donna Wong
Deputy City Attorney, Land Use Division
Office of the Los Angeles City Attorney
200 North Main Street
701 City Hall East
Los Angeles, California 90012

sarah.molina-pearson@lacity.org; justin.bilow@lacity.org; maxfield.vermy@lacity.org; anna.vidal@lacity.org;
vince.bertoni@lacity.org; donna.wong@lacity.org;

Via Email

Re: [5353 Del Moreno Drive](#); General Plan Compliant, Zoning Ordinance Non-compliant Projects

Dear Deputy City Attorney Wong,

This letter is intended to inform you of the current status, under state law, of housing development projects that comply with a city or county's General Plan but not its Zoning Ordinance. In particular we would like to emphasize that projects are bound only by General Plan restrictions in cases where the General Plan and Zoning Ordinance conflict and also in cases where they do not conflict, pursuant to the HAA and the State Density Bonus Law.

Housing Accountability Act

California Government Code § 65589.5, the Housing Accountability Act (HAA), prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety:

(j) (1) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means 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.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

In this case, Akhilesh Jha's proposal is consistent with the General Plan. The General Plan designation for this site is C-1 Limited Commercial, which permits residential uses with densities up to 1 unit per 400 sq ft. However, the zoning at [5353 Del Moreno Drive](#), RA-1, is inconsistent with the General Plan as it allows for only single-family development.

LA Planning Department has taken the position that the proposed density of 1 unit per 400 sq. ft. at [5353 Del Moreno Drive](#) is not consistent with the zoning (see Attachment 1.1), however, Gov. Code, § 65589.5(f)(4) anticipates this situation and states that "a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan."

LA Planning has further taken the position that because the zoning allows a subset of what is allowed in the general plan (See Attachment 1.1), then the general plan and zoning are not inconsistent (See Attachment 1.2). In that case, we refer to the second half of (f)(4) which refers to the zoning which is consistent with the General Plan, "the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, **however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.**" (emphasis added)

The density allowed on the site by the general plan is 1 unit per 400 sq ft, the density proposed is 1 unit per 400 sq ft. Therefore, the objective standards and criteria of the zoning which is consistent with the general plan shall be applied to facilitate and accommodate development at this density.

The General Plan compliance of this project entitles it to protection under the HAA. It also ensures that the project may proceed without a zoning change.

The statute is very clear that general plan restrictions and standards override zoning in cases where the two conflict, it is also clear that general plan restrictions and standards override zoning in cases where they do not conflict. This extends in particular to height and density restrictions. As such, zoning may be used to extend and implement a General Plan but cannot be used to override it. Conflicts between General Plan provisions and aspects of a particular Zoning Ordinance cause confusion and uncertainty. For this reason, the law resolves these conflicts universally in favor of the General Plan.

Density Bonus Law

The California State Density Bonus law is designed to apply to a wide variety of projects and includes provisions to deal with cases where a city or county's zoning ordinance or general plan is unclear on the density permitted for a particular site. The law mandates that the density bonus be granted to a project based on the "maximum allowable density" for the site. This is defined as follows:

(2) "Maximum allowable residential density" means the density allowed under the zoning ordinance and land use element of the general plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail. (65915.(o)(2))

The law is unambiguous in its assertion that the General Plan takes a primary role while the zoning ordinances takes a secondary role. Whether a conflict between the General Plan and zoning ordinance is considered a situation where a range of densities are permitted or a situation where the plan and ordinance are in direct conflict, the highest extent of the range permitted in the General Plan must be used.

Conclusion

Overlapping General Plan and Zoning standards can become complicated and difficult to interpret easily in a city the size of Los Angeles. However, this does not change the fundamental legal relationship between the two. State law unambiguously defers to the General Plan in cases where there is uncertainty. This is part of why General Plans are extremely important for cities. They are ultimately about both setting forth goals and legally enforceable standards for development. Zoning can be used to extend a general plan, adding more specificity and elaborating on certain goals and requirements. Zoning cannot override the General Plan. This would exceed its legal function.

In considering project applications the Los Angeles Planning Department and any deliberative bodies tasked with reviewing development applications must only require projects to comply with the city's General Plan in cases where the Plan conflicts with the Zoning Ordinance. A failure to do so would be costly, inefficient, and unlawful.

Sincerely,



Sonja Trauss
Executive Director
Yes In My Back Yard

Attachment 1: Communications Between Planning Department Staff and Applicant

1.1 On Fri, Aug 7, 2020, 4:04 PM Justin Bilow <justin.bilow@lacity.org> wrote:

Hi AJ,

This email follows up on and summarizes information discussed during our call from Friday July 10, 2019. Below is a summary of zoning information related to your proposed project at [5353 Del Moreno Drive](#) ("Project"); information related to your questions about the Project's SB330 Preliminary Application for vesting under Government Code Section 65941.1 ("Preliminary Application"); and contact information to assist you with pursuing your later application for a development project.

1. The Preliminary Application Is Incomplete

The Project's Preliminary Application for vesting under Government Code Section 65941.1 is not considered submitted because the Preliminary Application contains inaccurate information regarding the use of Density Bonus, and therefore does not contain all of the information required. The Preliminary Application states that the Project will seek Density Bonus incentives and bonus units for 60 residential units. However, the site's RA-1 zoning does not support a Density Bonus development because the existing zoning authorizes a single one-family dwelling. Additional density for the project may be sought through a Zone Change (LAMC 12.32 F) or Vesting Zone Change (LAMC Section 12.32 Q).

The Department seeks accurate and complete Preliminary Application information from the applicant at this early stage in order to, among other things: (1) give project applicants an opportunity to secure the earliest possible Preliminary Application submittal date through an early opportunity to correct and accurately submit all of the information required; (2) facilitate a smooth and expeditious development project application process because incorrect or incomplete information can cause unexpected delays or loss of vesting, (3) facilitate an applicant's ability to maintain vesting rights during the next short development project application timeline — i.e., the 90-day period under Government Code Section 65941.1(d)(2) to submit information needed for the subsequent complete development project application; (4) provide an accurate basis upon which the City is required to evaluate any potential project revisions under Government Code Section 65941.1(c); and (5) avoid delays by facilitating an early accurate understanding about what standards, rules, and entitlement procedures apply to the project based on the information required by Government Code Section 65941.1.

Your requested findings under California Government Code Section 65589.5(j)(1) are not applicable to the Preliminary Application, and are therefore not required to determine that the Preliminary Application is incomplete. The findings at Government Code Section 65589.5(j)(1) apply to the later development project application which is supposed to be submitted to the Department of City Planning within 180 calendar days after you submit a Preliminary Application with all of the information required. See Government Code Section 65914.1(d). The later development project application would request specific development approvals through procedures, hearings, and findings specified by the Los Angeles Municipal Code.

2. The Site Requires A Zone Change For The Proposed Project

The site is zoned RA-1, but the Project is proposed at C1.5-1 development standards with 60 residential units. As a consequence, the proposed Project requires the site to seek a Zone Change or Vesting Zone Change.

The site requires a zone change because the General Plan's applicable Community Plan, here the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan ("Community Plan"), states that the site's zone is consistent with the "Limited Commercial" land use designation. Consistency is supported by: a) the Community Plan map, b) text in the "Plan Consistency" section on page 20 of the Community Plan, and c) Footnote no. 9 on the Community Plan Land Use Map relating to "Corresponding Zones." Footnote 9 states the following in pertinent part:

"Each Plan category permits all indicated corresponding zones as well as those zones referenced in the Los Angeles Municipal Code (LAMC) as permitted by such zones unless further restricted by adopted Specific Plans, specific conditions and/or limitations of project approval, plan footnotes or other Plan map or text notations."

