

**Appellant's Rebuttal of the Department of City  
Planning's Appeal Recommendation Report to  
City Council, dated August 26, 2021, in the Case  
No. CF 21-0808**

**Submitted by**

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## 1 Introduction

The proposed project is a State Density Bonus 67-unit mixed-use housing project where 7 units are set aside for disabled veterans (under very low-income household). This project is submitted for entitlement under the Permit Streamlining Act (SB-330), which places limits on the time for which a local agency can conduct its review of a housing project. The law provides clear mechanism by which any violation of these limits on the time cause the application to be deemed complete and, subsequently, deemed consistent and compliant. The purpose of this document is to point out the deficiencies in the facts and arguments presented by the Department of City Planning's Appeal Recommendation Report to City Council, dated August 26, 2021 ("Appeal Recommendation Report") in the Case No. CF 21-0808.

## 2 Numerous Violations of SB-330 Timeline by the City

The City Planning Staff has tried confusing the submission timeline and city's legal requirements per Permit Streamlining Act. Please see the self-explanatory table below regarding SB-330 timeline violations by the city and the automatic remedies provided by the law regarding this project. This SB-330 timeline is a strict and clear requirement and has nothing to do with the defense taken by the City Planning Staff such as "case number" not generated by the city, checklist provided as a "courtesy", site's "zoning consistent with general plan", "advice" given to applicant, etc. The city's defense has no legal ground as far as requirement to adherence to the SB-330 timeline is concerned. Therefore, any such argument presented by the city is irrelevant for this project approval.

Date	Document Description	Actual Number of Days Taken	Requirement on Number of Days	Violated Law Section of SB-330	Repercussion of the the violation to the application
5/20/2020	SB-330 Preliminary Application was submitted by the applicant for this project				
5/29/2020	Fees for the SB-330 Preliminary Application was paid				
6/23/2020	Revised Preliminary Application was submitted incorporating suggestions by the city planner	0			
8/18/2020	DCP Main Application for the project was submitted	56	180		
9/18/2020	City provided a checklist of documents identifying submitted and missing documents	31	30	CA Govt Code §65943 (a)	Application deemed complete
1/4/2021	City granted a time extension for submitting the supplemental documents	0			
1/21/2021	Supplemental documents were submitted per the checklist provided	17	90		
2/26/2021	City determined the submitted documents to be still incomplete	36	30	CA Govt Code §65943 (b)	Application deemed complete
2/26/2021	Requested an appeal for finding submitted set of documents complete	0			
2/26/2021	City denied appeal process and no hearing was ever conducted	Never Happened	60	CA Govt Code §65943 (c)	Application deemed complete
None	City to provide written finding based on preponderance of evidence	Never Happened	30	CA Govt Code § 65589.5.(j)(2)	Application deemed consistent and compliant
7/8/2021	Requested appeal in order to deem the project approved				
8/26/2021	City Planning Staff submitted a report denying the appeal request				
8/30/2021	Rebuttal of staff report submitted				
8/31/2021	PLUM Committee hearing on appeal				
9/1/2021	City Council hearing on appeal				

### 3 Consistency between zoning and general plan a moot point

The City Planning Staffs has tried confusing the entitlement process for this project by inserting an argument of “consistency” between site’s zoning and general plan. Whether the zoning is consistent with the general plan of the site is a moot point, is irrelevant to this project, has steered the City Planning Staff in a wrong direction, delayed this project by more than a year, is against the text and spirit of state law regarding the development based on the general plan, has wasted the tax-payers’ money by the City Planning Staffs spending hundreds of hours in futile correspondences and generating 164-page report, has produced a masterpiece of bureaucracy, and, at the end, is useless from every angle of numerous laws supporting development of housing to mitigate the California’s historic housing crisis. Here is why:

- a) CA Govt Code § 65589.5 (a)(2)(L) states that [i]t is the policy of the state that this section should be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing.
  - ⇒ In this case, since the site’s zoning allows one unit and the site’s general plan allows 67 units, Housing Accountability Act (HAA) directs the local authority for interpretation of codes in order to approve the housing project based on the general plan, which will produce 67 times more housing than the site’s zoning. This directive is **irrespective of the consistency between site’s zoning and general plan**.
- b) CA Govt Code § 65915 (o) (4) states that “[m]aximum 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.
  - ⇒ The density allowed under the site’s zone is One Dwelling Unit (1/17,500 sf). The density allowed under the site’s general plan is 1/400 sf. Therefore, the general plan density will prevail for this housing project **irrespective of the consistency between site’s zoning and general plan**.
- c) CA Govt Code § 65589.5 (d)(2) prohibits a city from denying a housing project based on the inconsistency between zoning and general plan.
  - ⇒ Therefore, inconsistency between zoning and general plan is immaterial as well.
- d) Per CA 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.

- ⇒ In the present case of development project, the city has never made a written finding. Therefore, the city cannot disapprove this project **irrespective of consistency between the site's zoning and general plan.**
- ⇒ Since this developmental project is consistent with the general plan, **consistency of the development project with respect to the site's zoning is again immaterial.**
- e) CA Govt Code § 65589.5 (j)(4) 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. 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.**
- ⇒ Therefore, ultimately, it is the density of the general plan that dictates the number of units. Therefore, **consistency of the development project with respect to the site's zoning is again immaterial.**

#### **4 City's interpretation that site's zoning and general plan are consistent is incorrect**

Staff's central point is that the "site's zone is consistent with the "Limited Commercial" general plan because Community Plan Footnote 9 states

"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."

While the appellant disagrees with the staff's interpretation of the above-mentioned portion of Footnote 9, it is to be further noted that staff has omitted to mention the remaining portions of the Footnote 9, which is more relevant to the proposed entitlement of 67-unit housing project. The Footnote 9 in its entirety is presented below from **Exhibit 1:**

9. 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.









Zones established in the LAMC subsequent to the adoption of the Plan shall not be deemed as corresponding to any particular Plan category unless the Plan is amended to so indicate.

**It is the intent of the Plan that the entitlements granted shall be one of the zone designations within the corresponding zones shown on the Plan, unless accompanied by a concurrent Plan Amendment. (emphasis added)**






As the last paragraph of the Footnote 9 states, the “entitlements granted shall be one of the zone designations within the corresponding zones shown on the Plan”. As shown below in red border box, Limited Commercial general plan only allows CR, C1, C1.5, RAS3, RAS4, and P zoning for entitlement purposes. Site’s zone RA is not listed as one of the “corresponding zone” of Limited Commercial. Therefore, at least for the entitlement purpose, RA zone is not consistent with Limited Commercial general plan. Furthermore, whether zone is consistent with the general plan is a moot point since, per the Footnote 9, the “entitlement” shall be based on one of the “zones designations within” the Limited Commercial general plan. In the present development project, C1.5 (one unit per 400 sf) has been chosen as the zone on which the project plan is based on.

## LAND USE

### RESIDENTIAL

LOW DENSITY		CORRESPONDING <sup>9</sup> ZONES	MULTIPLE FAMILY		CORRESPONDING <sup>9</sup> ZONES
	MINIMUM	OS, A1, A2, RE40		LOW MEDIUM I	R2, RD3, RD4, RZ3, RZ4, RU, RW1
	VERY LOW	RE20, RA, RE15, RE11		LOW MEDIUM II	RD1.5, RD2, RW2, RZ2.5
	VERY LOW II	RE15, RE11		MEDIUM	R3
	LOW	RE9, RS, R1, RU, RD6, RD5		HIGH MEDIUM	R4

### COMMERCIAL

	NEIGHBORHOOD	C1, C1.5, C2, C4, RAS3, RAS4
	LIMITED	CR, C1, C1.5, RAS3, RAS4, P
	GENERAL	C1.5, C2, C4, RAS3, RAS4
	COMMUNITY	CR, C2, C4, RAS3, RAS4
	REGIONAL	CR, C1.5, C2, C4, RAS3, RAS4, R3, R4, R5

### INDUSTRIAL

	LIMITED	CM, MR1, M1
	LIGHT	MR2, M2

### OPEN SPACE, PUBLIC FACILITIES

	OPEN SPACE	OS, A1
	PUBLIC <sup>5</sup> FACILITIES	PF

(b) Appellant also looked at the definition of General Plan as described on the City of Los Angeles Planning Department Homepage (**Exhibit 2**). It states that

The General Plan serves as a blueprint for the future, prescribing policy goals and objectives to shape and guide the physical development of the City.

In the State of California, all cities are required to develop a General Plan. A General Plan is a comprehensive policy document that informs future land use decisions. It establishes land use designations and policies that identify **a range of zoning options** that can be applied to property. These policies assist decision makers as they review planning approvals for a new project or consider a proposed ordinance or policy.

By identifying **land use categories and corresponding zones**, the General Plan provides the foundational guide for planning, outlining how land is used and how the City allocates its resources. The General Plan is, however, more than just the legal basis for all local land use decisions; it is the vision for how the City will evolve, reflecting the values and priorities of its communities.

As stated by the City, “[b]y identifying land use categories and corresponding zones, the General Plan provides the foundational guide for planning, outlining how land is used and how the City allocates its resources.” Site’s zone RA is not one of the “corresponding zones” under Limited Commercial general plan. Therefore, RA zone cannot be used as “foundational guide for planning, outlining how land is used and how the City allocates its resources.” If site’s general plan were Very Low, then RA would be one of the corresponding zones, in which case RA zone would have been consistent with the general plan. However, site’s general plan is Limited Commercial and RA zone is not one of the corresponding zones under Limited Commercial general plan and therefore RA zone cannot be used under Limited Commercial general plan.

Therefore, staff’s central thesis that somehow zone RA is consistent with Land Use Limited Commercial is flawed and against the very definition of general plan used by the city.

(c) Staff’s central point is that the “site’s zone is consistent with the "Limited Commercial" general plan is also flawed because it does not follow an “objective” standard as required by the various state laws including Housing Accountability Act. As of today, no objective standard has been provided by the city to show how the RA zone is consistent with Limited Commercial. Please see the Use and Density from “Generalized Summary of Zoning Regulations” by the City of Los Angeles (**Exhibit 3**). As seen from the table below, there is no similarity between use and density of RA zone and Limited Commercial general plan since they belong to completely different categories. Therefore, from an “objective” point of view, site’s zone is not consistent with the Limited Commercial general plan.

	<b>RA Zone</b>	<b>Limited Commercial general plan</b>
<b>Use</b>	Suburban Limited Agricultural Uses One-Family Dwellings	Banks, Clubs, Hotels, Churches, Schools, Business and Professional  Colleges, Child Care, Parking Areas, R4 Uses, etc.
<b>Density</b>	One-family dwelling	1/400 sf to 1/800 sf



## **5 City already allowing housing projects based on general plan without any determination of consistency between zoning and general plan**

The City Planning Staff has, in fact, suggested that an SB-35 project would be allowed at this site. If nothing else, city's own admission that SB-35 project would be approved on this site should be enough justification for this SB-330 project to be approved as well. Here is why:

On September 15, 2020, the Department of City Planning, City of Los Angeles, issued a memorandum (**Exhibit 4**) stating that

*"In accordance with Government Code Section 65913.4(a)(5)(A), a development utilizing SB 35 " ... 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, ... " As such, a development shall be allowed to utilize the maximum density permitted by the current land use designation or zone. In instances where the density permitted by the land use designation is utilized, a zone change would not be required."*

Let's examine the Govt Code Section § 65913.4(a)(5)(A), which has been used by the City to approve development at the maximum density allowed by the general plan for SB-35 projects.

Govt 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."

Now, let's examine what relevant portion of the law under SB-330 states, under which this project has been filed:

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.

Comparing Govt Code Section § 65913.4(a)(5) with Govt Code § 65589.5.(d)(5) and § 65589.5.(j)(4), it is clear that if the housing project is allowed at the maximum density of

land use designation under Govt Code Section § 65913.4(a)(5), it should be allowed under Govt Code § 65589.5.(d)(5) and § 65589.5.(j)(4) as well. On September 29, 2021, the Applicant did make the City Planning Staff aware of inconsistencies in the interpretation of the laws (**Exhibit 4**). However, it still did not convince the City Planning Staff to move forward with this project application.

## **6 City’s determination that forms are inaccurate and incomplete is without any basis and untimely**

The city contends that

“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*.”

