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(213) 978-1300

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

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DEPUTY DIRECTOR

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June 14, 2023

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

13916 W. POLK STREET CF 23-0525

On June 9, 2023 the Appellant in the matter referenced above submitted communication to City Planning regarding Appellant's Development Project Applications ("June 9, 2023 Communication" – Attachment A). The June 9, 2023 Communication was received by City Planning during the appeal period for the Permit Streamlining Act Appeal CF 23-0525 ("PSA Appeal") filed by Appellant under Government Code ("G.C.") Section 65943 beginning on May 12, 2023 and running through July 8, 2023. As such, City Planning is submitting the June 9, 2023 Communication (Attachment A) for City Council consideration under CF 23-0525.

The entirety of the June 12, 2023 Department of City Planning Appeal Recommendation Report to City Council ("June 12, 2023 Appeal Report") is by reference incorporated herein. The following discussion supplements the June 12, 2023 Appeal Report and offers a response to Appellant's June 9, 2023 Communication:

- The June 9, 2023 Communication provided by Appellant erroneously conflates Government Code text in the Permit Streamlining Act related to Development Project Application completeness pursuant to G.C. 65943 and Development Project Application consistency pursuant to G.C. 65589.5(j)(2).
 - Appellant's Materials are Not Complete. The PSA Appeal before Council under the Permit Streamlining Act at G.C. 65943 discusses whether or not the Development Project Applications for both Case Nos. CPC-2022-9268-DB-HCA (Density Bonus Application) and CPC-2022-8993-GPA-ZC-HD-K-BL-ZV-ZAA-WDI-VHCA (GPA Application), and the associated environmental case numbers are *complete*. City Planning determines that both of the Development Project Applications are incomplete on the basis of missing information, deficiencies in documents submitted, and the omission of pertinent documents and reports as stated in the Status of Project Review letters provided to Appellant on January 6, 2023 and April 28, 2023.

- City Planning Will Process Either CPC-2022-9268-DB-HCA or CPC-2022-8993-GPA-ZC-HD-K-BL-ZV-ZAA-WDI-VHCA. Applications remain incomplete for reasons stated in the January 6, 2023 and April 28, 2023 letters. CPC-2022-9268-DB-HCA does not remain incomplete because it does not seek a General Plan Amendment, Zone Change subject to Measure JJJ, Height District Change subject to Measure JJJ, K District Removal or Zoning Administrator Adjustment, Building Line Removal, Zone Variance, Zoning Administrator Adjustment, and Waiver of Dedication and Improvement. Rather, CPC-2022-9268-DB-HCA remains incomplete for the reasons specified, and if Appellant completes CPC-2022-9268-DB-HCA and / or CPC-2022-8993-GPA-ZC-HD-K-BL-ZV-ZAA-WDI-VHCA, one or both application(s) will be processed once Appellant provides adequate information for a CEQA analysis. While City Planning's position is that CPC-2022-8993-GPA-ZC-HD-K-BL-ZV-ZAA-WDI-VHCA is the appropriate entitlement path, Appellant submitted materials for both applications but has not yet paid the fee for CPC-2022-8993-GPA-ZC-HD-K-BL-ZV-ZAA-WDI-VHCA. City Planning will permit Appellant to credit the fee paid for CPC-2022-9268-DB-HCA toward the fee required for CPC-2022-8993-GPA-ZC-HD-K-BL-ZV-ZAA-WDI-VHCA upon written request.
- It is Premature to Determine Consistency. The pre-decision compliance review timeline under G.C. 65589.5(j)(2) has not been triggered. As a courtesy, the City provided Appellant with an early pre-decision compliance review on June 2, 2023 that is similar, but not identical, to the review described in G.C. 65589.5(j)(2). To date, the City has not provided a decision on the merits of Appellant's Development Project Applications as described under G.C. 65589.5(j)(1), for among other reasons, neither of the Development Project Applications are not complete for processing, and Appellant has not provided information necessary for analysis of such applications under the California Environmental Quality Act as identified in the January 6, 2023 and April 28, 2023 Status of Project Review Letters provided to Appellant. It is premature to discuss whether or not the Density Bonus Application is consistent with the requirements of the Density Bonus statute (G.C. 65915 et. seq.), because the PSA Appeal relates to whether or not the Application for a GPA OR the Density Bonus Application is complete.
- As detailed in the January 6, 2023 and April 28, 2023 Status of Project Review Letters and as summarized in the June 12, 2023 Appeal Report (Exhibit I), missing and incomplete information includes but is not limited to:
 - A clear and consistent Project description. Appellant proposes 8 low income units, 9 low income units, and 28 affordable units within application materials submitted on the same date (April 5, 2023). Appellant proposes a three-story and a four-story structure within applicant materials submitted on the same date. The Appellant expresses an intent to expand the scope of the Project with an additional story, 20 more units, and a subdivision request to facilitate the "for-sale" units, whereas earlier submissions (December 9, 2022) did not include those aspects of development, such as a request for additional height/stories, the intensity of 20 more units, or an approval under the Subdivision Map Act.
 - A complete Replacement Unit Determination (RUD) from the Los Angeles Housing Department. Although Appellant applied to LAHD for the RUD, as of April 6, 2023 (90

days after the first Status of Project Review Letter was emailed to the Appellant), the Appellant had not paid associated fees required by LAHD to process the RUD letter. The Appellant did not provide a RUD letter to City Planning.

- A complete Preliminary Zoning Assessment (PZA) review form obtained from the Los Angeles Department of Building and Safety (LADBS).
- A revised Affordable Housing Referral Form that that is reconciled with conflicting information in other application documents provided by Appellant.
- A subdivision application and tentative tract map due to Appellant's recent change to a for-sale development on April 5, 2023. Per Appellant's June 9, 2023 letter, line item No. 9, "Application will revert back to building for-rent units." For-rent units will not require the filing of a subdivision application and tentative tract map.

To summarize, no decision has been made regarding the merits of Appellant's Development Project Applications. The PSA Appeal is limited to a discussion of Development Project Application completeness pursuant to G.C. 65943 and does not determine consistency pursuant to G.C. 65589.59(j)(2).

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Laura Frazin Steele
City Planner

VPB:BL:JP:LFS

Enclosures – June 9, 2023 Communication - Attachment A