

CF 23-0525

**Exhibit H – Status of Project Review: Development
Inconsistent Letter dated June 2, 2023**

**DEPARTMENT OF
CITY PLANNING**

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June 2, 2023

Transmitted via email

Applicant/Owner

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Representative

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Case Number(s): CPC-2022-8993-GPA-
ZC-HD-K- BL-ZV-ZAA-WDI-HCA

Application Type: General Plan
Amendment, Zone Change, Height District
Change, K District Removal, Building Line
Removal, Zone Variance, Zoning
Administrator Adjustment, Waiver of
Dedication and Improvements, Vesting
Housing Crisis Act

CEQA: ENV-2022-8994-EAF

Case Numbers: CPC-2022-9268-DB-HCA

Application Type: Density Bonus,
Housing Crisis Act

CEQA: ENV-2022-9270-EAF

Location: 13916 W. Polk Street

Plan Area: Sylmar

Neighborhood Council: Sylmar

Council District: 7 - Rodriguez

STATUS OF PROJECT REVIEW: DEVELOPMENT INCONSISTENT

Development project applications related to the above referenced cases, submitted on December 9, 2022 and associated with plans dated December 21, 2022, were filed at the Department of City Planning Development Services Center and forwarded to the Valley Project Planning Division for review. On January 6, 2023, a "Status of Project Review" letter was emailed to the project owner/applicant and representative stating that the applications filed are not complete and also do not comply with objective zoning standards, as described in detail in the Status of Project Review letter. On April 5, 2023, revised application materials were emailed by the project applicant to the Department of City Planning. Additional materials were provided by the Applicant via USPS on a CD received by the Department on April 11, 2023. On April 28, 2023, a "Second Status of Project Review" letter was emailed to the project owner/applicant and representative stating that the applications filed are not complete and also do not comply with objective zoning standards, as described in detail in the Status of Project Review letter and Second Status of Project Review letter.

City Planning's position is that your applications are incomplete for the reasons stated in the review letters dated January 6, 2023 and April 28, 2023, and the pre-decision compliance review timeline under Government Code ("G.C.") 65589.5(j)(2) has not been triggered. However, the City provides you with the following early pre-decision compliance review that is similar, but not identical, to the review described in Government Code Section 65589.5(j)(2). This communication does not constitute a decision on the merits of your applications as described under G.C. 65589.5(j)(1), for among other reasons, your applications are not complete for processing, and you have not provided information necessary for analysis of your applications under the California Environmental Quality Act as identified in the earlier letters from January 6, 2023 and April 28, 2023. The City reserves its right to revise or augment this early pre-decision compliance review when your application(s) is determined to be complete as defined in G.C. 65589.5(h)(9) and the review referenced in G.C. 65589.5(j)(2) is triggered, such as if Council determines that your application is complete through an appeal decision under G.C. 65943.

INCONSISTENCIES WITH OBJECTIVE STANDARDS

Your applications are noncompliant with the following objective standards:

Item for Correction	Correction Required	Date Corrected	Initials of Approval
Density Bonus Application	CPC-2022-9268-DB-HCA		
1. General Plan Amendment subject to Measure JJJ	<p>You need to correct your entitlement request to a General Plan Amendment pursuant to Los Angeles City Charter Section 555 and (Los Angeles Municipal Code) LAMC Sections 11.5.6 and 11.5.11 to a land use such as Medium Multiple-Family Residential Land Use in the Sylmar Community Plan.</p> <ul style="list-style-type: none"> • Your application states that you are proposing 40 residential units. The General Plan land use designation for this site under the Sylmar Community Plan is Very Low I Residential which allows a density and use of one single-family unit for the site. Therefore, the development of 40 residential units is inconsistent with the site’s land use designation, and the use and development standards of the land use designation’s most intense zone. • The site land use designation density of one unit makes the Density Bonus Application noncompliant with G.C. 65915 and Los Angeles Municipal Code (“LAMC”) 12.22.A.25, because those provisions require a base density of 5 units in order to qualify for a density bonus entitlement. • You must correct your entitlement request to show that the project is subject to Measure JJJ, because the project 		