There are several issues with this interpretation by the city:

- a) The City Planning Staff does not provide a clear path between the law and the city’s interpretation of the law. If the city did have an actual tangible argument consistent with the law, it would have served a much better purpose to clarify the link between the actual language of the law and the city’s interpretation. Unfortunately, city’s best defense is to muddy the water and that is what the city is doing by making these blanket statements purporting to be supported by the law. However, it does beg the following questions:
  - i. Where in the law does it state that, if “a City Planning case number was never created”, the 30-day Permit Streamlining Act requirement to provide a written determination of completeness is not triggered?  
**Nowhere**
  - ii. Whose responsibility is it to generate the case number? City or Applicant?  
**City**

- iii. Where in the law does it state that, if “entitlement fees were never paid”, the 30-day Permit Streamlining Act requirement to provide a written determination of completeness is not triggered?  
**Nowhere**
  - iv. Was the entitlement fee ever generated by the city?  
**Never**
  - v. Can any applicant pay a city fee without the city generating the fee?  
**No**
  - vi. Did the city generate the fee, but the applicant did not pay?  
**No**
- b) The City Planning Staff refused to consider and sign the Geographic Project Planning Form because the proposed housing project is based on the general plan of the site. Now the City Planning Staff is advancing a point that the form was inaccurate and incomplete. However, the staff is not providing any reason as to why they believe that the form was inaccurate and incomplete. Not until this Appeal Recommendation Report that the Appellant has come to know that the form submitted by the Appellant was considered “inaccurate and incomplete” by the City Planning Staff. This behavior does beg the following questions that should be answered by the City Planning Staff:
- i. Which portion of this form is inaccurate and incomplete”?
  - ii. If the city had mentioned that inaccuracy, may be the inaccuracy and incompleteness could have been resolved. Isn’t it too late for the city to state such an important information at this stage of the project?
  - iii. What is the purpose of stating now that the form was “inaccurate and incomplete” apart from muddying the water for this appeal hearing?
  - iv. Was the form not considered by the City Planning Staff due to the form being “inaccurate and incomplete” or due to the fact the form had a housing project based on site’s general plan?
  - v. **Exhibit 5** shows the Geographic Project Planning Form submitted by the Appellant to the Planning Department. As it can be seen, **the form is accurate and complete.**
- c) The City Planning Staff refused to consider and sign the Affordable Housing Referral Form because the proposed housing project is based on the general plan of the site. Now, the City Planning Staff is advancing a point that the Affordable Housing Referral Form was inaccurate and incomplete. However, the staff is not providing any reason as to why they believe that the form was inaccurate and incomplete. Not until this Appeal Recommendation Report that the Appellant has come to know that the form submitted by the Appellant was considered “inaccurate and incomplete” by

the City Planning Staff. This behavior of the City Planning Staff does beg the following questions:

- i. Which portion of this form is inaccurate and incomplete”?
  - ii. If the city had mentioned that inaccuracy, may be the inaccuracy and incompleteness could have been resolved. Isn't it too late for the city to state such an important information at this stage of the project?
  - iii. What is the purpose of stating now that the form was “inaccurate and incomplete” apart from muddying the water for this appeal hearing?
  - iv. Was the form not considered by the City Planning Staff due to the form being “inaccurate and incomplete” or due to the fact the form had a housing project based on site's general plan?
  - v. **Exhibit 6** shows the Affordable Housing Referral Form submitted by the Appellant to the Planning Department. As it can be seen, **the form is accurate and complete.**
- d) The City is adopting a tactic to evade the determination of consistency with the “applicable plan, program, policy, ordinance, standard, requirement, or other similar provision” pursuant to Government Code Section 65589.5(j)(2), of the Housing Accountability Act, by, frustrating the “deem complete” status of the submitted documents. The main tactic adopted by the city is to never let the submitted document reach to the point of “deem complete” by never allowing the Geographic Project Planning Form and Affordable Housing Referral Form to be complete. How do you make these two perfectly filled and completed forms incomplete? By city not signing them.

In fact, the City Planning Staff report already acknowledges this to some extent when it states:

“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.”

So, the city is already acknowledging that the city deemed these two forms incomplete for the sole reason that the project is not consistent with the site's zoning. Therefore, this perceived “incompleteness” is, in fact, created by the city when it disregarded the entire state laws promoting development based on the general plan and disregarded its own determination for allowing development based on the general plan for SB-35 projects as described above. The city then frustrated the entire

application process by arbitrarily calling the application “not received”. By what authority, by which law?

The City Planning Staff is stating the application 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. The City Planning Staff is not providing any reason as to why submitted application documents by the applicant does not constitute a “received application” when the application has been submitted to the City Planning Staff, the City Planning Staff received the application package, the City Planning Staff examined all the documents, and then the City Planning Staff issued checklist of received and remaining documents from the application on an official Form CP-7782.1 DCP Application Checklist and Deemed Complete. Once again, the City Planning Staff wants to have his cake and eat it too. On one hand, it is receiving more than twenty or so documents, examines them, and sends a checklist of received and missing documents. On the other hand, the City Planning Staff is stating the Appellant’s submitted documents do not constitute a received application without providing any reason on why the received application is not a “received application”.

However, the city’s tactics is cyclic and ill-devised. As explained in the previous paragraph, the city’s current attempt to call these two forms inaccurate and incomplete is untimely, irrelevant, and self-contradictory. As explained in Section 1.1 of this document, this application should be deemed consisted due to a number violations of the state laws in addition to very merit of the submitted project.

## **7 City’s argument that the proposed development does not trigger the requirement of a consistency determination is an evading tactic**

The city contends that

“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.”

There are several issues with the city's argument:

- a) From the very first form submitted to the City, the applicant has made it abundantly clear that this housing project is based on the general plan of the site and would not require a zone change because the state laws allow housing projects based on the general plan of this site. Therefore, the City Planning Staff's repeated assertion in their Appeal Recommendation Report that the applicant has been informed of the limitation of the site's RA zone is irrelevant and unnecessary.
- b) The City Planning Staff is making a blanket statement that Government Code Section 65589.5(i)(2) (sic, should (j)(2)) is not triggered by the proposed development. The City Planning Staff has not provided a logical connection between the language of the law and interpretation by the city as to why this state law is not triggered for this mixed-use housing project.
- c) In fact, the consistency determination pursuant to Government Code Section 65589.5(j)(2) is triggered due to the following reason.

Per 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.

(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.

As described in detail in the Appellant's appeal application, there are four reasons that submitted material is to be deemed complete (see Section 1.1 for further details):

- i. The Main Application is to be deemed complete because the City of Los Angeles took 31 days (violating the 30-day requirement) to provide the checklist of incomplete documents after the first set of document submission by the applicant per CA Govt Code §65943 (a).
- ii. The Main Application is to be deemed complete because the City of Los Angeles took 36 days (violating the 30-day requirement) to provide the

checklist of incomplete documents after the submission of supplemental documents by the applicant per CA Govt Code §65943 (b).

- iii. 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 is to be deemed complete.
- iv. Last but not least, the documents are complete because every document identified by the City Planning Staff's checklist has been submitted to the City. Please note that the state law does not require that the documents must be signed by the City Planning Staff in order to make the submission complete. The state law correctly requires that the documents are to be submitted to the City in a timely manner by the applicant. In the Appeal Recommendation Report, the City Planning Staff has not alleged that documents were not timely submitted by the applicant. Therefore, the documents are complete by fulfilling the submission requirements.

Please note that the "deemed complete" provision of the above-mentioned state laws automatically makes the submitted documents complete. It does not require any additional approval by the city or state or a judicial authority to make such determination of the submitted documents complete. This is exactly what the lawmakers intended to accomplish by passing, as the name and content suggest, the Permit Streamlining Act (SB-330).

Now, let's turn our attention to CA Govt Code § 65589.5.(j) (2) (B), which states as follows:

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, the Appellant is correctly stating that the subject housing project to be deemed compliant and consistent because the city has failed to provide the required documentation pursuant to subparagraph CA Govt Code § 65589.5.(j) (2) (A), within 30 days of the documents being deemed complete.

## **8 City's determination that this project uses incorrect density bonus calculation without any basis**

The city contends that

"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).)"

Here are the main issues with the city's arguments:

The City Planning Staff is stating that "the 50% density increase introduced by AB 2345 is not applicable to the City of Los Angeles under Government Code Section 65915(s)". In order to ascertain this, let's examine this government code:

Govt Code Section 65915(s):

If a city adopted an ordinance that incentivizes the development of affordable housing that allows for density bonuses that **exceed** the density bonuses required by AB2345, that city is not required to update its ordinance corresponding affordable housing incentive program, and is exempt from complying with the incentive and concession calculation amendments made to this section. (emphasis added)

The City Planning Staff claim that the city is exempt from AB 2345 because the city has a Conditional Use Permit (CUP) in place by which a developer can ask for higher than 35% density. Therefore, according to the city planner, the city is exempt from AB 2345 per Govt Code Section 65915(s):

There are three main objections with this take on exemption from AB 2345

(A) The city's CUP is a discretionary approval process (**Exhibit 7**). However, as the density bonus code including AB 2345 states, "The granting of a **density bonus shall not require**, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other **discretionary approval**." Therefore, city's CUP process does not comply with the state density bonus code including AB 2345.

(B) While the city's CUP does give a higher density bonus using a discretionary approval process, it does not "**exceed**" the density bonus required by AB 2345. According to LAMC 12.24 U.26, under which this extra density bonus CUP is granted by the City of Los Angeles, it has the following sliding scale calculation of the density bonus (**Exhibit 7**):

LAMC 12.24 U.26 (2): the project contains the requisite number of Restricted Affordable Units, based on the number of units permitted by the maximum allowable density on the date of application, as follows:

- i. 11% Very Low-Income Units for a 35% density increase;

The project may then be granted additional density increases beyond 35% by providing additional affordable housing units in the following manner:



ii. For every additional 1% set aside of Very Low-Income Units, the project is granted an additional 2.5% density increase;

As per the above sliding scale, you would get a 45% density bonus by providing 15% very low-income units. Please see the calculation below:

Set-aside very-low income units	Density Bonus Received under City's CUP Process
11%	35%
12%	37.50%
13%	40.00%
14%	42.50%
15%	45.00%

As it can be seen from the above table, city's CUP process provides on 45% of density bonus while AB2345 gives a 50% density bonus by providing 15% very low-income units. Therefore, the city's CUP provision does not **exceed** the density bonus required by AB2345. Therefore, the city's CUP provision is not in compliance with Govt Code Section 65915(s). Therefore, AB 2345 is applicable to the City of Los Angeles

(C) AB 2345 states that "This chapter shall be interpreted liberally in favor of producing the maximum number of total housing units." As shown above, the city's CUP process does not provide the maximum number of total housing units (50% vs. 45%).

(e) The City Staff is stating that "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)).

Please see the memorandum (**Exhibit 8**) issued by the City of Los Angeles Department of City Planning on this issue. As it correctly interprets the state law SB 2442, it states that the units set aside to serve transitional foster youth, disabled veterans, and homeless persons will qualify for "an **additional** density bonus of 20% of the number of specialized unit". In fact, the City's affordable housing referral form also states the same.

Consistent the city's interpretation of the AB 2442 laws, this project proposes seven units to disabled veterans. Therefore, it **can** receive two additional units ( $7 \times 20\% = 1.4 = 2$ ).

(f) The disagreements about a few units could have been resolved in due course of the planning department's determination of the proposed entitlement housing project. However, it is a moot point in the current context because the City Planning Staff did not even consider applicant's affordable housing referral form since it was based on the general plan. Furthermore, the referral form was not rejected because of the perceived difference in calculation but because of the project being submitted based on the general plan. Therefore, the city making now this half-baked point is untimely and unproductive. However, timeliness and productivity are not their forte anyways.

## **9 City contends that preliminary checklist by the city was a courtesy and hence should have no bearing on the application process**

(a) The City Planning Staff contends that "Preliminary Checklist CP-7782.1, was provided to the Appellant's representative as a courtesy, to further describe all the items that were missing."

**Exhibit 9** is the email from the City Planning Staff accepting my application and issuing a checklist on an official city form CP-7782.1

Once again, the City Planning Staff is trying have his cake and eat it too. On one hand, the Staff is saying that, yes, the checklist was issued on official checklist form CP-7782.1 bearing required signature by the Planning Staff after careful review of the received documents. On the other hand, the staff is also saying that, somehow, this does not constitute receiving the documents because form CP-7782.1 was issued as a courtesy.

(b) The City Planning Staff is stating the submitted documents do not constitute "received documents". It is apparent that the City Planning Staff is facing a dilemma here and is trying hard to get out of this dilemma. It is just a factual matter the city received more than 200 pages of documents and 20 different documents. If the staff accepts that the checklist CP-7782.1 was issued as required by the law, then it will be considered a late response under SB-330 and also imply that the city "received" the documents. If the city does not accept that the checklist CP-7782.1 was issued in full faith per the requirement of the state law, then the city has clearly violated the state law. So, it decides to take a middle ground by stating that checklist CP-7782.1 was issued as a "courtesy". It also try to rectify the non-compliance with 30-day requirement by stating that an email was sent earlier to the applicant.

Let's read the exact language of the law:

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.

As you can see, it was not a “courtesy” that a checklist was issued. That is what the city Planning department in all entitlement cases. By the way, an email of three sentences do not amount to “an exhaustive list of items” and “checklist”. Therefore, the City Planning Staff’s position that the three-sentence email satisfied the CA Govt Code §65943 is grossly wrong.

(b) The City Planning Staff is stating that “City Planning did not refuse to allow an appeal process as evidenced by the appeal itself”. This assertion by the City Planning Staff has one major problem. This appeal is too late. An appeal was requested on February 26, 2021. This appeal was already denied by the City Planning Department on the same day February 26, 2021. See **Exhibit 10.** The appeal process under SB-330 is governed by the CA Govt Code §65943(c):

(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.

