



# DEPARTMENT OF CITY PLANNING

## APPEAL RECOMMENDATION REPORT

### TO CITY COUNCIL

<b>Date:</b>	September 14, 2023	<b>Case No.:</b>	CF 23-0835
<b>Hearing Date:</b>	September 19, 2023	<b>CEQA No.:</b>	ENV-2023-5355-EAF
<b>Time:</b>	After 2:00 P.M.	<b>Related Cases:</b>	CPC-2023-3809-DB- PHP-VHCA ADM-2023-3809-DB- VHCA-ED1
<b>Public Hearing:</b>	Required	<b>Council No.:</b>	4 - Raman
<b>Appeal Status:</b>	Not further appealable	<b>Plan Area:</b>	Van Nuys – North Sherman Oaks
<b>Expiration Date:</b>	October 6, 2023	<b>Specific Plan:</b>	N/A
		<b>GPLU:</b>	Low Residential
		<b>Zone:</b>	R1-1
		<b>Applicant:</b>	Leon Benrimon
		<b>Representative:</b>	Dave Rand and Olivia Joncich Rand
		<b>Appellant:</b>	Leon Benrimon
		<b>Representative:</b>	Dave Rand and Olivia Joncich Rand

**PROJECT LOCATION:** 5501 - 5511 N Ethel Ave

**PROPOSED PROJECT:** City Planning application for Priority Housing Project utilizing state density bonus provisions to construct a 100 percent affordable, 200-unit residential development for rent on a 40,925 square foot lot. The proposed project would be 7-stories and 146,896 square feet of residential floor area with 141 parking spaces. The proposed project would provide 158 Low-Income units, 1 Very Low-Income unit, and 40 Moderate-Income units. There will be no phased development, and there are no plans for future expansion. The existing 1,331 square foot single-family home and 1,100 square foot accessory structure on site is proposed for demolition.

**REQUEST:** Appeal under GC 65943(c) for a determination of application incompleteness under Case Nos. ADM-2023-3809-DB-VHCA-ED1 / and CPC-2023-3809-DB-PHP-VHCA and the associated environmental case number ENV-2023-5355-EAF

**RECOMMENDED ACTIONS:**

1. **Deny** the appeal and **Sustain** the Department of City Planning's (City Planning) determination that the Project's Development Project Applications are incomplete under both Case Nos. ADM-2023-3809-DB-VHCA-ED1 and CPC-2023-3809-DB-PHP-VHCA, and the associated environmental case number;
2. **Adopt** the rationale and responses in the attached Appeal Report.

VINCENT P. BERTONI, AICP  
Director of Planning

*Blake Lamb*

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Blake Lamb  
Principal City Planner

*Maren Gamboa*

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Maren Gamboa  
City Planner

*JoJo Pewsawang*

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JoJo Pewsawang  
Senior City Planner

BL:JP:MG

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## APPEAL REPORT

### **BACKGROUND**

Pursuant to Government Code Section 65943 in the Permit Streamlining Act (“PSA” at Gov. Code Secs. 65920 et seq.) the Appellant is challenging City Planning’s determination that its Development Project Applications are incomplete under both Case No. ADM-2023-3809-DB-VHCA-ED1 (“ADM Application”), and Case No. CPC-2023-3809-DB-PHP-VHCA (“CPC Application”) that is associated with environmental case number ENV-2023-5355-EAF. This Appeal relates to a proposed 100 percent affordable, 200 dwelling unit project located at 5511 N Ethel Ave (“Project”) (Exhibit B). The City’s planning and zoning regulations allow a single-family use, and one dwelling unit on the Project site based on the site’s R1-1 zoning, and the site’s Low Residential General Plan land use designation per the Van Nuys – North Sherman Oaks Community Plan.

City zoning and planning ordinances, policies and standards collectively direct the Project to seek land use approvals through the entitlements and procedures represented by the CPC Application case number, and consequently subject the Project to review under the California Environmental Quality Act (“CEQA”). The Appellant (i.e., Project applicant) initially filed an application under the Mayor’s Emergency Executive Directive 1 (“ED1”) that allows for the streamlined ministerial review of 100 percent affordable housing projects.

Appellant claims the 200-unit Project may avoid local land use approval procedures based on the Housing Accountability Act (“HAA”) at Government Code Section 65589.5(o), that implements vesting rights arising from the Project’s Preliminary Application submitted under Government Code Section 65941.1 (“Project Preliminary Application”). In order to retain vesting rights an applicant must submit a complete Development Project Application for a land use approval (different from a Preliminary Application) under the Permit Streamlining Act, within specified timelines in Government Code Section 65941.1.

Appellant claims the Project may avoid the land use approval process and CEQA review represented by the CPC Application and seek the approval of 200 units through ED1 procedures (Exhibit A). The claim is premised on alleged vesting rights under the Project’s Preliminary Application submitted during the period that the Mayor’s ED1 was not express about disqualifying multiunit projects in R1 and more restrictive zones. Appellant claims that due to the Project Preliminary Application, the Project is vested in case streamlining procedures pursuant to ED1.

City Planning recommends a denial of the appeal based on the rationale and appeal responses stated below for among other reasons, ED1 is not a standard, ordinance or policy that is subject to the vesting rules in Government Code Sections 65941.1 65590.5(o). This report does not make a recommendation regarding the merits of any of the referenced Development Project Applications (i.e., the ADM Application and CPC Application); and no decision-maker has approved, conditioned, or disapproved the referenced applications either. Following is a timeline of relevant events and application processing.

### **Timeline of Events**

- December 16, 2022: The Mayor issued Executive Directive 1 (“ED1”) titled: Expedition of Permits and Clearances for Temporary Shelters and Affordable Housing Types (Exhibit

C). ED1 allowed for the “streamlined ministerial review” of 100% affordable housing projects, and at the time ED1 was issued, 10 cases were able to be immediately converted. (Exhibit D). Those projects were all located on sites that allowed multi-family housing.

- January 1, 2023: Amendments to the State Density Bonus Law, Government Code Section 65915 redefine “maximum allowable residential density” to state that if there is an inconsistency between the zoning ordinance and land use element of the general plan, the general plan density prevails. Practically this means that density bonus projects can use the highest density zone that corresponds with the land use designation of the subject project.
- February 14, 2023: The Appellant completed a Case Management meeting with LADCP staff Nail Huffman. Staff provided informal and optional notes of the meeting which referenced an unclarified ED1, and a “potential” entitlement process. (Exhibit E)
- March 23, 2023: The Appellant submitted and paid for a Housing Crisis Act Preliminary Application for the Project under Government Code Section 65941.1 (“Project Preliminary Application”), in accordance with the City’s guidance and established procedures. (Exhibit F)
- April 20, 2023: LADCP issues the Affordable Housing Referral Form to confirm the Project’s consistency with regulations related to issues including but not limited to the overall unit count, needed affordable unit amounts, any applicable transit qualifiers, and requested development incentives or waivers, such as those related to the State Density Bonus Law (Gov. Code Sec. 65915). (Exhibit G)
- June 6, 2023: The Appellant filed a Development Project Application under the Permit Streamlining Act (i.e., Gov. Code Sec. 65943) for the proposed Project with 200 units and a total square footage of construction of 152,677 square feet. The filing resulted in the creation of the ADM Application case number: ADM-2023-3809-DB-VHCA-ED1. (Exhibit H)
- June 12, 2023: The Mayor issued a clarification on ED 1 (“Clarified ED1”), to provide clarifying language that explains developments on sites” located in a single family or more restrictive zone” are not eligible for streamlined ministerial processing. Any such project would still be allowed to pursue their project through standard application procedures specified by the City’s Municipal Code and Planning documents. The Clarified ED1 did not make a determination on the Project’s ADM Application but clarified the eligibility for the ED1 program. (Exhibit I)
- June 22, 2023: LADCP issues a timely hold letter under Government Code Section 65943 related to the ADM Application titled “Status of Project Review: Application Incomplete and Case Processing on Hold,” listing two items required to continue processing the case. The missing items are noted as required on the ED1 Ministerial Approval Process Filing Instructions (CP-4080). Pursuant to Government Code 65941.1(d), the Appellant has 90 days from June 22, 2023, to submit the specific information needed to complete the application to maintain vesting status. (Exhibit J)

- June 27, 2023: The Mayor's Clarified ED1 takes effect based on Charter Section 231(j) that provides executive directives take effect 15 days after publication by the City Clerk.
- July 6, 2023: LADCP issues a letter to the Appellant stating the Project is not eligible for ED1 streamlining based on the Mayor's Clarified ED1, but other procedures are available to continue processing the proposed Project. (Exhibit K)
- August 1, 2023: Appellant inquired with LADCP about the process to appeal pursuant to Government Code Section 65943(c). (Exhibit L)
- August 4, 2023: LADCP issued a Second Status of Project Review: Application Incomplete and Case Processing on Hold letter that further clarified that the Project does not qualify for ED1 streamlining and that the appropriate entitlement path would be a CPC off-menu density bonus application, inclusive of CEQA review. The entitlement case number was updated to CPC-2023-3809-DB-PHP-VHCA to reflect the correct entitlement process, and the Appellant was also further informed regarding the need to pay fee differences and to provide additional materials as appropriate to further process a review of the Project. (Exhibit M)
- August 7, 2023: Appellant paid for and filed appeal documents, for an appeal of the LADCP incompleteness determination pursuant to Government Code Section 65943(c). As of the date of Appellant filing the appeal, LADCP had not received materials from Appellant to supplement or complete the ADM Application or convert the application to the proper entitlement review process. (Exhibit A)

As of the date of this Report, City Planning has not received further submissions from Appellant that would go toward completing or processing the original ADM Application or the converted CPC Application and ENV cases.

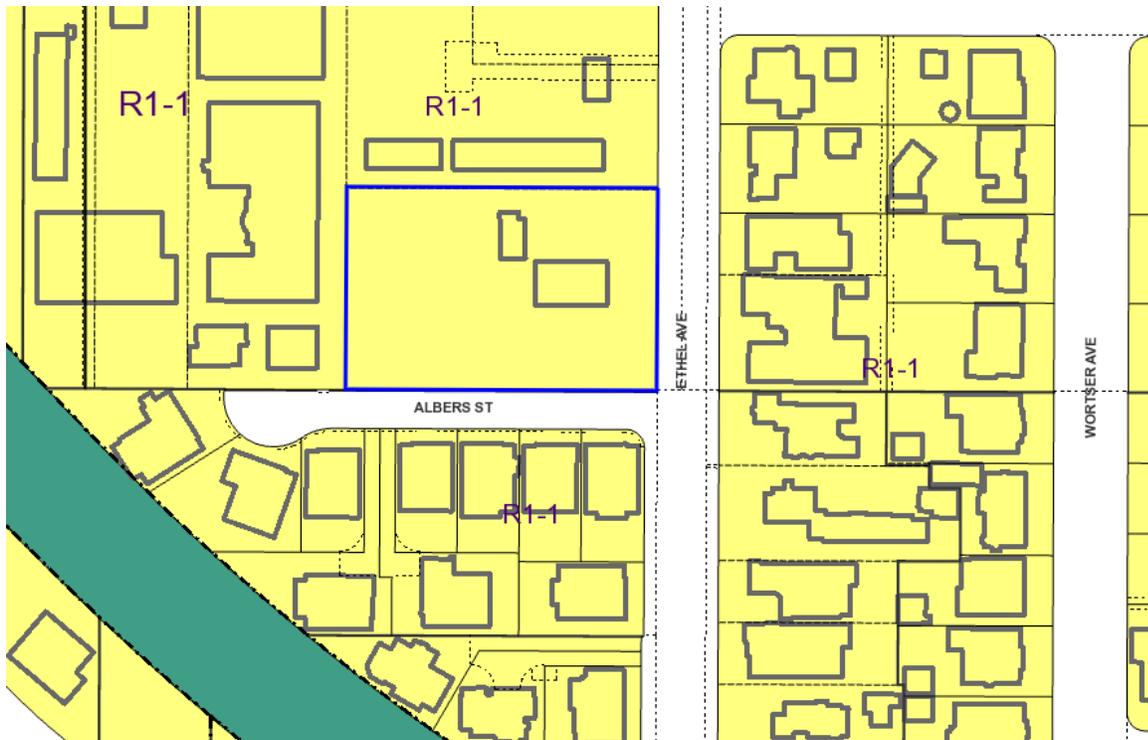
### **Current Project Description**

The proposed Project qualifies as a Priority Housing Project (PHP), which is defined as a project consisting of at least 10 rental units and with at least 20 percent set aside for low-income households. The Project will utilize state density bonus provisions to construct a 100 percent affordable, 200-unit residential development for rent on a 40,925 square foot lot. The proposed Project would be 7-stories and 146,896 square feet of floor area with 141 parking spaces. The proposed Project would provide 158 Low-Income units, 1 Very Low-Income unit, and 40 Moderate-Income units. There will be no phased development, and there are no plans for future expansion. The previously existing 1,331 square foot single-family home and 1,100 square foot accessory structure on site was demolished with a demolition permit issued November 25, 2019.

### **Subject Site**

The subject site is a rectangular shaped lot shown in Figure 1 is zoned R1-1 and has a General Plan Land Use of Low Residential. The site is located in the Van Nuys – North Sherman Oaks Community Plan Area, the Sherman Oaks Neighborhood Council boundaries, and Council District 4. Pursuant to Los Angeles Municipal Code (LAMC) Section 12.08, the R1 One-Family Zone permits single family dwelling units on lots with a minimum area of 5,000 square feet. As an exception, two single family dwelling units are permitted in the R1 Zone when the side lot line

adjoins a lot in a commercial or industrial zone and specific lot area and distance criteria are met. On this site, there is not an abutting commercial or industrial zone, and therefore, a second single family dwelling unit is not permitted by right. Accessory Dwelling Units are allowed by right. Other uses permitted in the R1 Zone include parks, playgrounds, and community centers owned and operated by a government agency. Other uses are permitted as accessory uses, such as bee keeping. With the limited exception of two single family dwelling units and accessory dwelling units, multi-unit development is not among the list of uses permitted in the R1 Zone. Height District No. 1 in the R1 Zone limits height to 28 feet with a maximum of 33 feet depending on the pitch of the roof.



**FIGURE 1. ZIMAS MAP**

Under the Van Nuys – North Sherman Oaks Community Plan, the subject site's Low Residential land use designation corresponds to the RE9, RS, R1 (One Family), RU, RD6, and RD5 Zones. The subject site is not located within a community plan implementation overlay zone, geographic specific plan area, or community design overlay zone. The site is not designated historic. The site is not within an Airport Hazard area, Coastal Zone, Very High Fire Hazard Severity Zone, Flood Zone, Watercourse, Special Grading Area, Hazardous Waste/Border Zone, or Methane Hazard Site. There are no known oil wells on site. The site is located within an Urban Agriculture Incentive Zone. According to ZIMAS records, the subject site is located 5.3 km from the Hollywood Fault but is not located within the Alquist-Priolo Fault Zone, or Preliminary Fault Rupture Study Area. The entire City of Los Angeles has been evaluated by the California Geological Survey (CGS) and seismic hazard study zones have been established to identify areas where the potential for these hazards are most likely to exist. These seismic hazard zones were developed by the CGS under the requirements of the Seismic Hazards Mapping Act and/or the Alquist-Priolo Earthquake Fault Zoning Act of the State of California and by the City of Los Angeles, which designated Preliminary Fault Rupture Study Areas (PFRSA). Most of the PFRSAs

have been superseded by State Alquist-Priolo Earthquake Fault Zones (APEFZ), except the PFRSA for the Palos Verdes fault, which still remains. Per sections 1803.5.11 and 1803.5.12 of the Los Angeles Building Code (LABC), a geologic and/or soils investigation concerning these seismic hazards will be required when a site is located within the boundaries of these designated study zones, The Proposed Project is not located in a Landslide, or Tsunami Inundation area. The site is in a liquefaction area.

The subject site is not identified in the 2021-2029 Housing Element of the General Plan Inventory of Adequate Sites for Housing (Table A) (Appendix 4.1). Additionally, the subject site is not identified in the Housing Element as a Candidate Site Identified to be Rezoned to Accommodate Housing Shortfall Need (Table B) (Appendix 4.7). According to City records, the subject site is currently vacant. A demolition permit no. 19019-20000-05880 was issued on November 25, 2019.



FIGURE 2. AERIAL VIEW

### **Surrounding Properties**

As shown in Figure 2, surrounding sites within a 500-foot radius are primarily developed with residential land uses that consist of both traditional R1-1 subdivision lots improved with one- and two-story single-family dwellings, and multifamily lots along Burbank Boulevard. There are also a number of institutional land uses including a school abutting the west and north sides of the subject site, and religious institutions on Burbank and Chandler Boulevards. To the northwest, along Burbank Boulevard at the intersection of Fulton Ave, land use is designated General Commercial with a [Q]C2-1VL Zone. There are a substantial Public Facility land uses in the vicinity, including Los Angeles Valley College across Burbank Boulevard to the north, and the Metro G Line Bus Rapid Transit line to the south and west. The LA Valley College stop is less than 2,600 feet from the subject site, putting the whole vicinity in a Tier 3 TOC tier. There is also a fire station on Burbank Boulevard and an LADWP facility on Fulton.

Ethel Ave is designated a Collector by the Mobility Plan 2035 with a designated right-of-way width of 66 feet and a designated roadway width of 40 feet. Albers street is designated a Local Street – Standard by the Mobility Plan 2035 with a designated right-of-way width of 60 feet and a designated roadway width of 36 feet. Both streets are currently substandard but would not be subject to street dedications and improvements as outlined in LAMC 12.37 because the subject site is in a more restrictive zone than R3. Burbank Boulevard, which intersects Ethel Avenue approximately 665 feet to the north, is designated a Boulevard II by the Mobility Plan 2035 with a designated right-of-way width of 110 feet and a designated roadway width of 80 feet. Chandler Boulevard, which intersects Ethel Ave approximately 640 feet to the south, is designated a Boulevard II by the Mobility Plan 2035 with a designated right-of-way width of 110 feet and a designated roadway width of 80 feet.

The site is located within one half mile of a major transit stop located at Burbank Boulevard and Fulton Avenue. This intersection is the location of the LA Valley College (Burbank-Fulton) Metro G Line Bus Rapid Transit Station which also services Metro 167 and 237 bus lines and is located approximately one quarter mile to the northwest of the subject site. The subject site is located approximately 640 feet south of the LADOT Van Nuys/Studio City Dash Bus stop on Burbank Boulevard and Ethel Ave and approximately one half mile southwest LADOT 549 Commuter Express bus stop at Burbank Boulevard and Coldwater Canyon Avenue. Regional access to the site is provided by the State Route 170 (Hollywood Freeway) which is located approximately 1.7 miles to the east of the subject site and California Highway 101 (Ventura Freeway) approximately 1 mile to the south of the subject site

### **Rationale for City Planning's Determinations**

The Appellant filed a Project Preliminary Application on March 23, 2023, in order to vest in the local planning and zoning standards that existed on that date. Appellant claims that vesting rights under the Project Preliminary Application requires the Project to be processed under ED1 language issued on December 16, 2022.

The original ED1 from December 2022 states in paragraph 1:

“1. Applications for 100% affordable housing projects, or for Shelter as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC) (hereinafter referred to as Shelter), shall be, and hereby are deemed exempt from discretionary review processes otherwise required by either the zoning provisions of Chapter 1 of the

LAMC or other Project Review including Site Plan Review as described in LAMC Section 16.05 and LAMC Section 13B.2.4, as long as such plans do not require any zoning change, variance, or General Plan amendment. All City departments are directed to process all plans for such 100 percent affordable housing projects or Shelter using the streamlined ministerial review process currently used for projects eligible under Government Code section 65913.4, State Density Bonus law.”

The Mayor issued a Clarified ED1 on June 12, 2023 to state that development projects in single family zones are not eligible for streamlined review through ED1. Projects seeking to develop on single family zones may use other standard processes, such as State and City Density Bonus Law at Government Code Section 65915 and Los Angeles Municipal Code (“LAMC”) Section 12.22.A.25, which may include incentives, waivers and density bonuses considered by the City Planning Commission.