Footnote 9 explains that each land use category permits the less intensive zones referenced by the LAMC, in addition to the more intensive corresponding zones listed on the face of the Community Plan land use map. The site's zone-plan consistency is further explained by the City's hierarchy of less to more intensive zones found in LAMC Section 12.04-A, and a review of LAMC Sections 12.07 (RA zone) through 12.13 (C1.5 zone).

...

Best Regards,

1.2 On Tue, Aug 11, 2020 at 5:09 PM Sarah Molina-Pearson <sarah.molina-pearson@lacity.org> wrote:

Hi Akhilesh,

Yes, the zone and land use designation are consistent. As I mentioned to you yesterday, I would like to continue to explore options for your project to move forward. Please feel free to reach out to me in the next week or two. If I receive any new information before then, I will make sure to let you know.



5353 Del Moreno Drive; General Plan Compliant, Zoning Ordinance Non-compliant Projects.pdf
108K



Maxfield Vermy <maxfield.vermy@lacity.org>

Preliminary Application for 5353 Del Moreno Drive, Los Angeles / Formal Request for an Appeal Pursuant to Government Code Sec. 65943(c)

6 messages

Ibaraki, Kathlyn S. <Ki2@jmbm.com>

Mon, Jun 7, 2021 at 4:11 PM

To: "maxfield.vermy@lacity.org" <maxfield.vermy@lacity.org>

Cc: "justin.bilow@lacity.org" <justin.bilow@lacity.org>, "Freedman, Daniel" <DFF@jmbm.com>

Dear Mr. Vermy,

Please find attached Daniel Freedman's June 7, 2021 letter regarding the subject matter. Thank you very much.

Kathlyn Ibaraki | Secretary to attorney Daniel F. Freedman
Jeffer Mangels Butler & Mitchell LLP | JMBM
1900 Avenue of the Stars, 7th Floor, Los Angeles, CA 90067
T: (310) 785-5391 | F: (310) 203-0567 | E: ki2@JMBM.com



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June 7 Letter to Maxfield Vermy (002).pdf
245K

Maxfield Vermy <maxfield.vermy@lacity.org>

Tue, Jun 8, 2021 at 7:58 AM

To: Maritza Przekop <maritza.przekop@lacity.org>, Anna Vidal <anna.vidal@lacity.org>, Justin Bilow <justin.bilow@lacity.org>

Morning Maritza,

Please read the attached letter. The letter states that the application fee for the complete project application was paid on May 29, 2020 but that is incorrect, I never created a case nor sent out any invoices.

Maxfield Vermy
Preferred Pronouns: He, His, Him
Planning Assistant
Los Angeles City Planning



201 N. Figueroa St., 4th floor
Los Angeles, CA. 90012
Planning4LA.org
T: (213) 482-7340

LOS ANGELES
CITY PLANNING



[Quoted text hidden]

June 7 Letter to Maxfield Vermy (002).pdf
245K

Maxfield Vermy <maxfield.vermy@lacity.org>
To: Maya Zaitzevsky <maya.zaitzevsky@lacity.org>

Tue, Jun 8, 2021 at 1:55 PM

FYI, attached is the letter.

[Quoted text hidden]

June 7 Letter to Maxfield Vermy (002).pdf
245K

Maxfield Vermy <maxfield.vermy@lacity.org>
To: "Ibaraki, Kathlyn S." <Ki2@jmbm.com>, "Freedman, Daniel" <DFF@jmbm.com>
Cc: "justin.bilow@lacity.org" <justin.bilow@lacity.org>, Mindy Nguyen <Mindy.Nguyen@lacity.org>

Thu, Jun 10, 2021 at 3:42 PM

Afternoon Kathlyn,
This is to confirm receipt of your letter and that we are looking into it. We will follow up with you soon.



Maxfield Vermy
Preferred Pronouns: He, His, Him
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Los Angeles City Planning
201 N. Figueroa St., 4th floor
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LOS ANGELES
CITY PLANNING



[Quoted text hidden]

Freedman, Daniel <DFF@jmbm.com>
To: Maxfield Vermy <maxfield.vermy@lacity.org>, "Ibaraki, Kathlyn S." <Ki2@jmbm.com>
Cc: "justin.bilow@lacity.org" <justin.bilow@lacity.org>, Mindy Nguyen <Mindy.Nguyen@lacity.org>

Thu, Jun 10, 2021 at 3:44 PM

Thank you Maxfield. I appreciate it. We look forward to hearing back from you soon.

Daniel F. Freedman | Partner
Jeffer Mangels Butler & Mitchell LLP | JMBM
1900 Avenue of the Stars, 7th Floor, Los Angeles, CA 90067
O: (310) 203-8080 | D: (310) 785-5391 | E: DFreedman@JMBM.com



Andrew Jorgensen <andrew.jorgensen@lacity.org>

----- Forwarded message -----

From: **Akhilesh Jha** <akhilesh.jha@gmail.com>
Date: Thu, Jan 21, 2021 at 5:38 AM
Subject: Re: Geographic Referral from the Ventura Corridor Specific Plan
To: Olga Ayala <olga.ayala@lacity.org>

Hello Olga,

Good morning!

Attached please find the updated Geographic Project Referral form along with the documents submitted in the DCP Application. Please let me know if you have any questions. Thank you!

-AJ
310-995-4859

 1.5.c Citywide Design Guidelines.pdf
 1.5.m 1978-11-27 Certification of Occupancy of ...
 1.5.m 1979-11-26 Certificate of Occupancy of Sw...
 1.5.m 1997-08-28 Certification of Occupancy of ...
 1.5.q List of Easements.pdf
 2. Attachment to CLASS 32 CATEGORICAL EXEMPTI...
 2. CP-1204 - Environmental Assessment Form.pdf
 2. CP-3251 Density Bonus.pdf
 4. ZIMAS Parcel Profile.pdf
 4.1 Aerial View.pdf
 5. Photograph.pdf
 5.1 Photo inside.pdf
 6. Maps.pdf
 Grant Deed - 5353 Del Moreno Dr.pdf
 Picture of the Site.docx
 Pictures of the Surroundings.docx
 1. CP-7771.1 DCP Application Form - Revised 202...
 2. Declaration Supporting Incentive and Waiver ...
 2020-01-12 - 5353 Del More Dr - Architectural P...
 2020-12-04 LID, Grading and Drainage Plan.pdf
 2020-12-20 Submitted CP-4064 Preliminary Zoning...
 2020-12-30 Tree Report - 5353 Del Moreno Dr.pdf
 Affordable Housing Referral Form - 4043 - Revis...
 CP-2151.1 Transportation Study Assessment Refer...
 Declaration Supporting Incentive and Waiver Req...
 Declaration Supporting Incentive and Waiver Req...
 FINAL SB330 RUD 5353 Del Moreno_signed.pdf
 LID Case Referral Form - Signed.pdf
 Proof of SB 330 Filing with HCID.pdf

On Wed, Dec 23, 2020 at 2:23 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Do you have a manager that I can communicate with? I just do not know what form you are referring to? To submit anything to LADBS, I need to know which form or which process I am complying with. I cannot just go to LADBS and dump some documents somewhere.

On Wed, Dec 23, 2020 at 2:16 PM Olga Ayala <olga.ayala@lacity.org> wrote:
 you have to submit your Preliminary documents to Building and Safety and they will issue one for you.