The 60-day window was passed on April 27, 2021. Today is August 30, 2021.

## **10 Other issues with Appeal Recommendation Report**

a) The City Planning Staff is also contending that Preliminary Zoning Assessment to be completed and signed by Building and Safety. Here is the issue with their demand:

On February 26, 2021, the City Planning Staff provided the list of missing documents (**Exhibit 11**) in response to the supplemental submission by the applicant on January 21, 2021. In this list, the city asked for the signed Geographic Referral from, the signed Affordable Housing Form, and the “Preliminary Zoning Assessment form **“completed by PARP”**”. To which the applicant responded on February 26, 2021

that the Geographic Referral from and Affordable Housing Form have been already submitted to the respective units for their signature. The unsigned forms had been submitted with the applicant's supplemental submission on January 21, 2021. The applicant also noted that the Preliminary Zoning Assessment (completed and signed by PARP) were already attached with the supplemental submission on January 21, 2021 (**Exhibit 12**). Please note that PARP signed the Preliminary Zoning Assessment on February 03, 2021 (**Exhibit 13**). Therefore, all requirements of the document submission were met by the applicant in a timely manner.

Continuing it forward, the City Staff responded that he would not accept the application until the two referral forms (Geographic Referral from and Affordable Housing Form) have been signed (**Exhibit 14**). Therefore, the Preliminary Zoning Assessment being signed by the building and safety was not part of the list of documents provided to the applicant. However, on his own volition, applicant did submit Preliminary Zoning Assessment on March 03, 2021 to Building and Safety. The fees were paid on March 9, 2021 (**Exhibit 15**). Once again, this is a moot point, because the City Planning Staff refused to accept the application unless Geographic Project Planning Referral Form and Affordable Housing Referral Form are signed. After the supplemental submission, the City Planning Department asked for Preliminary Zoning Assessment form to be signed by PARP (which is Section II of the form) and this requirement was fully complied. It did not ask for the form to be signed the building and safety (which is Section III of the form). This is because the Planning Department is aware that Building and Safety's approval can happen only after the City Planning accepts the project application based on the general plan. Note that the building and safety is not responsible for zoning-related approval. Now the City Planning Staff is somehow advancing a point that building and safety should have done the job of Planning department. For an applicant, it is of no relevance which unit of the city of Los Angeles is in charge of what. An applicant submits the documents to the city, and it is city's responsibility to coordinate their tasks and take appropriate actions per the city, state, and federal laws. Under SB-330 law, the applicant is required to submit only the documents asked by the city after reviewing the applicant's document submission. Such obligation and some more were fulfilled by the applicant.

- b) It appears from the Staff Response that the Staff is not acknowledging receiving the Preliminary Application Referral Form and California state form on 5/20/2020 and by payment of the city-generated fees on 5/29/2020. Please see the City Planning Staff's own Appeal Recommendation Report Page A-5. It states
- 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.

Therefore, it baffles me that why the City Planning Staff is acknowledging the forms at one place and then denies receiving these forms at another place. Well, that appears to be a "consistent" theme of Appeal Recommendation Report.

## **Exhibit 1**

FOOTNOTES :

1. Residential Height Limits - Woodland Hills

Single-family housing located along Topanga Canyon Boulevard south of Ventura Boulevard and north of Mulholland Drive shall be limited to two stories. Residential development west of Mulholland Drive between Valmar Road and Ventura Boulevard shall also be limited to two stories.

2. Commercial Development Limitations Treeland Nursery

If any future zone change to a commercial zone is approved on this property, the ordinance shall include permanent [Q] conditions limiting maximum square footage over the 3.8 acres currently designated General Commercial to a Floor Area Ratio of .5:1, and limiting the maximum square footage of development over the entire 10.5 acre ownership to a Floor Area Ratio of .5:1, up to 228,690 sq.ft. limiting uses to those first permitted in the C1.5 zone, limiting the maximum height of any structures to 30 feet, and providing an equestrian trail easement to the major backbone of the Santa Monica Mountains Conservancy Trail System, establishing minimum landscape setbacks from adjacent residential property and from the property line along the Long Valley Road frontage of 25 feet, and limiting primary ingress and egress to Valley Circle Boulevard. Any use of Long Valley Road for ingress or egress shall be determined after the Department of Transportation conducts a traffic study as part of any future discretionary review. Any modification of these conditions shall be through a Plan Amendment or Zone Change that will include its own environmental determination.

3. Affordable Housing - Canoga Park

Development for low and moderate income housing may exceed the density permitted in the R1 zone provided that the subject parcel is in excess of 6,000 square feet, that the average density of all land designated Low Residential on the block does not exceed that permitted in the R1 zone, and that project meet the definition of low and moderate income housing under the City's Housing Density Bonus Program.

4. Owensmouth Avenue FAR Limitations - Canoga Park

All commercial zones for properties located on Owensmouth Avenue between Sherman Way and Vanowen Street shall include a permanent [Q] condition limiting development to a Floor Area Ratio of 1:1.

5. The Public Facility (PF) planning land use designation is premised on the ownership and use of the property by a government agency. The designation of the PF Zone as a corresponding zone is based on the same premise. The Plan also intends that when a board or governing body of a government agency officially determines that a property zoned PF is surplus, and no other public agency has indicated an

intent to acquire, and the City is notified that the agency intends to offer the property for sale to a private purchaser, then the property may be rezoned to the zone(s) most consistent within 500 feet of the property boundary and still be considered consistent with the adopted Plan.

6. Local streets and freeways are shown for reference only.
7. Boxed symbol denote the general location of a proposed facility. The symbol does not designate any specific property for acquisition. Such facility may be appropriately located within an area defined by the locational and service radius standards contained in the individual facility plans comprising the Service Systems Elements of the General Plan.
8. Existing mobilehome parks are consistent with the Plan. Future mobilehome parks shall be consistent with the Plan when developed in the RMP Zone.
9. 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.

Zones established in the LAMC subsequent to the adoption of the Plan shall not be deemed as corresponding to any particular Plan category unless the Plan is amended to so indicate.

It is the intent of the Plan that the entitlements granted shall be one of the zone designations within the corresponding zones shown on the Plan, unless accompanied by a concurrent Plan Amendment.

10. Woodlake Avenue and Saticoy Street

Development to densities permitted by the Low Medium I Residential land use designation shall be limited to RZ zoning.

- \* Bikeways are shown on the Citywide Bikeways System maps contained in the City's 2010 Bicycle Plan, a component of the Transportation Element of the General Plan, which was adopted by the City Council on March 1, 2011.



## **Exhibit 2**

# General Plan Overview

The General Plan serves as a blueprint for the future, prescribing policy goals and objectives to shape and guide the physical development of the City.

In the State of California, all cities are required to develop a General Plan. A General Plan is a comprehensive policy document that informs future land use decisions. It establishes land use designations and policies that identify a range of zoning (</zoning/overview>) options that can be applied to property. These policies assist decision makers (</about/decision-makers>) as they review planning approvals (</development-services/land-use-process/planning-processes>) for a new project or consider a proposed ordinance (</plans-policies/proposed-land-use-regulations>) or policy.

By identifying land use categories and corresponding zones, the General Plan provides the foundational guide for planning, outlining how land is used and how the City allocates its resources. The General Plan is, however, more than just the legal basis for all local land use decisions; it is the vision for how the City will evolve, reflecting the values and priorities of its communities.

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## GENERAL PLAN ELEMENTS

## **Exhibit 3**

The image is a composite of two photographs. The top photograph shows a dense canopy of green trees against a clear blue sky. The bottom photograph shows a modern, single-story house with a prominent red door and large windows, surrounded by lush greenery and trees. The house has a white exterior and a flat roof. A concrete walkway leads to the front steps. The foreground is a well-maintained green lawn with some fallen leaves.

# Generalized Summary of Zoning Regulations

Appendix E

Zone	Use	Maximum Height		Required yards			Minimum Area		Min. Lot Width	Parking Req'd.	
		Stories	Feet	Front	Side	Rear	Per Lot	Per Dwelling Unit			
AGRICULTURAL											
A1	Agricultural One-Family Dwellings, Parks, Playgrounds, Community Centers, Golf Courses, Truck Gardening, Extensive Agricultural Uses, Home Occupations	Unlimited (8)	45 or(6),(8)	20% lot depth; 25 ft. max. or (6)	10% lot width; 25 ft. max. or (6)	25% lot depth; 25 ft.max.	5 acres	2.5 acres	300 ft.	2 spaces per dwelling unit (6)	
A2	Agricultural A1 uses							2 acres	1 acre		150 ft.
RA	Suburban Limited Agricultural Uses, One-Family Dwellings, Home Occupations,			45 or (6),(7),(8)	20% lot depth; 25 ft. max., but not less than prevailing (6)		10 ft. or 10% lot width < 70 ft. + 1 ft. for 3 stories or more (6),(7)		17,500 sq. ft. (1)	17,500 sq. ft. (1)	70 ft. (1)
RESIDENTIAL ESTATE											
RE40	<b>Residential Estate</b> One-Family Dwellings, Parks, Playgrounds, Community Centers, Truck Gardening, Accessory Living Quarters, Home Occupations	Unlimited (8)	45 or(6),(8)	20% lot depth; 25 ft. max., but not less than prevailing (6)	10 ft. min., + 1 ft. each story over 2nd (6)	25% lot depth; 25 ft. max.	40,000 sq. ft. (1)	40,000 sq. ft. (1)	80 ft. (1)	2 covered spaces per dwelling unit (6)	
RE20			45 or(6),(7),(8)		10 ft. min., + 1 ft. each story over 2nd (6),(7)		20,000 sq. ft. (1)	20,000 sq. ft. (1)	80 ft. (1)		
RE15					10% lot width; 10 ft. max; 5 ft. min. + 1 ft. each story over 2nd (6),(7)		15,000 sq. ft. (1)	15,000 sq. ft. (1)	80 ft. (1)		
RE11					10% lot width < 50 ft.;		11,000 sq. ft. (1)	11,000 sq. ft. (1)	70 ft. (1)		
RE9					5 ft.; 3 ft. min. + 1 ft. each story over 2nd (6),(7)		9,000 sq. ft. (1)	9,000 sq. ft. (1)	65 ft. (1)		
RS			<b>Suburban</b> One-Family Dwellings, Parks, Playgrounds, Community Centers, Truck Gardening, Home Occupations					20 ft. min.	7,500 sq. ft.		7,500 sq. ft.
ONE-FAMILY RESIDENTIAL											
R1	One-Family Dwelling RS Uses, Home Occupations	Unlimited (8)	45 or(6),(7),(8)	20% lot depth; 20 ft. max., but not less than prevailing (6)	10% lot width < 50 ft.; 5 ft.; 3 ft. min. + 1 ft. each story over 2nd (6),(7)	15 ft. min.	5,000 sq. ft.	5,000 sq. ft.	50 ft.	2 covered spaces per dwelling unit (6)	
RU			30	10 ft.	3 ft. (9)	10 ft.	3,500 sq. ft.	n/a	35 ft.	2 covered spaces per dwelling unit	
RZ2.5	Residential Zero Side Yard		45 or(8)	10 ft. min.	zero (3); 3 ft. + 1 ft. for each story over 2nd	zero (3) or 15 ft.	2,500 sq. ft.		30 ft. w/ driveway, 25 ft. w/o driveway; 20 ft.–flag, curved or cul-de-sac 28 ft.		
RZ3	Dwellings across not more than 5 lots (2), Parks, Playgrounds, Home Occupations						3,000 sq. ft.				
RZ4							4,000 sq. ft.				
RW1	One-Family Residential Waterways One-Family Dwellings, Home Occupations (1)0			30		10% lot width; 3 ft. min.	15 ft. min	2,300 sq. ft.			

