

**CITY OF LOS ANGELES
CLAIMS BOARD**

**RECOMMENDATION OF THE CLAIMS BOARD
FOR CONSIDERATION BY THE CITY COUNCIL**

The Honorable City Council
City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, CA 90012

Honorable Members:

At its meeting on April 6, 2026, the Claims Board of the City of Los Angeles considered a report of the Department of Building and Safety in the matter of: Linkage Fee Refund from Consolidated Capital Realty Corp., Inc. – Refund Claim

No. 177697

and voted (3/0) that your Honorable Body (approve/reject) the recommendation of the Department of Building and Safety.

Other action: _____

Names	Present
Ruth Kwon Councilperson	_____
Traci Park	_____ ✓
David Michaelson	_____

Claims Board, City of Los Angeles

By: _____
Chairperson

cc: City Attorney

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

JACOB STEVENS
PRESIDENT

NANCY YAP
VICE PRESIDENT

CORISSA HERNANDEZ
JAVIER NUNEZ
MOISES ROSALES

CITY OF LOS ANGELES
CALIFORNIA



KAREN BASS
MAYOR

DEPARTMENT OF
BUILDING AND SAFETY
201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

OSAMA YOUNAN, P.E.
GENERAL MANAGER
SUPERINTENDENT OF BUILDING

JOHN WEIGHT
EXECUTIVE OFFICER

February 12, 2026

Honorable City Council
Room 395, City Hall
Los Angeles, CA 90012
Attention: Margarit Avesyan

**REQUEST FOR LINKAGE FEE REFUND FROM CONSOLIDATED CAPITAL REALTY
CORP, INC.**

Honorable Members:

In accordance with the Los Angeles Municipal Code (LAMC) §§ 22.12 and 22.13, the Los Angeles Department of Building and Safety (LADBS) requests your approval of refund for claim number 177697 in the amount of \$134,594.27.

On August 12, 2022, the Los Angeles Department of Building and Safety (LADBS) received a payment in the amount of \$365,745.38 from Consolidated Capital Realty Corp, Inc. (Claimant) under Building Permit No. 18010-10000-05494 for the project located at 10403 W. Eastborne Ave 1-34, Los Angeles, CA 90024. The claimant submitted a refund request on June 13, 2025, related to the Linkage Fee. Per communications with the Department of City Planning -Planning Housing Policy , it is confirmed that DIR-2014-4768-DRB-SPP-DB is considered as an entitlement and accepted on 5/25/2017 prior to the effective date December 13, 2017 of the Linkage Fee Ordinance and exempt from Linkage Fee per the Linkage Fee Exemption. LADBS Engineering Bureau staff determined that the Claimant is entitled to a refund in the amount of \$134,594.27. Attached are supporting documents regarding the claim for refund.

Should you have any questions regarding this matter, please contact the LADBS Chief Accounting Employee at (213) 482-7318. Thank you for your consideration.

Sincerely,

for 
Osama Younan
General Manager
Los Angeles Department of Building and Safety


DISTRIBUTION:

ORIG. — City Council
DUP. — Controller (Approved)
TRIP. — Claimant

CITY OF LOS ANGELES
CLAIM FOR REFUND OVER \$5000

Sec. 22.12 Los Angeles Municipal Code

RECEIVED CLAIM NO. 177697

2025 JUN 16 AM 9:59

NOTE: A Claimant may be required to submit to examination under oath. (Charter Section 217.)
Presentation of a false claim is a felony. (California Penal Code Section 72.)

TO: CITY CLERK, Room 395, City Hall, Los Angeles 90012

1. PRINT NAME OF CLAIMANT (Last) (First) (Middle)
Xenon Investment Corp Consolidated Capital Realty Corp, Inc

2. BUSINESS ADDRESS (Street) (City) (State)
1102 Santa Monica Blvd #408 Los Angeles, Ca. 90025

3. MAILING ADDRESS (Street) (City) (Zip Code) 4. PHONE NO.
Same as Above 310 479-1800

5. CITY DEPARTMENT TO WHICH PAYMENT WAS MADE 6. DATE PAID 7. AMOUNT CLAIMED
Building & Safety 08/12/2022 \$134,594.27

8. STATE WHETHER RECEIPT, LICENSE OR PERMIT. ENTER NO. AND ATTACH
18010-10000-05494

9. LOCATION OF JOB
10403 W Eastborne Avenue 1-34

10. REASONS FOR FILING CLAIM (Use Supplementary sheets if necessary)
This project is not subject to a linkage fee as the project construction of rental housing units contain restricted affordable units. Moreover, at least 11% of the total units are dedicated for very low income households by covenant and as added by a density bonus under government code 65915 and DIR 2014-4768 DRB/SPP/DB

Approved-linkage fee exempt.
Approved amount: \$134,594.27

Level 1: ST 1/27/26
Level 2: ll 2/13/26

CS 10/11/25
OCT 24 2025

*What is payor's relation

please see joint attach

STATE OF CALIFORNIA }
County of Los Angeles } ss.

being duly sworn, deposes and says:
that he is the claimant(s) in the above-entitled claim; that he has read the foregoing claim and sheets attached thereto, know(s) the contents thereof, and that the same is true of own knowledge, except as to the matters which are therein stated on information or belief, and as to those matters that he believe(s) it to be true.

