

CF 23-0525

Exhibit C – General Correspondence

EXHIBIT C GENERAL CORRESPONDENCE

SEPTEMBER 14, 2022 EMAIL FROM CITY PLANNING AHSS TO APPELLANT

On Wed, Sep 14, 2022 at 11:59 AM Rina Lara <rina.lara@lacity.org> wrote:

Good morning Janet,

Thank you for your submission to the Affordable Housing Services Unit. Here are my initial comments.

Application:

Include in your project description that you will be seeking a Conditional Use for density increase on pg.3.

Include a manager's unit on pg. 3. Per California law 25 CCR § 42 every apartment building with more than 16 units must have an on-site property manager.

No off street improvements is not an off-menu request. Therefore, this request will need to be included as a waiver for development on pg.4.

Keep in mind that Density Bonus allows up to 3 incentives (on or off-menu). Menu of incentives include: yards/setbacks, lot coverage, FAR, open space, etc. Refer to LAMC section 12.22.A25.(f).

Clarify the percentage of density increase you are seeking on pg.6.

Explain the onsite affordable units of 8 LI on pg. 6.

You are not eligible for height increase under LAMC section 12.22.A25 (5)ii or iii.

Therefore, you will need to include this request as a waiver for development.

Select a parking option on pg. 8.

Cannot list 4 incentives on pg.10.

Plans:

Include a summary sheet that provides details of the project including: zoning information, density bonus and requested incentives and waivers for development, open space, height etc. And make sure your incentives and waivers for development are consistent with your application.

Provide an open space plan.

Please update your application and plans.

Best,



Rina Esmeralda Lara
She/Her/Hers
Planning Assistant
Los Angeles City Planning
201 N. Figueroa Street, 5th Floor
Los Angeles, CA 90012
T: (213) 202- 5452

Note: Out of the Office on Alternating Fridays



SEPTEMBER 15, 2022 LETTER SENT FROM APPELLANT TO CITY PLANNING AHSS VIA EMAIL

From: Akhilesh Jha <akhilesh.jha@gmail.com>
Date: Thu, Sep 15, 2022 at 5:21 PM
Subject: Re: AHRF for 13916 W. Polk St.: Initial comments
To: Rina Lara <rina.lara@lacity.org>

Good afternoon, Ms. Lara!

Attached please find a letter responding to your email. Please suggest the path forward for this project.

Thank you!

-AJ
310-995-4859

Dr. Janet Jha
5353 Del Moreno Dr, Woodland Hills, CA 91364
Phone: 310-995-4859, janetyjha@gmail.com

09/15/2022

Rina Esmeralda Lara
Planning Assistant
Los Angeles City Planning
201 N. Figueroa Street, 5th Floor
Los Angeles, CA 90012

Re: Affordable Housing Referral Form: 13916 Polk St, Sylmar, CA 91342 Housing Project

Dear Ms. Lara,

I received your email dated 09/14/2022 (attached as Exhibit 1 for reference). This letter will clarify some of the points you made in your initial review.

Project Description

The housing development proposed at 13916 Polk St, Sylmar, CA 91342 ("Project") in the City of Los Angeles ("City") will comprise of 40 for-rent residential units. Each unit will be three-story and 38 ft height. It will have a building area of 82,240 sf and 40 compact parking spaces. The existing single-family home will be demolished in order to complete the project.

Entitlement Path

This Project is filed in accordance with Government Code sections 65589.5, subd. (d), 65589.5, subd. (o) and 65941.1 among other applicable city, state, and federal laws. Since over two-thirds of the total square footage of the Project are dedicated to residential uses, the Project qualifies as a "housing development" under Government Code section 65589.5, subd. (h)(2). The Project site is located in the "Residential Agriculture" RA-1-K zoning and the "Very Low I Residential" land use designation.

This project will provide 20% (8) of the rental units from the Project's total 40 units to lower-income residents, which entitles Project to develop an affordable housing development at the Project site, notwithstanding the inconsistent density uses, pursuant to the affordable housing provisions of the Housing Accountability Act (Gov. Code, § 65589.5, subd. (d).) This right persists during the period of time the City's Housing Element remains noncompliant with the Housing Element Law (Gov. Code, § 65580, et seq.). Delivery of the Project will go far to assist the City in meeting its ongoing regional housing needs allocation ("RHNA") requirements pursuant to Government Code Section 65584, especially as those requirements pertain to affordable housing. The exact language of the law is reproduced in Exhibit 2.

This project's SB-330 Preliminary Application was approved by the City on 06/24/2022 (Exhibit 3). Therefore, this project is vested as of 06/24/2022 and only the ordinances, policies, and standards in effect on this day will be applicable to this Project. Please note that the City's Housing Element was not in compliance with the state law on 06/24/2022 as determined by a Housing Community Development ("HCD") staff (Exhibit 4).

Affordable Housing Referral Form (“AHRF”)

I am not sure that the city-provided AHRF is suitable for the entitlement path for this project. While I am not against following a particular city’s process or city’s form, I would not like to be bounded by the entitlement path in any particular city’s form. Only so long as the final objective of this project is met, I am willing to follow the path suggested by the City.

Incentives and Waivers

As you know, Incentives and Waivers find their root in the State Density Bonus Laws (California Government Code Sections 65915 – 65918). While the City has created “On Menu” and “Off Menu” system of incentives and waivers, I have not found such words or definitions in the state laws.

The state law defines an incentive as a reduction in site development standard or a modification of zoning code or architectural design requirement, such as a reduction in setback or minimum square footage requirements, or approval of mixed-use zoning, or other regulatory incentives or concessions which actually result in identifiable and actual cost reductions.

On the other hand, a Waiver is defined as a reduction of development standard if such standard would physically prevent the project from being built at the permitted density and with the granted concessions/incentives.

So, I would like to classify my request of incentives and waivers per the above State Law definitions. To this end, here is how I have classified them for this Project:

List of Incentives	List of Waivers
1. FAR 3.0	1. 40 covered compact parking only
2. No street improvements on Polk St and Lyle St	2. Three stories and building height to be 38 ft
3. No LID (Low Impact Development) Implementation	3. No transition height requirement
	4. Zero feet setback on front yard
	5. Zero feet setback on backyard
	6. Five feet setback on side yards
	7. No passageway requirement
	8. No building line requirement

However, if the city does insist me to put these incentives and waivers in certain categories such as “On Menu” and “Off Menu”, I am also willing to do that only as to follow the City’s process and without losing the rights under the State Density Bonus laws.

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

Best Regards



Janet Jha

Exhibit 1

City's Response on Affordable Housing Referral
Form filed for the Project



Akhilesh Jha <akhilesh.jha@gmail.com>

AHRF for 13916 W. Polk St.: Initial comments

1 message

Rina Lara <rina.lara@lacity.org>
To: akhilesh.jha@gmail.com

Wed, Sep 14, 2022 at 11:59 AM

Good morning Janet,

Thank you for your submission to the Affordable Housing Services Unit. Here are my initial comments.

Application:

Include in your project description that you will be seeking a Conditional Use for density increase on pg.3.

Include a manager's unit on pg. 3. Per California law 25 CCR § 42 every apartment building with more than 16 units must have an on-site property manager.

No off street improvements is not an off-menu request. Therefore, this request will need to be included as a waiver for development on pg.4.

Keep in mind that Density Bonus allows up to 3 incentives (on or off-menu). Menu of incentives include: yards/setbacks, lot coverage, FAR, open space, etc. Refer to LAMC section 12.22.A25.(f).

Clarify the percentage of density increase you are seeking on pg.6.

Explain the onsite affordable units of 8 LI on pg. 6.

You are not eligible for height increase under LAMC section 12.22.A25 (5)ii or iii. Therefore, you will need to include this request as a waiver for development.

Select a parking option on pg. 8.

Cannot list 4 incentives on pg.10.

Plans:

Include a summary sheet that provides details of the project including: zoning information, density bonus and requested incentives and waivers for development, open space, height etc. And make sure your incentives and waivers for development are consistent with your application.

Provide an open space plan.

Please update your application and plans.

Best,

--

**Rina Esmeralda Lara**

She/Her/Hers

Planning Assistant

Los Angeles City Planning

201 N. Figueroa Street, 5th Floor

Los Angeles, CA 90012

T: (213) 202- 5452

Note: Out of the Office on Alternating Fridays

Exhibit 2

Government Code section 65589.5, subd. (d)

Government Code section 65589.5

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

- (1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the housing development project. The share of the regional housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.
- (2) The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The following shall not constitute a specific, adverse impact upon the public health or safety:
 - (A) Inconsistency with the zoning ordinance or general plan land use designation.
 - (B) The eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code.
- (3) The denial of the housing development project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

- (4) The housing development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.
- (5) The housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article. For purposes of this section, a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter.
 - (A) This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the housing development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction's housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation.
 - (B) If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify adequate sites with appropriate zoning and development standards and with services and facilities to accommodate the local agency's share of the regional housing need for the very low, low-, and moderate-income categories.
 - (C) If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.

Exhibit 3

Approved SB-330 Preliminary Application



REFERRAL FORMS:

HOUSING CRISIS ACT

Vesting Preliminary Application

PURPOSE

This form serves as an optional Preliminary Application for projects seeking vesting rights pursuant to the Housing Crisis Act of 2019 (HCA). The form also serves as a referral to the Los Angeles City Planning Development Services Center for HCA vesting purposes.

GENERAL INFORMATION

This form shall be completed by the applicant and reviewed and signed by City Planning staff in the Preliminary Application Review Program (PARP) Unit prior to being deemed complete. Any modifications to the content(s) of this form after its authorization by Planning staff is prohibited. Further, any change to the proposed number of dwelling units or the proposed square footage of construction must be verified by PARP Unit staff.

CITY STAFF USE ONLY	
Case Number <u>PAR-2022-4490-UHCA</u>	
Proposed No. of Dwelling Units ¹ <u>40</u>	Proposed Building Area ^{1, 2} <u>84,240</u>
Date Deemed Complete <u>5/24/22</u>	Last Day to File Entitlement Application <u>12/21/22</u>
Invoice Number <u>81235</u>	Receipt Number <u>PARP</u>
City Planning Staff Name and Title <u>Justin Bilow, CP</u>	City Planning Staff Signature <u>Justin Bilow</u>

Provide all information requested. Missing, incomplete or inconsistent information will delay the vesting date.

All terms in this document are applicable to the singular as well as the plural forms of such terms.

A. SITE INFORMATION

1. PROJECT LOCATION

Street Address³ 13916 W Polk St, Sylmar, CA 91342 Unit/Space Number _____
 Legal Description⁴ (Lot, Block, Tract) Lot - PT 30, Block - None, Tract - THE MACLAY RANCHO
 Assessor Parcel Number(s) 2503007002 Lot Area 48,284.1 (sq ft)

2. EXISTING USE(S)

Describe in detail the existing uses on the project site, including any major physical alterations _____
A single family house of 1961 sf area, three bedrooms, and two bathrooms.

¹ Vesting rights through the HCA Vesting Preliminary Application process will be forfeited if the Housing Development Project is revised following the submittal of a Preliminary Application pursuant to Section 65941.1, such that the number of residential units or square footage of construction increases or decreases by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision.