Zone	Use	Maximum Height		Required yards			Minimum Area		Min. Lot Width	Parking Req'd.	
		Stories	Feet	Front	Side	Rear	Per Lot	Per Dwelling Unit			
MULTIPLE RESIDENTIAL											
R2	Two Family Dwellings R1 Uses. Home Occupations	Unlimited (8)	45 or (6),(7),(8)	20% lot depth; 20 ft. max., but not less than prevailing	10% lot width < 50 ft.; 5 ft.; 3 ft. min.; + 1 ft. for each story over 2nd	15 ft.	5,000 sq. ft.	2,500 sq. ft.	50 ft.	2 spaces, one covered	
RD1.5	Restricted Density Multiple Dwelling One-Family Dwellings,Two-Family Dwellings, Apartment Houses, Multiple Dwellings, Home Occupations		45 or (6),(7),(8)	15 ft.	10% lot width < 50 ft.; 5 ft.; 3 ft. min.; + 1 ft. for each story over 2nd, not to exceed 16 ft. (6)	15 ft.	5,000 sq. ft.	1,500 sq. ft.	60 ft.	1 space per unit < 3 habitable rooms; 1.5 spaces per unit 3 habitable rooms; 2 spaces per unit > 3 habitable rooms; uncovered (6) 1 space each guest room (first 30)	
RD2								2,000 sq. ft.			
RD3							6,000 sq. ft.	3,000 sq. ft.			
RD4							8,000 sq. ft.	4,000 sq. ft.			
RD5							10,000 sq. ft.	5,000 sq. ft.			70 ft.
RD6							12,000 sq. ft.	6,000 sq. ft.			
RMP	Mobile Home Park Home Occupations		45 or (8)	20% lot depth 25 ft. max.	10 ft.	25% lot depth 25 ft. max.	20,000 sq. ft.	20,000 sq. ft.	80 ft.	2 covered spaces per dwelling unit	
RW2	Two Family Residential Waterways One-Family Dwellings,Two-Family Dwellings, Home Occupations			10 ft. min.	10% lot width < 50 ft.; 3 ft. min.; + 1 ft. for each story over 2nd	15 ft.	2,300 sq. ft.	1,150 sq. ft.	28 ft.		
R3	Multiple Dwelling R2 Uses, Apt. Houses, Multiple Dwellings, Child Care (20 max.)			15 ft; 10 ft. for key lots	10% lot width < 50 ft., 3 ft. min.; 5 ft.; + 1 ft. for each story over 2nd, not to exceed 16 ft.	15 ft.	5,000 sq. ft.	800 sq. ft.; 500 sq. ft. per guest room	50 ft.	same as RD zones	
RAS3	Residential/ Accessory R3 Uses, Limited ground floor commercial		5 ft., or average of adjoining buildings	0 ft. for ground floor commerc. 5 ft. for residential	15 ft. adjacent to RD or more restrictive zone; otherwise 5 ft.	800 sq. ft.; 200 sq. ft. per guest room					
R4	Multiple Dwelling R3 Uses, Churches, Schools, Child Care, Homeless Shelter		Unlimited (8)		15 ft; 10 ft. for key lots	10% lot width < 50 ft.; 5 ft.; 3 ft. min.; + 1 ft. for each story over 2nd, not to exceed 16 ft.		15 ft. + 1 ft. for each story over 3rd; 20 ft. max.	400 sq. ft.; 200 sq. ft. per guest room		
RAS4	Residential/ Accessory R4 Uses, Limited ground floor commercial	Unlimited (8)		5 ft., or average of adjoining buildings	0 ft. for ground floor commerc. 5 ft. for residential	15 ft. adjacent to RD or more restrictive zone; otherwise 5 ft.	5,000 sq. ft.	400 sq. ft.; 200 sq. ft. per guest room	50 ft.	same as RD zones	
R5	Multiple Dwelling R4 uses, Clubs, Lodges, Hospitals, Sanitariums, Hotels			15 ft; 10 ft. for key lots	10% lot width < 50 ft.; 3 ft. min.; 5 ft.; + 1 ft. for each story over 2nd, not to exceed 16 ft.	15 ft. + 1 ft. for each story over 3rd; 20 ft. max.	200 sq. ft.				

Loading space is required for the RAS3, R4, RAS4, and R5 zones in accordance with Section 12.21 C 6 of the Zoning Code.

Open Space is required for 6 or more residential units in accordance with Section 12.21 G of the Zoning Code.

Passageway of 10 feet is required from the street to one entrance of each dwelling unit or guest room in every residential building, except for the RW, RU, and RZ zones, in accordance with Section 12.21 C2 of the Zoning Code.

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	
C2	Commercial C1.5 Uses; Retail w/Limited Manuf., Service Stations and Garages, Retail Contr. Business, Churches, Schools, Auto Sales, R4 Uses						none	
C4	Commercial C2 Uses with Limitations, R4 Uses			none for commercial uses; same as R4 zone for residential uses at lowest residential story				
C5	Commercial C2 Uses, Limited Floor Area for Manuf. of CM Zone Type, R4 Uses			same as R4 for resid. uses; otherwise none				
CM	Commercial Manufacturing Wholesale, Storage, Clinics, Limited Manuf., Limited C2 Uses, R3 Uses	Unlimited (8)		none	none for commercial uses; same as R4 for residential uses	same as R3 for residential uses; otherwise none		

Loading Space: Hospitals, hotels, institutions, and every building were lot abuts an alley. Minimum loading space is 400 sq. ft.; additional space for buildings > 50,000 sq. ft. of floor area. None for apartment buildings < 30 units, in accordance with Section 12.21 C 6 of the Zoning Code.

Parking. See separate parking handout.



Zone	Use	Maximum Height		Required yards			Minimum Area Per Lot/ Unit	Min. Lot Width
		Stories	Feet	Front	Side	Rear		
MANUFACTURING								
MR1	Restricted Industrial CM Uses, Limited Commercial andManufacturing, Clinics, Media Products, Limited Machine Shops, Animal Hospitals and Kennels	unlimited (8)		5 ft. for lots <100 ft. deep; 15 ft. for lots >100 ft. deep	none for industrial or commercial uses;same as R4 zone for residential uses (5)	none for industrial or commercial uses; same as R4 zone for residential uses (5)	none for industrial or commercial uses; same as R4 zone for residential uses; (5)	
M1	Limited Industrial MR1 Uses, LimitedIndustrial and Manufacturing Uses, no R Zone Uses, no Hospitals, Schools, Churches, any Enclosed C2 Use, Wireless Telecommuni-cations, Household Storage			none				
MR2	Restricted Light Industrial MR1 Uses, Additional Industrial Uses, Mortuaries, Animal Keeping			5 ft. for lots <100 ft. deep; 15 ft. for lots >100 ft. deep				
M2	Light Industrial M1 and MR2 uses, Additional Industrial Uses, Storage Yards, Animal Keeping, Enclosed Composting, no R Zone Uses			none	same as R5 zone for residential uses (5)	none	none	
M3	Heavy Industrial M2 Uses, any Industrial I Uses, Nuisance Type Uses 500 ft. from any Other Zone, no R Zone Uses							

Loading Space: Institutions, and every building where lot abuts an alley. Minimum loading space is 400 sq. ft.; additional space for buildings > 50,000 sq. ft. of floor area. None for apartment buildings < 30 units, in accordance with Section 12.21 C 6 of the Zoning Code.

Parking. See separate parking handout.



Zone	Use	Maximum Height		Required yards			Minimum Area Per Lot/ Unit	Min. Lot Width
		Stories	Feet	Front	Side	Rear		

**PARKING**

P	Automobile Parking—Surface and Underground Surface Parking; Land in a P Zone may also be Classified in A or R Zone	unlimited (8)	10 ft. in combination with an A or R Zone; otherwise none	none		none, unless also in an A or R Zone
PB	Parking Building P Zone Uses, Automobile Parking Within a Building		0 ft., 5 ft., or 10 ft., depending on zoning frontage and zoning across the street	5 ft. + 1 ft. each story above 2nd if abutting or across street and frontage in A or R Zone	5 ft. + 1 ft. each story above 2nd if abutting A or R Zone	none

**OPEN SPACE/ PUBLIC FACILITIES/SUBMERGED LANDS**

OS	Open Space, Parks and Recreation, Facilities, Nature, Reserves, Closed, Sanitary Landfill Sites,, Public Water Supply, Reservoirs, Water, Conservation Areas	none	none	none
PF	Public Facilities, Agricultural Uses,, Parking Under, Freeways, Fire and, Police Stations,, Government Buildings,, Public Libraries, Post, Offices, Public Health, Facilities, Public, Elementary and, Secondary Schools			
SL	Submerged Lands, Navigation, Shipping,, Fishing, Recreation			

(1) "H" Hillside areas may alter these requirements in the RA-H or RE-H zones. Subdivisions may be approved with smaller lots, provided larger lots are also included. Section 17.05 H 1 of the Zoning Code.

(2) Section 12.08.3 B 1 of the Zoning Code.

(3) Section 12.08.3 C 2 and 3 of the Zoning Code.

(4) Section 12.09.5 C of the Zoning Code. For 2 or more lots the interior side yards may be eliminated, but 4 ft. is required on each side of the grouped lots.

(5) Section 12.17.5 B 9 (a). Dwelling considered as accessory to industrial use only (watchman or caretaker including family.)

(6) Height, yard and parking requirements for single family dwellings may be governed by the Hillside Ordinance, Section 12.21 A 17 of the Zoning Code.

(7) Side yard requirements for single family dwellings not in Hillside Areas or Coastal Zone may be governed by the "Big House" Ordinance, ord. 169,775, which has been codified in the yard requirements sections for the relevant zones.

(8) Height District (Section 12.21.1 of the Zoning Code) [see below for (9), (10)]:

**Height Districts**

Zone	1 ‡	1L ‡	1VL ‡	1XL ‡	2	3	4
A1\$, A2\$, RE40\$, RZ, RMP, RW2, RD, R3, RAS3	45' 3:1 FAR		45' 3 stories † 3:1 FAR	30' 2 stories † 3:1 FAR	6 stories for RD,RAS3 and R3‡; otherwise 6:1 FAR	6 stories for RD,RAS3 and R3‡; otherwise 10:1 FAR	6 stories for RD,RAS3 and R3‡; otherwise 13:1 FAR
RE11 \$, RE15 \$, RE20 \$, RA \$ *	36' 3:1 FAR		36' 3 stories † 3:1 FAR		6:1 FAR	10:1 FAR	13:1 FAR
R1\$, R2, RS \$, RE9 \$ *	33' 3:1 FAR		33' 3 stories † 3:1 FAR				
PB	none 2 stories	75' 2 stories	45' 2 stories	30' 2 stories	none 6 stories	none 10 stories	none 13 stories
R4, RAS4, R5	none 3:1 FAR	75' 6 stories † 3:1 FAR	45' 3 stories † 3:1 FAR	30' 2 stories † 3:1 FAR	none 6:1 FAR	none 10:1 FAR	none 13:1 FAR
C, M	1.5:1 FAR	75' 6 stories † 1.5:1 FAR	45' 3 stories † 1.5:1 FAR	30' 2 stories † 1.5:1 FAR	75' for CR; otherwise none 6:1 FAR	75' for CR; otherwise none 10:1 FAR	75' for CR; otherwise none 13:1 FAR
PB	2 stories	2 stories	2 stories	2 stories	6 stories	10 stories	13 stories

FAR—Floor Area Ratio

\* Prevailing Height in accordance with the 3rd unnumbered paragraph of Section 12.21.1 of the Zoning Code may apply.

† Buildings used entirely for residential (and ground floor commercial in RAS zones) are only limited as to height, not stories.

‡ Floor area in height district 1 in other than C and M zones is limited to 3:1 FAR.

§ Height limited to 36' or 45' in Hillside Areas in accordance with Section 12.21 A 17 of the Zoning Code.

For CRA height districts, see Section 12.21.3 of the Zoning Code. For EZ height districts, see Section 12.21.4 for the Zoning Code. For CSA height districts, see Section 12.21.5 of the Zoning Code. For Century City North (CCN) and Century City South (CCS) height districts, see Section 12.21.2 of the Zoning Code and the Specific Plans.

(9) The side yard on one side of the lot may be reduced to zero provided that the remaining side yard is increased to 6 ft., in accordance with Section 12.08.1 C 2 of the Zoning Code.

(10) Specific requirements for open space, rear yards, and projections into front yards are in Section 12.08.5 C of the Zoning Code.

**TRANSITIONAL HEIGHT:**

Portions of buildings in C or M zones within certain distances of RW1 or more restrictive zones shall not exceed the following height limits, in accordance with Section 12.21.1 A 10 of the Zoning Code:

Distance (ft)	Height (ft)
0–49	25
50–99	33
100–199	61

**ZONE PREFIXES****(Section 12.32 of the Zoning Code)**

(T), [T], T	Tentative Zone Classification	City Council requirements for public improvements as a result of a zone change—see Council File
(Q), [Q], Q	Qualified Classification	Restrictions on property as a result of a zone change, to ensure compatibility with surrounding property
D	Development Limitation	Restricts heights, floor area ratio, percent of lot coverage, building setbacks

**SUPPLEMENTAL USE DISTRICTS**

to regulate uses which cannot adequately be provided for in the Zoning Code (Section 13.00 of the Zoning Code)

**OTHER ZONING DESIGNATIONS**

CA	Commercial and Artcraft	ADP	Alameda District Specific Plan
CDO	Community Design Overlay	CCS	Century City South Studio Zone
FH	Fence Height	CSA	Centers Study Area
G	Surface Mining	CW	Central City West Specific Plan
K	Equinekeeping	GM	Glencoe/Maxella Specific Plan
MU	Mixed Use	HPOZ	Historic Preservation Overlay Zone
O	Oil Drilling	LASED	LA Sports & Entertainment S.P.
POD	Pedestrian Oriented District	OX	Oxford Triangle Specific Plan
RPD	Residential Planned Development	PKM	Park Mile Specific Plan
S	Animal Slaughtering	PV	Playa Vista Specific Plan
SN	Sign	WC	Warner Center Specific Plan

This summary is only a guide. Definitive information should be obtained from the Zoning Code itself and from consultation with the Department of Building and Safety.