SIGNATURE AND TITLE OF CLAIMANT DATE
V. [Signature] 5.9.25

SUBSCRIBED AND SWORN TO BEFORE ME SIGNATURE OF DEPUTY CITY CLERK OR NOTARY PUBLIC
this day of 20



Luis Fernando Garcia <luis.f.garcia@lacity.org>

Re: Claim 177697

Fernando Diaz <fdiaz@aneconsult.com>
To: Luis Fernando Garcia <luis.f.garcia@lacity.org>

Tue, Feb 10, 2026 at 1:13 PM

Hi Luis,

I included the original letter explaining the relationship between Consolidated Capital Realty Corp and Xenon. I also included the CA SOS business search link for ea. and the Consolidated Capital Realty Group, Inc AOI which references 'Consolidated Capital Realty Corp' in the first page first paragraph.

Consolidated Capital Realty Group, Inc - <https://bizfileonline.sos.ca.gov/search/business>
Xenon Investment Corp - <https://bizfileonline.sos.ca.gov/search/business>

As noted before, the refund check can be made out to:

- Xenon Investment Corp. OR
- Consolidated Capital Realty Corp., Inc (The original payee) ✓

Hope this helps. Please let me know if you need any additional information.

Best,
Fernando

[Quoted text hidden]

2 attachments

 **Consolidated Capital and Xenon Investment Corp. Letter.pdf**
172K

 **Consolidated Capital Realty Group, Inc.pdf**
649K



Selenia Garcia <selenia.garcia@lacity.org>

Refund Claim No. 177697 - 10403 W Eastborne Avenue

4 messages

Fernando Diaz <fdiaz@aneconsult.com>
To: ladbs.refunds@lacity.org

Thu, Sep 25, 2025 at 10:42 AM

Greetings,

Re: Refund Claim No. 177697 - 10403 W Eastborne Avenue

Please see attached letters from the owners regarding the relationship between, Consolidated Capital Realty Corp, Inc AND Xenon Investment Group.

As for Fernando Diaz of Ane Consulting, I act as an agent for the owner in permitting and engagement with the city of Los Angeles. No ownership or investment interest is held by myself or Ane Consulting.

If you have any questions, please feel free to contact me at your convenience.

Best,

--

Fernando J. Diaz
Ane Consulting, Inc
3646 Long Beach Blvd Space #103
Long Beach, California 90807-4014
Tel: 562.252.3316
fdiaz@aneconsult.com

aneconsult.com

The content of this email is the confidential property of Ane Consulting, Inc and should not be copied, modified, retransmitted, or used for any purpose except with Ane Consulting, Inc's written authorization. If you are not the intended recipient, please delete all copies and notify us immediately.

Please consider the environment before printing this email

4 attachments

- Consolidated Capital and Xenon Investment Corp. Letter.pdf**
172K
- Consolidated Capital Realty Group, Inc.pdf**
649K
- Xenon Investment Corp Corporate Book.PDF**
13349K
- 2025.07.02 Closure Letter.pdf**
247K

Emma Pangilinan <emma.pangilinan@lacity.org>
To: Griselda Chavez <griselda.chavez@lacity.org>, ladbs.refunds@lacity.org

Fri, Sep 26, 2025 at 7:25 AM

Hi Griselda,

Please acknowledge receipt of this email..

Thanks,

Emma V. Pangilinan
Principal Accountant I

LADBS Financial Services

201 N Figueroa St., Los Angeles, CA 90012 | Rm. 740

(#213-482-6802 | emma.pangilinan@lacity.org

Fax #213-482-6591 | MS 115

dbs.lacity.gov



[Quoted text hidden]

Griselda Chavez <griselda.chavez@lacity.org>
To: Emma Pangilinan <emma.pangilinan@lacity.org>
Cc: ladbs.refunds@lacity.org

Mon, Sep 29, 2025 at 8:28 AM

Good morning,

Thank you for your email. Your email response and supporting documents will be printed and attached to Claims 177697 as it continues through the refund process.

Thank you!