² Building Area, as defined by the California Building Standards Code (Title 24 of the California Code of Regulations) – California Government Code Section 65941.1(c)

³ Street Address must include all addresses on the subject/application site (as identified in ZIMAS—<http://zimas.lacity.org>)

⁴ Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site)

Exhibit 4

HCD's determination of City's Housing Element
compliance with state law

From: **Mehmood, Sohab@HCD** <Sohab.Mehmood@hcd.ca.gov>
Date: Wed, Jun 29, 2022 at 9:44 AM
Subject: RE: Is City of Los Angeles in compliance with State Housing Element?
To: Keith Diggs <keith@yesinmybackyard.org>

Hi Keith,

Nice to virtually meet you. LA City's draft was found in compliance on 5/11. As a result, they re-adopted the compliant draft and submitted it to HCD for review. If the adopted is found in compliance they will be in full compliance with state housing element law.

As of 6/24, the City did not have an adopted housing element compliant with state law.

Thanks,

Sohab



Sohab Mehmood

Housing Policy Division

Housing and Community Development

[2020 W. El Camino Avenue, Suite 500 | Sacramento, CA 95833](#)

Work Cell: 916.820.1257

[s://mail.google.com/mail/u/0/?ik=b9a2f8f76a&view=pt&search=all&permmsgid=msg-f%3A1736992655802360592&simpl=msg-f%3A17369926558...](https://mail.google.com/mail/u/0/?ik=b9a2f8f76a&view=pt&search=all&permmsgid=msg-f%3A1736992655802360592&simpl=msg-f%3A17369926558...)

SEPTEMBER 26, 2022 CITY PLANNING AHSS EMAIL TO APPELLANT

On Mon, Sep 26, 2022 at 11:11 AM Rina Lara <rina.lara@lacity.org> wrote:

Good morning AJ,

Thank you for your email. After further review of your application it has been determined that your site is not eligible for the Density Bonus program. Per LAMC section 12.07.A.1, one family dwelling is permitted in the RA zone. The RA zone does not allow multi-family uses. To move forward with your project you will need to apply for a Zone Change to allow multi-family uses.

Best regards,

OCTOBER 14, 2022 CITY PLANNING AHSS EMAIL TO APPELLANT

From: **Renata Dragland**

<renata.dragland@lacity.org>

Date: Fri, Oct 14, 2022 at 9:40 PM

Subject: Re: AHRF for 13916 W. Polk St.: Initial comments

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

Cc: Rina Lara <rina.lara@lacity.org>, Sarah Molina-Pearson <sarah.molina-Rearson@lacity.org>, Renata Dragland

<renata.dragland@lacity.org>

Hi AJ,

As a follow up to my previous email, please see the comments below in reference to your proposed project. Note that I am still in the process of finalizing your Affordable Housing Referral Form (AHRF).

City Planning acknowledges that you are proposing a 40-unit density bonus project pursuant to the Housing Accountability Act (HAA), Government Code Sections 65589.5(d) and 65589.5(0). However, the HAA does not specify an entitlement process, therefore your project is still subject to an entitlement process as outlined in the Los Angeles Municipal Code (LAMC). You will need to file a Department of City Planning Application requesting approval of the following entitlements in order to proceed with your project, including payment of the applicable entitlement fees (subject to change):

- General Plan Amendment, subject to Measure JJJ, pursuant to LAMC Sections 11.5.6A and 11.5.11 and City Charter Section 555
 - \$19,652.94
- Zone Change, subject to Measure JJJ, pursuant to LAMC Sections 12.32F and 11.5.11
 - \$36,245.94
- Height District Change pursuant to LAMC Section 12.32F
 - \$36,091.89
- Building Line Removal pursuant to LAMC Section 12.32R
 - \$15,140.07
- K District Removal pursuant to LAMC Section 12.32S or Zoning Administrator Determination pursuant to LAMC Section 12.24X5
 - \$85,128.30 or \$9,804.33
- Waiver of Dedication and Improvements pursuant to LAMC Section 12.371 (must be filed separately, not as an incentive)
 - \$8,400.90
- Zoning Administrator Adjustment pursuant to LAMC Section 12.28 to deviate from setbacks (yards), spaces between buildings and passageway requirements

- o \$11,290.17
- Zone Variance pursuant to LAMC Section 12.27 to deviate automobile parking requirements, to allow all parking spaces to be compact spaces, to allow a deviation in the required back-up space and other parking facilities deviations as needed, bicycle parking requirements, open space requirements, landscape requirements and recycling area requirements
 - o \$16,338.09
- Tentative Tract Map (only needed if units are for sale) pursuant to LAMC Section 17.00 and the Subdivision Map Act
 - o \$18,512.73
- CEQA - Environmental Assessment Form (EAF) or Class 32 and additional fees that may be required depending the environmental review that is required after Initial Study
 - o EAF \$9,803.24 or EAF Class 32 \$5,254.56 (Publication would require an additional \$1700)

In addition to the required entitlements listed above, your project is inconsistent with the following LAMC requirements and/or not shown on your plans:

- Floor Area Ratio pursuant to LAMC Section 12.07C.5
- Use, Multiple Family Residential, not permitted pursuant to LAMC Section 12.07A
- Height pursuant to LAMC Section 12.21.1A.1
- Transitional Height pursuant to LAMC Section 12.21.1A.10
- Building Line pursuant to Ordinance No. 99113
- Equine Keeping pursuant to LAMC Section 13.05
- Street Dedication and Improvement pursuant to LAMC Section 12.37
- Yards (front, side, rear setbacks) pursuant to LAMC Section 12.07C
- Passageways pursuant to LAMC Section 12.21C.2(b)
- Space between buildings pursuant to LAMC Section 12.21C.2(a)
- Off-Street Automobile Parking pursuant to LAMC Section 12.21A.4
- Design of Parking Facilities pursuant to LAMC Section 12.21A.5
- Bicycle parking pursuant to LAMC Section 12.21A.16
- Open Space (Common and Private) pursuant to LAMC Section 12.21G
- Landscape pursuant to LAMC Section 12.40 through 12.43 and Landscape Ordinance
- Recycling Area pursuant to LAMC Section 12.21A.19

The list above is not comprehensive and is based on the plans and information provided on your Affordable Housing Referral Form, which are incomplete and insufficient to determine all inconsistencies and necessary entitlements. As part of your Department of City Planning Application, you are required to submit a complete set of dimensioned architectural plans, including a title page with project information and calculations (of required and proposed zoning provisions, off-street parking, bicycle parking, open space, and others as applicable), as well as site plan, floor plans, roof plans with mechanical equipment, elevations showing total height, preliminary landscape plans with landscape points per the Landscape Ordinance, open space diagram and calculations, and sections.

Please note that your project shall comply with all building, green, mechanical, plumbing, electrical, and fire codes and Americans with Disability Act (ADA) requirements. Any other requirements, including improvements and fees, from other city departments shall also be complied with.

As of today, City Planning has not received a Department of City Planning Application for your project. The Department of City Planning Application is considered the application under the Permit Streamlining Act that would be subject to an appeal pursuant to Government Code Section 65943. Your application shall be considered filed when your complete Department of City Planning Application and related

materials have been submitted to City Planning together with the required filing fees, and a receipt for the filing fees has been issued, pursuant to LAMC Section 19.00A. Please schedule an appointment to file your Department of City Planning Application (CP-7771.1), including all applicable filing requirements and payment of entitlement fees, at one of the DSC Public Counters through <https://appointments.lacity.org/>. Please refer to the City Planning Filing Instructions (CP-7810) and any other applicable specialized filing forms and instructions prior to your appointment. All City Planning forms and instructions can be found on the City Planning website.

Sincerely,



LOS ANGELES CITY PLANNING

Renata D. Dragland

City Planner

Los Angeles City Planning

201 N. Figueroa St., Room 525 Los Angeles, CA 90012 Planning4LA.org

NOVEMBER 9, 2022 EMAIL FROM CITY PLANNING AHSS TO APPELLANT AND APPELLANT RESPONSE

On Wed, Nov 9, 2022, 2:54 PM Renata Dragland <renata.dragland@lacity.org> wrote:

Hi AJ,

Your revised draft Affordable Housing Referral Form (AHRF) and attached letter (referenced in the AHRF as "attached document") emailed on 10/31/2022 have been received. I have reviewed the revised form and "attached document" submitted on 10/31/2022, but want to understand how you reached a total of 40 units proposed. Can you please explain your rationale when, pursuant to LAMC Section 12.07 A, RA zoned sites only allow for 1 dwelling unit?

Provide detailed calculations including the percentage of density increase you are requesting.

Also, what is the rationale for only requesting a Density Bonus for this project?

Note that, pursuant to my email dated 10/14/2022, you still need to file a complete Department of City Planning application, including all necessary related materials, at one of the DSC Public Counters.

Thank you,



Renata D. Dragland

City Planner

Los Angeles City Planning

201 N. Figueroa St., Room 525

Los Angeles, CA 90012

Planning4LA.org

T: (213) 202-5411



On Wed, Nov 9, 2022 at 3:03 PM Akhilesh Jha <akhilesh.jha@gmail.com> wrote:
Hi Renata,

I already answered the three questions in the attached documents that you referred to. I have nothing to add at this time. If you have any specific questions after you tried to understand my letter, please let me know.

Thank you!

-AJ
310-995-4859

DECEMBER 12, 2022 EMAIL FROM AHSS TO APPELLANT (INCLUDES ATTACHMENT A TO AFFORDABLE HOUSING REFERRAL FORM)

On Mon, Dec 12, 2022 at 5:30 PM Renata Dragland <renata.dragland@lacity.org> wrote:
Hi AJ,

I understand you had an initial case filing appointment on December 9, 2022 with the DSC Public Counter to file your Department of City Planning Application. A planner from the DSC Public Counter will get in touch with you to let you know the next step for completing the case filing for your project, including providing you a comprehensive list of any missing materials and payment of fees for your Department of City Planning Application.

Make sure that you follow the [City Planning Filing Instructions](#) (CP-7810, hyperlinked), and print and provide hard copies of all Referrals (including the Affordable Housing Referral Form and attachment), plans, and related materials as part of your Department of City Planning Application.

Please find attached the Affordable Housing Referral Form (AHRF) and "Attachment A" that you may use to file your project with the Department of City Planning. Any substantive changes to your project description will require the AHRF to be updated by a planner from Affordable Housing Services Section. Note that the AHRF does not constitute a Department of City Planning Application.

I will also add the AHRF and "Attachment A" in OAS, our Online Application Portal, for your convenience.

'mail.google.com/mail/u/0/?ik=4042483c6a&view=pt&search=all&permthid=thread-f:1766631503679961760&simpl=msg-f:1766631503679961760 1/8

3, 4:11 PM

City of Los Angeles Mail - Fwd: AHRF for 13916 W. Polk St.: Initial comments

Let me know if you have any questions.
Renata



Renata D. Dragland
City Planner
Los Angeles City Planning
201 N. Figueroa St., Room 525
Los Angeles, CA 90012
Planning4LA.org
T: (213) 202-5411



ATTACHMENT A**Affordable Housing Referral Form (AHRF) for 13916 W. Polk St., Los Angeles, CA 91342**

As indicated in the email dated 10/14/2022 from Renata Dragland, please see the comments below in reference to your proposed project and see the notes in the revised Affordable Housing Referral Form (AHRF) submitted on 10/31/2022, and signed by Renata Dragland on 12/12/2022. Note that the AHRF does NOT constitute a Department of City Planning Application.