	<p>includes 10 or more dwelling units, and will involve a General Plan Amendment, Zone Change and Height District Change that results in increased allowable residential floor area, density or height.</p> <ul style="list-style-type: none"> • Per LAMC 11.5.11(a), a project may seek a General Plan Amendment or Density Bonus entitlement, but not both at the same time. • See General Plan or Specific Plan Amendment – Specialized Requirements.pdf (lacity.org) (Form No. CP-7723.1) and General Plan or Specific Plan Amendment – Request for Initiation.pdf (lacity.org) (Form No. CP-7750.1) 		
<p>2. Zone Change subject to Measure JJJ</p>	<p>You need to correct your entitlement request to a Zone Change from RA-1 to a zone that would potentially allow 40 residential dwelling units on a 48,284.1 square foot lot such as R3-1 subject to Measure JJJ pursuant to LAMC Sections 12.32 F and 11.5.11. (For example, R3 is the corresponding zone to the suggested Medium Multiple-Family Residential Land Use designation in the Sylmar Community Plan, and pursuant to LAMC Section 12.10, the R3 Multiple Dwelling Zone requires the minimum lot area per dwelling unit to be 800 square feet.)</p> <ul style="list-style-type: none"> • You need to correct your entitlement request to a Zone Change pursuant to LAMC Section 12.32 F, in order to request relief from LAMC Section 12.07 that regulates the RA Zone. The current zoning on the site, RA-1-K or “Suburban Zone”, does not permit a 40 unit residential development pursuant to LAMC Section 12.07. The project as proposed does not comply with the various use and development standards of LAMC 12.07, including but not limited to single family use, required yards, and floor area limits. The current zone allows a density of one unit on the site. You need to request a zone that will permit the development of 40 residential units and that is consistent with the General Plan designation as discussed above under “General Plan Amendment subject to Measure JJJ.” • The site zoning density of one unit makes the Density Bonus Application noncompliant with G.C. 65915 and Los 		

	<p>Angeles Municipal Code (“LAMC”) 12.22.A.25 because those provisions require a base density of 5 units in order to qualify for a density bonus entitlement that includes incentives and waivers to deviate from the single family use, and development standards such as but not limited to density, applicable transitional height requirements, floor area, and passageways.</p> <ul style="list-style-type: none"> • Per LAMC 11.5.11(a), a project may seek a zone change or Density Bonus entitlement, but not both at the same time. • Your project does not comply with the Maximum Residential Floor Area Requirements pursuant to LAMC Section 12.07 C.5. You must request a Zone Change to a Zone that allow the floor area you are requesting which is 99,868 square feet of floor area and 100,260 square feet of building area. • You must correct your entitlement request to show that the project is subject to Measure JJJ, because the project includes 10 or more dwelling units and will involve a General Plan Amendment, Zone Change and Height District Change that results in increased allowable residential floor area, density or height. • See Zone Change.pdf (lacity.org) (Form No. CP-7774 zc) 		
<p>3. Height District Change subject to Measure JJJ</p>	<p>You need to correct your entitlement request to a Height District Change to Height District No. 1 corresponding to the suggested R3 Zone pursuant to LAMC Sections 12.32 F and 11.5.11.</p> <ul style="list-style-type: none"> • The current height district is -1 which under LAMC Section 12.21.1 permits a maximum height of 30 feet for a flat roof or 36 feet for a pitched roof in the RA Zone. You are proposing a 40 foot structure that does not comply with the maximum height under the RA-1 Zone and any applicable transitional height requirements. • The site land use designation and zoning density of one unit makes the Density Bonus Application noncompliant with G.C. 65915 and Los Angeles Municipal Code (“LAMC”) 12.22.A.25 because those provisions require a base density of 5 units in order to qualify for a density bonus entitlement that includes height incentives or waivers. 		