The Clarified ED1 from June 12, 2023 states in paragraph 1:

“1. Applications for 100% affordable housing projects, or for Shelter as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC) (hereinafter referred to as Shelter), shall be, and hereby are deemed exempt from discretionary review processes otherwise required by either the zoning provisions of Chapter 1 of the LAMC or other Project Review including Site Plan Review as described in LAMC Section 16.05 and LAMC Section 13B.2.4, as long as such plans do not require any zoning change, variance, or General Plan amendment, and in no instance shall the project be located in a single family or more restrictive zone. All City departments are directed to process all plans for such 100 percent affordable housing projects or Shelter using the streamlined ministerial review process currently used for projects eligible under Government Code section 65913.4, State Density Bonus law. In addition, consistent with state law, a project may utilize the State Density Bonus and LAMC bonuses, incentives, waivers and concessions if such are in compliance with the applicable requirements.”

The Appellant sought to utilize the ED1 streamlined ministerial process for a 100 percent affordable multi-family residential project, and also invoked the new Government Code Section 65915(o)(6) (A.B. 2334, Reg. Session 2022) maximum allowable residential density provision that allows projects to apply the highest residential density of the General Plan land use designation. The Appellant filed the ADM Application on June 6, 2023, and the LADCP issued a timely incompleteness determination under the Permit Streamlining Act (Gov. Code Sec. 65943) on June 22, 2023. The Mayor’s Clarified ED1, took effect on June 27, 2023. The Department of City Planning informed the Appellant on July 6, 2023 that the pending ADM Application did not qualify for processing under the Clarified ED1 and would require a conversion to standard LAMC approval procedures. It should be noted that at no time was the Project denied or not given a path forward for consideration.

Since LADCP had not received further processing materials from Appellant to complete or convert the existing ADM Application, on August 4, 2023, the Department issued a Second Status of Project Review letter detailing the proper entitlement process for the Project, notifying Appellant that the ADM Application was being converted to the CPC Application, and that the CPC Application was incomplete for the same reasons stated in the June 22, 2023 incompleteness determination related to the ADM Application. The Appellant was also notified of CEQA review materials that would be needed to continue processing the case.

It is the City's position that the process streamlining provisions of ED 1 are enabled solely by the Mayor's temporary declaration of a State of Emergency. The HAA and Project Preliminary Application solely provide an ability to vest in planning and zoning ordinances, policies, and standards adopted and in effect as governed by Government Code Title 7 related to planning and zoning. There is no ability to "vest" in an emergency when declared under local charter authority. An emergency exists for a limited duration and is subject to regular renewal or termination. It is also subject to, and explicitly authorized to, include modifications to respond to changing parameters and emerging context of an emergency. A directive of this type does not carry with it the legislative intent of process, procedures, and development regulations expected to be vested under Government Code Sections 65589.5 and 65941.1.

As stated previously, City Planning's determination that the Project is not eligible for streamlining under ED1 or the Clarified ED1 is not a disapproval of the Project, the ADM Application, or the CPC Application. The proper entitlement process going forward was identified and conveyed to the Appellant in the letter dated August 4, 2023, consisting of a change from an administrative review process originally indicated by the "ADM" prefix, to a City Planning Commission review process (indicated by the "CPC" prefix) based on the procedures specified in LAMC Section 12.22.A.25 for off-menu density bonus incentives and waivers. CEQA analysis must be conducted in association with the CPC case, as allowed by the HAA (Gov. Code Sec. 65589.5(e)), and an Environmental Assessment Form (EAF) and supplemental documents must be provided. The Project's applications are incomplete based on the following factors discussed below:

- (1) Payment of fees associated with converting the ADM Application to the proper CPC Application entitlement path and procedures; and
- (2) Incompleteness for the reasons stated in the written determination of incompleteness dated June 22, 2023 associated with the ADM Application, and as reiterated for the CPC Application on August 4, 2023.

### **California Statute Authorizing This Appeal**

California Government Code Section 65943 of the Permit Streamlining Act states that after City Planning ("LADCP") has received a Development Project Application, it has 30 days to determine in writing if the application is incomplete. If an application is incomplete, upon resubmittal of the missing materials, LADCP has another 30 days to determine whether the supplemented application is still incomplete. An applicant may appeal the second determination that the application is incomplete under Government Code Section 65943 (c). The instant appeal was authorized and accepted by City Planning pursuant to Government Code Section 65943 (c) of the Permit Streamlining Act:

*(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...*

The "public agency" has been determined to be the City of Los Angeles (Gov. Code Sec. 65932) and the "governing body of the agency" has been determined to be the Los Angeles City Council.

The LADCP is processing this appeal on a voluntary basis even though it is the City's position that an appeal under Government Code Section 65943(c) is premature because Appellant has not attempted to supplement either the ADM Application or CPC Application pursuant to Government Code 65943, after the City notified Appellant in writing that both the applications are incomplete. Thus, there is no second incompleteness determination from which to appeal from.

### **APPEAL POINTS AND STAFF RESPONSES**

The following is a discussion of the appeal points raised by the Appellant and responses by Planning staff (Appeal Point in italics as stated in the Appeal).

#### **Appeal Point 1**

##### **Government Code Section 65943(c)**

*As part of the HCA, Government Code Section 65943(c) provides an opportunity for appeal when an application for submittal has been determined not to be complete. The Project's completion of a HCA Preliminary Application and subsequent Case Filing established the Project's vested rights, including the use of ED 1 as it existed on the date of filing the HCA Preliminary Application. Notwithstanding, the City subsequently determined that no vesting protections applied to the Project, the Project was no longer eligible to utilize ED 1 due to its location within a single-family zone, and the Case Filing application was therefore not complete and that updated and/or additional materials may be required to obtain entitlements to allow the Project.*

*As such, this appeal is filed in accordance with the procedure established by Government Code Section 65943(c) and must be routed to the City Council as the City's governing body for a determination within 60 days.*

#### **Staff Response**

The Appellant states that it was determined that "no vesting protections applied to the Project." Per the Project Preliminary Application submitted on March 23, 2023, it states that the Preliminary Application allows an applicant to vest in "City Ordinances, policies, and standards adopted and in effect on the day that a complete Preliminary Application is submitted." The process streamlining provisions of ED1 are enabled solely by the Mayor's declaration of a State of Emergency. A declaration of emergency status is separate and apart from City Ordinances, policies, and standards in effect at the time of submitting a complete Project Preliminary Application. A local declaration of emergency under the City Charter is not governed by Government Code Title 7, the rules related to local planning and zoning laws.

A directive of this type does not carry with it the legislative intent of process, procedures, and development regulations expected to be vested under the Housing Crisis Act. There is no ability to "vest" an emergency when declared. An emergency exists for a limited duration and is subject to regular renewal or termination. It is also subject to, and explicitly authorized to, include modifications to respond to changing parameters and emerging context of an emergency. Further, there is no "adoption" of an emergency declaration and, by definition, an Executive Directive is not an adopted policy or standard.

It is the Department's position that the ability to vest a true and declared emergency is beyond the authorization of the HAA or Government Code Section 65941.1. The Project has a path

forward through traditional procedures that require application consideration by the City Planning Commission.

While the Project was initially taken in under the ADM Application, that action was not contemplated by the scope of ED1, which immediately converted only those 100% affordable projects in zones that allowed multi-family uses.

The LADCP did not determine that the Project Preliminary Application has no effect. The Project Preliminary Application vests the Project in the planning, land use and zoning standards and regulations that existed on March 23, 2023, such as the height, yard, and density requirements specified by the City's land use plans, design guidelines, and zoning codes in LAMC Chapter I. The Project is vested under the Project Preliminary Application to the extent allowed by the requirements and timelines in Government Code Section 65941.1, which require Appellant to complete its Development Project Application 90 days from the date of the June 22, 2023 incompleteness letter.

The LADCP looks forward to processing the Project application when all required materials are submitted.

## **Appeal Point 2**

*To allow a jurisdiction to apply a different set of development standards to a qualified 100 percent affordable housing development project in the middle of the entitlement process would undermine the clear benefit of a HCA Preliminary Application.*

## **Staff Response**

As discussed above, there is no change in development standards applicable to the Project, and no change in required land use entitlements. Site Plan Review under LAMC Section 16.05 is not required because the affordable units do not count toward the triggering threshold unit count (Ordinance No. 187,938.) While the Project's proximity to a major transit stop is not being determined by this appeal or report, no Conditional Use Permit under LAMC Section 12.24.U.26 is likely to be required for additional density because the Project site is confirmed to be located one half mile from a major transit stop and as a result is not subject to maximum controls on density pursuant to Government Code Section 65915(f)(3)(D). (Exhibit J) Further, the Project is allowed to use the base density associated with the most intense zone of its land use designation due to the definition of maximum allowable residential density in Government Code Section 65915(o)(6) that took effect January 1, 2023.

Moreover, the "Builder's Remedy" situation referenced by Appellant is different from the present situation because Builder's Remedy rights flow from authority, actions, or inactions under Government Code Title 7. In contrast, ED1 flows from the City's charter and emergency authorities.

**EXHIBIT A**  
**Appeal Application**

# APPLICATIONS



## APPEAL APPLICATION Instructions and Checklist

### RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

### PURPOSE

This application is for the appeal of Los Angeles City Planning determinations, as authorized by the LAMC, as well as first-level Building and Safety Appeals.

### APPELLATE BODY

**Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.**

- Area Planning Commission (APC)       City Planning Commission (CPC)       City Council  
 Zoning Administrator (ZA)       Director of Planning (DIR)

### CASE INFORMATION

Case Number: ADM-2023-3809-DB-VHCA-ED1

Project Address: 5501, 5511 N. Ethel Avenue, Los Angeles

Final Date to Appeal: N/A

### APPELLANT

**For main entitlement cases, except for Building and Safety Appeals:**

**Check all that apply.**

- Person, other than the Applicant, Owner or Operator claiming to be aggrieved  
 Representative       Property Owner       Applicant       Operator of the Use/Site

**For Building and Safety Appeals only:**

**Check all that apply.**

- Person claiming to be aggrieved by the determination made by **Building and Safety**<sup>1</sup>  
 Representative       Property Owner       Applicant       Operator of the Use/Site

<sup>1</sup> Appellants of a Building and Safety Appeal are considered the Applicant and must provide the Noticing Requirements identified on page 4 of this form at the time of filing. Pursuant to LAMC Section 12.26 K, an appeal fee shall be required pursuant to LAMC Section 19.01 B.2.

## APPELLANT INFORMATION

Appellant Name: \_\_\_\_\_  
Company/Organization: 5511 Ethel LLC & Bedrock Properties Group, LLC (c/o Leon Benrimon)  
Mailing Address: 9220 Winnetka Ave  
City: Chatsworth State: CA Zip Code: 91311  
Telephone: (310) 980-7206 E-mail: leon@uncommondevelopers.com

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

Self  Other: \_\_\_\_\_

Is the appeal being filed to support the original applicant's position?  YES  NO

## REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): Dave Rand, Olivia Joncich  
Company: Rand Paster & Nelson, LLP  
Mailing Address: 633 W. Fifth Street, 64th Fl  
City: Los Angeles State: CA Zip Code: 90071  
Telephone: (213) 557-2703 E-mail: dave@rpnllp.com, olivia@rpnllp.com

## JUSTIFICATION / REASON FOR APPEAL

Is the decision being appealed in its entirety or in part?  Entire  Part

Are specific Conditions of Approval being appealed?  YES  NO

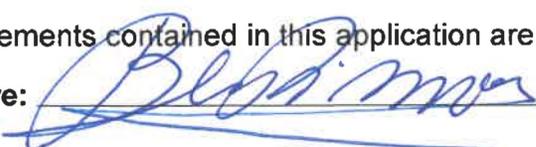
If Yes, list the Condition Number(s) here: \_\_\_\_\_

On a separate sheet provide the following:

- Reason(s) for the appeal
- Specific points at issue
- How you are aggrieved by the decision
- How the decision-maker erred or abused their decision

## APPLICANT'S AFFIDAVIT

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

Appellant Signature:  Date: 8/1/2023

## GENERAL NOTES

*A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.*

*The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

### THIS SECTION FOR CITY PLANNING STAFF USE ONLY

**Base Fee:** \_\_\_\_\_

**Reviewed & Accepted by (DSC Planner):** \_\_\_\_\_

**Receipt No.:** \_\_\_\_\_ **Date :** \_\_\_\_\_

Determination authority notified       Original receipt and BTC receipt (if original applicant)

## GENERAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our [Online Application System \(OAS\)](#).

### APPEAL DOCUMENTS

#### 1. Hard Copy

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

- Appeal Application
- Justification/Reason for Appeal
- Copy of Letter of Determination (LOD) for the decision being appealed

#### 2. Electronic Copy

- Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., "Appeal Form", "Justification/Reason Statement", or "Original Determination Letter"). No file should exceed 70 MB in size.

#### 3. Appeal Fee

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

#### 4. Noticing Requirements (Applicant Appeals or Building and Safety Appeals Only)

- Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per the LAMC for all Applicant appeals. Appellants for BSAs are considered Original Applicants.
- BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).

See the Mailing Procedures Instructions ([CP-2074](#)) for applicable requirements.

## SPECIFIC CASE TYPES

### ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

#### DENSITY BONUS (DB) / TRANSIT ORIENTED COMMUNITIES (TOC)

Appeal procedures for DB/TOC cases are pursuant to LAMC Section 12.22 A.25(g).

- Off-Menu Incentives or Waiver of Development Standards are not appealable.
- Appeals of On-Menu Density Bonus or Additional Incentives for TOC cases can only be filed by adjacent owners or tenants and is appealable to the City Planning Commission.
- Provide documentation confirming adjacent owner or tenant status is required (e.g., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, driver's license, bill statement).

#### WAIVER OF DEDICATION AND / OR IMPROVEMENT

Procedures for appeals of Waiver of Dedication and/or Improvements (WDIs) are pursuant to LAMC Section 12.37 I.

- WDIs for by-right projects can only be appealed by the Property Owner.
- If the WDI is part of a larger discretionary project, the applicant may appeal pursuant to the procedures which govern the main entitlement.

#### [VESTING] TENTATIVE TRACT MAP

Procedures for appeals of [Vesting] Tentative Tract Maps are pursuant LAMC Section 17.54 A.

- Appeals must be filed within 10 days of the date of the written determination of the decision-maker.

#### BUILDING AND SAFETY APPEAL

##### First Level Appeal

Procedures for an appeal of a determination by the Los Angeles Department of Building and Safety (LADBS) (i.e., Building and Safety Appeal, or BSA) are pursuant LAMC Section 12.26 K.1.

- The Appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

##### 1. Appeal Fee

- Appeal fee shall be in accordance with LAMC Section 19.01 B.2 (i.e., the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code, plus surcharges).

##### 2. Noticing Requirement

- Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 12.26 K.3. Appellants for BSAs are considered Original Applicants.

- BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).

See the Mailing Procedures Instructions ([CP-2074](#)) for applicable requirements.

## Second Level Appeal

Procedures for a appeal of the Director's Decision on a BSA Appeal are pursuant to LAMC Section 12.26 K.6. The original Appellant or any other aggrieved person may file an appeal to the APC or CPC, as noted in the LOD.

### 1. Appeal Fee

- Original Applicant.* Fees shall be in accordance with the LAMC Section 19.01 B.1(a).

### 2. Noticing Requirement

- Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 12.26 K.7. Appellants for BSAs are considered Original Original Applicants.
- BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).

See the Mailing Procedures Instructions ([CP-2074](#)) for applicable requirements.

## NUISANCE ABATEMENT / REVOCATIONS

Appeal procedures for Nuisance Abatement/Revocations are pursuant to LAMC Section 12.27.1 C.4. Nuisance Abatement/Revocations cases are only appealable to the City Council.

### 1. Appeal Fee

- Applicant (Owner/Operator).* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(a).

For appeals filed by the property owner and/or business owner/operator, or any individuals/agents/representatives/associates affiliated with the property and business, who files the appeal on behalf of the property owner and/or business owner/operator, appeal application fees listed under LAMC Section 19.01 B.1(a) shall be paid, at the time the appeal application is submitted, or the appeal application will not be accepted.

- Aggrieved Party.* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b).

**EXHIBIT B**  
**ZIMAS Map**



# City of Los Angeles Department of City Planning

## 9/5/2023 PARCEL PROFILE REPORT

### PROPERTY ADDRESSES

5511 1-200 N ETHEL AVE  
5501 N ETHEL AVE

### ZIP CODES

91401

### RECENT ACTIVITY

PAR-2023-2017-VHCA-ED1  
PAR-2023-1972-AHRF-ED1  
PAR-2023-1079-CM-ED1

### CASE NUMBERS

CPC-2023-3809-DB-PHP-VHCA  
CPC-19XX-16991  
ORD-184381  
ENV-2016-1787-ND

### Address/Legal Information

PIN Number	174B161 597
Lot/Parcel Area (Calculated)	40,925.7 (sq ft)
Thomas Brothers Grid	PAGE 562 - GRID D2
Assessor Parcel No. (APN)	2345005016
Tract	TR 1000
Map Reference	M B 19-2 (SHT 2)
Block	None
Lot	PT 88
Arb (Lot Cut Reference)	19
Map Sheet	174B161

### Jurisdictional Information

Community Plan Area	Van Nuys - North Sherman Oaks
Area Planning Commission	South Valley
Neighborhood Council	Sherman Oaks
Council District	CD 4 - Nithya Raman
Census Tract #	1236.01
LADBS District Office	Van Nuys

### Permitting and Zoning Compliance Information

Administrative Review	None
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### Planning and Zoning Information

Special Notes	None
Zoning	R1-1
Zoning Information (ZI)	ZI-2452 Transit Priority Area in the City of Los Angeles ZI-2462 Modifications to SF Zones and SF Zone Hillside Area Regulations
General Plan Land Use	Low Residential
General Plan Note(s)	Yes
Hillside Area (Zoning Code)	No
Specific Plan Area	None
Subarea	None
Special Land Use / Zoning	None
Historic Preservation Review	No
Historic Preservation Overlay Zone	None
Other Historic Designations	None
Other Historic Survey Information	None
Mills Act Contract	None
CDO: Community Design Overlay	None
CPIO: Community Plan Imp. Overlay	None
Subarea	None
CUGU: Clean Up-Green Up	None
HCR: Hillside Construction Regulation	No
NSO: Neighborhood Stabilization Overlay	No
POD: Pedestrian Oriented Districts	None
RBP: Restaurant Beverage Program Eligible Area	None
RFA: Residential Floor Area District	None
RIO: River Implementation Overlay	No

This report is subject to the terms and conditions as set forth on the website. For more details, please refer to the terms and conditions at [zimas.lacity.org](http://zimas.lacity.org)  
(\* ) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

SN: Sign District	No
AB 2334: Very Low VMT	Yes
AB 2097: Reduced Parking Areas	Yes
Streetscape	No
Adaptive Reuse Incentive Area	None
Affordable Housing Linkage Fee	
Residential Market Area	Low
Non-Residential Market Area	Medium
Transit Oriented Communities (TOC)	Tier 3
ED 1 Eligibility	Not Eligible
RPA: Redevelopment Project Area	None
Central City Parking	No
Downtown Parking	No
Building Line	None
500 Ft School Zone	No
500 Ft Park Zone	No

#### Assessor Information

Assessor Parcel No. (APN)	2345005016
Ownership (Assessor)	
Owner1	NEW SCHOOL FOR CHILD DEVELOPMENT DBA THE HELP GROUP
Address	13130 BURBANK BLVD SHERMAN OAKS CA 91401
Ownership (Bureau of Engineering, Land Records)	
Owner	WALKER, JOHN F. & BESSIE O. (TRS) THE WALKER FAM TR 8-3-90 (ET AL)
Address	5511 ETHEL AVE VAN NUYS CA 91401
APN Area (Co. Public Works)*	0.957 (ac)
Use Code	0100 - Residential - Single Family Residence
Assessed Land Val.	\$212,232
Assessed Improvement Val.	\$0
Last Owner Change	12/27/2019
Last Sale Amount	\$3,325,033
Tax Rate Area	13
Deed Ref No. (City Clerk)	2769
	2074176,8
	2062
	1296600,3
Building 1	No data for building 1
Building 2	No data for building 2
Building 3	No data for building 3
Building 4	No data for building 4
Building 5	No data for building 5
Rent Stabilization Ordinance (RSO)	No [APN: 2345005016]

#### Additional Information

Airport Hazard	None
Coastal Zone	None
Santa Monica Mountains Zone	No
Farmland	Area Not Mapped
Urban Agriculture Incentive Zone	YES
Very High Fire Hazard Severity Zone	No
Fire District No. 1	No
Flood Zone	Outside Flood Zone
Watercourse	No
Hazardous Waste / Border Zone Properties	No

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 (\*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

Methane Hazard Site	None
High Wind Velocity Areas	No
Special Grading Area (BOE Basic Grid Map A-13372)	No
Wells	None

### Seismic Hazards

Active Fault Near-Source Zone	
Nearest Fault (Distance in km)	5.3190648
Nearest Fault (Name)	Hollywood Fault
Region	Transverse Ranges and Los Angeles Basin
Fault Type	B
Slip Rate (mm/year)	1.00000000
Slip Geometry	Left Lateral - Reverse - Oblique
Slip Type	Poorly Constrained
Down Dip Width (km)	14.00000000
Rupture Top	0.00000000
Rupture Bottom	13.00000000
Dip Angle (degrees)	70.00000000
Maximum Magnitude	6.40000000
Alquist-Priolo Fault Zone	No
Landslide	No
Liquefaction	Yes
Preliminary Fault Rupture Study Area	No
Tsunami Inundation Zone	No

### Economic Development Areas

Business Improvement District	None
Hubzone	Not Qualified
Jobs and Economic Development Incentive Zone (JEDI)	None
Opportunity Zone	No
Promise Zone	None
State Enterprise Zone	None

### Housing

Direct all Inquiries to	Los Angeles Housing Department
Telephone	(866) 557-7368
Website	<a href="https://housing.lacity.org">https://housing.lacity.org</a>
Rent Stabilization Ordinance (RSO)	No [APN: 2345005016]
Ellis Act Property	No
AB 1482: Tenant Protection Act	See Notes
Assessor Parcel No. (APN)	2345005016
Address	5511 ETHEL AVE
Year Built	1910
Use Code	0100 - Residential - Single Family Residence
Notes	The property is subject to AB 1482 if the owner is a corporation, limited liability company with a corporate member, or real estate trust. Does not apply to owner-occupied duplexes & government-subsidized housing.
Housing Crisis Act Replacement Review	Yes
Housing Element Sites	
HE Replacement Required	N/A
SB 166 Units	N/A
Housing Use within Prior 5 Years	Yes

### Public Safety

Police Information	
Bureau	Valley
Division / Station	Van Nuys
Reporting District	939

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 (\*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

Fire Information

Bureau	Valley
Battalion	14
District / Fire Station	102
Red Flag Restricted Parking	No

## CASE SUMMARIES

Note: Information for case summaries is retrieved from the Planning Department's Plan Case Tracking System (PCTS) database.