City Planning acknowledges that you are proposing a 40-unit density bonus project pursuant to the Housing Accountability Act (HAA), Government Code Sections 65589.5(d) and 65589.5(o). However, the HAA does not specify an entitlement process, therefore your project is still subject to an entitlement process as outlined in the Los Angeles Municipal Code (LAMC). You will need to file a complete Department of City Planning Application requesting approval of the following entitlements in order to proceed with your project, including payment of the applicable entitlement fees (subject to change):

- General Plan Amendment, subject to Measure JJJ, pursuant to LAMC Sections 11.5.6A and 11.5.11 and City Charter Section 555
 - \$19,652.94
- Zone Change, subject to Measure JJJ, pursuant to LAMC Sections 12.32F and 11.5.11
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 - \$85,128.30 or \$9,804.33
- Waiver of Dedication and Improvements pursuant to LAMC Section 12.37I (must be filed separately, not as an incentive)
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 - \$18,512.73
- CEQA - Environmental Assessment Form (EAF) or Class 32 and additional fees that may be required depending the environmental review that is required after Initial Study
 - EAF \$9,803.24 or EAF Class 32 \$5,254.56 (Publication would require an additional \$1,700)

As indicated on the AHRF signed on 12/12/2022, pursuant to LAMC Section 12.07 A, one-family dwelling use is permitted in RA zoned sites, which results in 1 base unit. Pursuant to LAMC Section 12.22 A.25, Housing Development Project definition: *...For the purpose of establishing the minimum number of five dwelling units, Restricted Affordable Units shall be included and density bonus units shall be excluded*, therefore the project does not reach the 5 minimum units required for a Housing Development Project for *Affordable Housing Incentives – Density Bonus* pursuant LAMC Section 12.22 A.25. In addition, because the base density is 1 unit, and the proposed project results in a residential density increase greater than 35%, JJJ requires that *the Project shall provide no less than 5% of the total units at rents affordable to Extremely Low Income households, and either 6% of the total units at rents affordable to Very Low Income households or 15% of the total units at rents affordable to Lower Income households, inclusive of any Replacement Units* (LAMC Section 11.5.11(a)1.(ii). The AHRF includes notes in blue color for the proposed project that triggers Measure JJJ requirements pursuant to LAMC Sections 11.5.6A, 11.5.11, 12.32F, and City Charter Section 555.

In addition to the required entitlements listed above, your project is inconsistent with the following LAMC requirements and/or not shown on your plans:

- Floor Area Ratio pursuant to LAMC Section 12.07C.5
 - Use, Multiple Family Residential, not permitted pursuant to LAMC Section 12.07A
 - Height pursuant to LAMC Section 12.21.1A.1
 - Transitional Height pursuant to LAMC Section 12.21.1A.10
 - Building Line pursuant to Ordinance No. 99113
 - Equine Keeping pursuant to LAMC Section 13.05
 - Street Dedication and Improvement pursuant to LAMC Section 12.37
 - Yards (front, side, rear setbacks) pursuant to LAMC Section 12.07C
 - Passageways pursuant to LAMC Section 12.21C.2(b)
 - Space between buildings pursuant to LAMC Section 12.21C.2(a)
 - Off-Street Automobile Parking pursuant to LAMC Section 12.21A.4
 - Design of Parking Facilities pursuant to LAMC Section 12.21A.5
 - Bicycle parking pursuant to LAMC Section 12.21A.16
 - Open Space (Common and Private) pursuant to LAMC Section 12.21G
 - Landscape pursuant to LAMC Section 12.40 through 12.43 and Landscape Ordinance
 - ~~Recycling Area pursuant to LAMC Section 12.21A.19~~
-

The list above is not comprehensive and is based on the plans and information provided on your Affordable Housing Referral Form, which are incomplete and insufficient to determine all inconsistencies and necessary entitlements. As part of your Department of City Planning Application, you are required to submit a complete set of dimensioned architectural plans, including a title page with project information and calculations (of required and proposed zoning provisions, off-street parking, bicycle parking, open space, and others as applicable), as well as site plan, floor plans, roof plans with mechanical equipment, elevations showing total height, preliminary landscape plans with landscape points per the Landscape Ordinance, open space diagram and calculations, and sections, in addition to all other required documents and materials.

Please note that your project shall comply with all Federal, State, building, green, mechanical, plumbing, electrical, and fire codes and Americans with Disability Act (ADA) requirements. Any other requirements, including improvements and fees, from other city departments shall also be complied with. Note that Low Impact Development (LID) is required per ordinances 181899 and 183833, and the National Pollutant Discharge Elimination System (NPDES) Permit, issued by the Los Angeles Regional Water Quality Control Board (Regional Board or RWQCB), adopted Order No. RA-2012-0175 the NPDES Stormwater Permit (Permit) for the County of Los Angeles and cities within (NPDES No. CAS004001).

Please note that Case No. CPC-2022-8993-GPA-ZC-HD-K-BL-ZV-ZAA-WDI-VHCA was created in the Planning Case Tracking System (PCTS, a City Planning Department database for Planning Applications) indicating that you are proposing 44 residential dwelling units. Note that all materials submitted to the Affordable Housing Services Section (AHSS) indicate that you are proposing 40 residential dwelling units. Any substantive changes to your project description, including an increase or change in residential dwelling units, will require the Affordable Housing Referral Form to be updated by a planner from AHSS, fees apply. Updated plans will also be required. Please contact Renata Dragland if any updates to your AHRF are needed.

As of today, Monday, December 12, 2022, City Planning has not received a complete [Department of City Planning Application](#) for your project or payment of required fees. The Department of City Planning Application is considered the application under the Permit Streamlining Act that would be subject to an appeal pursuant to Government Code Section 65943. Your application shall be considered filed when your complete Department of City Planning Application and related materials have been submitted to City Planning together with the required filing fees, and a receipt for the filing fees has been issued, pursuant to LAMC Section 19.00A. Once your complete application is filed, the Department of City Planning has 30 days to determine completeness of your application, pursuant to the Permit Streamlining Act, Please refer to the [City Planning Filing Instructions](#) (CP-7810) and any other applicable specialized filing forms and instructions. All City Planning forms and instructions can be found on the [City Planning website](#), available through <https://planning.lacity.org/development-services/forms>.



DECEMBER 13, 2022 EMAIL FROM CITY PLANNING DEVELOPMENT SERVICES CENTER (DSC) TO APPELLANT

Noah McCoy <noah.mccoy@lacity.org>

Tue, Dec 13, 2022 at 10:25 AM

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

Cc: Maritza Przekop <maritza.przekop@lacity.org>, Renata Dragland <renata.dragland@lacity.org>, Laura Frazin-Steele <laura.frazinsteele@lacity.org>

Dear Akhilesh,

Hope this message finds you well, thank you for your message this morning, attached please find the [Drop Off Transmittal Form](#) for the application materials. Upon review of the [Form CP-4062\(attached\)](#) that you shared during the Virtual Meeting [ID#127383](#) last Friday, December 9, 2022 please note that the listed form [CP-4062](#) does not constitute or substitute the requirement of filing a [complete Application, Findings, Plans, Fees, Referral Forms and CEQA Forms](#) listed as your requirements in previous [correspondence](#).

While we have generated an invoice for project application processing and a case number, you have not yet submitted a project application generally consisting of: a complete Department of City Planning Application Form (Form CP-7771.1); all required materials listed on relevant instruction forms for each of the project entitlements (See all attached lists on Instruction Form CP-7810); and the associated project application processing fees. The Preliminary Application under G.C. 65941.1 is not a substitute for the entitlement or project application. To the extent you consider your Preliminary Application to be your project application your application is not complete.

Please provide all application materials for the project originally described in [Form CP-4062](#) at your earliest convenience but no later than the expiration date of December 21, 2022. If you wish to change your project from 40 to 44 units please contact Renata Dragland or Laura Frazin-Steele to revise the Housing Referral Forms or Geographic Referral forms: (Renata.dragland@lacity.org and Laura.frazinsteele@lacity.org). All forms are linked or attached for your convenience. However, do not hesitate to contact me or my Supervisor Maritza Przekop at Maritza.przekop@lacity.org if you have any questions or comments.

Hope this helps.

Best,
Noah

I

DECEMBER 16, 2022 LETTER FROM APPELLANT TO AHSS

Dr. Janet Jha
5353 Del Moreno Dr, Woodland Hills, CA 91364
Phone: 310-995-4859, janetvjha@gmail.com

12/16/2022

Ms. Rina Esmeralda Lara
Ms. Renata D. Dragland
City Planner, Los Angeles City Planning
201 N. Figueroa Street, 5th Floor
Los Angeles, CA 90012

**Re: Affordable Housing Referral Form for Housing Project
13916 Polk St, Sylmar, CA 91342**

Dear Ms. Lara and Ms. Renata

I received your email dated 09/14/2022, 10/14/2022, 12/12/2022 (attached as Exhibit 1 for reference). This letter will clarify some of the points you made in your reviews.

1. Project Description

The housing development proposed at 13916 Polk St, Sylmar, CA 91342 ("Project") in the City of Los Angeles ("City") will comprise of 45 for-rent residential townhome-type units on a 48,284.1 sf lot. Each unit will be three-story and 40 ft height. It will have a building area of 96,876 sf which is 18% higher than the building area of 82,240 sf approved under SB-330 Preliminary Application by the Los Angeles Planning Department on 06/24/2022. It will also provide 46 compact parking spaces. The existing single-family home of 3BR/2BA, 1961 sf will be demolished in order to complete the project.

2. Entitlement Path of this Project

This Project is filed in accordance with Gov. Code §65589.5, subd. (d), §65589.5, subd. (o) and §65941.1 among other applicable city, state, and federal laws. Since over two-thirds of the total square footage of the Project are dedicated to residential uses, the Project qualifies as a "housing development" under Gov. Code §65589.5, subd. (h)(2). The Project site is located in the "Residential Agriculture" RA-1-K zoning and the "Very Low I Residential" land use designation.

This project will provide 20% (9) of the rental units to lower-income residents from the Project's total 45 units, which entitles the Project to develop an affordable housing at the Project site, notwithstanding the inconsistent density uses, pursuant to the affordable housing provisions of the Housing Accountability Act (Gov. Code §65589.5, subd. (d).) This right persists during the period of time the City's Housing Element remains noncompliant with the Housing Element Law (Gov. Code, § 65580, et seq.). Delivery of the Project will go far to assist the City in meeting its ongoing regional housing needs allocation ("RHNA") requirements pursuant to Government Code §65584, especially as those requirements pertain to affordable housing. The exact language of the law is reproduced in Exhibit 2.

This project's SB-330 Preliminary Application was approved by the City on 06/24/2022 (Exhibit 3). Therefore, this project is vested as of 06/24/2022 and only the ordinances, policies, and standards in effect on this day will be applicable to this Project. Please note that the City's

Housing Element was not in compliance with the state law on 06/24/2022 as determined by a Housing Community Development (“HCD”) staff (Exhibit 4).