	<ul style="list-style-type: none"> • Per LAMC 11.5.11(a), a project may seek a zone change, height district change, or Density Bonus entitlement, but not both at the same time. • You must correct your entitlement request to show that the project is subject to Measure JJJ, because the project includes 10 or more dwelling units and will involve a General Plan Amendment, Zone Change and Height District Change that results in increased allowable residential floor area, density or height. • See Zone Change.pdf (lacity.org) (Form No. CP-7774 zc) 		
<p>4. K District Removal or Zoning Administrator Adjustment</p>	<p>The subject site is located in a K Equinekeeping Supplement Use District pursuant to LAMC Section 13.05. Your project is inconsistent with the use and distance requirements for projects in the K Equinekeeping Zone. To avoid these regulations you must correct your entitlement request to include a K District Removal under LAMC Section 12.32 S. See Zone Change.pdf (lacity.org) (Form No. CP-7774 zc) OR depending on the building design, you must correct your entitlement request to request a Zoning Administrator Adjustment pursuant to LAMC Section 12.24 X.5 (Dwelling Adjacent to an Equestrian Use). See Zoning Administrator Adjustment.pdf (lacity.org) (Form No. CP-7781 zaa)</p> <ul style="list-style-type: none"> • The requested deviation from distance requirements may not be permitted under Los Angeles County regulations (see generally, L.A. Co. Health and Safety Code Sec. 11.16.090). It is your responsibility to request review by Los Angeles County. City Planning does not have jurisdiction over Los Angeles County regulations or regulations required by the State of California. • The site land use designation and zoning density of one unit makes the Density Bonus Application noncompliant with G.C. 65915 and Los Angeles Municipal Code (“LAMC”) 12.22.A.25 because those provisions require a base density of 5 units in order to qualify for a density bonus entitlement that includes incentives or waivers to relax requirements in the K Equinekeeping Zone. 		
<p>5. Building Line Removal</p>	<p>You must correct your entitlement request to ask to remove the 37 foot building line along Polk</p>		

	<p>Avenue pursuant to LAMC Section 12.32 R. This building line was established under Ordinance No. 99,113. Your project does not comply with 37 foot building line required under Ordinance No. 99,113.</p> <ul style="list-style-type: none"> • The site land use designation and zoning density of one unit makes the Density Bonus Application noncompliant with G.C. 65915 and Los Angeles Municipal Code (“LAMC”) 12.22.A.25 because those provisions require a base density of 5 units in order to qualify for a density bonus entitlement that includes incentives or waivers to deviate from building line requirements. • See Zone Change.pdf (lacity.org) (Form No. CP-7774 zc) 		
<p>6. Zone Variance</p>	<p>You must correct your entitlement request to ask for a Zone Variance pursuant to LAMC Section 12.27, because your project does not comply with Code required automobile parking, bicycle parking, landscaping, open space, transitional height, and recycling areas. You must include the following items:</p> <ul style="list-style-type: none"> • You must request relief from LAMC Section 12.21 A.4 and 12.21 A.5 to deviate from off-street automobile parking requirements and the design of parking facilities. Include your request to deviate from the number automobile parking spaces to be provided, the number of compact and standard spaces, required back up space. Provide the number of spaces required and proposed, the number of compact and standard spaces required and proposed, the dimensions of back up space required and proposed. • You must request relief from LAMC Section 12.21 A.16 to deviate from Code required bicycle parking. Provide the number and location of bicycle parking spaces required and proposed. • You must request relief from LAMC Sections 12.40 – 12.43 and 12.21 C to deviate from Code required landscaping. Provide the amount of Code required landscaping required and proposed. • You must request relief from LAMC Section 12.21 G.3 to deviate from Code required open space. Provide the amount of open space required and proposed. 		