[Quoted text hidden]

Selenia Garcia <selenia.garcia@lacity.org>
To: Fernando Diaz <fdiaz@aneconsult.com>

Tue, Sep 30, 2025 at 10:02 AM

Got it, thanks:)

On Thu, Sep 25, 2025 at 10:42 AM Fernando Diaz <fdiaz@aneconsult.com> wrote:

[Quoted text hidden]

--



Selenia Jessika Garcia

LADBS Refunds/ Financial Services

201 N. Figueroa St. suite 740

Los Angeles, CA. 90012

Main: (213)482-6890

email: LADBS.REFUNDS@lacity.org

APPROVED

LADBS Recommendation Form

CLAIM # 177697
Bureau: Engineering
Division: Major Structures

Document Number: linkage fee
Receipt Number: 2022224002-53
Receipt Date: 08/12/2022
Fee Period:
Job Address: 10403 W Eastborne AVE 90024

1. Did LADBS perform any work for which the permit or receipt was issued?
 yes

2. Are the reasons given by claimant correct?
 no
 Per communications with Department of City Planning - Planning Housing Policy, it is confirmed that DIR-2014-4768-DRB-SPP-DB is considered as an entitlement and accepted on 05/25/20217 prior to the effective Date of the Linkage Fee Ordinance and therefore is exempt from Linkage Fee per the Linkage Fee Exemption. OK for refund for the amount of \$134,594.27.

3. Did LADBS initiate an action that resulted in an error?
 no

4. Is this a duplicated permit or receipt of the same job or item?
 no

5. Of the gross amount claimed, is the amount claimed pertaining to the(se) particular item(s) correct?
 yes

6. Is a refund recommended?
 yes
 Per communications with Department of City Planning - Planning Housing Policy, it is confirmed that DIR-2014-4768-DRB-SPP-DB is considered as an entitlement and accepted on 05/25/20217 prior to the effective Date of the Linkage Fee Ordinance and therefore is exempt from Linkage Fee per the Linkage Fee Exemption. OK for refund for the amount of \$134,594.27.

Reviewed By: JOHN FRANCIA
Reviewed On: 01/06/2026
Approved By: ALLEN MANALANSAN
Approved On: 01/07/2026

Financial Service Div.'s Comments:

Linkage Fee refund request. Please assign to John Francia for a re-review. Please reference pages 3 and 4 in the attached file. Customer is claiming that they should not be subject to the linkage fees.

Liaison's Comments:

Please select the supervisor's name before selecting "Save & Submit for Supervisor Review".

Reviewer's Comments:

Supervisor's Comments:

History

Action	By	On
Review Approved & Returned to FSD	ALLEN MANALANSAN	1/7/2026 8:28:59 AM
Review Completed & Submitted for Supervisor Review (to ALLEN MANALANSAN)	JOHN FRANCIA	1/6/2026 10:12:18 AM
Assigned (to JOHN FRANCIA)	BRANDON JONES	12/23/2025 12:40:52 PM
Created	LUIS FERNANDO GARCIA	12/22/2025 2:17:11 PM

Insp Date	Inspection Type	Inspection Status	CMT	Action Date	First Name	Last Name	RFI#	Group Code	Audit Name
02/28/2025	Pre-Inspection	Approved		03/03/2025	DERRICK	SPENCER	1	34689354	INSPECTN DPSPENCE
02/28/2025	Pre-Inspection	Insp Scheduled		02/26/2025				34689354	WEB_NREG SERVICES
02/27/2025	Pre-Inspection	Insp Cancelled	1	02/26/2025	ONLINE	SERVICES		34682288	SERVICES
02/27/2025	Pre-Inspection	Insp Scheduled		02/25/2025				34682288	WEB_NREG SERVICES
01/23/2025	Pre-Inspection	Insp Cancelled	5	01/24/2025	DAVID	TSAU		34516970	INSPECTN DTSAU
01/22/2025	Pre-Inspection	Approved		01/23/2025	DERRICK	SPENCER	1	34501851	INSPECTN DPSPENCE
01/23/2025	Pre-Inspection	Insp Scheduled		01/22/2025				34516970	WEB_NREG SERVICES
01/23/2025	Pre-Inspection	Insp Scheduled		01/17/2025				34501851	WEB_NREG SERVICES
01/22/2025	Pre-Inspection	Insp Scheduled		09/11/2024	DERRICK	SPENCER	1	33873517	INSPECTN DPSPENCE
09/10/2024	Pre-Inspection	Approved		09/06/2024				33873517	WEB_NREG SERVICES
09/10/2024	Pre-Inspection	Insp Scheduled		04/04/2024				33132250	NA DTSAU
04/04/2024	Public Counter	Completed		10/30/2023				32407878	NA DTSAU
10/30/2023	Public Counter	Completed		08/01/2023	DERRICK	SPENCER	1	31952278	INSPECTN DPSPENCE
07/31/2023	Pre-Inspection	No Access for Inspection		07/28/2023				31952278	WEB_NREG SERVICES
07/31/2023	Pre-Inspection	Insp Scheduled		03/06/2023	DERRICK	SPENCER	1	31236097	INSPECTN DPSPENCE
03/06/2023	Pre-Inspection	Approved		03/03/2023	DERRICK	SPENCER	1	31227759	INSPECTN DPSPENCE
03/03/2023	Pre-Inspection	Approved		03/02/2023				31236097	IVR SERVICES
03/06/2023	Pre-Inspection	Insp Scheduled		03/01/2023				31227759	WEB_NREG SERVICES
03/03/2023	Pre-Inspection	Insp Scheduled		10/05/2022	DERRICK	SPENCER	1	30538848	INSPECTN DPSPENCE
10/04/2022	Pre-Inspection	Approved		10/03/2022				30538848	WEB_NREG SERVICES
10/04/2022	Pre-Inspection	Insp Scheduled							