To summarize the entitlement path, this project considers Gov. Code, §65589.5, subd. (d) to allocate a base density of RD1.5 Zone (one unit per 1500 sf) on a 48,284.1 sf lot. Please note that RD1.5 is a very suitable zone for that neighborhood. The project does not intend to build an apartment building but low-rising townhomes, which is very much suitable for the neighborhood. The project also uses the state density bonus laws (Gov. Code §65915 – §65918). As shown in the following table, after providing 20% of the unit to Low-Income household, the project receives 35% density bonus units. Therefore, per the state density bonus laws, the project is required to provide 7 units to low-income household. That gives the project 12 bonus units. However, in order to meet the definition of affordable housing project under the HAA laws (Cal. Gov. Code § 65589.5(h)(3)) the project must provide 20% of the total number of units (45) to low-income family. Therefore, nine units are provided to low-income households. Therefore, the number of units for low-income households and market-rate households have been adjusted accordingly while maintaining the total number of units to 45.

Items	Density Bonus Law Requirements	HAA Law Affordable Project
Number of Units by Right	32	
Base Number of Units	33	
Affordable Units Percentage	20% of Base Units	20% of Total Units
Density Bonus Percentage	35%	
Number of Density Bonus Units	12	
Number of Affordable Low-Income Units	7	9
Number of Market Rate Units	38	36
Number of Units in the Project	45	45
Number of On-Menu Incentives	2	

3. Incentives and Waivers

Per the state density bonus laws, the project is entitled to receive two Incentives and unlimited number of Waivers. While the City has created “On Menu” and “Off Menu” system of incentives and waivers, I have not found such words or definitions in the state laws.

The state law defines an incentive as a reduction in site development standard or a modification of zoning code or architectural design requirement, such as a reduction in setback or minimum square footage requirements, or approval of mixed-use zoning, or other regulatory incentives or concessions which actually result in identifiable and actual cost reductions.

On the other hand, a waiver is defined as a reduction of development standard if such standard would physically prevent the project from being built at the permitted density and with the granted concessions/incentives.

So, I would like to classify my request of incentives and waivers per the above state Law definitions. To this end, here is how I have classified them for this Project:

List of Incentives

1. FAR 2.75
2. No LID (Low Impact Development) Implementation

List of Waivers

1. No street dedications on Polk St and Lyle St
2. 46 covered compact parking only
3. Three stories and building height to be 40 ft
4. No transition height requirement
5. Zero feet setback on front yard
6. Zero feet setback on backyard
7. Five feet setback on side yards
8. No passageway requirement
9. No building line requirement
10. No Equine Keeping (LAMC Section 13.05) restrictions
11. Waiver of space requirement between buildings (LAMC Section 12.21C.2(a))
12. No bicycle parking requirement
13. No open space requirement
14. No landscaping requirement
15. No recycle area requirement

However, if the city does insist me to put these incentives and waivers in certain categories such as "On Menu" and "Off Menu", I am also willing to do that only as to follow the City's process and without losing the rights under the state density bonus laws.

4. City's claim that HAA does not specify an entitlement process

In your response my Affordable Housing Referral Form, you are stating that "the HAA does not specify an entitlement process, therefore this project is still subject to an entitlement process as outlined in the Los Angeles Municipal Code (LAMC)" (**Exhibit 1**).

Contrary to your assessment, the HAA does provide an entitlement path that very clearly enumerates criteria for approval and disapproval of a housing project. The HAA requires that cities and counties make one of five findings to deny, or to apply conditions that make infeasible, a housing development project "for very low, low- or moderate-income households" or an emergency shelter. (§65589.5(d).) A housing development project with 20 percent of the total units available to lower income households or with all of the units available for moderate or middle income households may qualify as housing "for very low, low- or moderate income households. The five findings which would allow denial of an eligible project can be summarized as follows:

1. The city or county has met or exceeded its Regional Housing Needs Allocation (RHNA) for the proposed income categories in the development.
2. The housing development or emergency shelter would have a specific adverse impact on public health and safety, and there is no way to mitigate or avoid the impact without making the development unaffordable. The impact must be based on objective, written public health or safety standards in place when the application was deemed complete.

3. The denial or condition is required to meet state or federal law, and there is no feasible method to comply without making the development unaffordable.
4. The project is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agriculture or resource preservation or there are not adequate water or sewage facilities to the serve the project.
5. The project is inconsistent with both the zoning ordinance and the land use designation as specified in any general plan element. However, a city or county cannot make this finding if it has not adopted a housing element in substantial compliance with state law.

This project also uses the state density bonus laws as described in Section 2 of this document. Instead of respecting the state laws that clearly defines an entitlement path and recognition of city's worst housing crisis, the city's planning department has chosen a path that will delay and frustrate this housing project furthering aggravating the already historically worst housing crisis of this city and this state.

5. Numerous Arduous Requirement Imposed by the City

Once the planning department erroneously determined that the HAA does not specify an entitlement process, it is adopting a clever strategy of "throwing a kitchen sink" at the project. As explained earlier, this project uses the HAA laws for the determination of the base number of units. Thereafter, this project uses State density bonus laws (Gov. Code §65915 – §65918) for density bonus, incentives, and waivers. Therefore, these requests must be evaluated as such and without triggering some other discretionary application processes, which are not opted by me but suggested by the city. The following table shows city's onerous demands on the project and my response to the demands:

City's Demands on the Project	Response
General Plan Amendment, subject to Measure JJJ, pursuant to LAMC Sections 11.5.6A and 11.5.11 and City Charter Section 555	This project is not required to request a "General Plan Amendment" because, irrespective of zoning ordinance and general plan land use designation of the lot, under Gov. Code §65589.5(d)(5), the local government cannot reject a housing project if the jurisdiction has not adopted a revised housing element in accordance with Section 65588 that is in substantial compliance. This project is vested as of 06/24/2022. The City of Los Angeles housing element was not in substantial compliance with state laws on 06/24/2022.
Zone Change, subject to Measure JJJ, pursuant to LAMC Sections 12.32F and 11.5.11	This project is not required to request a "Zone Change" because, irrespective of zoning ordinance and general plan land use designation of the lot, under Gov. Code §65589.5(d)(5), the local government cannot reject a housing project if the jurisdiction has not adopted a revised housing element in accordance with Section 65588 that is in substantial compliance. This project is vested as of 06/24/2022. The City of Los Angeles

	housing element was not in substantial compliance with state laws on 06/24/2022.
Height District Change pursuant to LAMC Section 12.32F	This project used state density bonus laws Gov. Code §65915 – §65918. This project is asking requesting this item as an incentive or a waiver. Therefore, this request must be evaluated on the basis of the criteria to accept or reject incentives and waivers.
Building Line Removal pursuant to LAMC Section 12.32R	This project used state density bonus laws Gov. Code §65915 – §65918. This project is asking requesting this item as an incentive or a waiver. Therefore, this request must be evaluated on the basis of the criteria to accept or reject incentives and waivers.
Waiver of Dedication and Improvements pursuant to LAMC Section 12.37I (must be filed separately, not as an incentive)	This project used state density bonus laws Gov. Code §65915 – §65918. This project is asking requesting this item as an incentive or a waiver. Therefore, this request must be evaluated on the basis of the criteria to accept or reject incentives and waivers.
Zoning Administrator Adjustment pursuant to LAMC Section 12.28 to deviate from setbacks (yards), spaces between buildings and passageway requirements	This project used state density bonus laws Gov. Code §65915 – §65918. This project is asking requesting these items as an incentive or a waiver. Therefore, these requests must be evaluated on the basis of the criteria to accept or reject incentives and waivers.
Zone Variance pursuant to LAMC Section 12.27 to deviate automobile parking requirements, to allow all parking spaces to be compact spaces, to allow a deviation in the required back-up space and other parking facilities deviations as needed, bicycle parking requirements, open space requirements, landscape requirements and recycling area requirements	This project used state density bonus laws Gov. Code §65915 – §65918. This project is asking requesting these items as an incentive or a waiver. Therefore, these requests must be evaluated on the basis of the criteria to accept or reject incentives and waivers.

I would expect the city's planning department follows the city's goal of producing housing and the letter and spirit of the state laws. As summarized in CA Govt Code § 65589.5 (a)(2)(L), it is the policy of the state that its housing laws 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.

I appreciate the alternate entitlement process you suggested since in your view "the HAA does not specify an entitlement process". Please note that I am not going to follow any alternate entitlement path but the entitlement path (or lack therefore) as proposed by this project as it is presented in front of you. Therefore, please accept or reject my affordable housing referral form based on the project's merits as submitted.

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

Best Regards

A handwritten signature in dark ink, appearing to read "Jha Jha", written in a cursive style.

Janet Jha

DECEMBER 19, 2022 EMAIL FROM APPELLANT TO CITY PLANNING AHSS

From: Akhilesh Jha <akhilesh.jha@gmail.com>
Date: Mon, Dec 19, 2022 at 5:09 AM
Subject: Re: AHRF for 13916 W. Polk St.: Initial comments
To: Renata Dragland <renata.dragland@lacity.org>
Cc: Sarah Molina-Pearson <sarah.molina-pearson@lacity.org>, Rina Lara <rina.lara@lacity.org>

Hello Ms. Renata,

Good morning!

I would like to submit a revised version of the AHRF form because

1) I am making it clear that I am not intending to follow any suggested entitlement path other than what I have proposed. Therefore, please make the decision on my AHRF as it is presented as opposed to what it ought to be according to the planning department. I have made it more clear in the attached letter and the attached AHRF.

2) I have changed the number of units from 40 to 45.

Thanks for your time and help.

-AJ
310-995-4859



EMAIL FROM CITY City of Los Angeles Mail - 13916 W. Polk Street - Status of Project Review
PLANNING TO APPELLANT
PROVIDING JANUARY 6,
2023 STATUS OF PROJECT
REVIEW LETTER

Laura Frazin-Steele <laura.frazinsteele@lacity.org>

13916 W. Polk Street - Status of Project Review

Blake Lamb <blake.lamb@lacity.org>

Fri, Jan 6, 2023 at 4:22 PM

To: akhilesh.jha@gmail.com, janetyjha@gmail.com

Cc: Jojo Pewsawang <jojo.pewsawang@lacity.org>, Laura Frazin-Steele <laura.frazinsteele@lacity.org>

Please see attached document regarding your project.
Please direct all future correspondence to:

Laura Frazin Steele
City Planner
Los Angeles City Planning
[6262 Van Nuys Blvd., Room 430](#)
[Van Nuys, CA 91401](#)
T: (818) 374-9919 / laura.frazinsteele@lacity.org



Blake Lamb

Pronouns: She/Her

Principal City Planner

Los Angeles City Planning

[6262 Van Nuys Boulevard, Room 430](#)

[Los Angeles, CA 91401](#)

Planning4LA.org

T: (818) 374-9914 | F: (818) 374-9955



Status of Project Review.pdf

1270K

EMAILS BETWEEN APPELLANT AND CITY OF LOS ANGELES HOUSING DEPARTMENT (LAHD) APRIL 4, 2023 – APRIL 6, 2023 REGARDING REPLACEMENT UNIT DETERMINATION (RUD) LETTER

On Tue, Apr 4, 2023 at 4:53 PM Janet Jha <janetyjha@gmail.com> wrote:

Dear City Officer,

I would like to get a RUD per the attached application for a single family residence [13916 Polk St, Sylmar, CA 91342](#). Please let me know if you need any additional information.

Thank you!