LOS ANGELES
CITY PLANNING

Olga L. Ayala

Planning Assistant
Los Angeles City Planning
 6262 Van Nuys Boulevard, Room 430
 Van Nuys, CA 91401
 Planning4LA.org
 T: (818) 374-5042



Did you know... ZIMAS provides you with property information for any parcel within the City of Los Angeles? Look up planning & zoning information, overlay districts, associated cases, and much more! <http://zimas.lacity.org/>
 Case information can be found here, by entering the case number: <http://planning.lacity.org/pdiscaseinfo/>
 City Planning staff assignments are here: <http://planning.lacity.org/phonelist/assignmentlist.pdf>

On Wed, Dec 23, 2020 at 2:06 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hi Olga,

Thanks for your email.

I went to the site you suggested. However, I cannot find a form "BUILDING AND SAFETY PLANNING CASE REFERRAL FORM" What is form number for this form?

-AJ
 310-995-4859

On Wed, Dec 23, 2020 at 1:37 PM Olga Ayala <olga.ayala@lacity.org> wrote:

AJ, My job is to review your entire project and I have to make sure that your project complies with ALL of the requirements.

so, before you come to me (or us) you need to go to Building and Safety and request a BUILDING AND SAFETY PLANNING CASE REFERRAL FORM.

Here is the link for Ventura Cahuenga Specific Plan.

https://planning.lacity.org/odocument/472adb8-4942-4e2f-8603-820ca76881d8/VenturaCahuenga_Boulevard_Corridor_Specific_Plan.pdf

also, please comply with the Citywide design guidelines.

and I need a

<https://planning.lacity.org/odocument/03bca538-91a0-41a4-9b82-c572f71ae1fb/Citywide%20Design%20Guidelines.pdf>

so, you also need YOUR AFFORDABLE HOUSING REFERRAL FORM FROM HOUSING. AND DOT REFERRAL FORM.

if you need more forms go here. <https://planning.lacity.org/development-services/forms>

Thank you,

Olga L. Ayala



Planning Assistant
Los Angeles City Planning
 6262 Van Nuys Boulevard, Room 430
 Van Nuys, CA 91401
 Planning4LA.org
 T: (818) 374-5042



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 Case information can be found here, by entering the case number: <http://planning.lacity.org/pdiscaseinfo/>
 City Planning staff assignments are here: <http://planning.lacity.org/phonelist/assignmentlist.pdf>

On Sun, Dec 20, 2020 at 3:32 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:
 Hello Olga,

Please let me know the status of my application. Thank you!

-AJ
 310-995-4859

On Fri, Aug 21, 2020 at 3:03 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:
 Hi Olga,

Thanks for sending the link. Attached please find all three documents. Please let me know if you have any questions.

-AJ
 310-995-4589

On Fri, Aug 21, 2020 at 2:09 PM Olga Ayala <olga.ayala@lacity.org> wrote:
<https://planning.lacity.org/development-services/forms>

Here it is. Thank you.



Olga L. Ayala

Planning Assistant
Los Angeles City Planning
 6262 Van Nuys Boulevard, Room 430
 Van Nuys, CA 91401
 Planning4LA.org
 T: (818) 374-5042



Did you know... ZIMAS provides you with property information for any parcel within the City of Los Angeles? Look up planning & zoning information, overlay districts, associated cases, and much more! <http://zimas.lacity.org/>
 Case information can be found here, by entering the case number: <http://planning.lacity.org/pdiscaseinfo/>

City Planning staff assignments are here: <http://planning.lacity.org/phonelist/assignmentlist.pdf>

On Fri, Aug 21, 2020 at 2:04 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Hello Olga,

Thank you.

Please send me a blank referral form. I will submit to you the filled referral form, proposed plan, and planning application.

-AJ
310-995-4859

On Fri, Aug 21, 2020 at 1:54 PM Olga Ayala <olga.ayala@lacity.org> wrote:

Yes, that is correct. Thank you.

I would like to continue working with the applicant from this point forward, so I need the plans and all of the necessary forms to be reviewed.

Thank you both,
Have a wonderful Friday. ;-)

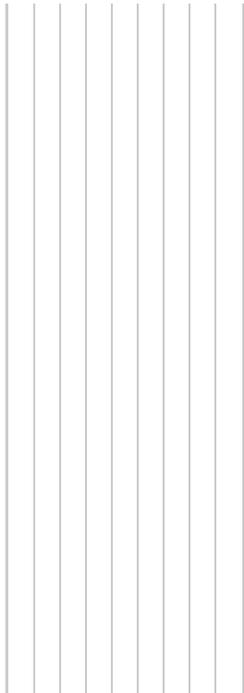


LOS ANGELES
CITY PLANNING

Olga L. Ayala

Planning Assistant
Los Angeles City Planning
6262 Van Nuys Boulevard, Room 430
Van Nuys, CA 91401
Planning4LA.org
T: (818) 374-5042





On Fri, Aug 21, 2020 at 11:08 AM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:

Dear Mariane,

Good morning!

I am applying to get an approval from the planning department to build a 60-unit apartment building on the [lot 5353 Del Moreno Dr, Woodland Hills, CA 91364](#).

I have been referred to you to get Geographic Referral from the Ventura Corridor Specific Plan. Can you please tell me which forms I need to fill out? Thank you!

-AJ
310-995-4859

 **Geographic Project Planning Referral.pdf**
343K

Andrew Jorgensen <andrew.jorgensen@lacity.org>
To: akhilesh.jha@gmail.com
Cc: [Olga Ayala <olga.ayala@lacity.org>](mailto:olga.ayala@lacity.org)

Mon, Jan 25, 2021 at 11:59 AM

Hi Akhilesh,

My name is Andrew Jorgensen and I am the City Planner for the Southeast Valley. Please note that as of the end of December, Olga has rotated to our Southwest/Mulholland team. I can review your referral request if you can please re-

send over your project materials.

Best,

Andrew

[Quoted text hidden]



Andrew Jorgensen, AICP
pronouns: he/him/his
 City Planner
Los Angeles City Planning
 6262 Van Nuys Blvd
 Van Nuys, CA 91401
 Planning4LA.org
 T: (818) 374-9904



 **Geographic Project Planning Referral.pdf**
 343K

Akhilesh Jha <akhilesh.jha@gmail.com>
 To: andrew.jorgensen@lacity.org

Mon, Jan 25, 2021 at 3:25 PM

Hi Andrew,

Thanks for taking my case. Attached please find the Geographic Project Referral form along with the documents submitted in the DCP Application. I am also attaching an email from the main planner, who is in charge of the intaking documents for the DCP Application (case filing). He gave a go-ahead regarding the development based on the land use designation. Please see the email below and corresponding checklist of documents that he generated for submission of documents for the next phase of review.

Since there are a large number of attachments exceeding the email limit, they are being sent as Google drive link. Please let me know if you have any questions. Thank you!

-AJ
 310-995-4859

- | |
|--|
|  1.5.c Citywide Design Guidelines.pdf |
|  1.5.m 1978-11-27 Certification of Occupancy of ... |
|  1.5.m 1979-11-26 Certificate of Occupancy of Sw... |
|  1.5.m 1997-08-28 Certification of Occupancy of ... |
|  1.5.q List of Easements.pdf |
|  2. Attachment to CLASS 32 CATEGORICAL EXEMPTION... |
|  2. CP-1204 - Environmental Assessment Form.pdf |
|  2. CP-3251 Density Bonus.pdf |

4. ZIMAS Parcel Profile.pdf
4.1 Aerial View.pdf
5. Photograph.pdf
5.1 Photo inside.pdf
6. Maps.pdf
Grant Deed - 5353 Del Moreno Dr.pdf
Picture of the Site.docx
Pictures of the Surroundings.docx
1. CP-7771.1 DCP Application Form - Revised 202...
2. Declaration Supporting Incentive and Waiver ...
2020-01-12 - 5353 Del More Dr - Architectural P...
2020-12-04 LID, Grading and Drainage Plan.pdf
2020-12-20 Submitted CP-4064 Preliminary Zoning...
2020-12-30 Tree Report - 5353 Del Moreno Dr.pdf
Affordable Housing Referral Form - 4043 - Revis...
CP-2151.1 Transportation Study Assessment Refer...
Declaration Supporting Incentive and Waiver Req...
Declaration Supporting Incentive and Waiver Req...