Case Number: CPC-2023-3809-DB-PHP-VHCA

Required Action(s): DB-DENSITY BONUS  
PHP-PRIORITY HOUSING PROJECT  
VHCA-VESTING HOUSING CRISIS ACT

Project Descriptions(s): ED1, Ministerial Density Bonus Compliance review for 100% affordable housing project with 200 units.

Case Number: CPC-19XX-16991

Required Action(s): Data Not Available

Project Descriptions(s):

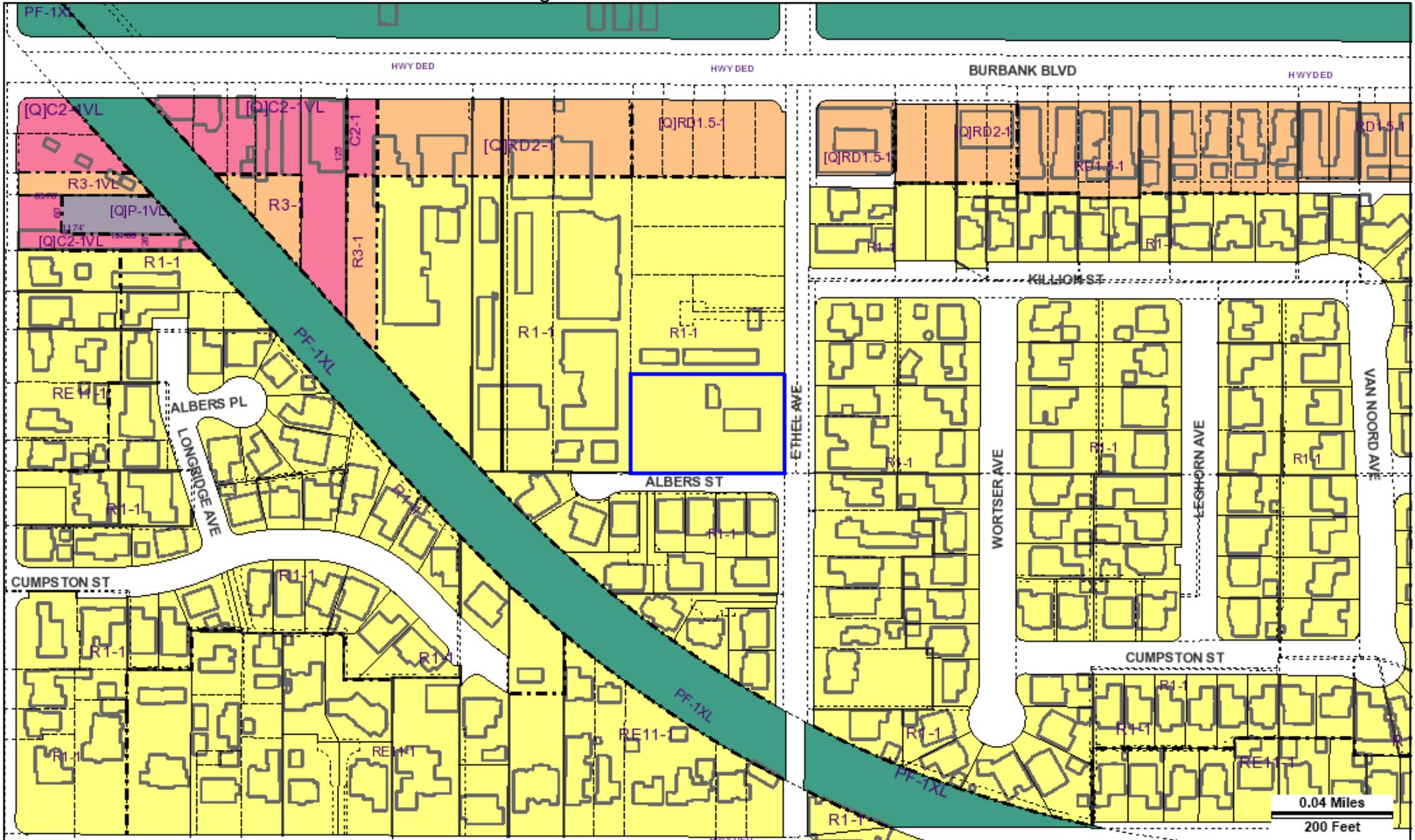
Case Number: ENV-2016-1787-ND

Required Action(s): ND-NEGATIVE DECLARATION

Project Descriptions(s): ENVIRONMENTAL NEGATIVE DECLARATION

## DATA NOT AVAILABLE

ORD-184381

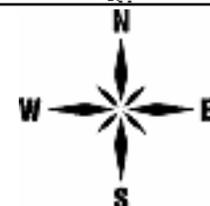


0.04 Miles  
200 Feet

Address: 5501 N ETHEL AVE  
APN: 2345005016  
PIN #: 174B161 597

Tract: TR 1000  
Block: None  
Lot: PT 88  
Arb: 19

Zoning: R1-1  
General Plan: Low Residential



# LEGEND

## GENERALIZED ZONING

	OS, GW
	A, RA
	RE, RS, R1, RU, RZ, RW1
	R2, RD, RMP, RW2, R3, RAS, R4, R5, PVSP
	CR, C1, C1.5, C2, C4, C5, CW, WC, ADP, LASED, CEC, USC, PPSP, MU, NMU
	CM, MR, CCS, UV, UI, UC, M1, M2, LAX, M3, SL, HJ, HR, NI
	P, PB
	PF

## GENERAL PLAN LAND USE

### LAND USE

#### RESIDENTIAL

	Minimum Residential
	Very Low / Very Low I Residential
	Very Low II Residential
	Low / Low I Residential
	Low II Residential
	Low Medium / Low Medium I Residential
	Low Medium II Residential
	Medium Residential
	High Medium Residential
	High Density Residential
	Very High Medium Residential

#### COMMERCIAL

	Limited Commercial
	Limited Commercial - Mixed Medium Residential
	Highway Oriented Commercial
	Highway Oriented and Limited Commercial
	Highway Oriented Commercial - Mixed Medium Residential
	Neighborhood Office Commercial
	Community Commercial
	Community Commercial - Mixed High Residential
	Regional Center Commercial

### FRAMEWORK

#### COMMERCIAL

	Neighborhood Commercial
	General Commercial
	Community Commercial
	Regional Mixed Commercial

#### INDUSTRIAL

	Commercial Manufacturing
	Limited Manufacturing
	Light Manufacturing
	Heavy Manufacturing
	Hybrid Industrial

#### PARKING

	Parking Buffer
-------------------------------------------------------------------------------------	----------------

#### PORT OF LOS ANGELES

	General / Bulk Cargo - Non Hazardous (Industrial / Commercial)
	General / Bulk Cargo - Hazard
	Commercial Fishing
	Recreation and Commercial
	Intermodal Container Transfer Facility Site

#### LOS ANGELES INTERNATIONAL AIRPORT

	Airport Landside / Airport Landside Support
	Airport Airside
	LAX Airport Northside

#### OPEN SPACE / PUBLIC FACILITIES

	Open Space
	Public / Open Space
	Public / Quasi-Public Open Space
	Other Public Open Space
	Public Facilities

#### INDUSTRIAL

	Limited Industrial
	Light Industrial

# CIRCULATION

## STREET

-  Arterial Mountain Road
-  Collector Scenic Street
-  Collector Street
-  Collector Street (Hillside)
-  Collector Street (Modified)
-  Collector Street (Proposed)
-  Country Road
-  Divided Major Highway II
-  Divided Secondary Scenic Highway
-  Local Scenic Road
-  Local Street
-  Major Highway (Modified)
-  Major Highway I
-  Major Highway II
-  Major Highway II (Modified)

-  Major Scenic Highway
-  Major Scenic Highway (Modified)
-  Major Scenic Highway II
-  Mountain Collector Street
-  Park Road
-  Parkway
-  Principal Major Highway
-  Private Street
-  Scenic Divided Major Highway II
-  Scenic Park
-  Scenic Parkway
-  Secondary Highway
-  Secondary Highway (Modified)
-  Secondary Scenic Highway
-  Special Collector Street
-  Super Major Highway

## FREEWAYS

-  Freeway
-  Interchange
-  On-Ramp / Off- Ramp
-  Railroad
-  Scenic Freeway Highway

## MISC. LINES

-  Airport Boundary
-  Bus Line
-  Coastal Zone Boundary
-  Coastline Boundary
-  Collector Scenic Street (Proposed)
-  Commercial Areas
-  Commercial Center
-  Community Redevelopment Project Area
-  Country Road
-  DWP Power Lines
-  Desirable Open Space
-  Detached Single Family House
-  Endangered Ridgeline
-  Equestrian and/or Hiking Trail
-  Hiking Trail
-  Historical Preservation
-  Horsekeeping Area
-  Local Street
-  MSA Desirable Open Space
-  Major Scenic Controls
-  Multi-Purpose Trail
-  Natural Resource Reserve
-  Park Road
-  Park Road (Proposed)
-  Quasi-Public
-  Rapid Transit Line
-  Residential Planned Development
-  Scenic Highway (Obsolete)
-  Secondary Scenic Controls
-  Secondary Scenic Highway (Proposed)
-  Site Boundary
-  Southern California Edison Power
-  Special Study Area
-  Specific Plan Area
-  Stagecoach Line
-  Wildlife Corridor

## POINTS OF INTEREST

 Alternative Youth Hostel (Proposed)	 Horticultural Center	 Public Elementary School
 Animal Shelter	 Hospital	 Public Elementary School (Proposed)
 Area Library	 Hospital (Proposed)	 Public Golf Course
 Area Library (Proposed)	<b>HW</b> House of Worship	 Public Golf Course (Proposed)
 Bridge	<b>e</b> Important Ecological Area	 Public Housing
 Campground	 Important Ecological Area (Proposed)	 Public Housing (Proposed Expansion)
 Campground (Proposed)	 Interpretive Center (Proposed)	 Public Junior High School
 Cemetery	 Junior College	 Public Junior High School (Proposed)
<b>HW</b> Church	 MTA / Metrolink Station	 Public Middle School
 City Hall	 MTA Station	 Public Senior High School
 Community Center	 MTA Stop	 Public Senior High School (Proposed)
 Community Library	<b>MWD</b> MWD Headquarters	 Pumping Station
 Community Library (Proposed Expansion)	 Maintenance Yard	 Pumping Station (Proposed)
 Community Library (Proposed)	 Municipal Office Building	 Refuse Collection Center
 Community Park	<b>P</b> Municipal Parking lot	 Regional Library
 Community Park (Proposed Expansion)	 Neighborhood Park	 Regional Library (Proposed Expansion)
 Community Park (Proposed)	 Neighborhood Park (Proposed Expansion)	 Regional Library (Proposed)
 Community Transit Center	 Neighborhood Park (Proposed)	 Regional Park
 Convalescent Hospital	 Oil Collection Center	 Regional Park (Proposed)
 Correctional Facility	 Parking Enforcement	<b>RPD</b> Residential Plan Development
 Cultural / Historic Site (Proposed)	 Police Headquarters	 Scenic View Site
 Cultural / Historical Site	 Police Station	 Scenic View Site (Proposed)
 Cultural Arts Center	 Police Station (Proposed Expansion)	 School District Headquarters
<b>DMV</b> DMV Office	 Police Station (Proposed)	 School Unspecified Loc/Type (Proposed)
<b>DWP</b> DWP	 Police Training site	 Skill Center
 DWP Pumping Station	<b>PO</b> Post Office	 Social Services
 Equestrian Center	 Power Distribution Station	 Special Feature
 Fire Department Headquarters	 Power Distribution Station (Proposed)	 Special Recreation (a)
 Fire Station	 Power Receiving Station	 Special School Facility
 Fire Station (Proposed Expansion)	 Power Receiving Station (Proposed)	 Special School Facility (Proposed)
 Fire Station (Proposed)	<b>C</b> Private College	 Steam Plant
 Fire Supply & Maintenance	<b>E</b> Private Elementary School	 Surface Mining
 Fire Training Site	 Private Golf Course	 Trail & Assembly Area
 Fireboat Station	 Private Golf Course (Proposed)	 Trail & Assembly Area (Proposed)
 Health Center / Medical Facility	<b>JH</b> Private Junior High School	<b>UTL</b> Utility Yard
 Helistop	<b>PS</b> Private Pre-School	 Water Tank Reservoir
 Historic Monument	 Private Recreation & Cultural Facility	 Wildlife Migration Corridor
 Historical / Cultural Monument	<b>SH</b> Private Senior High School	 Wildlife Preserve Gate
 Horsekeeping Area	<b>SF</b> Private Special School	
 Horsekeeping Area (Proposed)	 Public Elementary (Proposed Expansion)	

## SCHOOLS/PARKS WITH 500 FT. BUFFER

 Existing School/Park Site	 Planned School/Park Site	 Inside 500 Ft. Buffer
 Aquatic Facilities	 Other Facilities	 Opportunity School
 Beaches	 Park / Recreation Centers	 Charter School
 Child Care Centers	 Parks	 Elementary School
 Dog Parks	 Performing / Visual Arts Centers	 Span School
 Golf Course	 Recreation Centers	 Special Education School
 Historic Sites	 Senior Citizen Centers	 High School
 Horticulture/Gardens		 Middle School
 Skate Parks		 Early Education Center

## COASTAL ZONE

 Coastal Commission Permit Area
 Dual Permit Jurisdiction Area
 Single Permit Jurisdiction Area
 Not in Coastal Zone

## TRANSIT ORIENTED COMMUNITIES (TOC)

 Tier 1	 Tier 3
 Tier 2	 Tier 4

**Note:** TOC Tier designation and map layers are for reference purposes only. Eligible projects shall demonstrate compliance with Tier eligibility standards prior to the issuance of any permits or approvals. As transit service changes, eligible TOC Incentive Areas will be updated.

## WAIVER OF DEDICATION OR IMPROVEMENT

 Public Work Approval (PWA)
 Waiver of Dedication or Improvement (WDI)

## OTHER SYMBOLS

 Lot Line	 Airport Hazard Zone	 Flood Zone
 Tract Line	 Census Tract	 Hazardous Waste
 Lot Cut	 Coastal Zone	 High Wind Zone
 Easement	 Council District	 Hillside Grading
 Zone Boundary	 LADBS District Office	 Historic Preservation Overlay Zone
 Building Line	 Downtown Parking	 Specific Plan Area
 Lot Split	 Fault Zone	 Very High Fire Hazard Severity Zone
 Community Driveway	 Fire District No. 1	 Wells - Active
 Building Outlines 2020	 Tract Map	 Wells - Inactive
 Building Outlines 2017	 Parcel Map	

**EXHIBIT C**

**Executive Directive 1 Issue Date: December 16, 2022**



KAREN BASS  
MAYOR

## **EXECUTIVE DIRECTIVE NO. 1**

Issue Date: December 16, 2022

**Subject: Expedition of Permits and Clearances for Temporary Shelters and Affordable Housing Types**

### **INTRODUCTION**

To aid in swiftly sheltering people who are unhoused in the City of Los Angeles, and by virtue of the authority vested in me as Mayor of the City of Los Angeles under Section 231(i) of the Los Angeles City Charter and the provisions of Section 8.29 of the Los Angeles Administrative Code, I hereby declare the following order to be necessary for the protection of life and property and I hereby order, effective immediately, that:

1. Applications for 100% affordable housing projects, or for Shelter as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC) (hereinafter referred to as Shelter), shall be, and hereby are deemed exempt from discretionary review processes otherwise required by either the zoning provisions of Chapter 1 of the LAMC or other Project Review including Site Plan Review as described in LAMC Section 16.05 and LAMC Section 13B.2.4, as long as such plans do not require any zoning change, variance, or General Plan amendment. All City departments are directed to process all plans for such 100 percent affordable housing projects or Shelter using the streamlined ministerial review process currently used for projects eligible under Government Code section 65913.4, State Density Bonus law.
2. An application for the development of a 100 percent affordable housing project or Shelter may use the density permitted for that site either by the applicable zoning or the General Plan Land Use Designation, consistent with state law. In addition, a project may utilize the State Density Bonus and LAMC bonuses,

incentives, waivers and concessions if such are in compliance with the applicable requirements.

3. I further direct all applicable City Departments to process clearances and utility releases related to building permit applications, certificates of occupancy, or temporary certificates of occupancy within 5 business days for 100 percent affordable housing projects and within 2 business days for Shelters.

4. I further direct all applicable City Departments to conduct and conclude all reviews and inspections required for 100 percent affordable housing projects or Shelters and to issue all appropriate approvals for such projects or Shelters within 60 days following the submission of the completed application. City Departments shall provide the applicant with all required changes or amendments on or before the 30<sup>th</sup> day following the submission of a completed application for such projects. To the extent practicable, all required reviews and approvals shall be conducted simultaneously, not sequentially, by all City departments so as to meet the 30 day and 60 day periods specified for such projects in this paragraph.

5. I hereby direct the Los Angeles Housing Department (LAHD) to coordinate with the Los Angeles City Controller to track and process all affordable housing projects and expedite payments thereon. LAHD shall track each pending pay application, initial submittal date, approval date, reasons for rejection or modification of submitted payment applications, and issuance of payment, and shall provide reports to the Mayor on all such payments at least monthly with the goal of expediting payments due for affordable housing projects.

6. I hereby direct that all protocols set by the Los Angeles County Coordinated Entry System as they apply within the City of Los Angeles be expanded, changed, or suspended, as allowed by federal law. Rules, guidelines and regulations will be developed to expedite the placement of unhoused neighbors into housing in the City of Los Angeles.

7. I hereby direct all City departments to prioritize and streamline compliance with the provisions of the Building Homes and Jobs Act – Government Code section 27388.1 in order to maximize the City's eligibility for state and federal funds to support the development of emergency shelters, transitional housing, and supportive housing. The City shall seek to comply with or otherwise meet all criteria specified under all applicable state and federal laws that provide for increased resources, funding, access or allowance for temporary or affordable housing.

8. Effective February 28, 2023, in accordance with the end of the State of California COVID-19 emergency, I hereby rescind the Public Order Under City of Los Angeles Emergency Authority issued on January 28, 2022 (January 28, 2022 Order). Notwithstanding this action, all entitlements already approved and still

valid as of this date, or approved during the effective period of the January 28, 2022 Order, shall remain valid for the extended time period(s) as if such January 28, 2022 Order were still in effect with respect to such entitlements. Furthermore, local decision-makers, including the Director of Planning and the Chief Zoning Administrator, are authorized to continue to hold all required public hearings under the Los Angeles Municipal Code in a manner consistent with the Governor's Executive Order N-29-20, and any subsequent orders or published guidance pertaining to local legislative bodies.