-Janet
310-995-4859

On Wed, Apr 5, 2023 at 9:06 AM Jessica Wang <jessica.wang@lacity.org> wrote:

Hello Janet,

After a preliminary review, the following are my comments:

- Moving forward, please only use the most current version of the SB 8 application (dated 12-15-22), which can be found on our website [here](#).
- Grant Deed: must be a recorded copy of the grant deed as indicated with a lead sheet or stamp from the County Recorder's Office
- Owner's Affidavit: complete missing fields and provide Accompanying Notary Acknowledgement

OWNER'S AFFIDAVIT
(Use when owner is the applicant)

[circle one: a LLC, LP, corporation,
other: _____] ("Owner") hereby certifies that:

Projects can be submitted to our [intake website](#) if you wish to pay with a credit card or eCheck. Once we receive the revised documents, we can approve the submission for payment through a separate email.

Thank you,

On Thu, Apr 6, 2023 at 10:21 AM Janet Jha <janetyjha@gmail.com> wrote:

Hello Jessica,

Good morning!

Please see all your three comments addressed. Please let me know if you find any other issues.

Thank you!

-Janet
310-995-4859

From: **Jessica Wang** <jessica.wang@lacity.org>
Date: Thu, Apr 6, 2023 at 1:16 PM
Subject: Re: SB-8 Determination - [13916 Polk St, Sylmar, CA 91342](#)
To: Janet Jha <janetyjha@gmail.com>
Cc: Richard Truong <richard.s.truong@lacity.org>, Marites Cunanan <marites.cunanan@lacity.org>, Sharon Williams <sharon.williams@lacity.org>

Hello Janet,

Thank you for the revised documents. At this time, the project has been approved for payment. Projects can be submitted to our [intake website](#) if you wish to pay with a credit card or eCheck. Once an application ID is created, we can approve the submission for payment through a separate email.

Best regards,





EMAIL FROM CITY PLANNING TO APPELLANT PROVIDING APRIL 28, 2023 SECOND STATUS OF PROJECT REVIEW LETTER

Laura Frazin-Steele <laura.frazinsteele@lacity.org>

Second Status of Project Review

20 messages

Laura Frazin-Steele <laura.frazinsteele@lacity.org>

Fri, Apr 28, 2023 at 11:50 AM

To: janetyjha@gmail.com, Akhilesh Jha <akhilesh.jha@gmail.com>, Jojo Pewsawang <jojo.pewsawang@lacity.org>, Blake Lamb <blake.lamb@lacity.org>

Hello,

Please see the attached letter.

Please note that I will be on jury duty over the next two weeks at a minimum and therefore may not have access to email. Please loop in my supervisors [+Jojo Pewsawang](#) and [+Blake Lamb](#) if you wish to respond or need clarification.

Thank you,

Laura



LOS ANGELES
CITY PLANNING

Laura Frazin Steele

Pronouns: She, Hers, Her

City Planner

Los Angeles City Planning

6262 Van Nuys Blvd., Room 430

Van Nuys, CA 91401

T: (818) 374-9919 | Planning4LA.org



MAY 9, 2023 EMAIL FROM APPELLANT TO CITY PLANNING STATING INTEREST IN FILING AN APPEAL



Second Status of Project Review 4.28.23.pdf
1946K

Akhilesh Jha <akhilesh.jha@gmail.com>

Tue, May 9, 2023 at 2:10 PM

To: Laura Frazin-Steele <laura.frazinsteele@lacity.org>

Cc: janetyjha@gmail.com, Jojo Pewsawang <jojo.pewsawang@lacity.org>, Blake Lamb <blake.lamb@lacity.org>

Dear Ms. Steele,

Attached please find my request for appeal. Thank you!

-AJ

310-995-4859

[Quoted text hidden]

2 attachments



2023-05-09 Letter Requesting Appeal.pdf
213K



2023-05-08 HCD Letter Re Builder's Remedy.pdf
319K

Laura Frazin-Steele <laura.frazinsteele@lacity.org>

Tue, May 9, 2023 at 2:12 PM

To: Akhilesh Jha <akhilesh.jha@gmail.com>, Claudia Rodriguez <claudia.rodriguez@lacity.org>

Dr. Janet Jha
5353 Del Moreno Dr, Woodland Hills, CA 91364
Phone: 310-995-4859, janetyjha@gmail.com

05/09/2023

Laura Frazin Steele
City Planner Valley Project Planning Division
Department of City Planning
6262 Van Nuys Boulevard, Room 430
Van Nuys, CA 91401
Phone: 818.374.9919
laura.frazinsteele@lacity.org

**Re: DCP Application Form for Housing Project
13916 Polk St, Sylmar, CA 91342**

Dear Ms. Steele:

In your letter, dated April 28, 2023, you are stating that

“...The Department’s position is that the proper entitlement path is a General Plan Amendment, Zone Change, Height District Change, K District Removal...While your application materials indicate that you are requesting project approval under Government Code Section 65589.5(d), that section does not specify the entitlement process. We are now confirming that Density Bonus subject to the Housing Crisis Act is not the proper entitlement process.”

For the following reasons, I would like to file an appeal in order to review your decision that my application is not following the correct entitlement process:

1. Gov. Code §65589.5, subd. (d) does provide an entitlement path

Quoting Housing and Community Development letter, date May 8, 2023, attached with this letter:

“Pursuant to Government Code section 65589.5, subdivision (d), a jurisdiction shall not disapprove a housing development project for very low-, low-, or moderate-income households³ or condition approval in a manner that renders the housing development project infeasible for development for the use of very low-, low-, or moderate-income households unless it makes written findings, based upon a preponderance of evidence in the record, as to one of five findings in subdivision (d).

If a local jurisdiction’s adopted housing element is not found substantially compliant by HCD as of the jurisdiction’s statutory deadline, the jurisdiction may not use subdivision (d)(5) of Government Code section 65589.5, inconsistency with zoning and general plan standards, as a basis to lawfully deny qualifying an affordable housing project. Again, subdivision (d)(4) is colloquially referred to as the “Builder’s Remedy.” Alternative means of denial may be available, such as subdivisions (d)(2) through (d)(4), and under subdivision (e), jurisdictions are still required to comply with both California Environmental Quality Act (CEQA) and the California Coastal Act, as applicable.”

Therefore, “[t]he Department’s position is that the proper entitlement path is a General Plan Amendment, Zone Change, Height District Change, K District Removal,” is inconsistent with the Government Code section 65589.5, subdivision (d), which provides a very clear path of entitlement.

2. Your correction list is contradictory to your statement

The city produced two planning cases on my housing project: CPC-2022-8993-GPA-ZC-HD-K-BL-ZV-ZAA-WDI-VHCA and CPC-2022-9268-DB-HCA.

As you mentioned in your review letter, dated January 6, 2023:

“If no clarification is needed, the application materials for Case No. CPC-2022-8993-GPA-ZC-HD-K-BL-ZV-ZAA-WDI-VHCA and the associated environmental case can be filed at the Downtown Metro Development Services Center to the attention of Maritza Przekop at maritza.przekop@lacity.org or Noah McCoy at noah.mccoy@lacity.org.... Materials for Case No. CPC-2022-9268-DB-HCA and the associated environmental case can be submitted to me directly.”

I am not pursuing CPC-2022-8993-GPA-ZC-HD-K-BL-ZV-ZAA-WDI-VHCA. Therefore, I have not paid the associated fees and I have not submitted any documents to Maritza Przekop or Noah McCoy.

However, I **have** paid the fees and I **have** submitted supplemental document per your correction list and per your direction to you for CPC-2022-9268-DB-HCA.

However, I still see that you are demanding fees and documents for CPC-2022-8993-GPA-ZC-HD-K-BL-ZV-ZAA-WDI-VHCA. If I had intended to pursue CPC-2022-8993-GPA-ZC-HD-K-BL-ZV-ZAA-WDI-VHCA, I would have done so and I have paid the fees and that I would have contacted the people you asked me to contact. Now, your approach to tag-along CPC-2022-8993-GPA-ZC-HD-K-BL-ZV-ZAA-WDI-VHCA with CPC-2022-9268-DB-HCA is contrary to your own statement, contrary to my own action, contrary to the city policy of not having two applications for the same project, and contrary to any common sense of a development process.

3. Your correction list is contradictory to the state laws

It is to be noted that the original Corrections list, dated January 6, 2023, from the review of CPC-2022-9268-DB-HCA did not ask for “General Plan Amendment, Zone Change, Height District Change, K District Removal, Building Line Removal, Zone Variance, Zoning Administrator Adjustment, and Waiver of Dedication and Improvement”. It appears to me that you are adding these requirements to the correction list. The state law prohibits you to add requirements that were not mentioned in the original correction list with my application. Therefore, demand of any additional demand is in violation of the state laws.

4. Your determination lacks written finding as required by the law

Since I am not going to apply for “General Plan Amendment, Zone Change, Height District Change, K District Removal, Building Line Removal, Zone Variance, Zoning Administrator Adjustment, and Waiver of Dedication and Improvement” because I am not pursuing CPC-2022-8993-GPA-ZC-HD-K-BL-ZV-ZAA-WDI-VHCA, your determination regarding CPC-2022-9268-DB-HCA that my housing project lacks a proper entitlement process is equivalent of rejecting my

housing project as submitted. Therefore, I request that a proper finding to be made on why my housing project was rejected by the city.

Please note that I am very much willing to comply with your correction list coming from the review of CPC-2022-9268-DB-HCA on April 28, 2023 as long as it is consistent with Government Code Section 65589.5(d). As of now, your correction list is not consistent with Government Code Section 65589.5(d) since you are asking for General Plan Amendment, Zone Change, Height District Change, K District Removal,, which directly contradicts the plain reading of the law. Furthermore, I will never follow the city's entitlement path of the General Plan Amendment, Zone Change, Height District Change, K District Removal, Therefore, my project is already denied per your entitlement process.

This leaves me with no choice but to seek an appeal under Government Code Section §65943¹ of your finding that Government Code Section 65589.5(d) is not a proper entitlement path for my project.

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

Best Regards



Janet Jha

¹ **CA Govt Code §65943**

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

There shall be a final written determination by the agency on the appeal not later than 60 calendar days after receipt of the applicant's written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-day period. Notwithstanding a decision pursuant to subdivision (b) that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 60-day period, the application with the submitted materials shall be deemed complete for the purposes of this chapter.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



May 8, 2023

**ATTACHMENT TO APPELLANT'S
MAY 9, 2023 LETTER**

City of Redondo Beach
Mayor and City Council Members
415 Diamond Street
Redondo Beach, CA 90277

Dear Mayor Bill Brand, Council Member Nils Nehrenheim, Council Member Todd Loewenstein, Council Member Paige Kaluderovic, Council Member Zein Obagi, Jr., and Council Member Scott Behrendt:

RE: City of Redondo Beach 1100 N. Harbor Drive – Letter of Technical Assistance

The California Department of Housing and Community Development (HCD) understands the City of Redondo Beach (City) City Council will consider an appeal of the application of the proposed housing project on the former AES Power Plant Facility located at 1100 N. Harbor Drive (Project). The purpose of this letter is to assist the City with its decision-making by providing technical assistance related to State Housing Element Law (Gov. Code, § 65580 et seq.) and the Housing Accountability Act (Gov. Code, § 65589.5). HCD recognizes the challenge of interpreting ever-changing housing and land use laws and appreciates the opportunity to provide technical assistance.

Background

HCD understands the Project would result in 2,700 housing units (2,160 market rate units and 540 units available to low-income households), 300 hotel rooms, 550,000 square feet of office space and 160,000 square feet of retail space. The City will hear an appeal to its March 3, 2023, letter to 9300 Wilshire, LLC. (Applicant) that determined the development application for the Project was incomplete. The City's incomplete letter provided the Applicant with a comprehensive list of items required to process the application. The City's determination was fundamentally based on the conclusion that the housing element adopted on July 5, 2022, was substantially compliant with State Housing Element Law, and; therefore, the Project was not entitled to the protections granted under Government Code section 65589.5, subdivision (d)(5) (colloquially referred to as the "Builder's Remedy").