	<ul style="list-style-type: none"> You must request relief from LAMC Section 12.21 A.19 to deviate from Code required areas for collecting and loading recyclable materials. Provide the size and location of the recycling area as required and proposed. The site land use designation and zoning density of one unit makes the Density Bonus Application noncompliant with G.C. 65915 and Los Angeles Municipal Code ("LAMC") 12.22.A.25 because those provisions require a base density of 5 units in order to qualify for a density bonus entitlement that includes incentives or waivers related to deviations from parking, bicycle parking, landscaping, open space, and recycling area requirements. See Microsoft Word - 7302 zv.docx (lacity.org) (Form No. CP-7302 zv) 		
7. Zoning Administrator Adjustment	<p>Your project does not comply with Code required yard setbacks, spaces between buildings, and passageway requirements. You must correct your entitlement request to ask for relief under LAMC Section 12.28 to deviate from yard setbacks, spaces between buildings, and passageway requirements as required under LAMC Section 12.21 C</p> <ul style="list-style-type: none"> You must provide the exact dimensions for setbacks, spaces between buildings, and passageways as required under the requested zone and LAMC Section 12.21 C. You must provide the exact dimensions for setbacks, spaces between buildings, and passageways that you are requesting. See Zoning Administrator Adjustment.pdf (lacity.org) (Form No. CP-7781 zaa) The site land use designation and zoning density of one unit makes the Density Bonus Application noncompliant with G.C. 65915 and Los Angeles Municipal Code ("LAMC") 12.22.A.25 because those provisions require a base density of 5 units in order to qualify for a density bonus entitlement that includes incentives or waivers related to deviations from yard setbacks, spaces between buildings, and passageway requirements. 		
8. Waiver of Dedication and Improvement	<p>You must correct your entitlement request to ask for relief under LAMC Section 12.37 I to deviate from dedications and improvements required by the Bureau of Engineering (BOE). Your project</p>		

	<p>does not comply with the dedication and improvement requirements under LAMC 12.37, because it has not demonstrated compliance with those requirements for an Avenue I designation that requires a 100 foot right-of-way width and 70 foot roadway width on Polk Street and Local Street – Standard that requires a 60 foot right-of-way width and 36 foot roadway width on Lyle Street pursuant to the General Plan Mobility Element 2035.</p> <ul style="list-style-type: none"> • You must provide the exact dimensions for dedications and improvements required by BOE including the required curb radius. • You must provide the exact dimensions for the dedication and improvement you are proposing including the curb radius you are proposing. • See Waiver of Street Dedication and Improvements - Instructions (lacity.org) (Form No. CP-4048) and Waiver of Street Dedication and Improvements - Supplemental Application.pdf (lacity.org) (Form No. CP-4047) • The site land use designation and zoning density of one unit makes the Density Bonus Application noncompliant with G.C. 65915 and Los Angeles Municipal Code (“LAMC”) 12.22.A.25 because those provisions require a base density of 5 units in order to qualify for a density bonus entitlement that includes incentives or waivers related to public way dedication and improvement requirements. 		
<p>9. Subdivision Application and Tentative Tract Map</p>	<p>You must file for an application for a Subdivision and file a Tentative Tract Map if you are proposing for sale units as stated in your April 5, 2023 communication to City Planning. The project as a proposed for-sale development does not comply with the Subdivision Map Act or LAMC 17.00 et seq. because it does not make the necessary application for notice, review and decision specified in those laws.</p> <ul style="list-style-type: none"> • Section 4 of the Department of City Planning Applications filed on 12/21/22 and revised on 4/5/23 state that there is no intent to file a Subdivision. However, “multifamily homes for sale” (as described in Section 2 of the Department of City Planning Application provided on 4/5/23) requires the filing of a Subdivision application pursuant to the State Subdivision Map Act and LAMC Section 		

	<p>17.00. Previously filed application materials received on 12/21/22 indicate that the applicant is requesting to develop apartment units. The updated application materials provided on 4/5/23 indicate that the applicant is requesting to develop for sale multi-family units, an intent and entitlement path that was not disclosed in the original application materials or the Preliminary Application for Vesting.</p> <ul style="list-style-type: none"> • A completed Subdivider’s Statement is required with all associated application materials as described on the Tentative Tract Map Filing Instructions. • See the following forms required with a Subdivision and Tentative Tract Map filing: Subdivider's Statement Form (lacity.org) (Form No. CP-4047) <p>Tentative Tract Maps for 5 or More Parcels - Tentative Tract Map Filing Instructions and Checklist.pdf (lacity.org) (Form No. CP-6110)</p> <ul style="list-style-type: none"> ○ Hillside, Hazard, Flood - Information for Development in Hazard, Flood Hazard and Hillside Areas.pdf (lacity.org) (Form No. CP-6114) ○ Tentative Grading Calculations.pdf (lacity.org) (Form No. CP-6115) ○ Haul Route.pdf (lacity.org) (Form No. CP-6119) ○ Solar Report.pdf (lacity.org) (CP-6720) ○ Citywide Design Guidelines Compliance Review Form.pdf (lacity.org) (Form No. CP-4056) ○ Preliminary Zoning Assessment Form March 2023 (lacity.org) (Form No. CP-4056) ○ Tree Report Template (lacity.org) (Form No. CP-4068) 		
<p>10. Low Impact Development (LID Requirements)</p>	<p>The project does not comply with the LID requirements under the California Regional Water Quality Control Board MS4 National Pollutant Discharge Elimination System (NPDES) Permit (No.CAS004004, Order R4-2021-0105, or as subsequently amended) for the City of Los Angeles and Los Angeles County.</p> <ul style="list-style-type: none"> • You are requesting to deviate from LID requirements, but you have not provided a referral form from LASAN. This referral 		