9. The City Planning and Housing Departments shall issue guidelines as necessary to implement the provisions of this Executive Directive.

Executed this 16<sup>th</sup> day of December, 2022.

A handwritten signature in black ink that reads "Karen Bass". The signature is written in a cursive, flowing style.

---

KAREN BASS  
Mayor

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## MAYOR BASS SIGNS EXECUTIVE DIRECTIVE TO DRAMATICALLY ACCELERATE AND LOWER THE COST OF AFFORDABLE HOUSING AND TEMPORARY HOUSING

Posted on 12/16/2022

**LOS ANGELES** – As part of her agenda to move Los Angeles in a new direction by taking an unprecedented and urgent approach to the city’s homelessness crisis, Mayor Karen Bass today issued Executive Directive 1 to dramatically accelerate and lower the cost of building affordable housing and temporary housing.

For affordable housing built under Executive Directive 1, the City must complete the approval process within 60 days. Then, when construction starts, the permit, utility and certificate of occupancy process will be completed in just 5 days for 100% affordable housing and in no more than 2 days for temporary housing. The Executive Directive comes on the heels of the mayor’s Emergency Declaration on Homelessness (her first act as mayor) and her activation of the Emergency Operations Center.

“This is a dramatic reduction in red tape and acceleration of the construction timeline that will move people inside faster and save

precious dollars that can be invested in more housing and more solutions for L.A.'s homelessness crisis," said Mayor Bass. "By declaring a state of emergency; by activating the City's Emergency Operations Center; and by signing this executive directive today, we are breaking City Hall away from its traditional approach that is focused on process and replacing it with a new approach focused on solutions, results and speed. This is a sea change, and that is what we need to bring a new direction to Los Angeles."

The signing of the Executive Directive took place on the active construction site of Lorena Plaza in Boyle Heights, which took 14 years of navigating regulatory and legal hurdles to finally break ground. Under this directive, at least 31 pending 100% affordable housing projects will be immediately expedited with the urgency representing the emergency that the city of Los Angeles is facing.

The Executive Directive can be found below:

## **EXECUTIVE DIRECTIVE NO. 1**

**ISSUE DATE: DECEMBER 16, 2022**

**Subject: Expedition of Permits and Clearances for Temporary Shelters and Affordable Housing Types**

### INTRODUCTION

To aid in swiftly sheltering people who are unhoused in the City of Los Angeles, and by virtue of the authority vested in me as Mayor of the City of Los Angeles under Section 231(i) of the Los Angeles City Charter and the provisions of Section 8.29 of the Los Angeles Administrative Code, I hereby declare the following order to be necessary for the protection of life and property and I hereby order, effective immediately, that:

1. Applications for 100% affordable housing projects, or for Shelter as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC)

(hereinafter referred to as Shelter), shall be, and hereby are deemed exempt from discretionary review processes otherwise required by either the zoning provisions of Chapter 1 of the LAMC or other Project Review including Site Plan Review as described in LAMC Section 16.05 and LAMC Section 13B.2.4, as long as such plans do not require any zoning change, variance, or General Plan amendment. All City departments are directed to process all plans for such 100 percent affordable housing projects or Shelter using the streamlined ministerial review process currently used for projects eligible under Government Code section 65913.4, State Density Bonus law.

2. An application for the development of a 100 percent affordable housing project or Shelter may use the density permitted for that site either by the applicable zoning or the General Plan Land Use Designation, consistent with state law. In addition, a project may utilize the State Density Bonus and LAMC bonuses, incentives, waivers and concessions if such are in compliance with the applicable requirements.

3. I further direct all applicable City Departments to process clearances and utility releases related to building permit applications, certificates of occupancy, or temporary certificates of occupancy within 5 business days for 100 percent affordable housing projects and within 2 business days for Shelters.

4. I further direct all applicable City Departments to conduct and conclude all reviews and inspections required for 100 percent affordable housing projects or Shelters and to issue all appropriate approvals for such projects or Shelters within 60 days following the submission of the completed application. City Departments shall provide the applicant with all required changes or amendments on or before the 30th day following the submission of a completed application for such projects. To the extent practicable, all required reviews and approvals shall be conducted simultaneously, not sequentially, by all City departments so as to meet

the 30 day and 60 day periods specified for such projects in this paragraph.

5. I hereby direct the Los Angeles Housing Department (LAHD) to coordinate with the Los Angeles City Controller to track and process all affordable housing projects and expedite payments thereon. LAHD shall track each pending pay application, initial submittal date, approval date, reasons for rejection or modification of submitted payment applications, and issuance of payment, and shall provide reports to the Mayor on all such payments at least monthly with the goal of expediting payments due for affordable housing projects.

6. I hereby direct that all protocols set by the Los Angeles County Coordinated Entry System as they apply within the City of Los Angeles be expanded, changed, or suspended, as allowed by federal law. Rules, guidelines and regulations will be developed to expedite the placement of unhoused neighbors into housing in the City of Los Angeles.

7. I hereby direct all City departments to prioritize and streamline compliance with the provisions of the Building Homes and Jobs Act – Government Code section 27388.1 in order to maximize the City's eligibility for state and federal funds to support the development of emergency shelters, transitional housing, and supportive housing. The City shall seek to comply with or otherwise meet all criteria specified under all applicable state and federal laws that provide for increased resources, funding, access or allowance for temporary or affordable housing.

8. Effective February 28, 2023, in accordance with the end of the State of California COVID-19 emergency, I hereby rescind the Public Order Under City of Los Angeles Emergency Authority issued on January 28, 2022 (January 28, 2022 Order). Notwithstanding this action, all entitlements already approved and still valid as of this date, or approved during the effective period of the January 28, 2022 Order, shall remain valid for the

extended time period(s) as if such January 28, 2022 Order were still in effect with respect to such entitlements. Furthermore, local decision-makers, including the Director of Planning and the Chief Zoning Administrator, are authorized to continue to hold all required public hearings under the Los Angeles Municipal Code in a manner consistent with the Governor's Executive Order N-29-20, and any subsequent orders or published guidance pertaining to local legislative bodies.

9. The City Planning and Housing Departments shall issue guidelines as necessary to implement the provisions of this Executive Directive.

**EXHIBIT D**

**List of Planning Cases Converted to ED1 Cases**

Case Number	Address	Zone	GPLU	Corresponding Zones	Max Denisty per GPLU	Community Plan
ADM-2022-7444-DB-PSH-SIP-HCA-ED1	1722 E PENNSYLVANIA (125 N BAILEY ST)	RD1.5-1-RIO-CUGU	Low Medium II Residential	RD2, RD1.5	1/1500	Boyle Heights
ADM-2022-9091-TOC-VHCA-ED1	5607 S MAIN ST	C2-1VL-CPIO	Neighborhood Commercial	CR,C1,C1.5,C2,C4,RAS3,R3	1/400	South Los Angeles
ADM-2022-5867-CDO-PSH-SIP-VHCA-ED1	1140 N GLENDALE BLVD	C2-1L-CDO	Community Commercial	CR, C2, C4, RAS3	1/400	Silver Lake - Echo Park - Elysian Valley
ADM-2022-3522-DB-SIP-HCA-ED1	1228 S NORMANDIE AVE	R4-1VL	High Medium Residential	R4	1/400	Wilshire
ADM-2022-6861-CU-DB-SPP-PSH-SIP-HCA-ED1	23036 W VENTURA BLVD	C1-1VLD	Limited Commercial	CR, C1, C1.5, RAS3, RAS4, P	1/400	Canoga Park - Winnetka - Woodland Hills - West Hills
ADM-2022-8679-DB-HCA-ED1	14716 W FRIAR ST	[Q]R3-1	Medium Residential	R3	1/800	Van Nuys - North Sherman Oaks
ADM-2022-4848-DB-VHCA-ED1	5645 W FERNWOOD AVE	R4-2	High Density Residential	R4, [Q]R5	1/200	Hollywood
ADM-2022-9180-DB-VHCA-ED1	5436 S BROADWAY	C2-1VL-CPIO	Neighborhood Commercial	CR,C1,C1.5,C2,C4,RAS3,R3	1/400	Southeast Los Angeles
ADM-2022-9163-DB-VHCA-ED1	11301 S ATHENS WAY	C2-1-CPIO	Community Commercial	C2,C4,RAS3,R3,RAS4,R4	1/400	Southeast Los Angeles
ADM-2022-9419-DB-RDP-VHCA-ED1	2528 E 1ST ST	C2-1-CUGU	Highway Oriented and Limited Commercial	C1, C2, RAS3, P	1/400	Boyle Heights

**EXHIBIT E**

**Case Management Meeting Notes dated February 14, 2023**



## Department of City Planning

### Case Management

201 N Figueroa St, Room 1030, Los Angeles, CA 90012

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February 15, 2023

TO: Olivia Joncich

FROM: Niall Huffman, City Planner  
[niall.huffman@lacity.org](mailto:niall.huffman@lacity.org), 213-978-3405

SUBJECT: Case Management – City Planning PDM Notes

CASE NO: PAR-2023-1079-CM-ED1

PROJECT ADDRESS: 5511 North Ethel Avenue

PROJECT DESCRIPTION: Construction of a new, 5-story, 100% affordable multifamily residential building with 200 dwelling units, using Density Bonus and ED1.

At the Pre-Development Meeting on February 14, 2023 the following recommendations and comments were provided to the applicant regarding the proposed project:

- Zoning / Project Site Context:
  - The project site consists of a rectangular parcel totaling approximately 40,926 square feet with frontage on the west side of Ethel Avenue and the north side of Albers Street. The site adjoins R1-zoned properties immediately to the west and north. The lot is zoned R1-1 and is designated for Low Residential land use by the Van Nuys-North Sherman Oaks Community Plan.
  - The project site is located within one-half mile of the Valley College station of the Metro G (Orange) Line, which, based on preliminary information reviewed by City Planning, qualifies as a major transit stop per Section 21155 of the California Public Resources Code.
  - Per the Mayor's Executive Directive 1 (ED1), an application for the development of a 100 percent affordable housing project may use the density permitted for that site either by the applicable zoning or the General Plan Land Use Designation, consistent with state law. The least restrictive corresponding zone for the Low Residential land use designation is RD5.

Disclaimer: The recommendations and comments listed are based on the project, as proposed by the applicant, at the time of the meeting referenced above. The recommendations and comments are provided as guidance to the applicant and do not constitute a decision by City Planning nor is the project guaranteed an approval by City Planning. These recommendations and comments are not intended to be all-inclusive and shall be reviewed and modified prior to filing, if necessary, should the project change and/or new regulations become effective. City Planning management and/or the project planner shall also have the discretion to make additional recommendations and changes prior to and/or after filing. Moreover, this document is not intended to constitute legal advice.

- Maximum base density for a project in the RD5 Zone is calculated as one unit per 5,000 square feet of lot area, or approximately 8.2 units on the lot (rounded up to 9). However, Section 65915(f)(3)(D)(ii) of the California Government Code states that 100% affordable housing projects located within one-half mile of a major transit stop are not subject to any maximum controls on density.
- Maximum height for a project in the R1 Zone under Height District 1 is 28 feet for buildings with a roof pitch of less than 25 percent. However, Section 65915(d)(2)(D) of the California Government Code provides a height increase of 33 feet for 100% affordable housing projects within one-half mile of a major transit stop, for a total height of 61 feet.
- Maximum residential floor area (RFA) in the R1 Zone is calculated as 45 percent of the lot area.
- Per Section 65863.2 of the California Government Code (AB 2097), no minimum vehicular parking requirement applies to a development project located within one-half mile of a major transit stop. Additionally, per Section 65915(p)(3)(A) of the California Government Code, no minimum vehicular parking requirement applies to a 100% affordable housing project within one-half mile of a major transit stop.
- Project Context:
  - The applicant proposes to construct a new, 5-story, 100% affordable multifamily residential building with 200 dwelling units, using Density Bonus and Executive Directive 1. The applicant has indicated they may request on- and off-menu incentives through the Density Bonus process, potentially including but not limited to reduced side yard, increased height, reduced open space, and increased RFA.
- Potential Entitlements:
  - Per Executive Directive 1, qualifying 100% affordable housing projects, with no deviations from applicable zoning development standards other than through available affordable housing incentive programs, will be processed ministerially without the need for a public hearing or environmental review.
- CEQA:
  - None.

Documents provided:

- [AB 1763/2345 Implementation Memo  
https://planning.lacity.org/odocument/f5dd81b7-1404-4528-9e14-d9a18f8f778b/SCitron24111017440.pdf](https://planning.lacity.org/odocument/f5dd81b7-1404-4528-9e14-d9a18f8f778b/SCitron24111017440.pdf)

Disclaimer: The recommendations and comments listed are based on the project, as proposed by the applicant, at the time of the meeting referenced above. The recommendations and comments are provided as guidance to the applicant and do not constitute a decision by City Planning nor is the project guaranteed an approval by City Planning. These recommendations and comments are not intended to be all-inclusive and shall be reviewed and modified prior to filing, if necessary, should the project change and/or new regulations become effective. City Planning management and/or the project planner shall also have the discretion to make additional recommendations and changes prior to and/or after filing. Moreover, this document is not intended to constitute legal advice.

- Executive Directive 1 <https://mayor.lacity.gov/news/mayor-bass-signs-executive-directive-dramatically-accelerate-and-lower-cost-affordable-housing>
- AB 2097 Implementation Memo [https://planning.lacity.org/odocument/5f912dc2-0380-404c-8afc-f0fb4804f8b0/Implementation\\_Memo\\_AB\\_2097.pdf](https://planning.lacity.org/odocument/5f912dc2-0380-404c-8afc-f0fb4804f8b0/Implementation_Memo_AB_2097.pdf)
- City Planning Application Form <https://planning.lacity.org/odocument/3d913582-d6e7-4375-90e8-3e276b9c28bb/Department%20of%20City%20Planning%20Application>
- City Planning Application – Filing Instructions <https://planning.lacity.org/odocument/b3cd2983-ed8d-4ec2-bedc-eb7c3d940c9a/Department%20of%20City%20Planning%20Application%20Filing%20Instructions>
- Density Bonus Findings/Special Requirements <https://planning.lacity.org/odocument/e9a600ff-392b-4842-b2e9-c2bb46cbd421/Density%20Bonus,%20Conditional%20Use,%20Public%20Benefit%20Project%20Housing%20Incentives.pdf>
- Preliminary Zoning Assessment Form <https://planning.lacity.org/odocument/8311dcfc-3c99-4167-9532-3c278e28a22c/Preliminary%20Zoning%20Assessment.pdf>
- Affordable Housing Referral Form <https://planning.lacity.org/odocument/24647ff3-7276-4b4e-8d80-cc1c7811f5dc/Affordable%20Housing%20Referral%20Form.pdf>
- Transit Verification Form <https://planning.lacity.org/odocument/04a11e47-623f-44c7-85b9-bd121398e7b3/Transit%20Verification%20Form.pdf>

Contact information provided:

- Niall Huffman, City Planning Case Manager [niall.huffman@lacity.org](mailto:niall.huffman@lacity.org), 213-978-3405
- City Planning Affordable Housing Services Section [planning.priorityhousing@lacity.org](mailto:planning.priorityhousing@lacity.org)
- City Planning Preliminary Application Review Program [planning.parp@lacity.org](mailto:planning.parp@lacity.org)

Disclaimer: The recommendations and comments listed are based on the project, as proposed by the applicant, at the time of the meeting referenced above. The recommendations and comments are provided as guidance to the applicant and do not constitute a decision by City Planning nor is the project guaranteed an approval by City Planning. These recommendations and comments are not intended to be all-inclusive and shall be reviewed and modified prior to filing, if necessary, should the project change and/or new regulations become effective. City Planning management and/or the project planner shall also have the discretion to make additional recommendations and changes prior to and/or after filing. Moreover, this document is not intended to constitute legal advice.

**EXHIBIT F**

**Vesting Housing Crisis Act Application dated March 23, 2023  
Case No. PAR-2023-2017-VHCA-ED1**

# REFERRAL FORM



## HOUSING CRISIS ACT Vesting Preliminary Application

This form serves as the optional Housing Crisis Act Vesting Preliminary Application for projects creating one or more units seeking vesting rights pursuant to the Housing Crisis Act of 2019 (HCA). This form also serves as a referral to the Los Angeles City Planning (City Planning) Development Services Center (DSC) and to the Los Angeles Department of Building and Safety (LADBS) Plan Check for HCA vesting purposes. The HCA Vesting Preliminary Application (Preliminary Application) allows the applicant to vest to City ordinances, policies, and standards adopted and in effect on the day that a complete Preliminary Application is submitted. Please be advised that these vesting rights do not apply to changes in State law or to changes in building code.

The following project types are eligible to submit a Preliminary Application:

- Housing Development Projects requiring an application to City Planning; or
- Housing Development Projects not requiring a City Planning application and submitting for building permit Plan Check to LADBS on or after January 1, 2022.

For Submittal Instructions, refer to Section E of this form. Section G (“Retention of Vesting Rights”) of this form may be referenced for additional guidance on HCA vesting rights. The “[Housing Development Project Applicability Matrix](#)” may also be used to identify whether the HCA applies to specified development types, and when a Preliminary Application applies.

### THIS SECTION TO BE COMPLETED BY PLANNING STAFF ONLY

ED1 Eligible

Case Number PAR- 2023-2017-VHCA-ED1

Proposed No. of Dwelling Units<sup>1</sup>: 200

Proposed Building Area<sup>1,2</sup>: 153,428 SF

Submittal Completion Date<sup>3</sup>: 3/23/2023

Last Day to file City Planning Application/Submit to LADBS Plan Check<sup>1</sup>: 9/19/2023

Invoice No.: 87082

Payment Date: 3/23/2023

City Planning Staff Name and Title: Maritza Lee, City Planner

City Planning Staff Signature: Maritza Lee

Digitally signed by Maritza Lee  
Date: 2023.03.31 08:55:47 -07'00'

<sup>1</sup> For information on retention of vesting rights, refer to Section G of this form.

<sup>2</sup> 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). Refer to Appendix 2 for Building Area calculation instructions.

<sup>3</sup> As part of the process to deem complete the submittal of this optional Preliminary Application, City Planning staff have affirmed neither the feasibility nor the entitlement review path of the proposed project.

This form shall be completed by the applicant and reviewed and signed by City Planning staff prior to filing the City Planning application, or the LADBS Plan Check application for projects that do not require a City Planning application. The signed Preliminary Application shall be submitted during the City Planning application filing, or the submission of an application for building permit and Plan Check. Any modifications to the content(s) of this form after its authorization by City Planning staff is prohibited. Further, any change to the proposed number of dwelling units or the proposed building area must be verified by City staff.

## THIS SECTION TO BE COMPLETED BY THE APPLICANT

### A. SITE INFORMATION

#### PROJECT LOCATION

**Street Address<sup>4</sup>:** 5511, 5501 N. Ethel Ave

**Legal Description<sup>5</sup> (Lot, Block, Tract):** Lot PT 88, Tract TR 1000

**Assessor Parcel Number(s):** 2345005016      **Site Area (sf):** 41,810 (per survey)

#### EXISTING USE(S)

Describe in detail the existing uses on the project site, including any major physical alterations or soil disturbance that may have previously occurred.

Site is currently vacant land.

### B. PROPOSED PROJECT

#### PROPOSED USE(S)

Describe in detail the characteristics, scope and/or operation of the proposed project.

New construction of a 7-story, 200 unit 100% affordable residential housing project with 147 parking stalls and 146,506 sf (RFAR). Project will provide 80% of units as Low Income and 20% of units as Moderate Income in accordance with AB 1763. Project qualifies for ED 1 processing.

<sup>4</sup> Street Address must include all addresses on the subject/application site (as identified in ZIMAS—<http://zimas.lacity.org>).

<sup>5</sup> Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site).

## AFFORDABLE HOUSING INCENTIVES, WAIVERS, CONCESSIONS, AND PARKING REDUCTIONS

Will the project proponent seek incentives, waivers, concessions, or parking reductions pursuant to California Government Code Section 65915 (i.e., Density Bonus), the Transit-Oriented Communities (TOC) program, or any other affordable housing incentive program<sup>6</sup>?  **YES**  **NO**

**If “YES”, please describe:**

Project will seek a density bonus and incentives per AB 1763 to permit unlimited density, zero parking, four incentives for two yard reductions, open space reduction, and additional RFAR, and one waiver of development standards for height.