The following are key dates related to the Project and the City's 6th Cycle Housing Element:

- July 5, 2022 – The City adopted its 6th Cycle Housing Element.

- August 12, 2022 – The Applicant submitted its Preliminary Application.
- August 15, 2022 – The Applicant submitted an updated Preliminary Application and architectural plan set.
- September 1, 2022 – HCD issued a letter finding the City's July 5, 2022, adopted 6th Cycle Housing Element to be in substantial compliance.¹
- February 6, 2023 – The Applicant submitted its development application.

Housing Element Compliance

Pursuant to Government Code Section 65585, a local jurisdiction must submit a draft housing element to HCD and receive HCD's findings. If HCD finds the draft element is not substantially compliant, the local jurisdiction must revise the draft to address any findings by HCD (Gov. Code, § 65585, subd. (f)(2)). Promptly following adoption, the local jurisdiction must submit the adopted housing element to HCD (Gov. Code, § 65585, subd. (h)).

In other words, a local jurisdiction does not have the authority to determine that its adopted element is in substantial compliance. A local jurisdiction is "in compliance" as of the date of HCD's letter finding the adopted element in substantial compliance.² A local jurisdiction cannot "backdate" compliance to the date of adoption of a housing element. For the City of Redondo Beach, the housing element was found by HCD to be in substantial compliance on September 1, 2022.

Housing Accountability Act (HAA)

Pursuant to Government Code section 65589.5, subdivision (d), a jurisdiction shall not disapprove a housing development project for very low-, low-, or moderate-income households³ or condition approval in a manner that renders the housing development project infeasible for development for the use of very low-, low-, or moderate-income households unless it makes written findings, based upon a preponderance of evidence in the record, as to one of five findings in subdivision (d).

¹ HCD Approval Letter - Redondo Beach's 6th Cycle (2021-2029) Adopted Housing Element, dated September 1, 2022. Attached.

² HCD, Memorandum - Summary and Clarification of Requirements for Housing Element Compliance, dated March 16, 2023. Attached.

³ "Housing for very low, low-, or moderate-income households" means that either (A) at least 20 percent of the total units shall be sold or rented to lower-income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to persons and families of moderate income as defined in Section 50093 of the Health and Safety Code, or persons and families of middle income, as defined in Section 65008 of this code (Gov. Code, § 65589.5, subd. (h)(3)).

If a local jurisdiction's adopted housing element is not found substantially compliant by HCD as of the jurisdiction's statutory deadline, the jurisdiction may not use subdivision (d)(5) of Government Code section 65589.5, inconsistency with zoning and general plan standards, as a basis to lawfully deny qualifying an affordable housing project. Again, subdivision (d)(4) is colloquially referred to as the "Builder's Remedy." Alternative means of denial may be available, such as subdivisions (d)(2) through (d)(4), and under subdivision (e), jurisdictions are still required to comply with both California Environmental Quality Act (CEQA) and the California Coastal Act,⁴ as applicable.

Preliminary Application

Pursuant to Government Code section 65941.1, subdivision (a), the submittal of a complete Preliminary Application vests the right to develop a housing development project in accordance with the ordinances, policies, and standards in effect when a preliminary application is submitted. (Gov. Code §65589.5, subd. (o)(1)).

The central point of contention between the City and the Applicant is as follows:

Can the Project utilize "Builder's Remedy" if the Applicant submitted a complete preliminary application after the City adopted a housing element, but before HCD has found the housing element to be in substantial compliance?

The answer is "yes." The submittal of a complete preliminary application pursuant to Government Code section 65941.1 vests the right to develop a housing development project in accordance with the ordinances, policies, and standards in effect when a preliminary application is submitted. (Gov. Code § 65589.5, subd. (o)(1)). Therefore, if the preliminary application submittal occurs at a time when the jurisdiction does not have a compliant housing element, and the development submittal occurs within the 180-day required period⁵, any potential benefits afforded to the applicant resulting from the jurisdiction's noncompliant status would remain throughout the entitlement process even if the jurisdiction subsequently achieves compliance.

Conclusion

Notwithstanding the unique environmental circumstances of this Project site, the City should remain mindful of its obligations under the HAA as it considers the appeal of the

⁴ "Nothing in this section shall be construed to relieve the local agency from complying with the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code) or from making one or more findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resource Code)." (Gov. Code, § 65589.5, subd. (e)).

⁵ Gov. Code § 65941.1, subd. (d)(1)

Project application. Because the City had not attained substantial compliance with the State Housing Element Law until September 1, 2022, the City may not deny the Project pursuant to Government Code section 65589.5, subdivision (d)(5). HCD would also like to remind the City that HCD has enforcement authority over the HAA, among other state housing laws. Accordingly, HCD may notify the California Office of the Attorney General that a local government is in violation of state law (Gov. Code, § 65585, subd. (j)).

HCD remains committed to supporting Redondo Beach in achieving housing objectives across all income categories and hopes the City finds this clarification helpful. If you have any questions or need additional information, please contact Gabriel A. Pena-Lora, of our staff, at gabriel.pena-lora@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West". The signature is fluid and cursive, with the first name "Shannan" written in a larger, more prominent script than the last name "West".

Shannan West,
Housing Accountability Unit Chief

cc: Brandy Forbs, AICP, Community Development Director

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
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**ATTACHMENT TO APPELLANT'S MAY
9, 2023 LETTER**

September 1, 2022

Mike Witzansky, City Manager
City of Redondo Beach
415 Diamond Street
Redondo Beach, CA 90277

Dear Mike Witzansky:

RE: Redondo Beach's 6th Cycle (2021-2029) Adopted Housing Element

Thank you for submitting the City of Redondo Beach's (City) housing element adopted July 5, 2022 and received for review on July 11, 2022. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. HCD considered comments from Oliver Fries, Leo Pustilnikov, Dawn Sarmiento, Chris Voisey, Mushki Gorowitz, Abundant Housing LA, YIMBY Law, John & Laurie Oester, Josh Albrekston, Grace Peng and Susan Andrade pursuant to Government Code section 65585, subdivision (c).

HCD is pleased to find the adopted housing element in full compliance with State Housing Element Law (Article 10.6 of the Gov. Code). The adopted element addresses the statutory requirements described in HCD's April 12, 2022 review, including required analysis of sites proposed for rezoning and amendments to multiple programs, including programs to affirmatively further fair housing.

HCD commends the inclusion of an executive summary in the housing element. By providing additional history and context regarding policy decisions, the executive summary assists the public in its review of the housing element. The City must continue timely and effective implementation of all programs including but not limited to the following:

- Program 6 (Affordable Housing Development) includes multiple strategies and incentives to facilitate affordable housing development for a variety of housing types.
- Program 8 (Residential Sites Inventory and Monitoring No Net Loss) commits to rezone sites to address a shortfall of sites available to accommodate affordable housing and to ensure the City's Regional Housing Need Allocation (RHNA) can be accommodated for all income levels at all times throughout the planning period.

- Program 9 (By-Right Approval for Projects with 20 Percent Affordable Units) ensures nondiscretionary processing for nonvacant sites identified in the City's previous housing element.
- Program 11 (Small Lot Development/Lot Consolidation) facilitates, incentivizes, and expedites affordable development on small lots, including the consolidation of small lots.
- Program 12 (Accessory Dwelling Units) includes actions to facilitate the development of 240 ADUs within the planning period, monitor the City's progress in meeting the goal, and adjusting its strategies and incentives if the City is not meeting that goal in 2025.
- Program 13 (Amendments to the Zoning Ordinance) commits to update the City's Zoning Ordinance to comply with multiple state laws and implement the City's new General Plan.
- Program 14 (Objective Design Standards) commits the City to update existing design standards to create objective standards by the end of 2022 and the create objective standards for rezoned sites by October 15, 2024.
- Program 15 (Monitoring the Effect of Article 27 of the City Charter [Measure DD]) ensures the City monitors and responds appropriately to votes of the electorate, including a vote regarding the recommended Land Use Plan of the General Plan and associated rezoning required by State Housing Element Law.
- Program 18 (Fair Housing) includes a variety of actions to ensure that the City meets its obligation to Affirmatively Further Fair Housing (AFFH) pursuant to Government Code section 8899.50.

HCD acknowledges that although the City Council adopted a Preferred Land Use Plan in May 2021, the City is still in the process of updating its general plan, including the land use element. This update requires approval by the electorate. The City anticipates placing the issue on the ballot in March 2023 with multiple implementing program actions to be completed subsequent to voter approval. The housing element has been written to be consistent with the Preferred Land Use Plan. Should the ballot measure be disapproved by the electorate, the City must take additional timely actions as outlined in Program 15 (Monitoring the Effect of Article 27 of the City Charter [Measure DD]) to ensure continued compliance with State Housing Element Law.

Regarding Program 13 (Amendments to the Zoning Ordinance), HCD reminds the City that although the Zoning Ordinance may not be updated, and regardless of housing element compliance status, the City has an obligation to apply current state law as opposed to an outdated zoning code, examples include:

- Density Bonus,
- Transitional and Supportive Housing,
- Emergency Shelters and Low Barrier Navigation Centers,
- Affordable Housing Streamlined Approval (SB 35),
- Employee Housing,

- Reasonable Accommodation,
- Definition of Family, and
- Unlicensed Group Homes.

The element includes Program 8 (Residential Sites Inventory and Monitoring of No Net Loss) identifying adequate sites to accommodate the shortfall of 1,164 units for lower-income households. Among other things, the program commits to zoning with densities of 20-55 units per acre and permitting owner-occupied and rental multifamily uses by right for developments in which 20 percent or more of the units are affordable to lower income households. Pursuant to Senate Bill 197 (Chapter 70, Statutes of 2022), as the City failed to adopt a compliant housing element within 120 days of the statutory deadline (October 15, 2021), Program 8 (Residential Sites Inventory and Monitoring of No Net Loss) must be completed no later than three years and 120 days from the statutory deadline (February 12, 2025). Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

The City must monitor and report on the results of all housing element programs through the annual progress report, required pursuant to Government Code section 65400. Please be aware, Government Code section 65585, subdivision (i) grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government's actions do not comply with state law.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City meets housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the dedication, professionalism, cooperation, and assistance the City's housing element team provided throughout the course of the housing element review. Among others, the team included yourself, Brandy Forbes, Community Development Director, Sean Scully, Planning Manager, and the City's consultant, Veronica Tam. HCD wishes the City success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to Government Code section 65400. If HCD can provide assistance in implementing the housing element, please contact Robin Huntley, of our staff, at Robin.Huntley@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall
Senior Program Manager

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
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**MEMORANDUM****ATTACHMENT TO
APPELLANT'S MAY 9, 2023
LETTER**

DATE: March 16, 2023

TO: Planning Directors and Interested Parties

FROM: Megan Kirkeby, Deputy Director
Division of Housing Policy Development

**SUBJECT: Summary and Clarification of Requirements for Housing
Element Compliance**

HCD is committed to diligently reviewing all 539 local jurisdictions' housing elements for substantial compliance with State Housing Element Law. To comply with State Housing Element Law and avoid the consequences of noncompliance, a local jurisdiction must, among other things:

1. Submit a draft housing element to HCD at least 90 days before adoption¹ and receive findings from HCD determining whether the draft element is substantially compliant,² and consider HCD's findings before adopting the draft element.³

In other words, where a jurisdiction submits an "adopted" housing element before submitting an initial draft or before considering HCD's findings on an initial draft, HCD will consider the "adopted" to be an initial draft for purposes of both HCD's review and the jurisdiction's statutory compliance.