	<p>form is required from LASAN to review the applicable LID standard and the deviation you are requesting. You must obtain a LID referral form from LASAN.</p> <ul style="list-style-type: none"> • The requested deviation may not be permitted under NPDES regulations. If the requested deviation cannot be permitted under State requirements, then the City cannot permit the requested deviations. It is your responsibility to request review by the State of California for any deviations from State regulations. • To the extent you claim the project may be excused from State NPDES Permit LID requirements as a Density Bonus waiver or incentive, the site land use designation and zoning density of one unit makes the Density Bonus Application noncompliant with G.C. 65915 and Los Angeles Municipal Code (“LAMC”) 12.22.A.25 because those provisions require a base density of 5 units in order to qualify for a density bonus entitlement that includes any incentives or waives 		
11. Soils Report and LADBS Geology and Soils Approval Letter	<p>ZIMAS shows that the project site is on or in proximity to the Sierra Madre Fault Zone – San Fernando. The project does not comply with the California Public Resources Code, Division 2 Geology, Mines, and Mining, Chapter 7.5 Earthquake Fault Zones, Sections 2621-2630 (Alquist-Priolo Earthquake Fault Zoning Act) and the California Code of Regulations, Title 14, Sections 3600-3603, because it has not demonstrated compliance with those regulations. It is your responsibility to request review from LADBS. You have not provided a soils report and a Geology and Soils Approval Letter (approved by LADBS) to City Planning. Both of these documents are required to determine whether the project’s proposed 40 unit and 40 foot in height structure complies with the referenced regulations.</p>		
General Plan Amendment Application	CPC-2022-8993-GPA-ZC-HD-K- BL-ZV-ZAA-WDI-HCA		
12. General Plan Amendment	<p>A 40 unit project does not comply with the single-family use allowed by the existing site land use designation and zone. However, a 40 unit multi-family land use could be consistent with a land use such as Medium Multiple Family Residential Land Use designation and the R3 zone. In order to comply with the Sylmar Community Plan and the City's land use and zoning programs in LAMC</p>		

	Chapter 1, you need to seek a General Plan Amendment. Your Department of City Planning Application Forms and plans, such as but not limited to your Affordable Housing Referral Form, need to provide the correct entitlement path and must be corrected. Please see discussion in Item No.1 above as if fully incorporated here.		
13. Zone Change	A 40 unit project does not comply with the single-family use allowed by the existing site land use designation. However, a 40 unit multi-family land use could be consistent with a land use such as Medium Multiple Family Residential Land Use designation and the suggested corresponding R3 Multiple Dwelling Residential Zone. In order to comply with the Sylmar Community Plan and the City's land use and zoning programs in LAMC Chapter 1, you need to seek a zone change. Your Department of City Planning Application Forms and plans, such as but not limited to your Affordable Housing Referral Form, need to provide the correct entitlement path and must be corrected. Please see discussion in Item No. 2 above as if fully incorporated here.		
14. Low Impact Low Impact Development (LID Requirements)	The project as proposed does not comply with the applicable NPDES permit requirements. See discussion in Item No. 10 above as if fully incorporated here.		
15. Zone Variance	You must correct your entitlement request to ask for a Zone Variance pursuant to LAMC Section 12.27, because your project does not comply with Code required automobile parking, bicycle parking, landscaping, open space, transitional height, and recycling areas. In order to comply with the Sylmar Community Plan and the City's land use and zoning programs in LAMC Chapter 1, you need to seek a Zone Variance. Your Department of City Planning Application Forms, such as but not limited to your Affordable Housing Referral Form, and any submitted plans, need to provide the correct entitlement path and must be corrected. See discussion in Item No. 6 above as if fully incorporated here.		
16. Zoning Administrator Adjustment	Your project does not comply with Code required yard setbacks, spaces between buildings, and passageway requirements. In order to comply with the Sylmar Community Plan and the City's land use and zoning programs in LAMC Chapter 1, you need to seek a Zoning Administrator Adjustment. Your Department of City Planning Application Forms and plans need to provide the		