## RESIDENTIAL DWELLING UNIT COUNT

Please indicate the total number of dwelling units proposed as well as a breakdown by levels of affordability.

Affordability Levels	Total
Market Rate	1 MGR
No. of Affordable Units Proposed	199
Extremely Low Income	--
Very Low Income	--
Low Income	160
Moderate Income	39
<b>TOTAL No. of Units Proposed</b>	<b>200</b>

Total Units	Total
No. of Units Allowed by Right (per LAMC)	8
No. of Bonus Units Proposed	192
<b>TOTAL No. of Units Proposed</b>	<b>200</b>

**Other Notes on Units:**

<sup>6</sup> Projects proposing Density Bonus “On-Menu” incentives through a ministerial process or “Off-Menu” incentives, waivers, concessions and parking reductions through a discretionary process must be reviewed by the Los Angeles City Planning Affordable Housing Services Section and obtain a signed Affordable Housing Referral Form (CP-4043) prior to filing a City Planning application.

## FLOOR AREA

Provide the proposed floor area and square footage of residential and non-residential development:

Floor Area<sup>7</sup> 146,506 sf

Building Area<sup>8</sup> 153,428 sf

## PARKING

Provide the proposed number of automobile and bicycle parking spaces:

Automobile Parking	Total
Residential	147
Non-Residential	--

Bicycle Parking	Total
Residential Long Term	126
Residential Short Term	13
Non-Residential Long Term	--
Non-Residential Short Term	--

## SUBDIVISION

Will the proposed project include a request for an approval pursuant to the Subdivision Map Act, including a Vesting or Tentative Tract Map, Preliminary Parcel Map, Condominium Map, Lot Line Adjustment, or Certificate of Compliance?

YES  NO

## ADDITIONAL INFORMATION

Does the project propose any point sources of air or water pollutants<sup>9</sup>?

YES  NO

If "YES", please describe:

<sup>7</sup> As defined by the LAMC.

<sup>8</sup> As defined by the California Building Standards Code (Title 24 of the California Code of Regulations) – California Government Code Section 65941.1(c). Refer to Appendix 1 for Building Area calculation instructions.

<sup>9</sup> A project that proposes point sources of air or water pollutants may trigger review and permitting by, but not limited to, the South Coast Air Quality Management District, the Los Angeles Regional Water Quality Control Board, or the Los Angeles Bureau of Sanitation.

## C. EXISTING SITE CONDITIONS

### HOUSING<sup>10</sup>

Provide the number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied:

	Existing Residential Units	Demolished or To Be Demolished
<b>Occupied Units</b>	0	0
<b>Unoccupied Units</b>	0	0
<b>TOTAL Units</b>	0	0

### ADDITIONAL SITE CONDITIONS

1. Is the project site located wholly or partially within:

- a. A Very High Fire Hazard Severity Zone (VHFHSZ)<sup>11</sup>?  YES  NO
- b. Wetlands, as defined in United States Fish and Wildlife (USFW) Service Manual, Part 660 FW 2 (June 21, 1993)?  YES  NO
- c. A special flood hazard area subject to inundation by the one percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA?  YES  NO
- d. Delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist?  YES  NO
- e. Hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control (DTSC) pursuant to Section 25356 of the Health and Safety Code<sup>12</sup>?  YES  NO

<sup>10</sup> A Housing Development Project, as defined in California Government Code Section 65905.5(b)(3), is subject to the provisions of Government Code Section 66300, as amended by SB 8, and will require an SB 8 Replacement Unit Determination letter from the Los Angeles Housing Department or a No-Net-Loss Property Owner Declaration.

<sup>11</sup> Housing Development Projects located in a VHFHSZ are eligible to seek vesting rights pursuant to the HCA.

<sup>12</sup> The development shall not be located on a legal parcel that is a hazardous waste site except for sites the DTSC has cleared for residential use or residential mixed use.

2. Does the project site contain a designated or potentially historic and/or cultural resource<sup>13</sup>?  YES  NO

**If “YES”, please describe:**

- a. Does the project site contain any species of special concern such as special status flora or fauna, protected trees, or wildlife<sup>14</sup>?  YES  NO

**If “YES”, please describe and/or depict on the site plan:**

- b. Does the project site contain any recorded easement, such as easements for conservation, storm drains, water lines, and other public rights of way?  YES  NO

**If “YES”, please describe and/or depict on the site plan:**

- c. Does the project site contain a stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the California Fish and Wildlife Code, including creeks and wetlands?  YES  NO

**If “YES”, please describe and/or depict on the site plan:**

<sup>13</sup> Information regarding historic resources that have been identified by the City or another public agency can be found in SurveyLA, HistoricPlacesLA, or ZIMAS.

<sup>14</sup> An Arborist Report or a Biological Survey and Impact Assessment may be required following the filing of an application requesting approval of a discretionary action if the project site is on or adjacent to open space or previously undisturbed land in order to demonstrate whether the site provides habitat for any special status flora or fauna, including those identified in a Specific Plan or Zoning Overlay.

## D. COASTAL

1. Is the project site located wholly or partially within the Coastal Zone, as defined in Division 20 (commencing with Section 3000) of the Public Resources Code (PRC). If marked "NO", skip to section E.  YES  NO
2. Does the project site contain a/an:
- a. Wetlands, as defined in subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations<sup>15</sup>?  YES  NO
  - b. Environmentally Sensitive Habitat Area (ESHAs), as defined in Section 30240 or the California PRC<sup>16</sup>?  YES  NO
  - c. Tsunami run-up zone?  YES  NO
  - d. Area used for public access to or along the coast?  YES  NO

## E. ADDITIONAL REQUIRED MATERIALS

In order to initiate a request for HCA vesting rights, an applicant must submit a Preliminary Application and the following materials and information through [City Planning's Online Application Portal](#). An appointment is not required.

### 1. HCA Vesting Preliminary Application (CP-4062)

2. **Plot/Site Plan.** A legible plot plan drawn to scale is required. The plot plan must include all contiguous parcels under the applicants' ownership and any contiguous parcels proposed to be part of the project site. The plot plan should identify which parcels are/are not a part of the proposed project. The plot plan should include a summary of information table indicating the following:

- Building area of each building that is to be occupied
- Proposed land uses
- Proposed number of dwelling units
- Height of buildings
- All measurements that establish the proposed location of the proposed buildings and structures, including property lines, yards, setbacks, space between buildings and structures, and building footprint dimensions.
- Trees and Shrubs. Plans must clearly show all existing trees and shrubs on the project site and within the right-of-way adjacent to the property. Identify and label (by name and trunk diameter) the following protected trees and shrubs as identified on the Plot Plan Instructions ([CP-7752](#)).

<sup>15</sup> Wetlands may include a watercourse or a storm drain. A Wetlands Delineation Report may be required following the filing of an application requesting approval of a discretionary action in the Coastal Zone if the site contains a watercourse or a storm drain.

<sup>16</sup> ESHAs are mapped areas in the certified Venice Land Use Plan and the San Pedro Coastal Land Use Plan.

- Watercourses, storm drains, creeks streams, wetlands (as defined in the USFW Service Manual, Part 660 FW 2 (June 21, 1993) or as defined in subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations), or other resources that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Wildlife Code.
- Aerial Site Photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands. It may be provided on any relevant plan sheet, including a project information sheet.

Refer to the Plot Plan Instructions ([CP-7752](#)) for additional guidance.

- 3. Elevation Plans.** Elevations must show the design, materials, color, textures, patterns, massing and height of each building under the project scope. Refer to the Housing Crisis Act Vesting Preliminary Application Elevations Instructions (Appendix 1 of this form, page 15) for additional guidance. The elevations plans shall be included as part of the set of plans.
- 4. Building Area Analysis.** Refer to the Housing Crisis Act Vesting Preliminary Application Building Area Analysis Instructions (Appendix 2 of this form, page 16) for additional guidance. The building area plans shall be included as part of the set of plans.
- 5. Sections** for projects located on multiple levels or subterranean floors (e.g., basements, subterranean parking, etc.) showing depth (linear feet) and amount (cubic yards) of proposed cut, fill, import, and export related to grading, excavation of earthwork. The sections shall be included in the set of plans.
- 6. Filing Fee.** Fees must be paid online after the electronic invoice is received.

## F. ADDITIONAL RESOURCES

- 1. Appendix 1:** Elevations Instructions for Vesting Pursuant to the Housing Crisis Act (page 15).
- 2. Appendix 2:** Building Area Analysis for Vesting Pursuant to the Housing Crisis Act (page 16).

## G. RETENTION OF VESTING RIGHTS

A Preliminary Application must be deemed complete by City Planning in order to obtain vesting rights. A Preliminary Application is deemed complete at the time that all required forms, documents, and materials are submitted, and the final invoice has been issued and proof of payment is presented to City Planning. A Preliminary Application completed before January 1, 2030 is valid until January 1, 2034, provided that HCA vesting rights are maintained and have not otherwise lapsed or terminated.

To retain HCA vesting rights, the applicant must adhere to certain time limits and limitations on project scope changes. **If the time limits are not met or if the changes in the project scope exceed specified thresholds, the Preliminary Application shall expire and have no further force or effect.** During City Planning application filing or the submission of an application for building permit and Plan Check, as well as through the development process, City staff will verify whether a project has been able to maintain vesting rights. Refer to the "Housing Crisis Act Vesting Log" on page 11 for additional instructions.

## TIME LIMITS TO RETAIN VESTING RIGHTS

Once the Preliminary Application is complete, the City Planning application or the application for building permits and Plan Check must be submitted within 180 days of the date on which the Preliminary Application is deemed complete, in order to retain vesting rights.

If a City Planning application is required, the applicant must submit all outstanding information needed in order to deem the City Planning application complete within 90 days of receiving a hold or “deemed incomplete” letter from City Planning staff. The 90-day period does not apply to projects eligible to submit a building permit Plan Check application to LADBS without a City Planning application on or after January 1, 2022.

For all vested projects (ministerial or discretionary), construction of the Housing Development Project must commence within 2.5 years. For vested projects that are 100 percent affordable, the Housing Development Project must commence within 3.5 years.

If the project is discovered to require a City Planning application during the permitting process, the project may still use the Preliminary Application issued as long as the City Planning application is submitted within 180 days of the date a complete Vesting Preliminary Application was submitted. The submittal of the building permit application to LADBS would not be held against the project.

## PROJECT SCOPE THRESHOLDS TO RETAIN VESTING RIGHTS

In order to maintain vesting rights, any change in the residential unit count or in the Building Area is limited to *less than* 20 percent of the total proposed on the completed Preliminary Application, exclusive of any increase resulting from the receipt of a density bonus, concession, waiver, or similar provision.

H. PROJECT TEAM INFORMATION (Complete all applicable fields)

**Applicant<sup>17</sup> Name:** \_\_\_\_\_

**Company/Firm:** Uncommon Developers (c/o Leon Benrimon)

**Address:** 9220 Winnetka Ave **Unit/Space Number:** \_\_\_\_\_

**City:** Chatsworth **State:** CA **Zip Code:** 91311

**Telephone:** 310-980-7206 **E-mail:** leon@uncommondevelopers.com

Are you in escrow to purchase the subject property?  YES  NO

**(Optional) Agent/Representative Name:** Olivia Joncich

**Company/Firm:** Rand Paster & Nelson LLP

**Address:** 633 W. Fifth Street **Unit/Space Number:** 64th Fl

**City:** Los Angeles **State:** CA **Zip Code:** 90071

**Telephone:** 213-557-2703 **E-mail:** olivia@rpnllp.com

**Primary Contact for Project Information<sup>18</sup>**  Agent/Representative  Applicant  
(select only one)

<sup>17</sup> An applicant is a person with a lasting interest in the completed project such as the property owner or a lessee/user of a project. An applicant is not someone filing the case on behalf of a client (i.e., usually not the agent/representative).

<sup>18</sup> As of June 8, 2022, the Primary Contact for Project is required to have an Angeleno Account and register with the Ethics Commission for Significant Project Entitlements, as defined in LAMC Section 49.7.37(A)(6). An email address and phone number shall be required on the DCP Application Form, and the email address provided shall match the email address used to create the Angeleno Account.

THIS SECTION SHALL BE ADDED ONTO THE FINAL PLAN SET  
PERMITTED BY LADBS

## HOUSING CRISIS ACT VESTING LOG

This log is intended to be used by City staff to track compliance with the time limits and project scope changes (unit count), in order to retain vesting rights through the development process. If a vested Housing Development Project is associated with a City Planning application for its development, this page and the log shall be completed by the City Planning Case Processing Unit. Any modifications to the content(s) of this log by anyone other than City staff is prohibited. A copy of this page and the completed log must be included on the final set of plans for construction.

### CITY STAFF USE ONLY

Case Number PAR- \_\_\_\_\_

Date Vested (Date Preliminary Application Submittal Complete): \_\_\_\_\_

Proposed No. of Dwelling Units<sup>19</sup>: \_\_\_\_\_

City Planning Staff Name and Title: \_\_\_\_\_

<sup>19</sup> The proposed number of dwelling units should match the number of proposed dwelling units identified on page 1.

**TABLE A - HOUSING CRISIS ACT VESTING LOG**  
**THIS SECTION TO BE COMPLETED BY CITY PLANNING CASE PROCESSING UNIT ONLY**

Milestone	Date Due	Date Complete	Dwelling Units <sup>20</sup>	Determination <sup>21</sup>	Staff Name
<p><b>City Planning Application Filing</b></p> <p>Project submitted within 180 days of the HCA Vesting Preliminary Application being deemed complete.<sup>22</sup></p> <p>Project meets the time limits:  <input type="checkbox"/> <b>YES</b>   <input type="checkbox"/> <b>NO</b></p>			<p><input type="checkbox"/> Project meets 20% threshold</p> <p><input type="checkbox"/> Project exceeds 20% threshold</p> <p>Proposed Units:            _____</p> <p>Plan Sheet No.:            _____</p>	<p><input type="checkbox"/> The project meets the time limits (180 days) and limitations on project scope (unit count).</p> <p><input type="checkbox"/> The HCA Vesting Preliminary Application is expired and has no further force or effect.</p>	
<p><b>Applicant Response to Deemed Incomplete Letter</b></p> <p>If a City Planning Application is Deemed Incomplete, the applicant must submit all information needed within 90 days of receiving the Deemed Incomplete Letter (applies ONLY to projects that are required to file a City Planning application)</p> <p>Project meets the time limits:  <input type="checkbox"/> <b>YES</b>   <input type="checkbox"/> <b>NO</b></p>			<p><input type="checkbox"/> Project meets 20% threshold</p> <p><input type="checkbox"/> Project exceeds 20% threshold</p> <p>Proposed Units:            _____</p> <p>Plan Sheet No.:            _____</p>	<p><input type="checkbox"/> The project meets the time limits (90 days) and limitations on project scope (unit count).</p> <p><input type="checkbox"/> The HCA Vesting Preliminary Application is expired and has no further force or effect.</p>	

<sup>20</sup> Any change in the residential unit count is limited to less than 20 percent of what is indicated on the completed Preliminary Application, exclusive of any increase resulting from the receipt of a density bonus, concession, waiver, or similar provision.

<sup>21</sup> If the time limits are not met or if the changes in the project scope exceed specified thresholds, then the Preliminary Application shall expire and have no further force or effect.

<sup>22</sup> Once the Preliminary Application is complete, the City Planning application must be submitted within 180 days of the Preliminary Application completion date.

Milestone	Date Due	Date Complete	Dwelling Units	Determination	Staff Name
<b>Date City Planning Application Deemed Complete</b>	N/A		<input type="checkbox"/> Project meets 20% threshold <input type="checkbox"/> Project exceeds 20% threshold Proposed Units: _____ Plan Sheet No.: _____	<input type="checkbox"/> The project meets the limitations on project scope (unit count). <input type="checkbox"/> The HCA Vesting Preliminary Application is expired and has no further force or effect.	
<b>Date of Hearing</b>	N/A		<input type="checkbox"/> Project meets 20% threshold <input type="checkbox"/> Project exceeds 20% threshold Proposed Units: _____ Plan Sheet No.: _____	<input type="checkbox"/> The project meets the limitations on project scope (unit count). <input type="checkbox"/> The HCA Vesting Preliminary Application is expired and has no further force or effect.	
<b>Date of Final Approval of City Planning Application<sup>23</sup></b>	N/A		<input type="checkbox"/> Project meets 20% threshold <input type="checkbox"/> Project exceeds 20% threshold Proposed Units: _____ Plan Sheet No.: _____	<input type="checkbox"/> The project meets the limitations on project scope (unit count). <input type="checkbox"/> The HCA Vesting Preliminary Application is expired and has no further force or effect.	

<sup>23</sup> Final approval means that a project has obtained all necessary approvals to be eligible to apply for, and obtain, a building permit or permits, and all appeal periods or statutes of limitations have been exhausted or resolved in favor of the Housing Development Project (G.C. Sec. 65589.5(o)(2)(D)(ii)).

Milestone	Date Due	Date Complete	Dwelling Units	Determination	Staff Name
<p><b>Date Construction Commenced</b> (within 2.5 years or 3.5 years of Final Decision)<sup>24</sup></p> <p>Project meets the time limits:  <input type="checkbox"/> <b>YES</b>   <input type="checkbox"/> <b>NO</b></p>			<p><input type="checkbox"/> Project meets 20% threshold</p> <p><input type="checkbox"/> Project exceeds 20% threshold</p> <p>Proposed Units: _____</p> <p>Plan Sheet No.: _____</p>	<p><input type="checkbox"/> The project meets the time limits (2.5 or 3.5 years) and limitations on project scope (unit count).</p> <p><input type="checkbox"/> The HCA Vesting Preliminary Application is expired and has no further force or effect.</p>	

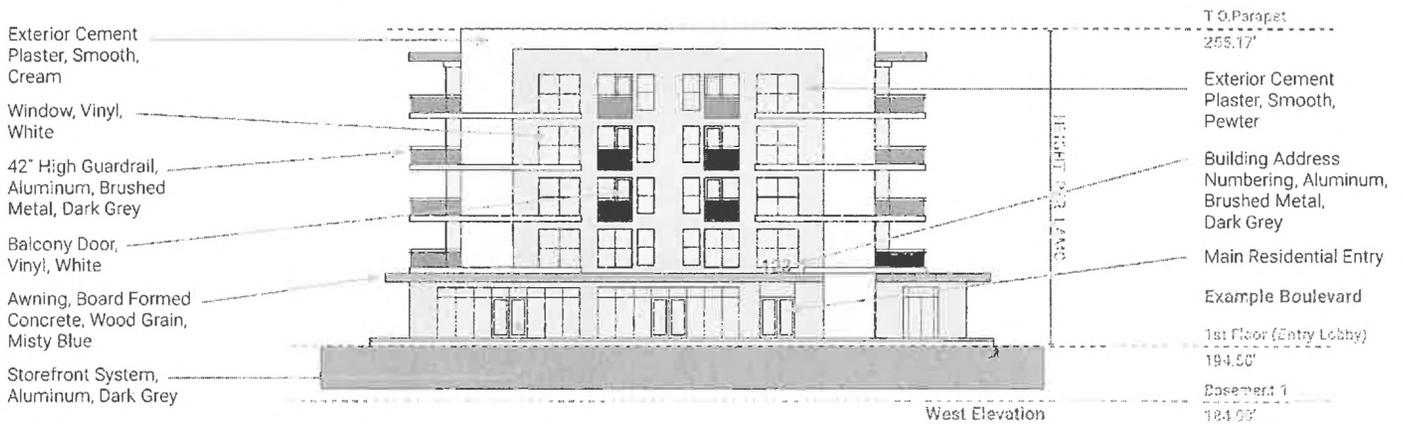
**Notes:**

<sup>24</sup> Vested Housing Development Projects must commence construction within two and one-half years, or three and one-half years for one hundred percent affordable Housing Development Projects.