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4 attachments

- 2020-08-21 Submitted - Geographic Project Planning Referral.pdf**
343K
- 2020-09-18 City Granting Document Checklist Per Land Use Designation.pdf**
114K
- 2020-09-15 City Issues Memo - SB 35 Maximum Density by Land Use Designation or Zone.pdf**
76K
- 2020-09-18 City's Checklist.pdf**
1957K

Andrew Jorgensen <andrew.jorgensen@lacity.org>
To: Akhilesh Jha <akhilesh.jha@gmail.com>

Mon, Jan 25, 2021 at 3:44 PM

Thank you; I am in receipt and will review.

Best,

Andrew

[Quoted text hidden]

[Quoted text hidden]

Andrew Jorgensen <andrew.jorgensen@lacity.org>

Mon, Jan 25, 2021 at 3:47 PM

To: Akhilesh Jha <akhilesh.jha@gmail.com>

Hi AJ,

When I attempt to open the link, it appears I don't have access. Can you add my email to that drive folder?

Best,

Andrew

[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>
To: Andrew Jorgensen <andrew.jorgensen@lacity.org>

Mon, Jan 25, 2021 at 4:05 PM

Hi Andrew,

Please try again. I have gone through each file and changed the permission. Please let me know if you have any further issues. Thank you!

-AJ

310-995-4859

[Quoted text hidden]

Andrew Jorgensen <andrew.jorgensen@lacity.org>
To: Akhilesh Jha <akhilesh.jha@gmail.com>
Cc: Blake Lamb <blake.lamb@lacity.org>, Claudia Rodriguez <claudia.rodriguez@lacity.org>

Mon, Jan 25, 2021 at 4:50 PM

Hi AJ,

I'm in receipt of your project files. A few general notes:

- Given the project's base zone of RA, no commercial uses would be allowed, regardless of the site's Limited Commercial land use designation.
- The required front yard/other setbacks should be based on the RA zone, not 12.13.5 (the C1.5 zone)
- Have you conducted the required SB35 consultation with Housing staff? See here - <https://planning.lacity.org/odocument/7fbd25f5-c933-4182-b42f-90db13465a44/SB%2035%20Streamlined%20Infill%20Projects%20-%20Application%20Instructions>

Ventura Specific Plan notes (https://planning.lacity.org/odocument/472adbf8-4942-4e2f-8603-820ca76881d8/VenturaCahuenga_Boulevard_Corridor_Specific_Plan.pdf):

- The maps in the Specific Plan document (https://planning.lacity.org/odocument/472adbf8-4942-4e2f-8603-820ca76881d8/VenturaCahuenga_Boulevard_Corridor_Specific_Plan.pdf) do not show the address as located in the Specific Plan; we will need to reach out to the Specific Plan Amendment team for verification.
- The base FAR in the Specific Plan is 1:1
- A minimum 18" front yard setback is required
- A maximum lot coverage of 60% is required
- The base Specific Plan height in this area is 30'

Given the uniqueness of this proposal, I would like to discuss this internally with my management and get back to you.

Best,

Andrew

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>

Mon, Jan 25, 2021 at 5:04 PM

To: Andrew Jorgensen <andrew.jorgensen@lacity.org>

Cc: Blake Lamb <blake.lamb@lacity.org>, Claudia Rodriguez <claudia.rodriguez@lacity.org>

Hi Andrew,

I was hoping that you would confine your review to what is being asked in the "Geographic Project Referral form". As far as the discrepancies of zoning and proposed development (including setbacks, heights, FAR...) are concerned, I will deal with them through the DCP Application and through the requested incentives and waivers as allowed under the State Density Bonus program.

Please do whatever you need to do. Thanks for promptly reviewing the file.

-AJ
310-995-4859

[Quoted text hidden]

Andrew Jorgensen <andrew.jorgensen@lacity.org>

Mon, Jan 25, 2021 at 5:27 PM

To: Akhilesh Jha <akhilesh.jha@gmail.com>

Cc: Blake Lamb <blake.lamb@lacity.org>, Claudia Rodriguez <claudia.rodriguez@lacity.org>

Hi AJ,

The referral review is to determine whether an application is ready to file in a specific geography and can include all application materials, plans, and incentives/waivers that may affect the Specific Plan. As it stands now, there are a lot of items that need to be properly addressed before I can give you clearance to file.

Best,

Andrew

[Quoted text hidden]

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Andrew Jorgensen <andrew.jorgensen@lacity.org>

Tue, Jan 26, 2021 at 5:30 PM

To: Akhilesh Jha <akhilesh.jha@gmail.com>

Cc: Blake Lamb <blake.lamb@lacity.org>, Claudia Rodriguez <claudia.rodriguez@lacity.org>

Hi AJ,

Given the scope of the proposed project, we'd like to meet with you and the rest of the development team to discuss the project sometime in early February. Are you available the afternoon of 2/10?

Best,

Andrew

[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>

Tue, Jan 26, 2021 at 5:50 PM

To: Andrew Jorgensen <andrew.jorgensen@lacity.org>

Cc: Blake Lamb <blake.lamb@lacity.org>, Claudia Rodriguez <claudia.rodriguez@lacity.org>

Hi Andrew,

Yes, any time in the afternoon works for me on 2/10.

Thank you!

-AJ

[Quoted text hidden]

Andrew Jorgensen <andrew.jorgensen@lacity.org>

Wed, Jan 27, 2021 at 8:12 AM

To: Akhilesh Jha <akhilesh.jha@gmail.com>

Cc: Blake Lamb <blake.lamb@lacity.org>, Claudia Rodriguez <claudia.rodriguez@lacity.org>

Thank you; I've sent a Google Meet invite for 2/10 at 3pm. Please forward to anyone on your team you'd like to join.

[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>

Mon, Feb 8, 2021 at 11:25 AM

To: Andrew Jorgensen <andrew.jorgensen@lacity.org>

Cc: Blake Lamb <blake.lamb@lacity.org>, Claudia Rodriguez <claudia.rodriguez@lacity.org>

Hi Andrew,

Good morning!

I am sorry I cannot make to the meeting this Wednesday at 3pm. I am available from 9am to 11am on this Wednesday. Please let me know if this works for you.

If not this Wednesday, please suggest any other time and, most likely, it will be fine with me. I am sorry for this change.

Thank you!

-AJ

310-995-4859

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Andrew Jorgensen <andrew.jorgensen@lacity.org>

Tue, Feb 9, 2021 at 10:31 AM

To: Akhilesh Jha <akhilesh.jha@gmail.com>

Cc: Blake Lamb <blake.lamb@lacity.org>, Claudia Rodriguez <claudia.rodriguez@lacity.org>

Hi AJ,

Tomorrow morning doesn't look available; are you available at 11am, either next Wednesday 2/17 or Thursday 2/18?