CP-7150 (01/24/06)

## **Exhibit 4**




## DEPARTMENT OF CITY PLANNING Executive Office

City Hall, 200 N. Spring Street, Room 525, Los Angeles, CA 90012

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Date: September 15, 2020

TO: Interested Parties  
Department of City Planning Staff

FROM: Vincent P. Bertoni, AICP   
Director of Planning  
Department of City Planning

SUBJECT: **SB 35 MAXIMUM DENSITY PERMITTED BY LAND USE DESIGNATION  
OR ZONE**

On September 29, 2017, Governor Jerry Brown approved Senate Bill No. 35 (SB 35), effective as of January 1, 2018. On November 29, 2018, the California Department of Housing and Community Development (HCD) released the guidelines for the Streamlined Ministerial Approval Process created by SB 35 (SB 35 Guidelines). As required by Article 3, Section 300 of HCD's Streamlined Ministerial Approval Process Guidelines, the Department of City Planning has created an application process for eligible developments.

The purpose of SB 35 is to provide eligible developments a Streamlined Ministerial Approval Process that is not subject to the California Environmental Quality Act (CEQA). Applicants may request that their entitlement for an eligible development be approved through a streamlined, administrative process (SB 35 Streamlining).

Among other requirements, an eligible development is one that is consistent with objective zoning standards and objective design review standards. In accordance with Government Code Section 65913.4(a)(5)(A), a development utilizing SB 35 "...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,..." As such, a development shall be allowed to utilize the maximum density permitted by the current land use designation or zone. In instances where the density permitted by the land use designation is utilized, a zone change would not be required. Except in specified circumstances, the objective standards applicable to other aspects of a development will be those of the site's zoning (inclusive of D, T and Q Conditions) and any applicable design review standards, specific plan and/or overlays.

An entitlement request seeking to deviate from objective zoning standards, such as a zone change or zone variance, is not eligible for SB 35 Streamlining. However, a development will remain consistent with objective standards even when requesting a greater density or modifications to objective zoning standards granted pursuant to Density Bonus Law at Government Code Section 65915, local density bonus ordinances and the Transit Oriented Communities Affordable Housing Incentive Program.



Akhilesh Jha &lt;akhilesh.jha@gmail.com&gt;

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**Case Filing - 5353 Del Moreno Drive**

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

Tue, Sep 29, 2020 at 2:00 PM

To: Sarah Molina-Pearson &lt;sarah.molina-pearson@lacity.org&gt;

Cc: Justin Bilow &lt;justin.bilow@lacity.org&gt;

Sarah,

Once again, my project is not a SB-35 project. I am not intending to convert it to SB-35 either.

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."

If the above language is acceptable to the city, then why not the following language, which is NOT restricted to SB-35 and is definitely applicable to my project:

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.

Aren't both 65913.4 and 65589.5) saying the same thing?

-AJ

[Quoted text hidden]



Akhilesh Jha &lt;akhilesh.jha@gmail.com&gt;

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**Case Filing - 5353 Del Moreno Drive**

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

Tue, Sep 29, 2020 at 2:17 PM

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

[Quoted text hidden]

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

76K

## **Exhibit 5**



## 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)

- |   |                                   |  |  |
|---|-----------------------------------|--|--|
| <input type="checkbox"/> New construction       | <input type="checkbox"/> Addition | <input type="checkbox"/> Renovation    | <input type="checkbox"/> Sign                  |
| <input type="checkbox"/> Change of Use          | <input type="checkbox"/> Grading  | <input type="checkbox"/> Density Bonus | <input type="checkbox"/> Small Lot Subdivision |
| <input type="checkbox"/> 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

- |  |   |
|--|---|
| <input type="checkbox"/> Project Permit  | <input type="checkbox"/> Adjustment     |
| ○ <b>Minor</b> (3 signs or less OR change of use)  | <input type="checkbox"/> Exception      |
| ○ <b>Standard</b> (Remodel or renovation in which additions are no greater than 200 sq. ft. more than 3 signs, wireless equipment) | <input type="checkbox"/> Amendment      |
| ○ <b>Major</b> (All other projects, e.g. new buildings, remodels that include an addition of more than 200 sq. ft.)                | <input type="checkbox"/> Interpretation |
| <input type="checkbox"/> Modification  | <input type="checkbox"/> Not a Project  |
|  | <input type="checkbox"/> Other          |



### **Design Review Board**

- ☐ Preliminary Review ☐ Final Review

### **CDO/POD/NOD**

- ☐ Discretionary Action ☐ Sign-off only
- ☐ **Minor** (3 signs or less OR change of use)
- ☐ **Standard** (Remodel or renovation in which additions are no greater than 200 sq. ft. more than 3 signs, wireless equipment) ☐ Not a Project
- ☐ **Major** (All other projects, e.g. new buildings, remodels that include an addition of more than 200 sq. ft.)

### **Community Plan Implementation Overlay (CPIO)**

- ☐ Administrative Clearance (Multiple Approvals) ☐ CPIO Adjustment (CPIOA) ☐ CPIO Exception (CPIOE)
- ☐ *Potentially Historic Resource*

### **Affordable Housing**

- ☐ Density Bonus ☐ Conditional Use >35%
- ☐ Affordable Housing Referral Form ☐ Public Benefit
- ☐ Off-menu incentives requested

### **Small Lot Subdivision**

- ☐ Consultation completed

### **Streetscape Plan**

- ☐ Consultation completed ☐ Not a Project or N/A under Streetscape Plan: \_\_\_\_\_
- (Insert Streetscape Plan Area)

## **5. ENVIRONMENTAL CLEARANCE**

- ☐ Not Determined
- ☐ Categorical Exemption ☐ Environmental Assessment Form (EAF)
- ☐ Class 32 Categorical Exemption ☐ Other Entitlements needed
- ☐ Existing ENV Case Number: \_\_\_\_\_
- ☐ ENV Addendum Case Number: \_\_\_\_\_

## **6. PUBLIC NOTICING**

- ☐ Standard (BTC to mail hearing notice)
- ☐ Special (At time of filing applicant must pay BTC to mail determination letters only)
- ☐ Abutting owners ☐ Abutting occupants

## **7. NOTES**

--

Project Planning Signature:	Phone Number:
Print Name	Date

## 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 <sup>th</sup> 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 6**



## 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:

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):<sup>1</sup> \_\_\_\_\_

### 2. DESCRIPTION OF PROPOSED PROJECT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<sup>1</sup> 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 <sup>2</sup>	
	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

	(1)	(2)	(3)
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): \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

<sup>2</sup> 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.<sup>3</sup> 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):

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> For Sale             | <input type="checkbox"/> Moderate Income   | <input type="checkbox"/> Transitional Foster Youth              |
| <input type="checkbox"/> For Rent             | <input type="checkbox"/> Market Rate       | <input type="checkbox"/> Disabled Veteran                       |
| <input type="checkbox"/> Extremely Low Income | <input type="checkbox"/> Mixed Use Project | <input type="checkbox"/> Homeless                               |
| <input type="checkbox"/> Very Low Income      | <input type="checkbox"/> Senior            | <input type="checkbox"/> Special Needs (please describe): _____ |
| <input type="checkbox"/> Low Income           | <input type="checkbox"/> Residential Hotel |   |

Per AB 2335, 50% density bonus (instead of 35%). Total Units =  $43 \times 1.5 = 65$

Per AB 2335, 15% to Very Low Income. Very Low Income Units =  $43 \times 0.15 = 7$

Per AB 2445, 20% Bonus for Disabled Veteran Units. AB 2445 Bonus =  $7 \times 0.2 = 2$

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) [ $d = c \times 1.35$ , 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](http://hcidla.lacity.org).<sup>4</sup>

	<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.

<sup>3</sup> 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.

<sup>4</sup> 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 50<sup>5</sup>
- ☐ 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.

<sup>5</sup> 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 ½ mile of major transit stop		0.5		
Senior having either paratransit service or unobstructed access within ½ 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 ½ 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 ½ 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 ½ 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)*

	<b>Required/ Allowable</b>	<b>Proposed</b>	<b>ON Menu</b>	<b>OFF Menu</b>
<input type="checkbox"/> (1) Yard/Setback <i>(each yard counts as 1 incentive)</i>				
<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 <sup>6</sup>			<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> (5) Height/ # of Stories <sup>7</sup>			<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 <i>(all count as 1 incentive)</i>			<input type="checkbox"/>	<input type="checkbox"/>
FAR			—	—
Density			—	—
Parking			—	—
OS			—	—
Vehicular Access			—	—
<input type="checkbox"/> Other <i>(please specify):</i>			<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:**

\_\_\_\_\_

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

<sup>7</sup> 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"/> (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](http://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 7**

- **Conditional Use Permit for Greater than 35% Density Bonus:** LAMC 12.24 U.26 – Density Bonus requests for Housing Development Projects in which the density increase is greater than the maximum permitted in LAMC Section 12.22 A.25 shall also find that:
  1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;
  2. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety;
  3. The project substantially conforms with the purpose, intent and provision of the General Plan, the applicable community plan, and any applicable specific plan.
  4. The project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan;
  5. The project contains the requisite number of affordable and/or senior citizen units as set forth in California Government Code Section 65915(b); and
  6. The project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.



## FINDINGS / SPECIALIZED REQUIREMENTS:

### HOUSING INCENTIVES

#### Density Bonus (DB) - Conditional Use (CU) – Public Benefit (PUB)

**RELATED CODE SECTIONS:** The Department of City Planning (DCP) offers several processes intended to facilitate affordable housing in the City of Los Angeles. Section 12.22 A.25 of the Los Angeles Municipal Code (LAMC) authorizes the Director of Planning to approve applications for Density Bonus requesting up to three (3) on-menu incentive items; and the City Planning Commission to approve applications for Density Bonus requesting any off-menu items. Section 12.24 U.26 of the LAMC authorizes the City Planning Commission to approve a Conditional Use Permit for applications requesting a density bonus increase greater than the maximum permitted in Section 12.22 A.25. Section 14.00 A.2 authorizes the Director to approve Public Benefit Projects where otherwise not permitted by right or by Conditional Use and which meet specific performance standards or alternative compliance measures. Check which entitlement you are requesting below:

- ☐ - Density Bonus Filing with On-Menu Incentive Items
- ☐ - Density Bonus Filing with Off-Menu Items\*
- ☐ - Conditional Use Permit for greater than 35% Density Bonus\*
- ☐ - Public Benefit Project\*

\* These entitlement requests may be applied for following consultation with DCP Project Planning staff only. All applications require an Affordable Housing Referral Form from the Metro DSC Housing Services Unit.

**PRIORITY HOUSING PROJECT PROCESSING:** In accordance with the Mayor's Executive Directive No. 13 (ED13), issued on October 23, 2015, DCP has implemented a policy to prioritize case processing for projects that contribute to the new construction or rehabilitation of housing developments that meet the criteria set forth in ED 13. Please complete the following regarding your project:

- |   |                                |                               |
|---|--------------------------------|-------------------------------|
| The project contains a minimum of 10 or more units; <u>and</u>  | <input type="checkbox"/> - YES | <input type="checkbox"/> - NO |
| At least 20% of on-site rental units have rents that are restricted so as to be affordable to and occupied by low income households; <u>or</u>            | <input type="checkbox"/> - YES | <input type="checkbox"/> - NO |
| At least 30% of on-site for sale units have sales prices that are restricted so as to be affordable to and occupied by low- or moderate-income households | <input type="checkbox"/> - YES | <input type="checkbox"/> - NO |

**PUBLIC HEARING AND NOTICE:** A request for a Density Bonus with on-menu incentives *does not* require a public hearing. However, mailing labels and a copy of labels for abutting property owners of all contiguously owned properties of the subject site will be required for mailing of the determination letter. A map keyed to the labels is also required. Abutting owners include those across the street or alley or having a common corner with the subject property (i.e., every parcel that would touch the subject property if all rights-of-way were removed from the map).

A request for Density Bonus with off-menu incentives, a Conditional Use, or a Public Benefit application *does* require a public hearing. Notification includes mailings to property owners and occupants within a 500-foot radius of all contiguously owned properties of the subject site as well as on-site posting of the hearing notice. Applications reviewed at Planning Commission level also require on-site posting of the Commission Meeting Agenda. Refer to DCP's *Mailing Procedures* ([CP-2074](#)) and *On-Site Posting* ([CP-7762](#)) handouts for further instructions.

**SPECIALIZED REQUIREMENTS:** When filing any of the above applications, the following items are required in addition to those specified in the *Master Filing Instructions* form ([CP-7810](#)).