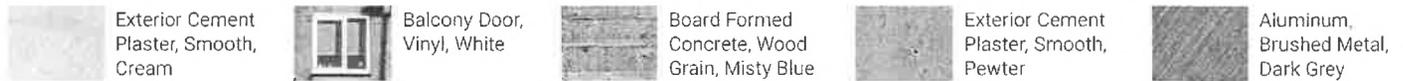
# Appendix 1

## Elevations Instructions for Vesting Pursuant to the Housing Crisis Act

123 Example Blvd, Los Angeles, CA



### Materials, Textures and Colors



Elevations shall show the design, materials, color, massing, facade and height of each building under the project scope:

- **Scale:** The scale shall be no less than 1/8" = 1'-0" or a scale that produces a readable illustration.
- **Building Materials and Colors:** Elevations must identify all building materials types and colors. Include any sustainable features of the project as well as the material texture or pattern.
- **Location:** The elevations page must include the site address.
- **Labeling:** All views and major features shall be labeled, including which side of the project is being illustrated.
- **Dimensions:** Elevations shall be dimensioned in a manner that all relevant measurements can be read. Accessory structures shall have the same dimension requirements as the main structure. Include the dimensions for all heights. Required dimensions must include the following items:
  - The lowest elevation within 5 feet of the perimeter of the building;
  - The highest elevation for purposes of determining maximum building height as measured per Department of Building and Safety requirements and as defined by LAMC Section 12.03;
  - Height to the highest point of the roof and all roof structures;
  - Wireless facilities and transformers;
  - Projections proposed to be attached to a building facade;
  - Poles or signs including those attached to the facade or roof. Roof signs, pole signs and billboards must show both sides;
  - Facade texture, pattern, color and material changes to determine compliance with building articulation and design standards; and
  - Fences, walls, beams, barriers, including lighting fixtures, pillars, and gates on all sides.

Most City Planning processes involve a review of the project design. Applicants are encouraged to consult with the **LACP Urban Design Studio** regarding the design of the project early in the application process, ideally prior to filing. You may schedule a design review meeting online: [planning.lacity.org/plans-policies/LACP-urban-design-studio/schedule-appointment](http://planning.lacity.org/plans-policies/LACP-urban-design-studio/schedule-appointment). Refer to Elevation Instructions ([CP-7817](#)) for additional guidance.

# Appendix 2

## Building Area Analysis for Vesting Pursuant to the Housing Crisis Act

The purpose of this Building Area analysis sample and instructions is to provide guidance with determining the total Building Area or "square footage of construction" of a Housing Development Project in order to vest pursuant to the Housing Crisis Act. The sample below broadly applies to all types of Housing Development Projects.

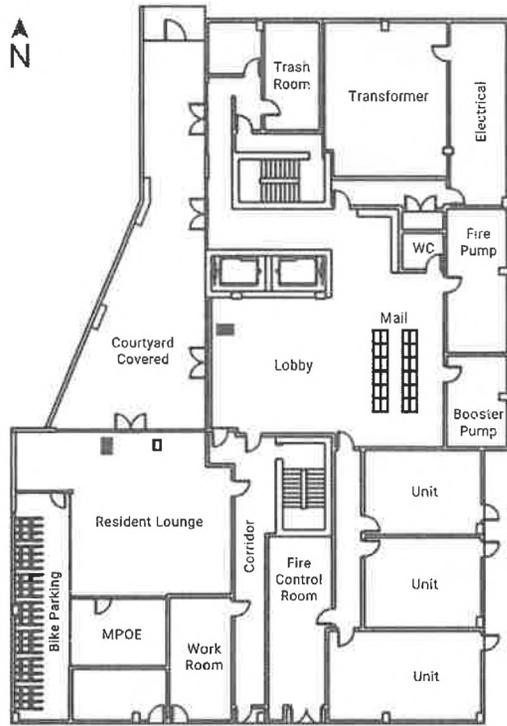
Building Area Calculation Table – Example

Level	Proposed
L2–L5	30,704 sf
L1	9,426 sf
Total	40,130 sf

### Building Area Definition

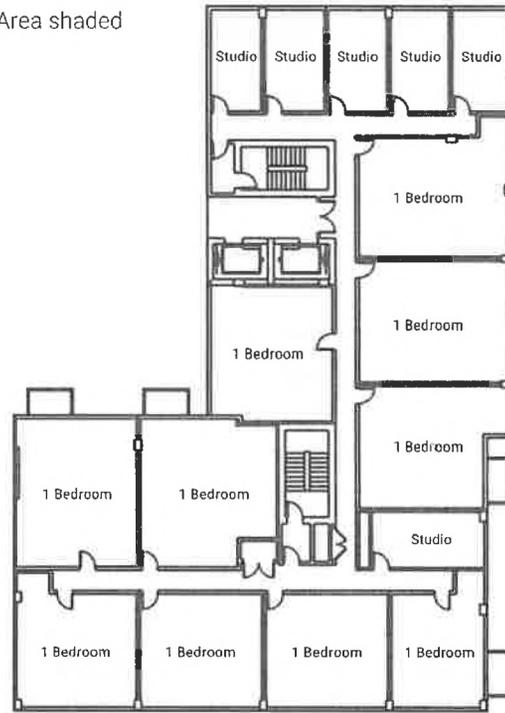
The area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.  
 – California Government Code Section 65941.1(C)

Building Area Diagram – Example



Level 1 Building Area 9,426 sf

□ Building Area shaded



Levels 2-5 Building Area 7,676 sf (per level)

### Instructions

- **Shaded and Dimensioned Diagram:** Set of plans shall include a shaded and dimensioned diagram indicating the total Building Area for each level, including any covered parking areas, elevator shafts and stairwells at each level.
- **Quantities Referenced Diagram:** Each area analysis must include a label or reference to its Building Area, expressed as square-footage.
- **Calculation Table:** The Building Area page should include a corresponding calculation table indicating the Building Area for each level, as well as the grand total.

**EXHIBIT G**

**Affordable Housing Referral From – 5501 Ethel dated April 20, 2023**



## AFFORDABLE HOUSING REFERRAL FORM

This form is to serve as a referral to the Los Angeles City Planning's Development Services Center (DSC) for Affordable Housing case filing purposes (in addition to the required Department of City Planning Application and any other necessary documentation); and to the City of Los Angeles Housing Department (LAHD), Department of Building and Safety (LADBS), or other City agency for project status and entitlement need purposes. All Applicants are required to provide a complete set of architectural plans at the time that this form is submitted for review. Any application submitted that is missing any required materials will be considered incomplete and will not be reviewed until all materials are submitted.

This form shall be completed by the Applicant and reviewed and signed by City Planning DSC Affordable Housing Services Section (AHSS) Staff prior to filing an application for an entitlement, administrative review, or building permit. Any modifications to the content(s) of this form after its authorization by AHSS Staff is prohibited. City Planning reserves the right to require an updated Referral Form for the project if more than 180 days have transpired since the referral date, or as necessary, to reflect project modifications, policy changes, bus route changes, bus schedule changes, and/or amendments to the Los Angeles Municipal Code (LAMC), local laws, and State laws.

## THIS SECTION TO BE COMPLETED BY AHSS STAFF ONLY

Planning Staff Name & Title: Brian R. Carr, City Planner

Planning Staff Signature: 

Referral Date: 4/20/2023 Expiration Date: 10/17/2023

## TRANSPORTATION QUALIFIERS (if applicable)

Major Transit Stop  Paratransit / Fixed Bus Route

Other: \_\_\_\_\_

Location of Transit: Valley College Station - Burbank Blvd & Fulton Ave

Qualifier #1: Metro G Line

Service Interval #1: Rail LOS Service Interval #2: Rail LOS

Qualifier #2: N/A

Service Interval #1: \_\_\_\_\_ Service Interval #2: \_\_\_\_\_

*Service Intervals are calculated by dividing 420 (the total number of minutes during the peak hours of 6 am to 9 am and 3 pm to 7 pm) by the number of eligible trips.*

**Referral To:**

- Planning DSC - Filing                       100% Affordable per AB 2345<sup>1</sup>                       SB 35
- AB 2162                                               Measure JJJ
- Other: \_\_\_\_\_

**Notes:**

**THIS SECTION TO BE COMPLETED BY THE APPLICANT**

**APPLICANT INFORMATION**

**Applicant Name:** Olivia Joncich (Representative)

**Phone Number:** 213-557-2703

**Email:** olivia@rpnllp.com

**I. PROPOSED PROJECT**

**1. PROJECT LOCATION/ZONING**

**Project Address(es):** 5511, 5501 N. Ethel Ave

**Assessor Parcel Number(s):** 2345005016

**Community Plan:** Van Nuys - North Sherman Oaks

**Existing Zone:** R1-1

**Land Use Designation:** Low Residential

**Number of Parcels:** 1

**Site Size (sf):** 41,810 (per survey)

- ED1 Eligible<sup>2</sup>**     Specific Plan     DRB/CDO     HPOZ     Enterprise Zone
- Redevelopment Project Area                       Q Condition/D Limitation (Ordinance No.): \_\_\_\_\_
- Other Pertinent Zoning Information (specify): \_\_\_\_\_

<sup>1</sup> AB 1763 incentives were amended by AB 2345.

<sup>2</sup> Refer to [Executive Directive 1](#) for qualifying criteria. If the project is determined to be ineligible for ED 1, a new Referral Form will need to be obtained.

## 2. DETAILED DESCRIPTION OF PROPOSED PROJECT

New construction of a 7-story, 200 unit 100% affordable residential housing project with 147 parking stalls and 146,506 sf (RFAR). Project will provide 80% of units as Low Income and 20% of units as Moderate Income in accordance with AB 1763. Project qualifies for ED 1 processing.

## 3. DETAILED DESCRIPTION OF EXISTING SITE AND DEVELOPMENT

Site is currently vacant land.

Existing Uses Dwelling Unit (DU) Square Footage (SF)	Existing No. of DUs or Non-Residential SF	Existing No. of DUs or Non-Residential SF to be Demolished	Proposed <sup>3</sup> No. of DUs or Non-Residential SF
Guest Rooms			
Studios	0	0	5
One Bedrooms	0	0	161
Two Bedrooms	0	0	34
Three Bedrooms			
_____ Bedrooms			
Non-Residential SF			
Other			

<sup>3</sup> Per AB 2556, replacement units shall be equivalent to the number of units and number of bedrooms of the existing development.

#### 4. APPLICATION TYPE

Density Bonus (per LAMC Section 12.22 A.25 or Government Code Section 65915) with only **Base Incentives** filed in conjunction with another discretionary approval.

Density Bonus with **On-Menu Incentives** (specify):

1) 20% reduction in side yard (north)

2) 20% reduction in side yard (south)

3) \_\_\_\_\_

4) \_\_\_\_\_

Density Bonus with **Off-Menu Incentives** (specify):

1) 50% reduction in required open space

2) 350% increased in RFAR

3) \_\_\_\_\_

4) \_\_\_\_\_

Density Bonus with **Waivers of Development Standards** (specify):

1) Waiver of height to permit total height of 79'-6"

2) \_\_\_\_\_

3) \_\_\_\_\_

4) \_\_\_\_\_

Greater Downtown Housing Incentive Area per LAMC Section 12.22 A.29

Affordable Housing per LAMC Section 11.5.11 (Measure JJJ)

Public Benefit Project per LAMC Section 14.00 A.2

General Plan Amendment per LAMC Section 11.5.6

Request: \_\_\_\_\_

Zone/Height District Change per LAMC Section 12.32

Request: \_\_\_\_\_

Conditional Use per LAMC Section 12.24 U.26

Site Plan Review per LAMC Section 16.05

Specific Plan Project Permit Compliance per LAMC Section 11.5.7 C

Community Design Overlay per LAMC Section 13.08

Coastal Development Permit per LAMC Section 12.20.2 or 12.20.2.1

Tract or Parcel Map per LAMC Section 17.00 or 17.50

Other (specify): \_\_\_\_\_

## 5. ENVIRONMENTAL REVIEW

Project is Exempt<sup>4</sup>

Not Yet Filed

Filed (Case No.): \_\_\_\_\_

## 6. HOUSING DEVELOPMENT PROJECT TYPE

### CHECK ALL THAT APPLY:

For Rent                       For Sale                       Mixed-Use Project                       Residential Hotel

Extremely Low Income    Very Low Income                       Low Income                       Moderate Income

Market Rate                       Supportive Housing                       Senior

Special Needs (describe): \_\_\_\_\_

Other Category (describe): \_\_\_\_\_

## 7. DENSITY CALCULATION

\*(Per AB 2334, RD5 is the "maximum allowable density" permitted by the land use designation, the zoning, and any applicable specific plan.)

**A. Base Density: Maximum density allowable per zoning** This site is designated Low Residential by the Community Plan, which corresponds to RD5 density.)

Lot size (including any 1/2 of alleys)<sup>5</sup>      41,810 SF (a) (per survey)

Density allowed by Zone                      5,000\* SF of lot area per DU (b)

No. of DUs allowed by right (per LAMC) 8 DUs (c) [c = a/b, round down to whole number]

Base Density                      9 DUs (d) [d = a/b, round up to whole number]

**B. Maximum Allowable Density Bonus<sup>6</sup>** 13 DUs (e) [e = dx1.35, round up to whole number]

<sup>4</sup> Project may be exempt from CEQA review if it qualifies for a CEQA Exemption or is a Ministerial Project (aka, "By Right").

<sup>5</sup> If there is a related subdivision case, the lot area shall be calculated based on the site area after a dedication of land has been provided.

<sup>6</sup> Per AB 2345, 100% affordable housing developments may request an 80% density increase or unlimited density if the project site is within 0.5 miles of a Major Transit Stop.

**C. Proposed Project:** Please indicate total number of DUs requested and break down by levels of affordability set by each category (California Department of Housing and Community Development [HCD] or United States Department of Housing and Urban Development [HUD]). For information on HCD and HUD levels of affordability please contact LAHD at lahd-landuse@lacity.org.

	Total	HCD (State)	HUD (TCAC)
Market Rate	_____	N/A	N/A
Managers Unit(s) - Market Rate	1	N/A	N/A
Extremely Low Income (ELI)	_____	_____	_____
Very Low Income (VLI)	_____	_____	_____
Low Income (LI)	160	--	160
Moderate Income	39	39	--
Permanent Supportive Housing — ELI	_____	_____	_____
Permanent Supportive Housing — VLI	_____	_____	_____
Permanent Supportive Housing — LI	_____	_____	_____
Seniors — Market Rate	_____	N/A	N/A
Other _____	_____	_____	_____
Other _____	_____	_____	_____
Other _____	_____	_____	_____
Other _____	_____	_____	_____
TOTAL No. of DUs Proposed	200	(f)	
TOTAL No. of Affordable Housing DUs	199	(g)	
No. of Density Bonus DUs	192	(h) [If f>c, then h=f-c; if f<c, then h= 0]	
Percent of Density Bonus Requested	2,122%	(i) $\{i = 100 \times [(f/d) - 1]\}$ (round down)	
Percent of Affordable Set Aside	100%	(j) [g/d, round down to a whole number]	

## 8. SITE PLAN REVIEW CALCULATION

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

8 units allowed by right (permitted by LAMC) – 0 existing units = 8 units

**YES, SPR is required.**

Proposed by-right units minus existing units is equal to or greater than 50<sup>7</sup>

**NO, SPR is not required.**

Base Density units minus existing units is less than 50

**Exempt.**

Specify reason: Project is exempt from SPR per ED 1

## II. DENSITY BONUS (LAMC SECTION 12.22 A.25, ORDINANCE NO. 179,681)

### 9. PARKING OPTIONS

**CHECK ALL THAT APPLY:**

**Automobile Parking Reductions via Bicycle Parking for Residential Uses<sup>8</sup>. Choose only one of the options, if applicable:**

10%

15% (*Only for residential projects or buildings located within 1,500 feet of a Major Transit Stop*)

30% (*If selecting the 30% parking reduction, the project will be ineligible for any of the Parking Options listed below*)

If selecting the 30% parking reduction, provide the following information:

Required Parking per LAMC: \_\_\_\_\_

Required Parking after the 30% reduction: \_\_\_\_\_

<sup>7</sup> Site Plan Review may also be required if other characteristics of the project exceeds the thresholds listed in LAMC Section 16.05.

<sup>8</sup> Any project utilizing Parking Option 3 may not further reduce automobile parking via bicycle parking.

**Automobile Parking for Residential Uses (choose only one of the following options):**

*Note: Any fractional numbers are rounded up.*

**Parking Option 1.** Based on # of bedrooms, inclusive of Handicapped and Guest parking.

	# of DUs	Spaces/DU	Parking Required	Parking Provided
0-1 Bedroom		1		
2-3 Bedrooms		1.5		
4 or more Bedrooms		2.5		
Stalls Reduced via Bike Parking				Subtract:
<b>TOTALS</b>				

**Parking Option 2.** Reduced only for Restricted Affordable Units and up to 40% of required parking for Restricted Affordable Units may be compact stalls.

	# of DUs	Spaces/DU	Parking Required	Parking Provided
Market Rate (Including Senior Market Rate)		Per Code		
Restricted Affordable		1		
VLI/LI Senior or Disabled		0.5		
Restricted Affordable in Residential Hotel		2.5		
Stalls Reduced via Bike Parking				Subtract:
<b>TOTALS</b>				

**Parking Option 3 [AB 2345 (2020)].** Applies to two types of projects:

- 100% affordable housing developments consisting solely of affordable units, exclusive of a manager’s unit(s), with an affordable housing cost to lower income families; or
- Mixed-income developments consisting of 11% VLI or 20% LI units.

**100% Affordable Housing Developments.** There is no minimum parking requirement for any of the following 100% affordable housing developments described below. Check all that apply:

- A housing development located within 0.5 miles of a Major Transit Stop.
- A housing development for individuals who are 62 years of age or older with either paratransit service or unobstructed access, within 0.5 miles to a fixed bus route that operates at least eight times per day.

**Special Needs Housing Development**, as defined in Section 51312 of the Health and Safety Code (H&SC), with either paratransit service or unobstructed access, within 0.5 miles to a fixed bus route that operates at least eight times per day.

**Supportive Housing Development**, as defined in Section 50675.14 of the H&SC.

**Mixed-Income Developments** consisting of 11% VLI or 20% LI units.

	Spaces/Unit	Parking Required	Parking Provided
Located within 0.5 miles of Major Transit Stop with unobstructed access to project	0.5		

**Major Transit Stop** is defined as a site containing an existing rail or bus rapid transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. It also includes major transit stops that are included in the applicable regional transportation plan.

**Bus Rapid Transit** is defined as public mass transit service provided by a public agency or by a public-private partnership that includes all of the following features:

- 1) Full-time dedicated bus lanes or operation in a separate right-of-way dedicated for public transportation with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
- 2) Transit signal priority.
- 3) All-door boarding.
- 4) Fare collection system that promotes efficiency.
- 5) Defined stations.

## 10. INCENTIVES

### A. Qualification for Incentives

Below is the minimum Required Restricted Affordable Housing Units, calculated as a percentage of the base density allowed on the date of the application. Check only one:

Incentives	% Very Low Income	% Low Income	% Moderate Income
<b>One</b>	<input type="checkbox"/> 5% to <10%	<input type="checkbox"/> 10% to <20%	<input type="checkbox"/> 10% to <20%
<b>Two</b>	<input type="checkbox"/> 10% to <15%	<input type="checkbox"/> 20% to <30%	<input type="checkbox"/> 20% to <30%
<b>Three</b>	<input type="checkbox"/> 15% or greater	<input type="checkbox"/> 30% or greater	<input type="checkbox"/> 30% or greater

**100% Affordable Housing Developments may request up to four (4) incentives and one (1) Waiver of Development Standard.** Check this box if this applies to the project.

**B. Project Zoning Compliance & Incentives** (Only for projects requesting a Density Bonus with Incentives/Waivers)

	Permitted w/o Incentives	Proposed per Incentives	On-Menu	Off-Menu
<input checked="" type="checkbox"/> Yard/Setback (each yard counts as one incentive)				
<input type="checkbox"/> Front (1)	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Front (2)	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Side (1)	11.15 ft	8 ft 11 in	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Side (2)	11.15 ft	8 ft 11 in	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Rear	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Lot Coverage	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Lot Width	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Floor Area Ratio <sup>9</sup>	18,814 sf (RFAR)	146,506sf (RFAR)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Height/Stories <sup>10</sup>	28 ft	79 ft-6 in	<input type="checkbox"/>	<input type="checkbox"/> (WAIVER)
<input type="checkbox"/> Overall Height	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Transitional Height(s)	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Open Space	20,850 sf	10,425 sf	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Density Calculation	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Averaging (all count as one incentive — check all that are needed)				
<input type="checkbox"/> FAR				
<input type="checkbox"/> Density				
<input type="checkbox"/> Parking				
<input type="checkbox"/> Open Space				
<input type="checkbox"/> Vehicular Access				
<input type="checkbox"/> Other Off-Menu Incentives (specify): _____				

Waiver of Development Standards (specify): Waiver to permit a height of 79 ft 6 in  
Waiver to permit a height of 79 ft 6 in

100% Affordable Housing Development shall receive a height increase of three additional stories up to 33 additional feet. Check the box if this applies to your project.