2. If HCD finds the draft element is not substantially compliant, revise the draft to address any findings by HCD⁴ or adopt without changes and include written findings explaining why the jurisdiction believes that the draft substantially complies.⁵ Promptly following adoption, submit the adopted housing element to HCD⁶ and receive findings on the adopted element from HCD.⁷

¹ Gov. Code, § 65585, subd. (b)(1)

² Gov. Code, § 65585, subds. (b)(3), (d)

³ Gov. Code, § 65585, subd. (e)

⁴ Gov. Code, § 65585, subd. (f)(1)

⁵ Gov. Code, § 65585, subd. (f)(2)

⁶ Gov. Code, § 65585, subd. (g)

⁷ Gov. Code, § 65585, subd. (h)

In other words, a jurisdiction does not have the authority to determine that its adopted element is in substantial compliance but may provide reasoning why HCD should make a finding of substantial compliance.

In addition, a jurisdiction is “in compliance” as of the date of HCD’s letter finding the adopted element in substantial compliance. Any other letters are not a finding of substantial compliance.

HCD recommends that a jurisdiction adopt only after receiving a letter from HCD finding the draft meets statutory requirements.

For more detailed information about this process, please visit HCD’s [Housing Elements webpage](#) and [Housing Elements Building Blocks](#).



**EMAIL FROM CITY PLANNING
PROVIDING APPELLANT
WITH MAY 16, 2023 LOSS OF
VESTING RIGHTS LETTER**

Laura Frazin-Steele <laura.frazinsteele@lacity.org>

13916 W. Polk St.

3 messages

Laura Frazin-Steele <laura.frazinsteele@lacity.org>

Tue, May 16, 2023 at 9:42 AM

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

Cc: Blake Lamb <blake.lamb@lacity.org>, Jojo Pewsawang <jojo.pewsawang@lacity.org>, Claudia Rodriguez <claudia.rodriguez@lacity.org>

Good Morning Mr. and Mrs. Jha,
Please see the attached letter.
Thank you,
Laura



Laura Frazin Steele

Pronouns: She, Hers, Her

City Planner

Los Angeles City Planning

6262 Van Nuys Blvd., Room 430

Van Nuys, CA 91401

T: (818) 374-9919 | Planning4LA.org



VHCA Loss of Vesting Rights-5.16.23.pdf
223K

**APPELLANT'S RESPONSE TO
LOSS OF
VESTING RIGHTS LETTER**

Akhilesh Jha <akhilesh.jha@gmail.com>

Wed, May 17, 2023 at 3:16 PM

To: Laura Frazin-Steele <laura.frazinsteele@lacity.org>

Cc: janetyjha@gmail.com, Blake Lamb <blake.lamb@lacity.org>, Jojo Pewsawang <jojo.pewsawang@lacity.org>, Claudia Rodriguez <claudia.rodriguez@lacity.org>, Praveen Jha <praveenkjha@gmail.com>, Sonja Trauss <sonja@yimbylaw.org>, Anna Vidal <anna.vidal@lacity.org>, "Pena-Lora, Gabriel@HCD" <Gabriel.Pena-Lora@hcd.ca.gov>

Hello Ms. Steele,

Attached please find your letter "VHCA Loss of Vesting Rights" for reference and my response refuting the loss of vesting rights claims. Thank you!

-AJ
310-995-4859

[Quoted text hidden]

2 attachments

2023-05-16 VHCA Loss of Vesting Rights Letter by City.pdf
217K

2023-05-17 Response to City's Letter Loss of Vesting Right.pdf
1058K

Laura Frazin-Steele <laura.frazinsteele@lacity.org>

Wed, May 17, 2023 at 4:17 PM

Dr. Janet Jha
5353 Del Moreno Dr, Woodland Hills, CA 91364
Phone: 310-995-4859, janetyjha@gmail.com

05/17/2023

Laura Frazin Steele
City Planner Valley Project Planning Division
Department of City Planning
6262 Van Nuys Boulevard, Room 430
Van Nuys, CA 91401
Phone: 818.374.9919
laura.frazinsteele@lacity.org

Re: DCP Application CPC-2022-9268-DB-HCA
13916 Polk St, Sylmar, CA 91342

Dear Ms. Steele:

Please allow me to address a few points you raised on your letter, dated May 16, 2023:

1. [City's Determination that Vesting Preliminary Application PAR-2022-4490-VHCA has expired](#)

In your letter, dated May 16, 2023, you are stating that

“California Government Code Section 65941.1 further states that if the public agency determines that the application for the development project is not complete pursuant to Section 65943, the development proponent shall submit the specific information needed to complete the application within 90 days of receiving the agency’s written identification of the necessary information. If the development proponent does not submit this information within the 90-day period, then the preliminary application shall expire and have no further force or effect. If the applicant does not submit the information within the 90-day period, the Housing Crisis Act (HCA) Vesting Preliminary Application (specifically, Case No. PAR-2022-4490-VHCA) expires and has no further force or effect.

To date, over 90 days have passed from the date of providing the applicant with the January 6, 2023 Letter, and Planning has not received all missing or incomplete information listed in the January 6, 2023 Letter.

The Director of Planning hereby informs the applicant that the HCA Vesting Preliminary Application under Case No. PAR-2022-4490-VHCA has expired and has no further force of effect and terminates the vesting rights under this Preliminary Application case number.”

Let’s start with what California Government Code Section 65943 actually states:

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. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. **Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application.** If the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description. [emphasis added to relevant section]

The following table shows the chronology of submitting the documents and city's response:

13916 Polk St Document Filing Chronology					
Document Type	Form Name	Action	Completion Date	Due Date	Exhibits
SB-330 Preliminary Application	PAR-2022-4490-VHCA	Filed	6/17/2022		
		Paid fees	6/23/2022		
		Review Completed by City	6/24/2022		
Affordable Housing Referral Form	PAR-2022-5834-AHRF	Filed	8/11/2022		
		Paid Fees	8/15/2022		
		Review Completed by City	12/12/2022	Exp. Date per AHRF Form: 06/10/2023	
Department of City Planning Application (aka DCP Application, Main Application, Case Filing)	CPC-2022-9268-DB-HCA	Application Filing #1	12/20/2022	12/21/2022	Exhibit #1
		City Generated Fee	12/21/2023		Exhibit #1
		Applicant Paid Fee	12/21/2023		Exhibit #1
		City's Response #1	1/6/2023	1/20/2023	
		Application Filing #2	4/5/2023	4/6/2023	Exhibit #2
		City's Response	4/28/2023	5/5/2023	
Geology and Soils Approval		Soils Report Submitted	4/4/2023		Exhibit #3
		Payment for Soils Report Fee	4/17/2023		Exhibit #3
Replacement Unit Determination		RUD SB-8 Submitted to City	4/4/2023		Exhibit #4
Appeal Process Attempt with City		Requested appeal process	5/11/2023		Exhibit #5
		City Accepted Appeal	5/12/2023	6/10/2023	
		Applicant Paid Fees for Appeal	5/12/2023		Exhibit #5

As you can see from the above submission list, I submitted documents on 04/05/2023, which would start "a new 30-day period". The city, in fact, responded my 04/05/2023 submission on 04/28/2023, which is within 30 days. Therefore, as a matter of law, I have 90 days from 04/28/2023 to submit any missing documents or modify any documents and HCA Vesting Preliminary Application under Case No. PAR-2022-4490-VHCA has not expired.

In your letter, dated May 16, 2023, you are also stating that

“On April 5, 2023 and April 11, 2023, the applicant submitted revised materials to City Planning that still did not fully address all aspects of the January 6, 2023 Letter, such as the need to provide the Replacement Unit Determination from the Los Angeles Housing Department, the Geology and Soils Approval Letter, and an updated Affordable Housing Referral Form.”

As you can see from the above submission list, I submitted the Replacement Unit Determination for to Los Angeles Housing Department on 04/04/2023, Geology and Soils Approval for to Los Angeles Department of Building and Safety on 04/04/2023, and the Affordable Housing Referral Form does not expire until 06/10/2023, which, therefore, does not need any update yet. Therefore, notwithstanding even the plain reading of the law, the documents have been submitted to the respective documents for approval before the due date of 04/06/2023. Therefore, my HCA Vesting Preliminary Application under Case No. PAR-2022-4490-VHCA has not expired.

2. City's Incorrectly Assigning Multiple Case Numbers to One Project

In your letter, dated May 16, 2023, you are stating that

“The applicant filed Case No. CPC-2022-9268-DB-HCA on December 9, 2022. On December 9, 2022, City Planning also created Case No. CPC-2022-8993-GPA-ZC-HD-K-BL-ZV-ZAA-WDI-VHCA as the appropriate filing path for the development project under preliminary Case No. PAR-2022-4490-VHCA.

As you know an applicant do not create case number. The city created the case number CPC-2022-9268-DB-HCA for my housing project on December 9, 2021. The city also generated the fees for this case on 04/21/2023. I paid the fees on 04/21/2023. In fact, the city, subsequently, reviewed the case CPC-2022-9268-DB-HCA twice - firstly on 01/06/2023 and secondly on 04/28/2023. I have not paid fees or submitted documents for any case other than CPC-2022-9268-DB-HCA. Therefore, there is no other case applicable for this project.

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

Best Regards



Janet Jha

Exhibit 1



Akhilesh Jha <akhilesh.jha@gmail.com>

Housing Project - 13916 W POLK ST

Akhilesh Jha <akhilesh.jha@gmail.com>

Tue, Dec 20, 2022 at 10:08 AM

To: Noah McCoy <noah.mccoy@lacity.org>

Cc: Maritza Przekop <maritza.przekop@lacity.org>, Renata Dragland <renata.dragland@lacity.org>, Laura Frazin-Steele <laura.frazinsteele@lacity.org>

Good morning, Mr. McCoy,

We submitted the DCP Application today. I am looking forward to hearing the next step.

Thank you!

-AJ
310-995-4859

[Quoted text hidden]



IMG-20221220-WA0027.jpg
1439K

Online Invoice #85125

(Created on : 12/21/2022 3:54:38 PM)

Invoice expires on 2/20/2023 12:00:00 AM. To pay the fees, please click on Pay button below.