1. **Affordable Housing Referral Form (AHRF):** Provide the original *Affordable Housing Referral Form* ([CP-4043](#)) reviewed and signed by City Planning's Metro DSC Housing Services Unit staff prior to case filing. DCP's current Assignment List and Staff Directory, with contact information, can be found at <http://planning.lacity.org> under the "About" tab.
2. **Proof of Filing with HCIDLA:** As part of AB2222, effective January 1, 2015, the Housing and Community Investment Department (HCIDLA) must evaluate properties on which there is a proposed Density Bonus case and determine whether replacement units are required. Include proof of filing with HCIDLA via Housing Application Forms that are stamped by said department.
3. **Pre-Filing Review:** Requests for a Density Bonus with off-menu incentives, a Conditional Use Permit for >35% Density Bonus, or a Public Benefit Project require consultation with staff assigned to the geographic area in which the project is located prior to the filing of your application. An appointment is required for this review. DCP's current Assignment List and Staff Directory, with contact information, can be found on City Planning's website.
4. **Color Elevations:** Color elevations are mandatory for all Density Bonus cases. These shall include specifications and a legend for all materials and colors proposed for the street facing façade. Refer to DCP's *Elevation Instructions* ([CP-7817](#)) for technical requirements. Provide as many copies as plans required per the *Master Filing Instructions*.
5. **Color Renderings:** Color renderings are mandatory for all Density Bonus cases that include a Site Plan Review filing and/or are reviewed at the City Planning Commission level. Provide as many copies as plans required per the *Master Filing Instructions*.
6. **Citywide Design Guidelines Checklist:** If your project involves the construction of, addition to, or exterior alteration to any building or structure, please complete the Residential or Mixed-Use Design Guidelines (as applicable to your project), available on DCP's website. This does not apply to projects located within a Specific Plan or Overlay that contains its own design regulations.

**GENERAL FINDINGS:** Each of the following requests requires findings for approval. Include the applicable finding(s) separately for every item checked in the previous REQUESTED ACTION(S) section. On a separate page, copy each finding stated below and provide a detailed justification/explanation of how the proposed project conforms to the finding.

- **Density Bonus with On-Menu Incentive Items:** LAMC 12.22 A.25(g)(2) – To be eligible for any on-menu incentives, a Housing Development Project (other than an Adaptive Reuse project) shall comply with the following:
  1. The façade of any portion of a building that abuts a street shall be articulated with a change of material or with a break in plane, so that the façade is not a flat surface. Indicate the sheet number on your plans which shows compliance with this requirement: \_\_\_\_\_
  2. All buildings must be oriented to the street by providing entrances, windows, architectural features and/or balconies on the front and along any street-facing elevations. Indicate the sheet number on your plans which shows compliance with this requirement: \_\_\_\_\_

3. The Housing Development Project shall not be a contributing structure in a designated Historic Preservation Overlay Zone and shall not be on the City of Los Angeles list of Historical-Cultural Monuments. Please check the “Planning and Zoning” tab under the property profile in ZIMAS at <http://zimas.lacity.org>
  4. The Housing Development Project shall not be located on a substandard street in a Hillside Area or in a Very High Fire Hazard Severity Zone as established in Section 57.4908 of the Municipal Code. To verify whether a project is located on a substandard street, obtain a Hillside Referral Form from the Bureau of Engineering; to verify whether a project is located within a Very High Fire Hazard Severity Zone, check the “Additional” tab under the property profile in ZIMAS.
- **Density Bonus with Off-Menu Incentive Items:** LAMC 12.22 A.25(g)(3) – Provide a pro forma or other documentation to show that the waiver or modification is needed in order to make the Restricted Affordable Units economically feasible in addition to the items listed above. A third-party peer review of the pro-forma is also required.
  - **Conditional Use Permit for Greater than 35% Density Bonus:** LAMC 12.24 U.26 – Density Bonus requests for Housing Development Projects in which the density increase is greater than the maximum permitted in LAMC Section 12.22 A.25 shall also find that:
    1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;
    2. The project’s location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety;
    3. The project substantially conforms with the purpose, intent and provision of the General Plan, the applicable community plan, and any applicable specific plan.
    4. The project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan;
    5. The project contains the requisite number of affordable and/or senior citizen units as set forth in California Government Code Section 65915(b); and
    6. The project addresses the policies and standards contained in the City Planning Commission’s Affordable Housing Incentives Guidelines.
  - **Public Benefit Project:** LAMC 14.00 A.2 – Density increase requests for a Housing Development Project to provide for additional density in excess of that permitted in LAMC Section 12.22 A.25 shall find that the proposed project substantially meets the purposes of the performance standards set forth in LAMC Section 14.00 A.2. If utilizing this process, also complete the *Public Benefit Projects* form ([CP-7766](#)).

**26. Density Bonus for a Housing Development Project in Which the Density Increase Is Greater than the Maximum Permitted in Section 12.22 A.25. (Amended by Ord. No. 185,373, Eff. 2/26/18.)**

(a) In addition to the findings set forth in Section 12.24 E., the City Planning Commission shall find that:

(1) the project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan;

(2) the project contains the requisite number of Restricted Affordable Units, based on the number of units permitted by the maximum allowable density on the date of application, as follows:

- a. 11% Very Low Income Units for a 35% density increase; or
- b. 20% Low Income Units for a 35% density increase; or
- c. 40% Moderate Income Units for a 35% density increase in for-sale projects.

The project may then be granted additional density increases beyond 35% by providing additional affordable housing units in the following manner:

d. For every additional 1% set aside of Very Low Income Units, the project is granted an additional 2.5% density increase; or

e. For every additional 1% set aside of Low Income Units, the project is granted an additional 1.5% density increase; or

f. For every additional 1% set aside of Moderate Income Units in for-sale projects, the project is granted an additional 1% density increase; or

g. In calculating the density increase and Restricted Affordable Units, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.

(3) the project meets any applicable dwelling unit replacement requirements of California Government Code Section 65915(c)(3);

(4) the project's Restricted Affordable Units are subject to a recorded affordability restriction of 55 years from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Housing and Community Investment Department, and subject to fees as set forth in Section 19.14 of the Los Angeles Municipal Code; and

(5) the project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.

## **Exhibit 8**





## DEPARTMENT OF CITY PLANNING

City Hall • 200 N. Spring Street, Room 525 • Los Angeles, CA 90012

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January 18, 2017

TO: All Staff  
Other Interested Parties

FROM: Lisa M. Webber, AICP *LMW*  
Deputy Director of Planning  
Department of City Planning

SUBJECT: **IMPLEMENTATION OF STATE DENSITY BONUS LAWS**

On September 28, 2016, Governor Brown signed AB 2501, AB 2556, AB 2442, and AB 1934 which amended the State Density Bonus Law (Government Code Section 65915). The amendments took effect on January 1, 2017. This memo will serve as interim guidance for staff and project applicants and does not create any new or additional City policies or regulations.

Additionally, this memo recognizes changes as a result of amendments made to the State Density Bonus Law through AB 2280 (2008).

### **Changes in State Law**

Numerous minor changes and clarifications were made in the five state laws discussed in this memo. Many of these changes reflect current City practice. A summary of changes in state density bonus law that will result in significant changes to City practice are listed below. Staff and applicants are encouraged to refer to state law in Government Code Section 65915, as the list below is not an exhaustive list of the changes.

#### **AB 2442**

The law expands the categories of housing that can qualify for a density bonus. The following specialized housing types now qualify for an additional density bonus, provided the specialized units are subject to a very-low income affordability restriction for 55 years:

- 10% of total units reserved for **transitional foster youth**, as defined in Section 66025.9 of the Education Code; or
- 10% of total units reserved for **disabled veterans**, as defined in Government Code Section 18541; or
- 10% of total units reserved for **homeless persons**, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).

Units set aside to serve these populations will qualify for an additional density bonus of 20% of the number of specialized units (not the total project). Because these units are income restricted, the projects will also qualify for the standard density bonus.

Example: If a site allows 100 units and 10 (10%) are reserved for transitional foster youth at very low-income, then the project is granted a density bonus of 35 units so long as both conditions are satisfied. The 35 units are derived in this manner:

- ✓ **33 Density Bonus Units** - 10 units (10% of total units) set-aside at very low-income = 32.5% density rounded up to 33% = 33 total density bonus units
- ✓ **2 Density Bonus Units** - 20% density bonus multiplied by the units giving rise to a density bonus which corresponds to 10 units for very-low income transitional foster youth in this example = 2 total density bonus units

### **AB 2501**

To streamline the density bonus process, the law requires that cities adopt procedures and timelines, provide a list of all documents and information required for an application to be deemed complete, and notify the applicant whether the application is complete in a manner consistent with Section 65943.

The Department has adopted relevant procedures and timelines in Los Angeles Municipal Code Section 12.22 A.25. The list of documents and information required to be deemed complete can be found in the Master Land Use Application packet and the Affordable Housing Referral Form. More information is found in an April 15, 2012 Department memo titled "Affordable Housing Project Review Procedures." The assigned project planner notifies applicants when their application has been deemed complete in a manner consistent with Section 65943.

The law also clarifies and amends a number of the density bonus procedures as follows:

1. Density calculations that result in a fractional number are to be rounded-up to the next whole number. This applies to the following:
  - a. Base density
  - b. Number of bonus units
  - c. Number of Affordable Units required to be eligible for the density bonus
  - d. Number of replacement units
  - e. Number of required parking spaces
2. The ability of a local jurisdiction to require special studies is eliminated unless they meet the provisions of state law.

*Financial pro-formas and third party reviews will no longer be required for any entitlement cases currently pending with the Department or new density bonus case filings.*

3. The term "density bonus" is specified to mean a density increase over the maximum allowable gross residential density at the time of the date of the application.

*The density bonus provided to a project will be calculated based on the number of units permitted on the date of the density bonus application.*

4. A requested concession or incentive shall be granted pursuant to Government Code 65915 unless the City makes a written finding, based on substantial evidence, of any of the following: a) the concession or incentive "does not result in identifiable and actual cost reductions," to provide for affordable housing costs or rents for the targeted units; b) the concession or incentive has a specific adverse impact on public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable; or c) if the concession or incentive is contrary to state or federal law. Prior law allowed a concession or incentive to be denied if the City had substantial evidence that the concession or incentive was "not required in order to provide for" affordable housing costs

or rents for the targeted units, or substantial evidence in support of findings “b)” or “c)” above.

#### **AB 2556**

The law clarifies the implementation of the required replacement of affordable units in density bonus projects, first introduced by AB 2222 in 2014. The law further defines “equivalent size” to mean that as a whole, the new units must contain at least the same total number of bedrooms as the units being replaced. This prevents a developer from replacing multi-family bedroom units with more units that have fewer bedrooms.

1. For any dwelling units occupied on the date of application, if the income category of the units is not known, it shall be presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy (CHAS) database.

*The current proportion of lower income renter households (defined by those earning less than 80% of AMI in the current 2009-2013 CHAS data) in the City of Los Angeles is 67.5%. This figure was last updated July 6, 2016 and changes annually based on the most recent data. The data source is located here: <https://www.huduser.gov/portal/datasets/cp.html>.*

2. For any dwelling units vacated or demolished within the five-year period preceding the application, if the income category of the units is not known, it shall be presumed that low- and very-low income renter households occupied these units in the same proportion of low- and very-low income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy (CHAS) database.

*The current proportion of low-income renter households (defined by those earning between 51%-80% of AMI in the current 2009-2013 CHAS data) in the City of Los Angeles is 18.8%, and the proportion of very low-income renter households (those earning below 50% of AMI) in the City of Los Angeles is 48.7%. These figures were last updated July 6, 2016 and change annually based on the most recent data. The data source is located here: <https://www.huduser.gov/portal/datasets/cp.html>.*

#### **AB 1934**

The law provides certain development bonuses for commercial developers of non-residential floor area that partner with affordable housing developers in conjunction with their commercial projects. This law remains in effect only until January 1, 2022, unless repealed earlier.

A commercial developer of non-residential floor area, who has entered into an agreement to contribute affordable housing through a joint project (on-site) or two separate projects (off-site), shall be granted a development bonus for the non-residential floor area portion of the project. This may include any of the following incentives as approved by the Department of City Planning:

1. Up to a 20-percent increase in maximum allowable intensity;
2. Up to a 20-percent increase in maximum allowable floor area ratio;
3. Up to a 20-percent increase in maximum height requirements;
4. Up to a 20-percent reduction in minimum parking requirements;
5. Use of a limited-use/limited-application elevator for upper floor accessibility; and
6. An exception to a zoning ordinance or other land use regulation.

In order to qualify for a development bonus under this section, the provision of affordable housing must comply with the following:

1. A commercial developer shall partner with a housing developer that provides at least 30 percent of the total units for low-income households or at least 15 percent of the total units for very low-income households.
2. An affordable housing agreement between the commercial developer and the housing developer shall identify how the commercial developer will contribute affordable housing and shall be approved by the Department of City Planning and the Housing and Community Investment Department.
3. The commercial developer may directly build the units, provide land to an affordable housing developer for construction of affordable housing (on site or elsewhere), or make a payment to an affordable housing developer to be used towards the costs of constructing the affordable housing project.
4. An applicant shall be ineligible for a development bonus if the housing replacement provisions of CA Health and Safety Section 65915 (c)(3)(A) are not met.
5. If the developer of the affordable units does not commence and complete the construction of those units in accordance with timelines ascribed by the agreement described in subdivision (c), the local government may withhold certificates of occupancy for the commercial development until the developer has completed construction of the affordable units.
6. A development bonus pursuant to this section shall not include a reduction or waiver of payment of a fee for the promotion or provision of affordable housing.
7. If affordable housing is provided off-site, it must be located within the City, in close proximity to public amenities (including schools and employment centers), and within one-half mile of a Major Transit Stop.