**TOTAL No. of Incentives Requested:** On-Menu 2 Off-Menu 2

**TOTAL No. of Waivers Requested:** 1

<sup>9</sup> See LAMC Section 12.22 A.25(f)(4) for additional requirements.

<sup>10</sup> See LAMC Section 12.22 A.25(f)(5) for additional requirements.

## 11. COVENANT

All Density Bonus projects are required to prepare and record an Affordability Covenant to the satisfaction of the LAHD's Occupancy Monitoring Unit **before** a building permit can be issued. For more information, please contact the LAHD at [lahd-landuse@lacity.org](mailto:lahd-landuse@lacity.org).

## III. GREATER DOWNTOWN HOUSING INCENTIVE AREA (LAMC SEC. 12.22 A.29, ORDINANCE NO. 179,076)

## 12. GREATER DOWNTOWN HOUSING INCENTIVE AREA (GDHIA)

### A. Eligibility for Floor Area Bonus

NOTE: The affordability levels required are set by the HUD/TCAC. For information on HCD and HUD levels of affordability please contact the LAHD at [lahd-landuse@lacity.org](mailto:lahd-landuse@lacity.org).

- 5% of the total number of DUs provided for VLI households; and
- One of the following shall be provided:
  - 10% of the total number of DUs for LI households; or
  - 15% of the total number of DUs for Moderate Income households; or
  - 20% of the total number of DUs for Workforce Income households, and
- Any DU or Guest Room occupied by a household earning less than 50% of the Area Median Income (AMI) that is demolished or otherwise eliminated shall be replaced on a one-for-one basis within the Community Plan area in which it is located

### B. Incentives

NOTE: Must meet all three (3) eligibility requirements from 12.A above and provide a Covenant & Agreement (See #11).

#### CHECK ALL THAT APPLY:

- A 35% increase in total floor area
- Open Space requirement pursuant to LAMC Section 12.21 G reduced by one-half, provided that a fee equivalent to amount of the relevant park fee, pursuant to LAMC Section 19.17, shall be paid for all dwelling units. See LAMC Section 12.29 A.29(c) for exceptions
- No parking required for units for households earning less than 50% AMI
- No more than one parking space required for each dwelling unit

### C. Additional Incentives to Produce Housing in the GDHIA

- No yard requirements except as required by the Urban Design Standards and Guidelines
- Buildable area shall be the same as the lot area (for the purpose of calculating buildable area for residential and mixed-use)

- Maximum number of dwelling units or guest rooms permitted shall not be limited by the lot area provisions, as long as the total floor area utilized by guest rooms does not exceed the total floor area utilized by dwelling units
- No prescribed percentage of the required open space that must be provided as either common open space or private open space

#### IV. MEASURE JJJ<sup>11</sup> (LAMC Sec. 11.5.11, Ordinance No. 184, 745)

##### 13. AFFORDABLE REQUIREMENTS

A certain percentage of affordable units is required based on the total number of units in the project. Fill out either A or B below:

###### A. Rental Projects

- No less than the affordability percentage corresponding to the level of density increase requested or allowed:
  - \_\_\_\_\_ % VLI    **OR**     \_\_\_\_\_ % LI
- For projects requesting a General Plan Amendment, Zone Change, and/or Height District Change that results in an increased allowable density greater than 35%:
  - 5% ELI            **AND**             6% VLI            **OR**             15% LI
- For projects requesting a General Plan Amendment, Zone Change, and/or Height District Change that results in an increased allowable density greater than 35%:
  - 5% ELI            **AND**             11% VLI            **OR**             20% LI

###### Required Number of Affordable Units

ELI \_\_\_\_\_ VLI \_\_\_\_\_ LI \_\_\_\_\_

###### B. For Sale Projects

- No less than the affordability percentage corresponding to the level of density increase requested or allowed:
  - \_\_\_\_\_ % VLI    **OR**     \_\_\_\_\_ % LI            **OR**     \_\_\_\_\_ % Moderate Income
- For projects requesting a General Plan Amendment, Zone Change, and/or Height District Change that results in an increased allowable density greater than 35% or allows a residential use where not previously allowed:
  - 11% VLI            **OR**             20% LI            **OR**             40% Moderate Income

###### Required Number of Affordable Units

VLI \_\_\_\_\_ LI \_\_\_\_\_ Moderate Income \_\_\_\_\_

<sup>11</sup> All fractional amounts in Sections 13 and 14 shall be rounded up to the next whole number.

## 14. ALTERNATIVE COMPLIANCE OPTIONS

In lieu of providing the affordable units on site, there are three (3) other options available to comply with Measure JJJ Affordable Requirements. Select one, if applicable; otherwise leave this section blank.

**A. Off-Site Construction – Construction of affordable units at the following rate:**

- Within 0.5 miles of the outer edge of the Project, Affordable Units in Section 13 x 1.0
- Within 2 miles of the outer edge of the Project, Affordable Units in Section 13 x 1.25
- Within 3 miles of the outer edge of the Project, Affordable Units in Section 13 x 1.5

**Updated Required Number of Affordable Units**

ELI \_\_\_\_\_ VLI \_\_\_\_\_ LI \_\_\_\_\_ Moderate Income \_\_\_\_\_

**B. Off-Site Acquisition – Acquisition of property that will provide affordable units at the following rate:**

- Within 0.5 miles of the outer edge of the Project, Affordable Units in Section 13 x 1.0
- Within 1 mile of the outer edge of the Project, Affordable Units in Section 13 x 1.25
- Within 2 miles of the outer edge of the Project, Affordable Units in Section 13 x 1.5

**Updated Required Number of Affordable Units**

ELI \_\_\_\_\_ VLI \_\_\_\_\_ LI \_\_\_\_\_ Moderate Income \_\_\_\_\_

**C. In-Lieu Fee – From the Affordability Gaps Study published by the Los Angeles City Planning**

**Total In-Lieu Fee** \_\_\_\_\_ (Note: Final fee TBD if/when the project is approved)

## 15. DEVELOPER INCENTIVES

Please describe up to a maximum of three (3) incentives:

- 1) \_\_\_\_\_  
\_\_\_\_\_
- 2) \_\_\_\_\_  
\_\_\_\_\_
- 3) \_\_\_\_\_  
\_\_\_\_\_

*Disclaimer: This review is based on the information and plans provided by the applicant at the time of submittal of this form. Applicants are advised to verify any zoning issues such as height, parking, setback, and any other applicable zoning requirements with LADBS.*

**EXHIBIT H**

**City Planning Application dated June 6, 2023**



**APPLICATIONS:**

**DEPARTMENT OF CITY PLANNING APPLICATION**

*THIS BOX FOR CITY PLANNING STAFF USE ONLY*

ED 1 Eligible

Case Number \_\_\_\_\_

Env. Case Number \_\_\_\_\_

Application Type \_\_\_\_\_

Case Filed With (Print Name) \_\_\_\_\_

Date Filed \_\_\_\_\_

Application includes letter requesting:

Waived hearing

Concurrent hearing

Hearing not be scheduled on a specific date (e.g., vacation hold)

Related Case Number(s): \_\_\_\_\_

***Provide all information requested. Missing, incomplete or inconsistent information will cause delays.***

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

*Refer to the Department of City Planning Application Filing Instructions ([CP-7810](#)) for more information.*

**1. PROJECT LOCATION**

Street Address<sup>1</sup> \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

Legal Description<sup>2</sup> (Lot, Block, Tract) \_\_\_\_\_

Assessor Parcel Number \_\_\_\_\_ Total Lot Area \_\_\_\_\_

**2. PROJECT DESCRIPTION**

Present Use \_\_\_\_\_

Proposed Use \_\_\_\_\_

Project Name (if applicable) \_\_\_\_\_

Describe in detail the characteristics, scope and/or operation of the proposed project \_\_\_\_\_

\_\_\_\_\_

Additional information attached  YES  NO

Complete and check all that apply:

**Existing Site Conditions**

Site is undeveloped or unimproved (i.e., vacant)

Site is located within 500 feet of a freeway or railroad

Site has existing buildings (provide copies of building permits)

Site is located within 500 feet of a sensitive use (e.g., school, park)

Site is/was developed with uses that could release hazardous materials on soil and/or groundwater (e.g., dry cleaning, gas station, auto repair, industrial)

Site has special designation (e.g., National Historic Register, Survey LA)

<sup>1</sup> Street Addresses must include all addresses on the subject/application site (as identified in ZIMAS—<http://zimas.lacity.org>)

<sup>2</sup> Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site)

**Proposed Project Information**

(Check all that apply or could apply)

- Demolition of existing buildings/structures
- Relocation of existing buildings/structures
- Removal of any on-site tree
- Removal of any street tree
- Removal of protected trees onsite / public right-of-way
- Grading
- Haul Route
- New construction: \_\_\_\_\_ square feet
- Additions to existing buildings
- Interior tenant improvement
- Exterior renovation or alteration
- Change of use and/or hours of operation
- Uses or structures in public right-of-way
- Phased project

**Housing Component Information**

Number of Residential Units: Existing \_\_\_\_\_ – Demolish(ed)<sup>3</sup> \_\_\_\_\_ + Adding \_\_\_\_\_ = Total \_\_\_\_\_

Number of Affordable Units<sup>4</sup> Existing \_\_\_\_\_ – Demolish(ed) \_\_\_\_\_ + Adding \_\_\_\_\_ = Total \_\_\_\_\_

Number of Market Rate Units Existing \_\_\_\_\_ – Demolish(ed) \_\_\_\_\_ + Adding \_\_\_\_\_ = Total \_\_\_\_\_

Mixed Use Projects, Amount of Non-Residential Floor Area: \_\_\_\_\_ square feet

**Public Right-of-Way Information**

Have you submitted the Planning Case Referral Form to BOE? (required)  YES  NO

Is your project required to dedicate land to the public right-of-way?  YES  NO LAMC 12.37 is not applicable to R1 zone per BOE

If so, what is/are your dedication requirement(s)? \_\_\_\_\_ feet

If you have dedication requirements on multiple streets, please indicate: \_\_\_\_\_

**3. ACTION(S) REQUESTED**

Provide the Los Angeles Municipal Code (LAMC) Section that authorizes the request and (if applicable) the LAMC Section or the Specific Plan/Overlay Section from which relief is sought; follow with a description of the requested action.

Does the project include Multiple Approval Requests per LAMC 12.36?  YES  NO

**Authorizing Code Section** \_\_\_\_\_

**Code Section from which relief is requested (if any):** \_\_\_\_\_

**Action Requested, Narrative:** \_\_\_\_\_

**Authorizing Code Section** \_\_\_\_\_

**Code Section from which relief is requested (if any):** \_\_\_\_\_

**Action Requested, Narrative:** \_\_\_\_\_

Additional Requests Attached  YES  NO

**4. RELATED DEPARTMENT OF CITY PLANNING CASES**

Are there previous or pending cases/decisions/environmental clearances on the project site?  YES  NO

If YES, list all case number(s) \_\_\_\_\_

<sup>3</sup> Number of units to be demolished and/or which have been demolished within the last five (5) years.

<sup>4</sup> As determined by the Housing and Community Investment Department

If the application/project is directly related to one of the above cases, list the pertinent case numbers below and complete/check all that apply (provide copy).

Case No. \_\_\_\_\_

Ordinance No.: \_\_\_\_\_

- Condition Compliance Review
- Modification of Conditions
- Revision of Approved Plans
- Renewal of Entitlement
- Plan Approval subsequent to Main Conditional Use

- Clarification of Q (Qualified) Condition
- Clarification of D (Development) Limitation
- Amendment to T (Tentative) Classification

For purposes of environmental (CEQA) analysis, is there intent to develop a larger project?  YES  NO

Have you filed, or is there intent to file, a Subdivision with this project?  YES  NO

If YES, to either of the above, describe the other parts of the projects or the larger project below, whether or not currently filed with the City: \_\_\_\_\_

**5. RELATED DOCUMENTS / REFERRALS**

To help assigned staff coordinate with other Departments that may have a role in the proposed project, please provide a copy of any applicable form and reference number if known.

Specialized Requirement Form \_\_\_\_\_

Geographic Project Planning Referral \_\_\_\_\_

Case Consultation Referral Form \_\_\_\_\_

Redevelopment Project Area – Administrative Review and Referral Form \_\_\_\_\_

HPOZ Authorization Form \_\_\_\_\_

Affordable Housing Referral Form \_\_\_\_\_

Transit Oriented Communities Referral Form \_\_\_\_\_

Preliminary Zoning Assessment Referral Form (Plan Check #) \_\_\_\_\_

Optional HCA Vesting Preliminary Application \_\_\_\_\_

Unpermitted Dwelling Unit (UDU) Inter-Agency Referral Form \_\_\_\_\_

Mello Form \_\_\_\_\_

Citywide Design Guidelines Compliance Review Form \_\_\_\_\_

GPA Initiation Request Form \_\_\_\_\_

Expedite Fee Agreement \_\_\_\_\_

Department of Transportation (DOT) Referral Form \_\_\_\_\_

Bureau of Engineering (BOE) Planning Case Referral Form (PCRF) \_\_\_\_\_

Hillside Referral Form (BOE) \_\_\_\_\_

Building Permits and Certificates of Occupancy \_\_\_\_\_

Order to Comply \_\_\_\_\_

Low Impact Development (LID) Referral Form (Stormwater Mitigation) \_\_\_\_\_

Replacement Unit Determination (LAHD) \_\_\_\_\_

Are there any recorded Covenants, affidavits or easements on this property?  YES (provide copy)  NO

**PROJECT TEAM INFORMATION** (Complete all applicable fields)

**Applicant<sup>5</sup> Name** \_\_\_\_\_

Company/Firm \_\_\_\_\_

Address \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ E-mail \_\_\_\_\_

Are you in escrow to purchase the subject property?  YES  NO

**Property Owner of Record**  Same as applicant  Different from applicant

Name (if different from applicant) \_\_\_\_\_

Address \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent/Representative Name** \_\_\_\_\_

Company/Firm \_\_\_\_\_

Address \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ E-mail \_\_\_\_\_

**Other** (Specify Architect, Engineer, CEQA Consultant etc.) \_\_\_\_\_

Name \_\_\_\_\_

Company/Firm \_\_\_\_\_

Address: \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone \_\_\_\_\_ E-mail \_\_\_\_\_

**Primary Contact for Project<sup>6</sup>**  Owner  Applicant

*(Select only one. Email address and phone number are required.)*  Agent/Representative  Other

To ensure notification of any public hearing as well as decisions on the project, make sure to include an individual mailing label for each member of the project team in both the Property Owners List and the Abutting Property Owners List.

<sup>5</sup> An applicant is a person with a lasting interest in the completed project such as the property owner or a lessee/user of a project. An applicant is not someone filing the case on behalf of a client (i.e., usually not the agent/representative).

<sup>6</sup> As of June 8, 2022, the Primary Contact for Project is required to have an Angeleno Account and register with the Ethics Commission for Significant Project Entitlements, as defined in LAMC Section [49.7.37\(A\)\(6\)](#). An email address and phone number shall be required on the DCP Application Form, and the email address provided shall match the email address used to create the Angeleno Account.

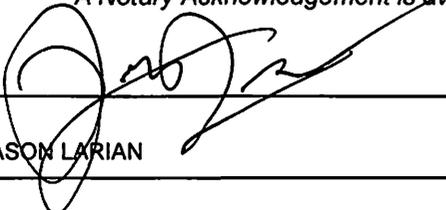
**PROPERTY OWNER**

7. **PROPERTY OWNER AFFIDAVIT.** Before the application can be accepted, the owner of each property involved must provide a notarized signature to verify the application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC, or trust, a disclosure identifying an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25% interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the application form may be provided if the property is owned by a partnership, corporation, LLC, or trust or in rare circumstances when an individual property owner is unable to sign the application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized the file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items A-D below. In the case of partnerships, corporations, LLCs or trusts the LOA must be signed and notarized by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide a Copy of the Grant Deed If the ownership of the property does not match City Records and/or if the application is for a Coastal Development Permit. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g., John and Jane Doe or Mary Smith and Mark Jones) notarized signatures are required of all owners.

- a. I hereby certify that I am the owner of record of the herein previously described property located in the City of Los Angeles which is involved in this application or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC, or trust as evidenced by the documents attached hereto.
- b. I hereby consent to the filing of this application on my property for processing by the Department of City Planning.
- c. I understand if the application is approved, as a part of the process the City will apply conditions of approval which may be my responsibility to satisfy including, but not limited to, recording the decision and all conditions in the County Deed Records for the property.
- d. By my signature below, I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

*Property Owner's signatures must be signed/notarized in the presence of a Notary Public.  
The City requires an original signature from the property owner with the "wet" notary stamp.  
A Notary Acknowledgement is available for your convenience on following page.*

Signature  \_\_\_\_\_  
Print Name JASON LARIAN \_\_\_\_\_

Date 5/17/23

Signature \_\_\_\_\_  
Print Name \_\_\_\_\_

Space Below for Notary's Use

California All-Purpose Acknowledgement

Civil Code ' 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

On May 18, 2023 before me, Daniel Barcenas, Notary Public  
(Insert Name of Notary Public and Title)

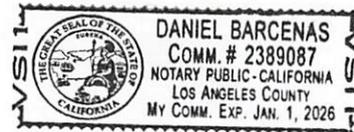
personally appeared Jason Larion, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]  
Signature

(Seal)



**APPLICANT**

8. **APPLICANT DECLARATION.** A separate signature from the applicant, whether they are the property owner or not, attesting to the following, is required before the application can be accepted.
- a. I hereby certify that the information provided in this application, including plans and other attachments, is accurate and correct to the best of my knowledge. Furthermore, should the stated information be found false or insufficient to fulfill the requirements of the Department of City Planning, I agree to revise the information as appropriate.
  - b. I hereby certify that I have fully informed the City of the nature of the project for purposes of the California Environmental Quality Act (CEQA) and have not submitted this application with the intention of segmenting a larger project in violation of CEQA. I understand that should the City determine that the project is part of a larger project for purposes of CEQA, the City may revoke any approvals and/or stay any subsequent entitlements or permits (including certificates of occupancy) until a full and complete CEQA analysis is reviewed and appropriate CEQA clearance is adopted or certified.
  - c. I understand that the environmental review associated with this application is preliminary, and that after further evaluation, additional reports, studies, applications and/or fees may be required.
  - d. I understand and agree that any report, study, map or other information submitted to the City in furtherance of this application will be treated by the City as public records which may be reviewed by any person and if requested, that a copy will be provided by the City to any person upon the payment of its direct costs of duplication.
  - e. I understand that the burden of proof to substantiate the request is the responsibility of the applicant. Additionally, I understand that planning staff are not permitted to assist the applicant or opponents of the project in preparing arguments for or against a request.
  - f. I understand that there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully evaluated and that the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions.
  - g. I understand that if this application is denied, there is no refund of fees paid.
  - i. I understand and agree to defend, indemnify, and hold harmless, the City, its officers, agents, employees, and volunteers (collectively "City"), from any and all legal actions, claims, or proceedings (including administrative or alternative dispute resolution (collectively "actions"), arising out of any City process or approval prompted by this Action, either in whole or in part. Such actions include but are not limited to: actions to attack, set aside, void, or otherwise modify, an entitlement approval, environmental review, or subsequent permit decision; actions for personal or property damage; actions based on an allegation of an unlawful pattern and practice; inverse condemnation actions; and civil rights or an action based on the protected status of the petitioner or claimant under state or federal law (e.g. ADA or Unruh Act). I understand and agree to reimburse the City for any and all costs incurred in defense of such actions. This includes, but it not limited to, the payment of all court costs and attorneys' fees, all judgments or awards, damages, and settlement costs. The indemnity language in this paragraph is intended to be interpreted to the broadest extent permitted by law and shall be in addition to any other indemnification language agreed to by the applicant.
  - j. I understand that the City is protected by numerous statutory immunities from liability for damages that may be caused by its land use regulatory actions, as set forth in Government Code, section 818, et seq. For instance, the City cannot be held liable for personal or property injuries or damages allegedly caused by its approval and issuance of any discretionary permit, entitlement or approval (Gov. Code § 818.4), or its failure to inspect or its negligence in inspecting a property for the purpose of determining whether the property complies with or violates any permit, entitlement or approval or contains or constitutes a hazard to health or safety (Gov. Code § 818.6).
  - k. By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of license or permit.