	correct entitlement path and must be corrected. You must correct your entitlement request and application papers and plans to ask for relief under LAMC Section 12.28 to deviate from yard setbacks, spaces between buildings, and passageway requirements as required under LAMC Section 12.21 C. Please see discussion in Item No. 7 above as if fully incorporated here.		
17. Height District Change	The project as proposed does not comply with Height District No. 1 for the RA-1-K Zone. In order to comply with the Sylmar Community Plan and the City's land use and zoning programs in LAMC Chapter 1, you need to seek a Height District change. Your Department of City Planning Application Forms and plans need to provide the correct entitlement path and must be corrected. See discussion in Item No. 3 above as if fully incorporated here.		
18. K District Removal or Zoning Administrator Adjustment	The subject site is located in a K Equinekeeping Supplement Use District pursuant to LAMC Section 13.05. Your project is inconsistent with the use and distance requirements for projects in the K Equinekeeping Zone. In order to comply with the Sylmar Community Plan and the City's land use and zoning programs in LAMC Chapter 1, you need to seek a K District Removal or Zoning Administrator Adjustment. Your Department of City Planning Application Forms and plans need to provide the correct entitlement path and must be corrected. See discussion in Item No. 4 above as if fully incorporated here.		
19. Building Line Removal	Your project does not comply with 37 foot building line required under Ordinance No. 99,113. In order to comply with the Sylmar Community Plan and the City's land use and zoning programs in LAMC Chapter 1, you need to seek a Building Line removal. Your Department of City Planning Application Forms and plans need to provide the correct entitlement path and must be corrected. See discussion in Item No. 5 above as if fully incorporated here.		
20. Waiver of Dedication & Improvements	Your project as proposed does not comply with the dedication and improvement requirements under LAMC 12.37, because it has not demonstrated compliance with those requirements. See discussion in Item No. 8 above.		
21. Subdivision Application and Tentative Tract Map	The project as a proposed for-sale development does not comply with the Subdivision Map Act or LAMC 17.00 et seq. because it does not make the necessary application for notice, review and		

	decision specified in those laws. See discussion in Item No. 9 above.		
22. Soils Report and LADBS Geology and Soils Approval Letter	The project as proposed does not comply with the California Public Resources Code, Division 2 Geology, Mines, and Mining, Chapter 7.5 Earthquake Fault Zones, Sections 2621-2630 (Alquist-Priolo Earthquake Fault Zoning Act) and the California Code of Regulations, Title 14, Sections 3600-3603, because it has not demonstrated compliance with those regulations. See discussion in Item No. 11 above.		

Because the referenced applications are incomplete as stated in letters dated January 6 and April 28, 2023, and also due to the above-cited inconsistencies and deficiencies, the Department has stopped the timeline related to processing either referenced application in order to provide the applicant with time to address the noncompliance and inconsistency issues. The timeline will stop and the applications will be placed on administrative hold in lieu of terminating the case. The Department's review and processing time periods will begin again when all of the correction materials are provided to this office. Please provide requested materials in an electronic format (PDF or Word Doc). Files may be sent directly to the Project Planner. No hardcopies are requested at this time.

The Department requests that you provide the corrections in one revised package within 30 days of the date of this letter, or by July 3, 2023. In the event that all of the correction materials are not provided in a timely manner, the Department may take remedial action, such as initiating termination of the case file after subsequent outreach to the applicant. Planning staff is available to answer questions about this letter by appointment.

Department Forms and Instructions and additional information on planning processes, announcements, and upcoming policies are available online on the Department's Web page at www.planning.lacity.org.

The case file is located at my office location indicated below, and arrangements to review the case file can be made.

Thank you.

Laura Frazin Steele

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cc: Council District 7