#### **AB 2280 (2008)**

Adopted in 2008, the same year as the City's density bonus ordinance, AB 2280 made several minor clarifications, most of which are already reflected in current City practice.

To be consistent with AB 2280, the Department will evaluate requests for a waiver or reduction of development standards (distinct from requested incentives and usually processed via Requests for Waiver or Modification of any Development Standard(s) Not on the Menu pursuant to LAMC 12.22 A.25(g)(3)) based on whether applying the development standard would physically preclude the construction of the housing development project that contains the permitted densities and incentives.

The bill also deleted the requirement that an applicant for a waiver or reduction in development standards show that the waiver or modification is "necessary to make proposed housing units economically feasible."

## **Exhibit 9**



Akhilesh Jha &lt;akhilesh.jha@gmail.com&gt;

---

## Case Filing - 5353 Del Moreno Drive

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

Fri, Sep 18, 2020 at 9:28 AM

To: Akhilesh Jha &lt;akhilesh.jha@gmail.com&gt;, Praveen Jha &lt;praveenkjha@gmail.com&gt;

Cc: Ralph Avila &lt;ralph.avila@lacity.org&gt;, Anna Vidal &lt;anna.vidal@lacity.org&gt;

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**

201 N. Figueroa St., 4th floor

Los Angeles, CA. 90012

Planning4LA.org

T: (213) 482-7340



[Quoted text hidden]

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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

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            |
| <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.<br><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)  |



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

#### 6. Project Team Information.

Comp. Incomp. N/A

- |                                     |                          |                          |   |
|-------------------------------------|--------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Applicant (Note: The Applicant cannot be the Representative unless the Representative has a vested interest in the project) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Owner   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Representative  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Other   |

#### 7. Property Owner Affidavits

Comp. Incom N/A  
p.

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

- |                                     |                          |                          |  |
|-------------------------------------|--------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Neighboring properties also, on 8 ½" x 11" paper         |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Index map showing from which direction photos were taken |

### 2. Vicinity Map

Comp. Incomp. N/A  
p.

- |                                     |                          |                          |   |
|-------------------------------------|--------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location map showing surrounding area ( <i>should minimally show nearest Collector Street</i> ) |
|-------------------------------------|--------------------------|--------------------------|---|

### 3. Radius Maps (as applicable)

Comp. Incomp. N/A

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

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

- |                          |   |
|--------------------------|---|
| <input type="checkbox"/> | 8½" x 11" size maps ( <i>color preferred, old ZIP-a-tone acceptable, individually prepared—not just ZIMAS printouts</i> ) |
| <input type="checkbox"/> | Five (5) copies <u>each</u>   |

### 4. Zimas Profile Report

Comp. Incomp. N/A

- |                                     |                          |                          |   |
|-------------------------------------|--------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | One (1) copy of Parcel Profile Report selecting all contiguously owned properties |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | One (1) copy of ZIMAS aerial view   |

## 5. Public Noticing

Comp. Incomp. N/A

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

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

Comp. Incomp. N/A

### Size and number of all Plans

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

- |                          |                                     |                          |  |
|--------------------------|-------------------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | Sections (if project involves multiple levels or subterranean parking or basement floors)  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Landscape Plan (for projects with 6+ new units, include Open Space area and summary table) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Trees  |

#### 7. Duplicate Case Files

Comp. Incomp. N/A

- |                                     |                          |                                     |  |
|-------------------------------------|--------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Certified Neighborhood Council in an unsealed, postage affixed envelope with Public Counter return address (for all cases) |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | California Coastal Commission (for CDP's only)   |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | LAPD (for CUB's only)  |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Council Office (for CUB's only)  |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Fire Department (for Amateur Radio Antenna only)   |

#### 8. Electronic Copy of Application Materials

Comp. Incomp. N/A

- |                          |                                     |                          |  |
|--------------------------|-------------------------------------|--------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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:  
Date:

Maxfield Vermey  
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 10**



Akhilesh Jha <akhilesh.jha@gmail.com>

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## Case Filing - 5353 Del Moreno Drive

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

Fri, Feb 26, 2021 at 4:13 PM

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,

Thanks for getting back to me.

What is the process to file an appeal against your decision?

-AJ

[Quoted text hidden]





Akhilesh Jha <akhilesh.jha@gmail.com>

---

## Case Filing - 5353 Del Moreno Drive

---

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

Fri, Feb 26, 2021 at 4:51 PM

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

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>

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 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]

## **Exhibit 11**



Akhilesh Jha <akhilesh.jha@gmail.com>

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## Case Filing - 5353 Del Moreno Drive

---

**Maxfield Vermey** <maxfield.vermey@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](mailto:marianne.king@lacity.org).
- **The Affordable Housing Referral** Form completed by the Housing Unit please reach out to [dcpphp@lacity.org](mailto:dcpphp@lacity.org) to complete the form.
- **Preliminary Zoning Assessment** form completed by the PARP unit, [Planning.PARP@lacity.org](mailto: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 Vermey**

Preferred Pronouns: He, His, Him

Planning Assistant

**Los Angeles City Planning**

201 N. Figueroa St., 4th floor

Los Angeles, CA. 90012

[Planning4LA.org](http://Planning4LA.org)

T: (213) 482-7340



## **Exhibit 12**



Akhilesh Jha &lt;akhilesh.jha@gmail.com&gt;

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**Case Filing - 5353 Del Moreno Drive**

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

Fri, Feb 26, 2021 at 3:20 PM

To: Maxfield Vermey &lt;maxfield.vermy@lacity.org&gt;

Cc: Ryan Patterson &lt;ryan@zfplaw.com&gt;, Sonja Trauss &lt;sonja@yimbylaw.org&gt;, Praveen Jha &lt;praveenkjha@gmail.com&gt;

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]

## **Exhibit 13**



## REFERRAL FORMS:

### Preliminary Zoning Assessment Referral

Department of City Planning (DCP) and Department of Building & Safety (DBS)

This form is to serve as an inter-agency referral for City Planning applications associated with a Housing Development Project. As a part of a City Planning application, this completed form shall be accompanied by architectural plans stamped and signed by DBS Plan Check staff following the completion of a zoning Plan Check. Review of the referral form by City staff is intended to identify and determine compliance with City zoning and land use requirements necessary to achieve the proposed project and to ascertain if any zoning issues or necessary approvals are associated with the project and site that need to be resolved through a discretionary City Planning action.

#### INSTRUCTIONS: Preliminary Zoning Assessment Referral

#### 1. Complete the Preliminary Zoning Assessment:

- a. **Section I: Project Information:** This section is to be completed by a member of the project team and verified by City staff.
  - b. **Section II: Housing Development Project Determination:** Projects proposing the development of two or more units are screened to determine whether a project is a Housing Development Project and therefore qualifies for completion of Section III of this form and verified plans through a zoning Plan Check with DBS. The determination on Section II will be made by City Planning staff in the PARP unit prior to completion of a zoning Plan Check with DBS. A set of architectural plans, including a site plan and floor plans, are required to complete the determination.
  - c. **Section III: Zoning Plan Check:** Applicants will submit for a zoning Plan Check with DBS to ascertain if any zoning issues or necessary approvals associated with the project and site need to be resolved through a discretionary City Planning action. This completed form shall be accompanied by architectural plans stamped and signed by a DBS Plan Check staff following the completion of a zoning Plan Check. DBS Plan Check staff will sign Section III of the Preliminary Zoning Assessment Form once the zoning plan check verifications are complete.
2. **File application with City Planning:** Following the completion of the Preliminary Zoning Assessment Referral Form and receipt of architectural plans stamped and signed by DBS Plan Check staff, a City Planning application may be filed. Filing appointments may be made online: <https://planning.lacity.org/development-services/appointment/form>.

#### 3. Contact Information:

<b><u>DOWNTOWN OFFICES:</u></b>	<b>Department of Building and Safety, Affordable Housing Section</b> 201 N. Figueroa St., Ste 830 Los Angeles, CA 90012 Phone: (213) 482-0455 Web: <a href="https://ladbs.org/services/special-assistance/affordable-housing">https://ladbs.org/services/special-assistance/affordable-housing</a> Email: <a href="mailto:LADBS.AHS@lacity.org">LADBS.AHS@lacity.org</a>	<b>Department of City Planning, Preliminary Application Review Program</b> 201 N. Figueroa St., 5 <sup>th</sup> Floor Los Angeles, CA 90012 Web: <a href="https://planning.lacity.org/development-services/preliminary-application-review-program">https://planning.lacity.org/development-services/preliminary-application-review-program</a> Email: <a href="mailto:Planning.PARP@lacity.org">Planning.PARP@lacity.org</a>
---------------------------------	--	--

## Section I. Project Information - To be completed by applicant<sup>1</sup>

### 1. PROJECT LOCATION, ZONING & LAND USE JURISDICTION

Project Address: \_\_\_\_\_  
Project Name (if applicable): \_\_\_\_\_  
Assessor Parcel Number(s): \_\_\_\_\_  
Legal Description (Lot, Block, Tract): \_\_\_\_\_  
Community Plan: \_\_\_\_\_ Number of Parcels: \_\_\_\_\_ Site Area: \_\_\_\_\_ s.f.  
Current Zone(s) & Height District(s): \_\_\_\_\_ Land Use Designation: \_\_\_\_\_  
Alley in rear.....☐ Yes ☐ No  
Coastal Zone.....☐ Yes ☐ No  
Downtown Design Guide Area.....☐ Yes ☐ No  
Enterprise Zone.....☐ Yes ☐ No  
Greater Downtown Housing Incentive Area.....☐ Yes ☐ No  
Hillside Area (Zoning).....☐ Yes ☐ No  
Site contains Historical features.....☐ Yes ☐ No  
Special Grading Area (BOE) Area.....☐ Yes ☐ No  
Very High Fire Hazard Severity Zone .....☐ Yes ☐ No  
☐ Specific Plan: \_\_\_\_\_  
☐ Historic Preservation Overlay Zone (HPOZ): \_\_\_\_\_  
☐ Design Review Board (DRB): \_\_\_\_\_  
☐ Redevelopment Project Area: \_\_\_\_\_  
☐ Overlay Zone (CPIO/CDO/POD/NSO/RIO/CUGU/etc.): \_\_\_\_\_  
☐ Q-condition/ D-limitation/ T-classification (*ordinance + subarea*): \_\_\_\_\_  
☐ Legal (Lot Cut Date) \_\_\_\_\_  
☐ Related City Planning Cases \_\_\_\_\_  
☐ ZIs \_\_\_\_\_  
☐ Affidavits \_\_\_\_\_  
☐ Easements \_\_\_\_\_  
☐ TOC Tier<sup>2</sup> (if applicable to project) \_\_\_\_\_

### 2. PROJECT DESCRIPTION

Project Description/Proposed Use \_\_\_\_\_  
\_\_\_\_\_  
The project uses California State Density Bonus, AB 2345, and AB 2442 incentives.  
\_\_\_\_\_  
No. of Stories: \_\_\_\_\_ No. of Dwelling Units: \_\_\_\_\_ Floor Area (Zoning): \_\_\_\_\_  
Existing Use/No. of Units: A single-family house of 4 bedrooms and 3 bathrooms and 3,001 sq. ft of floor area.

### 3. APPLICANT INFORMATION<sup>3</sup>

Name: Janet Jha  
Phone: 310-995-4859  
Email: JanetYJha@gmail.com

### 4. REPRESENTATIVE INFORMATION

Name: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

<sup>1</sup> All fields in this form must be completed. If an item is not applicable, write N/A.

<sup>2</sup> Must be verified by City Planning, Housing Services Unit

<sup>3</sup> An applicant is a person with a lasting interest in the completed project such as the property owner or a lessee/user of a project. An applicant is not someone filing a case on behalf of a client (i.e. usually not the agent/representative)



## Section II. Housing Development Project determination - To be completed by DCP staff

If a project meets any one (1) of the following categories, then the project is a Housing Development Project. Therefore, completion of Section III of this form and receipt of architectural plans stamped and signed by DBS Plan Check staff would be required for filing a City Planning application. If none of the criteria below applies, then the project is not a Housing Development Project and is not required to continue beyond this section in the Preliminary Zoning Assessment process prior to filing a City Planning application.

Housing Development Project categories (to be determined by DCP staff)	Determination: Yes or No
(a) A residential-only housing development project that creates two units or more	No
(b) A mixed-use development consisting of residential and nonresidential uses with at least two-thirds of the Building Area designated for residential use <sup>1</sup>	Yes
(c) Transitional Housing <sup>2</sup>	No
(d) Supportive Housing <sup>3</sup>	No

NOTES: 5353 Del Moreno Dr.