*The City requires an original signature from the applicant. The applicant's signature below does not need to be notarized.*

Signature:  \_\_\_\_\_

Date: 5/17/23

Print Name: LEON BENRIMON

**EXHIBIT I**

**Clarified Executive Directive 1 Issue Date: June 12, 2023**



KAREN BASS  
MAYOR

## **EXECUTIVE DIRECTIVE NO. 1**

Issue Date: December 16, 2022

Revised: June 12, 2023

**Subject: Expedition of Permits and Clearances for Temporary Shelters and Affordable Housing Types**

### **INTRODUCTION**

To aid in swiftly sheltering people who are unhoused in the City of Los Angeles, and by virtue of the authority vested in me as Mayor of the City of Los Angeles under Section 231(i) of the Los Angeles City Charter and the provisions of Section 8.29 of the Los Angeles Administrative Code, I hereby declare the following order to be necessary for the protection of life and property and I hereby order, effective immediately, that:

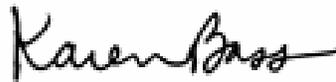
1. Applications for 100% affordable housing projects, or for Shelter as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC) (hereinafter referred to as Shelter), shall be, and hereby are deemed exempt from discretionary review processes otherwise required by either the zoning provisions of Chapter 1 of the LAMC or other Project Review including Site Plan Review as described in LAMC Section 16.05 and LAMC Section 13B.2.4, as long as such plans do not require any zoning change, variance, or General Plan amendment, and in no instance shall the project be located in a single family or more restrictive zone. All City departments are directed to process all plans for such 100 percent affordable housing projects or Shelter using the streamlined ministerial review process currently used for projects eligible under Government Code section 65913.4, State Density Bonus law. In addition, consistent with state law, a project may utilize the State Density Bonus and LAMC bonuses, incentives, waivers and concessions if such are in compliance with the applicable requirements.

2. I further direct all applicable City Departments to process clearances and utility releases related to building permit applications, certificates of occupancy, or temporary certificates of occupancy within 5 business days for 100 percent affordable housing projects and within 2 business days for Shelters.
3. I further direct all applicable City Departments to conduct and conclude all reviews and inspections required for 100 percent affordable housing projects or Shelters and to issue all appropriate approvals for such projects or Shelters within 60 days following the submission of the completed application. City Departments shall provide the applicant with all required changes or amendments on or before the 30th day following the submission of a completed application for such projects. To the extent practicable, all required reviews and approvals shall be conducted simultaneously, not sequentially, by all City departments so as to meet the 30 day and 60 day periods specified for such projects in this paragraph.
4. I hereby direct the Los Angeles Housing Department (LAHD) to coordinate with the Los Angeles City Controller to track and process all affordable housing projects and expedite payments thereon. LAHD shall track each pending pay application, initial submittal date, approval date, reasons for rejection or modification of submitted payment applications, and issuance of payment, and shall provide reports to the Mayor on all such payments at least monthly with the goal of expediting payments due for affordable housing projects.
5. I hereby direct that all protocols set by the Los Angeles County Coordinated Entry System as they apply within the City of Los Angeles be expanded, changed, or suspended, as allowed by federal law. Rules, guidelines and regulations will be developed to expedite the placement of unhoused neighbors into housing in the City of Los Angeles.
6. I hereby direct all City departments to prioritize and streamline compliance with the provisions of the Building Homes and Jobs Act – Government Code section 27388.1 in order to maximize the City’s eligibility for state and federal funds to support the development of emergency shelters, transitional housing, and supportive housing. The City shall seek to comply with or otherwise meet all criteria specified under all applicable state and federal laws that provide for increased resources, funding, access or allowance for temporary or affordable housing.
7. Effective February 28, 2023, in accordance with the end of the State of California COVID-19 emergency, I hereby rescind the Public Order Under City of Los Angeles Emergency Authority issued on January 28, 2022 (January 28, 2022

Order). Notwithstanding this action, all entitlements already approved and still valid as of this date, or approved during the effective period of the January 28, 2022 Order, shall remain valid for the extended time period(s) as if such January 28, 2022 Order were still in effect with respect to such entitlements. Furthermore, local decision-makers, including the Director of Planning and the Chief Zoning Administrator, are authorized to continue to hold all required public hearings under the Los Angeles Municipal Code in a manner consistent with the Governor's Executive Order N-29-20, and any subsequent orders or published guidance pertaining to local legislative bodies.

8. The City Planning and Housing Departments shall issue guidelines as necessary to implement the provisions of this Executive Directive.

Executed this 12<sup>th</sup> day of June, 2023.



---

KAREN BASS  
Mayor

**EXHIBIT J**

**Status of Project Review Letter (Hold Letter) dated June 22, 2023**

**DEPARTMENT OF  
CITY PLANNING**  
COMMISSION OFFICE  
(213) 978-1300

CITY PLANNING COMMISSION

SAMANTHA MILLMAN  
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**CITY OF LOS ANGELES**  
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KAREN BASS  
MAYOR

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

VINCENT P. BERTONI, AICP  
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SHANA M.M. BONSTIN  
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP  
DEPUTY DIRECTOR

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR

June 22, 2023

*Transmitted via email*

**Applicant**

Uncommon Developers  
Leon Benrimon  
9220 Winnetka Ave  
Chatsworth, CA 91311

**Owner**

5511 Ethen LLC  
Jason Larian  
9220 Winnetka Ave  
Chatsworth, CA 91311

**Representative**

Dave Rand and Olivia Joncich  
Rand Paster & Nelson LLP  
633 W. Fifth Street  
Los Angeles, CA 90071

**Case No.** ADM-2023-3809-DB-VHCA-ED1

**Related Case:** N/A

**CEQA:**

**Location:** 5511, 5501 N. Ethel Ave

**Council District:** 4 - Raman

**Neighborhood Council:** Sherman Oaks

**Community Plan Area:** Van Nuys – North Sherman Oaks

**Specific Plan:** N/A

**Land Use Designation:**

**Zone:** R1-1

**Legal Description:** Lot PT 88, ARB 19 TR 1000

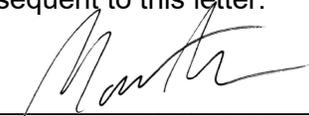
**Status of Project Review: Application Incomplete and Case Processing on Hold**

This is to advise you that the above referenced case, filed on June 6, 2023, associated with plans dated May 31, 2023, was submitted to the Department of City Planning Development Services Center and forwarded to the Valley Project Planning Division for review on June 13, 2023.

I am your assigned Project Planner. During the review and processing of your case, the Department requests that you clarify, amplify, correct, or otherwise supplement the information provided for the application in accordance with Government Code Section 65944 of the California Government Code. Therefore, as provided for in Section 19.00 of the Los Angeles Municipal Code, your application has been placed on **HOLD** until the following items are corrected or submitted:

□	Item for Correction	Correction Required	Date Corrected	Initials of Approval
<b>For Case No. ADM-2023-3809-DB-VHCA-ED1</b>				
1	Preliminary Zoning Assessment Referral Form	<p>Review of the Preliminary Zoning Assessment (PZA) referral form by City staff is intended to determine compliance with City zoning and land use requirements necessary to achieve the proposed project and to identify any zoning issues or necessary approvals that would need to be resolved through a City Planning application.</p> <p>The PZA was not submitted with the City Planning application. Please provide a completed PZA referral form.</p>		
2	Affordable Housing Referral Form	<p>The owners of a project obligated to replace projected units subject to the Rent Stabilization Ordinance (RSO) must complete an application for a SB 8 Replacement Unit Determination (RUD) with the Los Angeles Housing Department (LAHD).</p> <p>The RUD provided indicates 1, 3-bedroom unit restricted at the Very Low Income (VLI) level must be provided. The unit mix on the plans do include the 3-bedroom unit, but the AHRF does not reflect the inclusion of a 3-bedroom unit set aside at the VLI level.</p> <p>Please submit a revised Affordable Housing Referral Form.</p>		

The above is necessary to continue the processing of your case. It is the intent of the Department to carry out the project review process in a timely manner and therefore request that you provide the information within **30 days** of the date of this letter. If all the requested materials are not provided at that date, the Department may initiate termination of the case file after subsequent outreach to you. Please note, additional requests for information or material may be made subsequent to this letter.

  
 Maren Gamboa, City Planner  
 Valley Project Planning  
 Department of City Planning  
 6262 Van Nuys Blvd, Rm 430  
 Van Nuys, CA 91401

Phone: 213-978-1358  
E-mail: [maren.gamboa@lacity.org](mailto:maren.gamboa@lacity.org)

**EXHIBIT K**

**LADCP Correspondence dated July 6, 2023**

**DEPARTMENT OF  
CITY PLANNING**

COMMISSION OFFICE  
(213) 978-1300

CITY PLANNING COMMISSION

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KAREN MACK

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**CITY OF LOS ANGELES  
CALIFORNIA**



KAREN BASS  
MAYOR

**EXECUTIVE OFFICES**

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DEPUTY DIRECTOR

ARTHI L. VARMA, AICP  
DEPUTY DIRECTOR

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR

July 6, 2023

**Applicant/Owner**

5511 Ethel LLC  
Bedrock Properties Group, LLC  
9220 Winnetka Avenue  
Chatsworth, CA 91311

**Case No.:** ADM-2023-3809-DB-VHCA-ED1

**Location:** 5501-5511 N. Ethel Avenue

**Council District:** 4 – Nithya Raman

**Community Plan Area:** Van Nuys – North  
Sherman Oaks

**Representative**

David Rand  
Rand Paster & Nelson LLP  
633 W. 5<sup>th</sup> Street  
Los Angeles, CA 90071

Per the revised Executive Directive 1 ([ED1](#)) issued by Mayor Karen Bass on June 12, 2023, projects located in single-family or more restrictive zones cannot use the ED1 Ministerial Approval Process. This revision affects projects in the following zones: OS, A1, A2, RA, RE, RS, R1, RU, RZ, and RW1. The proposed project located at 5501-5511 N. Ethel Avenue is in the R1-1 zone and is not eligible for ED1 processing. However, there are other entitlement options available for your project to be considered for approval, none of which require a legislative act (e.g. General Plan Amendment or Zone Change). To discuss other project review options or to revise the Affordable Housing Referral Form for the project, please contact the Affordable Housing Services Section at [planning.priorityhousing@lacity.org](mailto:planning.priorityhousing@lacity.org), or schedule an appointment for a consultation via [BuildLA](#). Please be aware that modification of entitlement requests will likely require updated and/or additional application materials including environmental clearance documentation. If you have questions related to the status of your case, please contact Principal City Planner Blake Lamb at (818) 374-9914 or [blake.lamb@lacity.org](mailto:blake.lamb@lacity.org) for questions regarding this matter.

Lisa M. Webber, AICP  
Deputy Director

**EXHIBIT L**

**Appellant Initial Inquiry for Appeal email dated August 1, 2023**



Louis Ortega &lt;louis.ortega@lacity.org&gt;

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**Assistance with SB 330 Appeal - ADM-2023-3809-DB-VHCA-ED1**

12 messages

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**Olivia Joncich** <olivia@rpnllp.com>  
To: Louis Ortega <louis.ortega@lacity.org>

Tue, Aug 1, 2023 at 4:11 PM

Hi Louis,

I hope you are having a good week so far! I spoke with you two weeks ago about the appeal I was preparing for an SB 330 determination. This is odd because it is not the appeal of an LOD through the LAMC, it is an appeal through the appeal mechanism provided by SB 330 (per Government Code Section 65943(c)) of a determination of completeness.

I have the appeal form and justification ready to submit online, so it can be reviewed by a supervisor (as you suggested would be necessary). However, when I go to submit through OAS and try to enter the case number (ADM-2023-3809-DB-VHCA-ED1), it says that the case is not found.

I am now in need of some help to be able to get this appeal taken in. Can you please help me determine the best way to submit this appeal? I can come in person tomorrow if necessary.

Thank you!

**Olivia Joncich**

Senior Planner



R A N D | P A S T E R | N E L S O N

Direct: 213.557.2703

Cell: 818.518.4496

633 W. Fifth Street, 64th Floor, Los Angeles, CA 90071

[olivia@rpnllp.com](mailto:olivia@rpnllp.com)[www.rpnllp.com](http://www.rpnllp.com)

Please consider the environment before printing this e-mail.

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**Louis Ortega** <louis.ortega@lacity.org>  
To: Olivia Joncich <olivia@rpnllp.com>  
Cc: Claude Gooding <claudе.gooding@lacity.org>, Maritza Przekop <maritza.przekop@lacity.org>

Tue, Aug 1, 2023 at 4:35 PM

Hi Olivia,

**EXHIBIT M**

**Second Status of Project Review Letter dated August 4, 2023  
(includes new case numbers CPC-2023-3809-DB-PHP-VHCA / ENV-  
2023-5355-EAF)**

**DEPARTMENT OF  
CITY PLANNING**

COMMISSION OFFICE  
(213) 978-1300

CITY PLANNING COMMISSION

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**CITY OF LOS ANGELES  
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KAREN BASS  
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ARTHI L. VARMA, AICP  
DEPUTY DIRECTOR

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR

August 4, 2023

*Transmitted via email*

**Applicant**

Uncommon Developers  
Leon Benrimon  
9220 Winnetka Ave  
Chatsworth, CA 91311

**Owner**

5511 Ethen LLC  
Jason Larian  
9220 Winnetka Ave  
Chatsworth, CA 91311

**Representative**

Dave Rand and Olivia Joncich Rand  
Paster & Nelson LLP  
633 W. Fifth Street  
Los Angeles, CA 90071

**Updated Case No.** CPC-2023-3809-DB-PHP-VHCA

**Previous Case No.** ADM-2023-3809-DB-VHCA-ED1

**Related Case:** N/A

**CEQA:** ENV-2023-5355-EAF

**Location:** 5511, 5501 N. Ethel Avenue

**Council District:** 4 - Raman

**Neighborhood Council:** Sherman Oaks

**Community Plan Area:** Van Nuys – North Sherman Oaks

**Specific Plan:** N/A

**Land Use Designation:** Low Residential

**Zone:** R1-1

**Legal Description:** Lot PT 88, ARB 19 TR 1000

**Second Status of Project Review: Application Incomplete and Case Processing on Hold**

This letter is to let you know that since the project does not qualify for ED1 processing as stated in our letter dated July 6, 2023, the project application will be considered converted as of July 6, 2023, to a regular entitlement process that will proceed according to the entitlement paths and procedures specified by the LAMC provisions and land use plans in effect on the date of your complete Preliminary Application submission. As a result, the existing case number ADM-2023-3906-DB-ED1-VHCA is being converted to CPC-2023-3809-DB-PHP-VHCA. The new case number reflects: 1) the project does not qualify for ED1 processing by removal of the ED1 suffix; 2) a change from an administrative review process originally indicated by the "ADM" prefix, to a City Planning Commission review process based on the procedures specified in LAMC 12.22.A.25 for off-menu density bonus incentives and waivers, as specified by the new "CPC" prefix; 3) a density bonus under State law was pursued under the ADM case number and is also being pursued under the CPC case number by the suffix "DB"; 4) a new Priority Housing Program (PHP) suffix to denote that the project qualifies for PHP by providing at least 10 units and for setting aside at least 20 percent of rental units for Low Income households.; and 5) the project remains vested in the LAMC provisions and land use plans in effect on the date of your complete Preliminary Application by carrying over the "VHCA" suffix to the CPC case number. We have

invoiced for the entitlement path associated with the CPC case number (invoice attached) and will need your further assistance in order to apply the ADM case number application filing fees toward the CPC application case number filing fees. Please contact your assigned project planner who can refer you to planning staff at the Development Services Center to assist with any additional fees due and/or the submittal of additional required documents.

We will treat your existing application materials associated with the ADM case number, as now associated with the CPC case number, but need your assistance in formally converting those application materials. Please contact Maren Gamboa, who is your assigned project planner to resolve this issue.

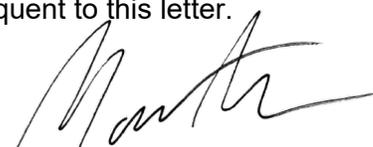
This letter also serves as written notice under G.C. 65943 that the application materials for the CPC case number are incomplete for the reasons stated in the written determination of incompleteness dated June 22, 2023 associated with the ADM case number, and those incompleteness issues are raised in this letter by reference, without repeating them again here. Please contact your assigned project planner in this regard, and to submit further materials.

Please also provide materials related to needed CEQA analysis as follows:

Please review and complete an Environmental Assessment Form (EAF) per CP-1204, including any required supplemental documents as illustrated on page 17 of the EAF.

Please work with the Los Angeles City Planning Development Services Center in order to process the EAF, including any subject fees, and any other required materials or studies needed to supplement your case.

The above is necessary to continue the processing of your case. It is the intent of the Department to carry out the project review process in a timely manner and therefore request that you provide the information within **30 days** of the date of this letter. If all the requested materials are not provided at that date, the Department may initiate termination of the case file after subsequent outreach to you. Please note, additional requests for information or material may be made subsequent to this letter.



---

Maren Gamboa, City Planner  
Valley Project Planning  
Department of City Planning  
6262 Van Nuys Blvd, Rm 430  
Van Nuys, CA 91401  
Phone: 213-978-1358  
E-mail: maren.gamboa@lacity.org

**EXHIBIT N**

**Clarified Executive Directive 1 Issue Date: July 7, 2023**



KAREN BASS  
MAYOR

## **EXECUTIVE DIRECTIVE NO. 1**

Issue Date: December 16, 2022

Revised: June 12, 2023

Revised: July 7, 2023

**Subject: Expedition of Permits and Clearances for Temporary Shelters and Affordable Housing Types**

### **INTRODUCTION**

To aid in swiftly sheltering people who are unhoused in the City of Los Angeles, and by virtue of the authority vested in me as Mayor of the City of Los Angeles under Section 231(i) of the Los Angeles City Charter and the provisions of Section 8.33 of the Los Angeles Administrative Code, I hereby declare the following order to be necessary for the protection of life and property and I hereby order, effective immediately, that:

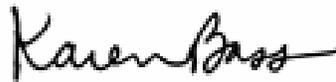
1. Applications for 100% affordable housing projects, or for Shelter as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC) (hereinafter referred to as Shelter), shall be, and hereby are deemed exempt from discretionary review processes otherwise required by either the zoning provisions of Chapter 1 of the LAMC or other Project Review including Site Plan Review as described in LAMC Section 16.05 and LAMC Section 13B.2.4, as long as such plans do not require any zoning change, variance, or General Plan amendment, and in no instance shall the project be located in a single family or more restrictive zone. All City departments are directed to process all plans for such 100 percent affordable housing projects or Shelter using the streamlined ministerial review process currently used for projects eligible under Government Code section 65913.4, State Density Bonus law. In addition, consistent with state law, a project may utilize the State Density Bonus and LAMC bonuses, incentives, waivers and concessions if such are in compliance with the applicable requirements.

2. I further direct all applicable City Departments to process clearances and utility releases related to building permit applications, certificates of occupancy, or temporary certificates of occupancy within 5 business days for 100 percent affordable housing projects and within 2 business days for Shelters.
3. I further direct all applicable City Departments to conduct and conclude all reviews and inspections required for 100 percent affordable housing projects or Shelters and to issue all appropriate approvals for such projects or Shelters within 60 days following the submission of the completed application. City Departments shall provide the applicant with all required changes or amendments on or before the 30th day following the submission of a completed application for such projects. To the extent practicable, all required reviews and approvals shall be conducted simultaneously, not sequentially, by all City departments so as to meet the 30 day and 60 day periods specified for such projects in this paragraph.
4. I hereby direct the Los Angeles Housing Department (LAHD) to coordinate with the Los Angeles City Controller to track and process all affordable housing projects and expedite payments thereon. LAHD shall track each pending pay application, initial submittal date, approval date, reasons for rejection or modification of submitted payment applications, and issuance of payment, and shall provide reports to the Mayor on all such payments at least monthly with the goal of expediting payments due for affordable housing projects.
5. I hereby direct that all protocols set by the Los Angeles County Coordinated Entry System as they apply within the City of Los Angeles be expanded, changed, or suspended, as allowed by federal law. Rules, guidelines and regulations will be developed to expedite the placement of unhoused neighbors into housing in the City of Los Angeles.
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8. The City Planning and Housing Departments shall issue guidelines as necessary to implement the provisions of this Executive Directive.

Executed this 7<sup>th</sup> day of July, 2023.



---

KAREN BASS  
Mayor