Best,

Andrew

[Quoted text hidden]

Akhilesh Jha <akhilesh.jha@gmail.com>

Tue, Feb 9, 2021 at 11:40 AM

To: Andrew Jorgensen <andrew.jorgensen@lacity.org>

Cc: Blake Lamb <blake.lamb@lacity.org>, Claudia Rodriguez <claudia.rodriguez@lacity.org>

2/17 at 11am works for me. Thank you, Andrew

[Quoted text hidden]

Andrew Jorgensen <andrew.jorgensen@lacity.org>

Tue, Feb 9, 2021 at 11:45 AM

To: Akhilesh Jha <akhilesh.jha@gmail.com>

Cc: Blake Lamb <blake.lamb@lacity.org>, Claudia Rodriguez <claudia.rodriguez@lacity.org>

Thanks, I've moved the meeting to then

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Andrew Jorgensen <andrew.jorgensen@lacity.org>
To: Akhilesh Jha <akhilesh.jha@gmail.com>
Cc: Blake Lamb <blake.lamb@lacity.org>, Claudia Rodriguez <claudia.rodriguez@lacity.org>

Wed, Feb 17, 2021 at 11:20 AM

Specific plan notes

----- Forwarded message -----

From: **Andrew Jorgensen** <andrew.jorgensen@lacity.org>
Date: Mon, Jan 25, 2021 at 4:50 PM
Subject: Re: Geographic Referral from the Ventura Corridor Specific Plan
To: Akhilesh Jha <akhilesh.jha@gmail.com>
Cc: Blake Lamb <blake.lamb@lacity.org>, Claudia Rodriguez <claudia.rodriguez@lacity.org>

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[Quoted text hidden]

Andrew Jorgensen <andrew.jorgensen@lacity.org>
To: Akhilesh Jha <akhilesh.jha@gmail.com>
Cc: Blake Lamb <blake.lamb@lacity.org>, Claudia Rodriguez <claudia.rodriguez@lacity.org>

Wed, Feb 17, 2021 at 11:25 AM

Ventura Specific Plan instructions/forms: <https://planning.lacity.org/odocument/1734a522-e84c-453a-ac64-38cd17fcaebb/Ventura%20Filing%20Instructions%20Package.pdf>

[Quoted text hidden]

EXHIBIT D

Affordable Housing
Referral Form
(submitted by
Applicant)



REFERRAL FORMS:

AFFORDABLE HOUSING REFERRAL FORM
LOS ANGELES CITY PLANNING DEPARTMENT

This form is to serve as a referral to the Department of City Planning Development Services Center for affordable housing case filing purposes (in addition to the required Department of City Planning Application and any other necessary documentation) and as a referral to HCIDLA, CRA, LA County, or other City agency for project status and entitlement need purposes. This form shall be completed by the applicant and reviewed and signed by Department of City Planning staff prior to case filing. Any modifications to the content(s) of this form after its authorization by the Department of City Planning staff is prohibited.

CITY STAFF USE ONLY

Referral To:

Planning DSC - Filing HCIDLA Funding CRA LA County Other:

NOTES:

Table with 3 columns: Planning Staff Name and Title, Planning Staff Signature, Date

(The Department of City Planning reserves the right to require an updated AHRF for the project if more than 180 days have transpired since the above date, or as necessary, to reflect project modifications, policy changes and/or amendments to the LAMC, local laws, and State laws.)

I. PROPOSED PROJECT

1. PROJECT LOCATION/ ZONING

Project Address:
Project Name:
Applicant Name and Phone/Email:
Assessor Parcel Number(s):
Community Plan: Number of Lots: Lot Size: s.f.
Existing Zone: Land Use Designation:
Specific Plan HPOZ DRB Enterprise Zone CRA
Q-condition/ D-limitation/ T-classification (please specify):
Other pertinent zoning information (please specify):
Location of Major Transportation Stop or Intersection (please specify):

2. DESCRIPTION OF PROPOSED PROJECT

Blank lines for project description

1 Per AB 744, A Major Transit Stop means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. It also includes major transit stops that are included in the applicable regional transportation plan. Per Sec 12.22.A.25(b) of LAMC, the definition of Transit Stop/Major Employment Center includes: (1) a station stop for a fixed transit guideway or fixed rail system, (2) a Metro Rapid Bus stop or route, (3) the boundaries of three major economic activity areas, and (4) the boundaries of a college or university campus with an enrollment exceeding 10,000 students.

3. EXISTING USE

A. Describe Existing Development: _____

Characteristic of existing use Dwelling Unit (DU), Commercial/ Industrial, or Other	Existing		To Be Demolished	Proposed ²	
	No. of DU or Guest Rooms	Approximate sq. ft./ea.		No. of DU or Guest Rooms	Approximate sq. ft./ea.
Guest Rooms					
Studio					
One Bedroom					
Two Bedrooms					
Three Bedrooms					
_____ Bedroom					
Commercial / Industrial					
Other:					

B. Previous Cases Filed

	<u>(1)</u>	<u>(2)</u>	<u>(3)</u>
Case Number(s):	_____	_____	_____
Date Filed:	_____	_____	_____
Date Approved:	_____	_____	_____
End of Appeal Period:	_____	_____	_____
Environmental No.	_____	_____	_____

4. TYPE OF APPLICATION

- Density Bonus (per LAMC Sec. 12.22.A.25) with **no** incentives filed in conjunction with a discretionary approval. If no entitlement case is requested, please contact the Los Angeles Department of Building and Safety (LADBS) at ladbs.org or call 3-1-1 within the City of Los Angeles or (213) 473-3231 outside of the City of Los Angeles.
- Density Bonus per LAMC Sec. 12.22.A.25 **with incentives on the menu** (please specify): _____
- Density Bonus per LAMC Sec. 12.22.A.25 **with incentives off menu** (please specify): _____
- Density Bonus per LAMC Sec. 12.22.A.25 **with on and off menu incentives** (please specify): _____
- Greater Downtown Housing Incentive Area per LAMC Sec. 12.22.A.29, Ordinance 179,076 (Sections 7 and 9 through 11 of this form do not apply)
- Public Benefit Project per LAMC Sec. 14.00.A.2
- Unapproved Dwelling Unit per LAMC Sec. 14.00.A.10
- Agreement for Partnered Housing Between Commercial and Housing Developer:
 - 30% or more of total units provided for low income housing
 - 15% or more of total units provided for very low income housing
- General Plan Amendment per LAMC Sec. 11.5.6. Request: _____
- Zone/Height District Change per LAMC Sec. 12.32. Request: _____
- Conditional Use per LAMC Sec. 12.22.U.26
- Site Plan Review per LAMC Sec. 16.05
- Specific Plan Project Permit Compliance per LAMC Sec. 11.5.7.C
- Community Design Overlay per LAMC Sec. 13.08
- Coastal Development Permit per LAMC Sec. 12.20.2 or 12.20.2.1
- Tract or Parcel Map per LAMC Sec. 17.00 or 17.50
- Other discretionary incentives requested (please specify): _____

² Replacement units, per AB 2556, shall be equivalent to the number of units, size, and number of bedrooms of the existing development.