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

Project Address: 13916 W POLK ST, 91342

Notes:

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

Item	Fee	%	Charged Fee
Application for Density Bonus including a request for an Incentive not included in the Menu of Incentives (1) *	\$23,211.00	100	\$23,211.00

Case Number: ENV-2022-9270-EAF

Item	Fee	%	Charged Fee
EAF-Initial Study to ND/MND (1) *	\$6,588.00	100	\$6,588.00
Publication Fee for ND/MND (1)	\$1,700.00	100	\$1,700.00

* Fees Subject to Surcharges

Development Services Center Surcharge (3%)	\$893.97
General Plan Maintenance Surcharge (7%)	\$2085.93
City Planning Systems Development Surcharge (6%)	\$1787.94
Operating Surcharge (7%)	\$2085.93
Invoice Grand Total:	\$38,352.77

Pay by credit card 

Pay by eCheck 

(<https://myla311.lacity.org>) |

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HELPFUL LINKS

(<https://www.lacity.org>)

(<https://www.lacity.org/your-government/departments-commissions/departments-bureaus>)

(<https://planning.lacity.org>)

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[id=org.lacity.ladcp.planningToolkit&hl=en](https://play.google.com/store/apps/details?id=org.lacity.ladcp.planningToolkit&hl=en))



(<https://itunes.apple.com/TR/app/id787467145>)

Online Invoice #85125

(Created on : 12/21/2022 3:54:38 PM)

Invoice status: Paid

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

Project Address: 13916 W POLK ST, 91342

Notes:

Case Number: ENV-2022-9270-EAF			
Item	Fee	%	Charged Fee
EAF-Initial Study to ND/MND (1) *	\$6,588.00	100	\$6,588.00
Publication Fee for ND/MND (1)	\$1,700.00	100	\$1,700.00
Case Number: CPC-2022-9268-DB-HCA			
Item	Fee	%	Charged Fee
Application for Density Bonus including a request for an Incentive not included in the Menu of Incentives (1) *	\$23,211.00	100	\$23,211.00
* Fees Subject to Surcharges			
Development Services Center Surcharge (3%)			\$893.97
General Plan Maintenance Surcharge (7%)			\$2085.93
City Planning Systems Development Surcharge (6%)			\$1787.94
Operating Surcharge (7%)			\$2085.93
Invoice Grand Total:			\$38,352.77

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 (<https://planning.lacity.org/additional/disclaime>)

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City Departments, Agencies, and Bureaus (<https://www.lacity.org/your-government/departments-commissions/departments-bureaus>)

Department of City Planning (<https://planning.lacity.org>)

PLANNING TOOLKIT



([https://play.google.com/store/apps/details?](https://play.google.com/store/apps/details?id=org.lacity.ladcp.planningToolkit&hl=en)

[id=org.lacity.ladcp.planningToolkit&hl=en](https://play.google.com/store/apps/details?id=org.lacity.ladcp.planningToolkit&hl=en))



(<https://itunes.apple.com/TR/app/id787467145>)

Exhibit 2



Akhilesh Jha <akhilesh.jha@gmail.com>

13916 W. Polk Street - Status of Project Review

Akhilesh Jha <akhilesh.jha@gmail.com>

Wed, Apr 5, 2023 at 12:15 AM

To: Blake Lamb <blake.lamb@lacity.org>

Cc: janetyjha@gmail.com, Jojo Pewsawang <jojo.pewsawang@lacity.org>, Laura Frazin-Steele <laura.frazinsteele@lacity.org>

Dear Ms. Steele,

Good morning!














Attached please find the supplemental information for my housing project application CPC-2022-9268-DB-HCA.

Please let me know if you have any questions.

-AJ
310-995-4859

[Quoted text hidden]

19 attachments

-  **2023-04-04 City Planning Application - Signed.pdf**
1063K
-  **2023-04-04 Declaration Supporting Incentive and Waiver Requests.pdf**
174K
-  **2023-04-04 Polk Pictures of Surroundings.pdf**
3904K
-  **PCRF Referral Form - Online Filled.pdf**
193K
-  **2023-04-04 Environmental Assessment Form.pdf**
765K
-  **2023-04-04 Attachment to CLASS 32 CATEGORICAL EXEMPTION.pdf**
150K
-  **Citywide Design Guidelines Compliance Review Form.pdf**
230K
-  **2023-04-04 LADOT Referral Form Submitted.pdf**
73K
-  **2023-04-04 VMT Calculation - 13916 Polk St.pdf**
366K
-  **Transportation Study Assessment.pdf**
393K
-  **Public Benefit Project for Affordable Housing.pdf**
226K
-  **2023-04-04 SB-8 Determination Submitted.pdf**
72K
-  **Tree Disclosure Statement.pdf**
250K



2023-04-04 Tree Disclosure Statement.pdf

241K



Waiver of Street Dedication and Improvements - Supplemental Application - Polk St.pdf

86K



Waiver of Street Dedication and Improvements - Supplemental Application - Lyle St.pdf

83K



2023-03-14 Architectural Plans - 13916 Polk St - Printed.pdf

14754K



23010 - 10000 - 01121 LADBS Submitted.pdf

139K



2022-12-22 CP-4064 PZA Referral Form Section II Signed.pdf

471K

Exhibit 3



Janet Jha <janetyjha@gmail.com>

Soils Report for Housing Project at 13916 Polk St, Sylmar, CA 91342

Janet Jha <janetyjha@gmail.com>
To: ladbs_gradingdivision@lacity.org

Tue, Apr 4, 2023 at 5:53 PM

Dear City Officer,

Good afternoon!

Attached please find a soils report for your review. Please let me know the next steps.

Thank you!

-Janet

2 attachments



2023-03-08 Soils Report - 13916 Polk St.pdf
3576K



Application for Review of Technical Reports - Soils Report Review - Signed.pdf
153K



Janet Jha <janetyjha@gmail.com>

LADBS - Payment for Review of Soil/Geology Report Fee at 13916 W POLK ST 91342

1 message

ladbs_gradingdivision@lacity.org <ladbs_gradingdivision@lacity.org>

Mon, Apr 17, 2023 at 9:13 AM

To: janetyjha@gmail.com, Mui.Lay@lacity.org

Cc: ladbs.e-permit@lacity.org

To Janet Jha,

LADBS has received your Soil/Geology report and payment.

Address: **13916 W POLK ST 91342**Payment Date: **4/17/2023 9:13:16 AM**Receipt Number: **1559327**Payment Amount: **\$674.3**

If you have questions, please contact the administrative clerk at the grading division at 213-482-0480 or email to ladbs_gradingdivision@lacity.org.

Thank you for doing business with the City of Los Angeles.

Department of Building and Safety

City of Los Angeles

www.ladbs.org

This is an automated email. Please do not reply to this email.

Exhibit 4



Janet Jha <janetyjha@gmail.com>

SB-8 Determination - 13916 Polk St, Sylmar, CA 91342

Janet Jha <janetyjha@gmail.com>
To: LAHD-LandUse@lacity.org

Tue, Apr 4, 2023 at 4:53 PM

Dear City Officer,

I would like to get a RUD per the attached application for a single family residence 13916 Polk St, Sylmar, CA 91342.
Please let me know if you need any additional information.

Thank you!

-Janet
310-995-4859

3 attachments

 **Letter to LAHD - Letter of Application - Unit Details.pdf**
106K

 **Letter to LAHD - Owner's Acknowledgment.pdf**
104K

 **SB-8-Application - Filled and Signed.pdf**
2899K

Exhibit 5



Akhilesh Jha <akhilesh.jha@gmail.com>

Second Status of Project Review

Akhilesh Jha <akhilesh.jha@gmail.com>

Thu, May 11, 2023 at 9:35 AM

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

Good morning, Ms. Vidal.

Attached please find my request for appeal. Please let me know the next step. Thank you!

-AJ

310-995-4859

[Quoted text hidden]

2 attachments

**2023-05-09 Letter Requesting Appeal.pdf**

213K

**2023-05-08 HCD Letter Re Builder's Remedy.pdf**

319K



Order Confirmation

1 message

CITY OF LA PLANNING DEPT <noreply@elavon.com>
Reply-To: PLANNING.PAYMENT@lacity.org
To: akhilesh.jha@gmail.com


Fri, May 12, 2023 at 8:45 AM

	\$194.34 USD
	05/12/2023 08:45:22 AM
	CITY OF LA PLANNING DEPT
Transaction Type	CONVERSIONONLY
Payment	E-Check T3*****661O
Transaction ID	120523O3A-937CA53B-B117-4A55-BABF-91DD3E21EE3D
Approval Code	861981

Your account payment is being made to: CITY OF PLANNING DEPT, 200 N SPRING ST STE 575, LOS ANGELES, CA, 90012-3242, US, 213-978-1265, PLANNING.PAYMENT@LACITY.ORG

The City of Los Angeles will impose a \$35.00 fee according to Section 11.07 of the Los Angeles Municipal Code for any returned checks or charges.

Total	\$194.34 USD
I authorize CITY OF LA PLANNING DEPT to use information above to initiate an electronic fund transfer from my account or to process the payment as a check transaction or bank drawn draft from my account for the amount of \$194.34. If my payment is returned due to insufficient funds, I authorize CITY OF LA PLANNING DEPT to make a one-time electronic funds transfer or to use a bank draft drawn from my account to collect a fee as allowed by state law. Returned Check Fee: Min = \$20.00	
Bill To	
88145	
Akhilesh Jha	
92 Sea Breeze Ave	
Rancho Palos Verdes CA 90275	
akhilesh.jha@gmail.com	
CITY OF LA PLANNING DEPT	
200 N SPRING ST STE 575 LOS ANGELES CA 90012 https://planning.lacity.org 213-978-1265	

	\$194.34 USD
	05/12/2023 08:45:22 AM
	CITY OF LA PLANNING DEPT
Transaction Type	CONVERSIONONLY
Payment	E-Check T3*****661O
Transaction ID	120523O3A-937CA53B-B117-4A55-BABF-91DD3E21EE3D
Approval Code	861981

Your account payment is being made to: CITY OF PLANNING DEPT, [200 N SPRING ST STE 575, LOS ANGELES, CA, 90012-3242, US](#), 213-978-1265, PLANNING.PAYMENT@LACITY.ORG

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Total	\$194.34 USD
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I authorize CITY OF LA PLANNING DEPT to use information above to initiate an electronic fund transfer from my account or to process the payment as a check transaction or bank drawn draft from my account for the amount of \$194.34. If my payment is returned due to insufficient funds, I authorize CITY OF LA PLANNING DEPT to make a one-time electronic funds transfer or to use a bank draft drawn from my account to collect a fee as allowed by state law.
Returned Check Fee: Min = \$20.00

Bill To

88145

Akhilesh Jha

[92 Sea Breeze Ave](#)

[Rancho Palos Verdes CA 90275](#)

akhilesh.jha@gmail.com

CITY OF LA PLANNING DEPT

[200 N SPRING ST STE 575 LOS ANGELES CA 90012](#) | <https://planning.lacity.org> | 213-978-1265

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2 attachments



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**JUNE 2, 2023 EMAIL FROM CITY PLANNING
PROVIDING APPELLANT
WITH STATUS OF PROJECT REVIEW:
DEVELOPMENT INCONSISTENT LETTER**

Laura Frazin-Steele <laura.frazinsteele@lacity.org>

13916 W. Polk Street

1 message

Laura Frazin-Steele <laura.frazinsteele@lacity.org>

Fri, Jun 2, 2023 at 1:24 PM

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

Cc: Blake Lamb <blake.lamb@lacity.org>, Jojo Pewsawang <jojo.pewsawang@lacity.org>, Claudia Rodriguez <claudia.rodriguez@lacity.org>

Hello,
Please see the attached letter.
Thank you,
Laura



Laura Frazin Steele

Pronouns: She, Hers, Her

City Planner

Los Angeles City Planning

6262 Van Nuys Blvd., Room 430

Van Nuys, CA 91401

T: (818) 374-9919 | Planning4LA.org



STATUS OF PROJECT REVIEW DEVELOPMENT INCONSISTENT 6.2.23.pdf
343K