Plans reviewed sent via email on 1/23/2021 @ 12:14 PM

DCP Staff Name and Title

Justin Bilow, City Planner

DCP Staff Signature

Justin Bilow

Date

2/3/21

<sup>1</sup> "Building Area" as defined in California Building Code. Mixed-use projects may be subject to an analysis to determine whether two-thirds of the Building Area is residential.

<sup>2</sup> "Transitional Housing" as defined in California Government Code Section 65582(j)

<sup>3</sup> "Supportive Housing" as defined in California Government Code Section 65582(i)

Section III. Preliminary Zoning Assessment - To be completed by DBS Plan Check Staff <sup>4</sup>						
Item No.	Zoning Standard	Proposed	Required/Allowed	Standard Met	Applicable Section No. <sup>5</sup>	Comments and Additional Information
1	Use			<input type="checkbox"/> YES  <input type="checkbox"/> NO		<input type="checkbox"/> Conditional Use (LAMC Sec. 12.24) for _____  
2	Height			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		<input type="checkbox"/> Transitional Height applies (12.21.1-A.10)  <input type="checkbox"/> Commercial Corner Development/Mini-Shopping Center height applies (12.22-A.23(a)(1))
3	No. of Stories			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	12.21.1 (if code prevails)	
4	FAR (Floor Area Ratio)			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
5	RFAR (Residential Floor Area Ratio)			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		

<sup>4</sup> DBS Plan Check staff will sign Section III of the Preliminary Zoning Assessment form and provide stamped and signed architectural plans once the zoning Plan Check verifications are complete.

<sup>5</sup> Per the applicable section of the Zoning Code, Specific Plan, Zoning Overlay, Ordinance, Bonus Program, Planning Case Condition.

Item No.	Zoning Standard	Proposed	Required/Allowed	Standard Met	Applicable Section No. <sup>6</sup>	Comments and Additional Information
6	Density			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		Density Ratio:  <input type="checkbox"/> Site Plan Review (16.05) / Major Project CUP (12.24-U.14)
7	Setback (Front)			<input type="checkbox"/> YES  <input type="checkbox"/> NO		Lot Line Location (Street):  Lot Line Location (Street):
8	Setback (Side)			<input type="checkbox"/> YES  <input type="checkbox"/> NO		<input type="checkbox"/> Offset/plane break met (if applicable)
9	Setback (Rear)			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
10	Building Line			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	Ordinance No.:	

<sup>6</sup> Per the applicable section of the Zoning Code, Specific Plan, Zoning Overlay, Ordinance, Bonus Program, Planning Case Condition.

Item No.	Zoning Standard	Proposed	Required/Allowed	Standard Met	Applicable Section No. <sup>7</sup>	Comments and Additional Information
11	<b>Parking (automobile)</b>	Residential:  Non-Residential:	Residential:  Non-Residential:	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		Design standards met: <input type="checkbox"/> YES <input type="checkbox"/> NO
12	<b>Parking (bicycle)</b>	Long-term:  Short-term:	Long-term:  Short-term:	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		Facility standards met: <input type="checkbox"/> YES <input type="checkbox"/> NO Location standards met: <input type="checkbox"/> YES <input type="checkbox"/> NO
13	<b>Open Space</b>	Total (s.f.):  Common (s.f.):  Private (s.f.):	Total:  Common:  Private:	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	12.21-G (if code prevails)	Units/Habitable Room <3: =3: >3:  Dimensions met: <input type="checkbox"/> YES <input type="checkbox"/> NO
14	<b>Retaining Walls in Special Grading Areas</b>	Max Height:  Max Quantity:	Max Height:  Max Quantity:	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	12.21-C.8 (if code prevails)	

<sup>7</sup> Per the applicable section of the Zoning Code, Specific Plan, Zoning Overlay, Ordinance, Bonus Program, Planning Case Condition.

Item No.	Zoning Standard	Proposed	Required/Allowed	Standard Met	Applicable Section No. <sup>8</sup>	Comments and Additional Information
15	<b>Grading</b> (Zoning & Planning limitations)			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
16	<b>Lot Coverage</b>			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
17	<b>Lot Width</b>			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
18	<b>Space between Buildings</b>			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	12.21-C.2(a) (if code prevails)	
19	<b>Passageway</b>			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	12.21-C.2(b) (if code prevails)	
20	<b>Location of Accessory Buildings</b>			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	12.21-C.5 (if code prevails)	

<sup>8</sup> Per the applicable section of the Zoning Code, Specific Plan, Zoning Overlay, Ordinance, Bonus Program, Planning Case Condition.

Item No.	Zoning Standard	Proposed	Required/Allowed	Standard Met	Applicable Section No. <sup>9</sup>	Comments and Additional Information
21	Loading Area			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
22	Trash & Recycling			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
23	Landscape	Conformance determined by Los Angeles City Planning				
24	Private Street	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
	Other (e.g. ground floor transparency, lighting, utilities, signage, walls, lot area, minimum frontage, etc.)	See additional sheets, if applicable				Additional Sheet(s) attached: <input type="checkbox"/> YES <input type="checkbox"/> NO
Plan Check Application No. <sup>10</sup>				Notes		
DBS Plan Check Staff Name and Title			DBS Plan Check Staff Signature <sup>11</sup>		Date	

<sup>9</sup> Per the applicable section of the Zoning Code, Specific Plan, Zoning Overlay, Ordinance, Bonus Program, Planning Case Condition.

<sup>10</sup> This completed form shall be accompanied by plans stamped and signed by a DBS Plan Check staff following the completion of a zoning Plan Check.

<sup>11</sup> LADBS Plan Check staff will sign Section III of the Preliminary Zoning Assessment Form once the zoning plan check verifications are complete.

**ADDITIONAL ZONING AND LAND USE STANDARDS REVIEWED - to be completed by DBS Plan Check Staff**

Item No.	Zoning Standard	Proposed	Required/Allowed	Standard Met	Applicable Section No.	Comments and Additional Information
				<input type="checkbox"/> YES <input type="checkbox"/> NO		
				<input type="checkbox"/> YES <input type="checkbox"/> NO		
				<input type="checkbox"/> YES <input type="checkbox"/> NO		
				<input type="checkbox"/> YES <input type="checkbox"/> NO		
				<input type="checkbox"/> YES <input type="checkbox"/> NO		
				<input type="checkbox"/> YES <input type="checkbox"/> NO		

**Exhibit 14**





Akhilesh Jha &lt;akhilesh.jha@gmail.com&gt;

## Case Filing - 5353 Del Moreno Drive

**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>

Cc: Ryan Patterson <ryan@zfplaw.com>, Sonja Trauss <sonja@yimbylaw.org>, Praveen Jha <praveenkjha@gmail.com>

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  
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 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.

## **Exhibit 15**



Akhilesh Jha &lt;akhilesh.jha@gmail.com&gt;

---

**Preliminary Zoning Assessment Section III Referral - 5353 Del Moreno Dr**

1 message

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

Wed, Mar 3, 2021 at 9:13 PM

To: ladbs ahs &lt;ladbs.ahs@lacity.org&gt;

Dear LADBS Officer,

Attached please find the documents pertaining to HSAP zoning plan check. Please let me know if you need anything else. Thank you!

-AJ  
310-995-4859

---

**3 attachments****2020-01-12 - 5353 Del More Dr - Architectural Plan.pdf**  
4499K**Application-for-building-permit-or-grading.pdf**  
275K**2020-02-03 CP-4064 PZA Referral Form Section II Signed.pdf**  
2475K

5353 N Del Moreno Dr



Application #:

21010 - 10001 - 01065

Plan Check #: B21LA04014

Printed: 03/09/21 08:27 PM

Event Code:

Bldg-Alter/Repair **GREEN - MANDATORY**  
Commercial  
Regular Plan Check  
Plan Check

City of Los Angeles - Department of Building and Safety  
**APPLICATION FOR BUILDING PERMIT  
AND CERTIFICATE OF OCCUPANCY**

Last Status: Submitted

Status Date: 03/09/2021

1. TRACT	BLOCK	LOT(s)	ARB	COUNTY MAP REF #	PARCEL ID # (PIN #)	2. ASSESSOR PARCEL #
TR 23652		5		M B 619-29/34	171B113 53	2166 - 035 - 032

**3. PARCEL INFORMATION**

Area Planning Commission - South Valley  
LADBS Branch Office - VN  
Baseline Hillside Ordinance - Yes  
Council District - 3  
Cmpt. Fill Grd. - CFG-1000

Certified Neighborhood Council - Woodland Hills-Warner Cente  
Community Plan Area - Canoga Park-West Hills-Winnetka-Wood  
Census Tract - 1375.01  
District Map - 171B113  
Energy Zone - 9  
Fire District - VHFHSZ  
Front Yard Setback - 15-SB  
Hillside Grading Area - YES  
Hillside Ordinance - YES  
Earthquake-Induced Landslide Area - Yes

ZONES(S): RA-1

**4. DOCUMENTS**

ZI - ZI-1729 Specific Plan: Ventura/Cahuenga ZAI - ZAI-1670  
ZI - ZI-2427 FWY Adj Advisory Notice for St ZA - ZA-16687  
ZI - ZI-2438 Equine Keeping in the City of Lc ZA - ZA-16967  
ZI - ZI-2462 Modifications to SF Zones and S SPA - VENTURA / CAHUENGA BOULEVARD  
ORD - ORD-129279  
ORD - ORD-166560  
ORD - ORD-171240  
ORD - ORD-174052  
ORD - ORD-185650  
HLSAREA - Yes  
DTRM - DIR-2016-1896-DI  
CPC - CPC-1985-382

**5. CHECKLIST ITEMS****6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION**

Owner(s):  
JHA, JANET Y 5353 DEL MORENO DR LOS ANGELES CA 91364

Tenant:

Applicant: (Relationship: Agent for Owner)  
JANET JHA -

(310) 995-4859

**7. EXISTING USE****PROPOSED USE****8. DESCRIPTION OF WORK**

\*\*\*\* HSAP TO CHECK FOR ZONING REQUIREMENTS ONLY - SB330 \*\*\*\*  
NEW 7 STORY 67 UNITS (7 VLI = 10%) MIXED USE AFFORDABLE HOUSING  
APARTMENT TO INCLUDE 5 STORY TYPE IIIA APARTMENT OVER 2  
STORY TYPE IA PARKING & COMMERCIAL 12 22 A25 WITH ADDITIONAL

**9. # Bldgs on Site & Use:****10. APPLICATION PROCESSING INFORMATION**

BLDG. PC By: DAS PC By:  
OK for Cashier: Coord. OK:  
Signature: Date:

For inspection requests, call toll-free (888) LA4BUILD (524-2845),  
or request inspections via [www.ladbs.org](http://www.ladbs.org). To speak to a Call Center  
agent, call 311. Outside LA County, call (213) 473-3231.

For Cashier's Use Only

W/O #: 11001065

**11. PROJECT VALUATION & FEE INFORMATION****Submittal Fee Period**

Permit Valuation \$11,420,000 PC Valuation: \$1,142,000

SUBMITTAL TOTAL Bldg-Alter/Rep 6,083.55  
Energy Surcharge  
Handicapped Access  
Plan Check Subtotal Bldg-Alter/Repair 4,978.32  
D.S.C. Surcharge 149.35  
Sys. Surcharge 298.70  
Planning Surcharge 298.70  
Planning Surcharge Misc Fee 10.00  
Planning Gen Plan Maint Surcharge 348.48  
Green Building

Sewer Cap ID:

Total Bond(s) Due:

**12. ATTACHMENTS**

\* 0 8 0 0 1 2 1 0 1 0 1 0 0 0 1 0 1 0 6 5 S N \*

Payment Date: 03/09/2021  
Receipt No: 963173  
Amount: \$6,083.55  
Method: ECHECK

**13. STRUCTURE INVENTORY**

(Note: Numeric measurement data in the format "number / number" implies "change in numeric value / total resulting numeric value")

**21010 - 10001 - 01065****14. APPLICATION COMMENTS:****PDPP Project's Total****\$11,420,000.00**

\*\* Approved Seismic Gas Shut-Off Valve may be required. \*\* THE PROJECT VALUATION IS \$11,420,000 TO BE VERIFIED BY THE PLAN CHECK ENGINEER. 10% OF \$11,420,000 IS \$1,142,000

**15. BUILDING RELOCATED FROM:****16. CONTRACTOR, ARCHITECT & ENGINEER NAME****ADDRESS****CLASS****LICENSE #****PHONE #****PLAN CHECK EXPIRATION:** Unless a shorter period of time has been established by an official action, plan check approval expires one and a half years after the plan check fee has been paid.

5353 N DEL MORENO DR

Courier? ( Yes or No )

☐ P.C.☐ N.P.☐ S.P.I.☐ D.A.S.☐ G.P.I.☐ D.P.I.

USE:	21010 - 10001 - 01065
7	Plan Check Number - Regular PC <b>B21LA04014</b>

Submittal Date: 03/09/2021

Notes: \_\_\_\_\_

PC Engr: \_\_\_\_\_