5. ENVIRONMENTAL REVIEW

- Environmental Review Not Required – Project is Ministerial.³ Please explain: _____
- Not filed (please contact the Department of City Planning Development Services Center for more information)
- Filed (indicate case number): _____

6. HOUSING DEVELOPMENT PROJECT TYPE (please check all that apply):

- For Sale
- For Rent
- Extremely Low Income
- Very Low Income
- Low Income
- Moderate Income
- Market Rate
- Mixed Use Project
- Senior
- Residential Hotel
- Transitional Foster Youth
- Disabled Veteran
- Homeless
- Special Needs (please describe): _____

Per AB 2335, 50% density bonus (instead of 35%). Total Units = 43 x 1.5 = 65
 Per AB 2335, 15% to Very Low Income. Very Low Income Units = 43 x 0.15 = 7
 Per AB 2445, 20% Bonus for Disabled Veteran Units. AB 2445 Bonus = 7 x 0.2 = 2
 Total Allowable Units = 65 + 2 = 67

7. DENSITY CALCULATION

A. Base Density: Maximum density allowable per zoning

Lot size _____ s.f. (a)
 Density allowable by zone _____ units/s.f. of lot area (b)
 Units allowed by right (Base Density) _____ units (c) [c = a/b, Including fraction and round up to the next whole number]

B. Maximum Allowable Density Bonus: _____ units (d) [d = c x 1.35, include fraction and round up to whole number]

C. Proposed Project: Please indicate total number of Units requested as well as breakdown by levels of affordability set by each category (HCD or HUD). For information on HCD and HUD levels of affordability please contact the Housing and Community Investment Department of Los Angeles (HCIDLA) at (213) 808-8843 or hcidla.lacity.org.⁴

	<u>Total</u>	<u>HCD (State)</u>	<u>HUD (TCAC)</u>
Market Rate	_____	N/A	N/A
Managers Unit(s) - Market Rate	_____	N/A	N/A
Extremely Low Income	_____	_____	_____
Very Low Income	_____	_____	_____
Low Income	_____	_____	_____
Moderate Income	_____	_____	N/A
Seniors- Market Rate	_____	N/A	N/A
Seniors- Very Low Income	_____	_____	_____
Seniors- Low Income	_____	_____	_____
Seniors – Moderate Income	_____	_____	_____
Transitional Foster Youth–Very Low Income*	_____	_____	_____
Disabled Veterans – Very Low Income*	_____	_____	_____
Homeless – Very Low Income*	_____	_____	_____
Total # of Units per Category	_____	(e)	(f)
Percent of Affordable Units by Category	_____	(g)	(h)
[g = e/c or e/i, whichever is less, c or i] [h = f/c or f/i, whichever is less, c or i]			
TOTAL # of Units Proposed	_____	(i)	
Number of Density Bonus Units	_____	(j) [If i>c, then j=i-c; if i<c, then j= 0]	
Percent Density Bonus Requested	_____	(k) [k= j/c]	
Percent of Affordable Set Aside	_____	(c) x % of affordable housing units provided	

* Per AB 2442, a 10% setaside with Very Low Income units at 20% Density Bonus.

³ Ministerial Projects (aka, "By-Right") do not require any discretionary Planning approvals. Developers of such housing file building plans with the Department of Building & Safety. Plans are checked for compliance with the Building Code and, when in compliance, permits are issued to begin construction.

⁴ HCD (State) = Published affordability levels per California Department of Housing and Community Development. HUD (TCAC) = Published affordability levels per the United States Department of Housing and Urban Development.

8. SITE PLAN REVIEW CALCULATION An application for Site Plan Review may be required for projects that meet any of the Site Plan Review thresholds as outlined in LAMC Section 16.05.C. unless otherwise exempted per Section 16.05.D. For Density Bonus projects involving bonus units, please use the formula provided below to determine if the project meets the Site Plan Review threshold for unit count. If project meets the threshold(s) but qualifies under the exemption criteria per Section 16.05.D please confirm exemption with Department of City Planning's DSC Housing Unit.

_____ units allowed by right (permitted by LAMC) – _____ existing units = _____ units

- YES, Site Plan Review is required, if Proposed Base Density units minus existing units is equal to or greater than 50⁵
- NO, Site Plan Review is not required, if Base Density units minus existing units is less than 50
- NO, Site Plan Review is not required if Proposed Project is not utilizing a Density Bonus and total Project is less than 50
- Exempt (*please specify*): _____

II. DENSITY BONUS (LAMC Sec.12.22.A.25, Ordinance 179,681)

9. DENSITY BONUS OPTIONS (*Please check all that apply*)

- Land Donation
- Child Care
- Restricted Affordable Units Located Near Transit Stop/ Major Employment Center
- Common Interest Development with Low or Very Low Income Restricted Affordable Units for Rent
- Condominium Conversion

Parking (*Please choose only one of the following options*):

- Parking Option 1:** Based on # of bedrooms, inclusive of Handicapped and Guest parking. Fractional numbers are rounded down.

	# of Units	Spaces/Unit	Parking Required	Parking Provided
0-1 Bedroom		1		
2-3 Bedrooms		2		
4 or more Bedrooms		2.5		
TOTALS				

Out of the 80 available parking spaces, 1 space is being provided to the commercial unit and 79 to residential units.

- Parking Option 2:** Reduced only for Restricted Affordable Units: up to 40% of required parking for Restricted Affordable Units may be compact stalls. Fractional numbers are rounded down.

	# of Units	Spaces/Unit	Parking Required	Parking Provided
Market Rate (Including Senior Market Rate)		Per code		
Restricted Affordable		1		
Very Low/ Low Income Senior or Disabled		.5		
Restricted Affordable in Residential Hotel		.25		
TOTALS				

- Parking Option 3:** AB 744 - Applies to two types of projects: (A) 100% affordable developments consisting solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families; or (B) mixed-income developments consisting of the maximum number of very low- or low income units, which is 11% and 20% set aside, respectively.

⁵ Site Plan Review may also be required if other characteristics of the project exceeds the thresholds listed in Sec. 16.05 of the LAMC.

A) 100% Affordable Rental Projects

	# of Units	Spaces/Unit	Parking Required	Parking Provided
Located within 1/2 mile of major transit stop		0.5		
Senior having either paratransit service or unobstructed access within 1/2 mile to fixed bus route service that operates at least 8 times/day		0.5		
Special needs having either paratransit service or unobstructed access within 1/2 mile to fixed bus route service that operates at least 8 times/day		0.3		

B) Mixed Income Projects consisting of the maximum number of very low- or low income units, which is 11% and 20% set aside, respectively

	# of Bedrooms	Spaces/Bedroom	Parking Required	Parking Provided
Located within 1/2 mile of major transit stop with unobstructed access to project		0.5		

APPLICABLE TO PARKING OPTION 3 – AB744 ONLY: (1) **Major transit stop** means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. It also includes major transit stops that are included in the applicable regional transportation plan. (2) The maximum 1/2 mile distance to a major transit stop is measured in a straight line (“as the crow flies”). (3) Tandem or uncovered parking is permitted. (4) Fractional numbers are rounded up.

10. INCENTIVES

Please check if you are requesting an incentive from AB 2501 "Development Bonuses From a Mixed Use Development".

A. Project Zoning Compliance & Incentives (Please check all that apply)

	<u>Required/ Allowable</u>	<u>Proposed</u>	<u>ON Menu</u>	<u>OFF Menu</u>
<input type="checkbox"/> (1) Yard/Setback (each yard counts as 1 incentive)				
<input type="checkbox"/> Front	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Rear	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Side(s)	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> (2) Lot Coverage	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> (3) Lot Width	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> (4) Floor Area Ratio ⁶	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> (5) Height/ # of Stories ⁷	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> (6) Open Space	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> (7) Density Calculation	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> (8) Averaging (all count as 1 incentive)			<input type="checkbox"/>	<input type="checkbox"/>
FAR	_____	_____	—	—
Density	_____	_____	—	—
Parking	_____	_____	—	—
OS	_____	_____	—	—
Vehicular Access	_____	_____	—	—
<input type="checkbox"/> Other (please specify):	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

TOTAL # of Incentives Requested: _____

⁶ If applicable, provide vicinity map showing 50% of commercially zoned parcel is within 1,500 feet from Transit Stop or Major Employment Center.
⁷ See Sec. 12.22.A.25(f) 5 for additional requirements.

B. Qualification for Incentives On the Menu: *(Please check only one)*

Incentives	% Very Low Income	% Low Income	% Moderate Income
One	<input type="checkbox"/> 5% to <10%	<input type="checkbox"/> 10% to <20%	<input type="checkbox"/> 10% to <20%
Two	<input type="checkbox"/> 10% to <15%	<input type="checkbox"/> 20% to <30%	<input type="checkbox"/> 20% to <30%
Three	<input type="checkbox"/> 15% or greater	<input type="checkbox"/> 30% or greater	<input type="checkbox"/> 30% or greater
3+	<input type="checkbox"/> <i>(Specify):</i>	<input type="checkbox"/> <i>(Specify):</i>	<input type="checkbox"/> <i>(Specify):</i>

11. COVENANT:

All Density Bonus projects are required to prepare and record an Affordability Covenant to the satisfaction of the Los Angeles Housing Department's Occupancy Monitoring Unit **before** a building permit can be issued. Please contact the Housing and Community Investment Department of Los Angeles (HCIDLA) at (213) 808-8843 or hcidla.lacity.org

12. REPLACEMENT UNITS:

AB 2222 requires that density bonus eligible projects replace any pre-existing affordable housing units on the project site. Replacement units include the following: *(Answer the following with yes or no.)*

- A. Units subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income? _____
- B. Units occupied by lower or very low income households below 80% AMI per California Department of Housing and Community Development Department levels not already listed above? _____
- C. Units subject to the Rent Stabilization Ordinance not already listed above? _____
- D. Units that have been vacated or demolished in the last 5 years? _____
- E. Per AB 2556, are the number of replacement units, size and number of bedrooms equivalent to that being demolished (as shown on Existing Development Table on page 2 above)? _____

III. GREATER DOWNTOWN HOUSING INCENTIVE AREA (GDHIA)

13. GREATER DOWNTOWN HOUSING INCENTIVE AREA (LAMC SEC. 12.22.A.29, Ordinance 179,076)

A. ELIGIBILITY FOR FLOOR AREA BONUS

NOTE: Published affordability levels per the United States Department of Housing and Urban Development (HUD/TCAC). Please consult with Los Angeles Housing Department's Occupancy Monitoring Unit for additional information.

- (1) 5% of the total number of dwelling units provided for Very Low Income households; and
- (2) One of the following shall be provided:
 - 10% of the total number of dwelling units for Low Income households; or
 - 15% of the total number of dwelling units for Moderate Income households; or
 - 20% of the total number of dwelling units for Workforce Income households, and
- (3) Any dwelling unit or guest room occupied by a household earning less than 50% of the Area Median Income that is demolished or otherwise eliminated shall be replaced on a one-for-one basis within the Community Plan Area in which it is located.

B. INCENTIVES *(Please check all that apply)*

NOTE: Must meet all 3 eligibility requirements from above and provide a Covenant & Agreement (#11).

- (1) A 35% increase in total floor area.
- (2) Open Space requirement pursuant to Section 12.21.G reduced by one-half, provided fee is paid.
- (3) No parking required for units for households earning less than 50% AMI.
- (4) No more than one parking space required for each dwelling unit.

C. ADDITIONAL INCENTIVES TO PRODUCE HOUSING IN THE GREATER DOWNTOWN HOUSING INCENTIVE AREA

- (a) No yard requirements except as required by the Urban Design Standards and Guidelines
- (b) Buildable area shall be the same as the lot area (for the purpose of calculating buildable area for residential and mixed-use)
- (c) Maximum number of dwelling units or guest rooms permitted shall not be limited by the lot area provisions as long as the total floor area utilized by guest rooms does not exceed the total floor area utilized by dwelling units.
- (d) No prescribed percentage of the required open space that must be provided as either common open space or private open space.

EXHIBIT E

Geographic Project Planning Referral Form (submitted by Applicant)



REFERRAL FORMS:

GEOGRAPHIC PROJECT PLANNING REFERRAL

APPLICABILITY: This form, completed and signed by appropriate Planning Staff, must accompany any application submitted to the Department of City Planning regarding any of the following proposed project types:

- Specific Plan area
• Community Design Overlays (CDO)
• Neighborhood Oriented District (NOD)
• Sign District (SN)
• Zone Change
• Design Review Board (DRB)
• Pedestrian Oriented District (POD)
• Community Plan Implementation Ordinance (CPIO)
• Public Benefit Alternative Compliance
• Zone Variance

NOTE: The Department of City Planning reserves the right to require an updated form for the project if more than 180 days have transpired since the date of the Project Planning Signature, or as necessary, to reflect project modifications, policy changes and/or amendments to the LAMC, local laws, and State laws.

PROJECT SUMMARY

1. Subject Property Address: _____

2. Community Plan Area Name: _____

a. Specific Plan Name, DRB, CDO, POD, NOD, CPIO, or SN, including subarea if applicable: (If this is a Density bonus, Small Lot Subdivision or Zone Variance case, please write in the application type).

3. Project Type (check all that apply)

- [] New construction [] Addition [] Renovation [] Sign
[] Change of Use [] Grading [] Density Bonus [] Small Lot Subdivision
[] Other (describe) _____

If Change of Use, what is:

Existing Use? _____ Proposed Use? _____

Description of proposed project: _____

Items 4-7 to be completed by Department of City Planning Staff Only

4. AUTHORIZATION TO FILE (check all that apply)

Specific Plan/SN

- [] Project Permit
o Minor (3 signs or less OR change of use)
o Standard (Remodel or renovation in which additions are no greater than 200 sq. ft. more than 3 signs, wireless equipment)
o Major (All other projects, e.g. new buildings, remodels that include an addition of more than 200 sq. ft.
[] Modification
[] Adjustment
[] Exception
[] Amendment
[] Interpretation
[] Not a Project
[] Other

INSTRUCTIONS: Project Planning Referrals

1. **Appointments** - A pre-filing appointment with the assigned planner is required to complete this referral form. City Planning’s current *Assignment List* can be found on our website at <http://planning.lacity.org> under the “About” tab. [After the form is completed an appointment to file your application at the Development Services Centers is also required and must be made via the City Planning website.]

2. **Review Materials** - Review of the application by assigned staff is intended to identify the level of review required for the project and to provide the Applicant with early notification of any issues with regard to requested actions or the adequacy of application exhibits/materials which could subsequently delay processing.
 - a. Provide the assigned planner with a copy of this form with items in the Project Summary section completed.
 - b. Provide a complete copy of all application materials as specified in the Master Filing Instructions (e.g. completed DCP Application, plot plans, photographs, etc.).
 - c. Provide the Specialized Requirements/Findings or Instructions pertinent to your project (e.g. Specific Plan filing instructions, DRB filing instructions, Tentative Tract filing instructions, etc.).

3. **Other Applicable Approvals** - Applicants are strongly advised to obtain a pre-plan check consultation with the Los Angeles Department of Building and Safety (LADBS) to ascertain if there are any other issues or necessary approvals associated with the project/site which should be resolved prior to filing. The design of the proposed project may require alterations in order to comply with the Los Angeles Municipal Code.

City of Los Angeles Department of City Planning WEBSITE: <http://planning.lacity.org>

<u>DOWNTOWN OFFICES:</u>	Central Project Planning Offices Los Angeles City Hall 200 N. Spring Street, Room 621 Los Angeles, CA	West/South/Harbor Project Planning Offices Los Angeles City Hall 200 N. Spring Street, Room 720 Los Angeles, CA	DSC Metro Counter Figueroa Plaza, 4 th Floor 221 N. Figueroa St. Los Angeles, CA
<u>VALLEY OFFICES:</u>	Valley Project Planning Offices Marvin Braude Building 6262 Van Nuys Blvd., Suite 430 Van Nuys, CA		DSC Valley Counter Marvin Braude Building 6262 Van Nuys Blvd., Suite 251 Van Nuys, CA
<u>WEST LA OFFICE:</u>			DSC West Los Angeles Counter 1828 Sawtelle Blvd., 2nd Floor West Los Angeles, CA 90025

EXHIBIT F

Technical Bulletin 17

CASE PROCESSING MILESTONE DATES

This Technical Bulletin describes the Planning Department's case processing milestone dates (milestones) as part of the Department's reorganization. These case milestone dates are intended to establish consistency for the various divisions and case types. This Bulletin has listed the milestone dates in a chronological order that follows the preferred case processing sequence. Tracking of these case milestones will require increased use of information systems.

The Department is in the process of improving the electronic information systems (PCTS and etc) to increase efficiency, flexibility and accessibility. These improvements will provide all levels of Planning Staff case management tools to address processing, staffing and budget issues. Information about the milestone dates of individual cases will be available to the City Council, Mayor's Office and the public for increased transparency and service. As such, these systems must be maintained with current information entered by Planning Staff on a regular basis. Some of the terms listed below are going to be part of future improvements to the information systems.

Attached to this Technical Bulletin is a Case Processing Milestone Flow Chart that is numerically tied to each milestone described below. The number preceding the Milestone description will correspond with a number in a box on the flow chart.

1. "Case Filed On"

This is the date that a case is filed and all required fee(s) are paid at the Development Services Centers. Development Services Centers perform a brief review of the case contents, often with the applicant in attendance, for items including; completeness of applications; site and building plans; reviewing authority to sign applications; site and project descriptions. A case number is assigned, the case jacket is prepared and "E-versions" of the submitted documents are uploaded to the City's electronic files. The case jacket with all contents is then transferred to the appropriate division processing the case. This transfer should be completed within 5 days.

"Acceptance Date" These following functions should be processed for both the main entitlement(s) case and the environmental case, concurrently.

2. Main Entitlement(s) Case - This is a 30 day review period of the case contents and is established by the State Permit Streamlining Act. This time period is measured from the date the case is filed and fees are paid. The review period is to ensure that the case record has all the necessary documents and information to process the application. Items to review include but are not limited to: accuracy and completeness of the project description; accuracy and completeness of all plans; entitlement requests along with related code provisions; description of the project site and surrounding areas; prepared findings; and the submittal of all necessary supporting reports.

Before the end of the 30 day review period, the Planner must either determine that the case is complete or identify deficiencies and put the case on hold using the PCTS system. This hold is called a "Pre-Acceptance Hold". Planning Staff should inform the applicant and their representatives in writing of the

deficiencies. (Note: At this time, electronic notifications, while convenient, do not carry the same weight of authority that a written letter has if any challenges develop.) Receipt of a complete set of the requested corrections or documents starts an additional 30 day review period of that information. A maximum of two (2) correction/revision review periods per case are permitted.

Environmental Case - The Public Counter Staff, using State of California Environment Quality Act (CEQA) and the City's Guidelines, can determine that a project meets the standards for issuing a Categorical Exemption (CE) or that it needs to file an Environmental Assessment Form (EAF). This is done as part of the Case Filing procedure. The staff within the Processing Division will review the CE or EAF and the elements of the proposed project to determine if it is adequate. There is a 30 day review period of the environmental case contents. This time period is measured from the date the case is filed and fees are paid. The review period is to ensure that the case record has all the necessary documents and information to process the environmental application.

3. **CATEGORICAL EXEMPTION:** If the CE is appropriate, enter the "Acceptance Date" in PCTS for the environmental case and continue to Entitlement Processing. If CE is not appropriate or if EAF is required, place Entitlement case on "Pre-Acceptance Hold" with an explanation until an EAF is filed. A new 30-day review period begins with the new EAF filing. Remember to disapprove the CE case in PCTS and insert a disapproval date.

4. **ENVIRONMENTAL ASSESSMENT FORM:** If the EAF or Entitlement Case application is incomplete, add a "Pre-Acceptance Hold" to both the EAF and Entitlement case and notify the applicant of the project's deficiencies. Upon re-submittal of the corrections to the application(s), a new 30 day review period begins.

ANY HOLD ASSOCIATED WITH THE MAIN ENTITLEMENT CASE OR ENVIRONMENTAL CASE MUST BE REMOVED UPON ENTERING THE "ACCEPTANCE DATE(S)" IN PCTS.

5. CEQA Processing – The submittal of an Environmental Assessment Form starts the environmental review for a project and will determine the type of environmental document to be issued: Negative Declaration (ND), Mitigated Negative Declaration (MND), or Environmental Impact Report (EIR). The Department's goal is that Initial Studies (IS) are to be completed within 30 days of the Environmental Case Acceptance Date. When the environment assessment determines that a ND or MND is appropriate, the Processing Unit contacts the clerical staff in the Environmental Analysis Section to arrange for the Publication of the Environmental Document to advise the public and allow for a required comment period of up to 30 days. CEQA processing is not complete until the close of the "Publication End Date".

6. Entitlement Processing – The main entitlement case(s) waits until the CEQA processing is complete and triggers the Entitlement Start Clock. The Permit Streamlining Act processing clock turns on when an application is submitted, is turned off when accepted as complete and the environmental review (CEQA) process begins, and on again after the completion of the CEQA processing. This switching is an automated feature of the PCTS system. Therefore, do not place the main entitlement case(s) on "Hold" in the PCTS system during the CEQA processing.

The Entitlement clock is the time period for processing the main case. The LAMC establishes the time frames for these clocks but many entitlements are given 75 calendar days while some are as short as 20 days. There are several tasks that must be completed within this time frame that will be discussed in other Technical Bulletins. Some tasks that should be completed include: Preparing the Hearing Notice; conducting the Public Hearing; writing the Staff Report; and entering data in the electronic systems.

7. **ENTITLEMENT CLOCK START DATE:** If associated with a CE, the entitlement clock start date is the same as the CE "Acceptance Date" or Entitlement "Acceptance Date", whichever is later. If associated with an ND or MND, the entitlement clock start date is the day after the "Publication End

Date” or Entitlement case “Acceptance Date”, whichever is later. If associated with an EIR, the entitlement clock start date is 10 days after the release of the Final EIR.

ANY HOLD ASSOCIATED WITH THE CASE MUST BE REMOVED PRIOR TO THE START OF THE ENTITLEMENT CLOCK.

8. “LAST DAY TO ACT” (ENTILEMENT CLOCK END DATE): This is that last day the first decision maker must take an action on a requested entitlement. Decision makers include the Director, the Zoning Administrator, Advisory Agency and/or a Planning Commission. For Director (DIR) and Zoning Administrator (ZA) cases, the END DATE is the date by which the Determination Letter is to be issued. For Commission Actions (APC or CPC), the END DATE is the date by which the decision is made at a Commission Meeting while the Determination Letter will be issued approximately 14 days after the Commission Meeting. The LAMC allows for extensions of time for this date with the written approval from the applicant.

“DETERMINATION DATE”: The DETERMINATION DATE is the date the Determination Letter is issued. The Determination Date starts the appeal period provided in the LAMC.

CASE FILING: "30-day REVIEW for ACCEPTANCE" and the "START AND END OF THE ENTITLEMENT CLOCK"

Key Case Processing Milestones to reach the first decision maker - Los Angeles Department of City Planning 3/13/12