PCIS Document Status Audit Trail - G6PERMIT

Application # 18010 10000 05494 Insp. History

Source	Status	Status Date	Date/Time Stamp	First Name	Last Name	Audit Name
PCAM	Submitted	11/13/2018	11/13/2018 03:53 PM	PCIS	DMFORT	PCIS
PCAM	PC Assigned	12/14/2018	12/14/2018 07:46 AM	YAQUB	MIRZA	352083
PCAM	PC in Progress	12/14/2018	12/14/2018 07:46 AM	YAQUB	MIRZA	352084
PCAM	PC in Progress	12/17/2018	12/20/2018 10:22 AM	YAQUB	MIRZA	352084
PCAM	PC in Progress	12/18/2018	12/20/2018 10:23 AM	YAQUB	MIRZA	352084
PCAM	PC in Progress	12/19/2018	12/20/2018 10:27 AM	YAQUB	MIRZA	352084
PCAM	Corrections Issued	12/20/2018	12/21/2018 01:41 PM	YAQUB	MIRZA	352084
PCAM	Submitted for Quality Review	12/20/2018	12/21/2018 01:41 PM	YAQUB	MIRZA	352084
PCAM	Quality Review Completed	01/11/2019	01/11/2019 01:14 PM	HERNAN	ARREOLA	352084
PCAM	Verifications in Progress	04/30/2021	04/30/2021 04:57 PM	RARES	BODEA	381411
PCAM	Verifications in Progress	05/03/2021	05/03/2021 09:11 AM	RARES	BODEA	381411
PCAM	PC Approved	06/08/2021	06/08/2021 04:24 PM	RARES	BODEA	381411
PCIS	PC Info Complete	06/10/2021	06/10/2021 01:05 PM	RARES	BODEA	381411
PCIS	Ready to Issue	08/12/2022	08/12/2022 10:55 AM	HEKTOR	FAVELA	400433
PCIS	Issued	08/12/2022	08/12/2022 11:19 AM	PCIS	SYSTEM	PCIS

Reference List and Project Clearances & Conditions to Application - B1CONDIT

Search Criteria Applied By Organization Applied By

Application # 18010 10000 05494 Save & ESC

Condition Type

Application #	Condition Type	Applied Date	Applied by Organization	Applied by Name	Recorded by
2680564	DAS Clearance	Approved	11/07/2019	Approval of Disabled Access corrections	
2615912	Miscellaneous	Approved	03/23/2021	Miscellaneous Approval for: To allow fence height of 8' in	
2498460	"Q" conditions	Approved	03/05/2021	"Q" conditions per 12.32G.2 (Qualified classification)	
2498470	Miscellaneous	Approved	03/05/2021	Miscellaneous Approval for:DIR-2014-4768-DRB-SPP-DB.	
2498444	Trees in Parkway	Approved	08/10/2020	Work or construction of driveways/curbsramps/sidewalks/ps	
2498468	ZA Case	Approved	03/05/2021	Zoning Administrator Case #:ZA-2018-2734-ZAA	
2498467	ZI	Approved	03/05/2021	Zoning Information File #:ZI-1446 Westwood Community	
2498464	ZI	Not Applicable	03/05/2021	Zoning Information File #:ZI-2442 Preliminary Fault Rup	
2498440	Grading Pre-Inspection	Completed	04/30/2021	GPI is required unless a waiver is obtained from Grading :	
2498441	Green Code	Approved	09/25/2019	Approval for Green Building - Mandatory Compliance	
2498484	Specific Plan	Approved	03/23/2021	Approval for Specific Plan:Westwood Community Plan M	
2498472	Low Impact Development	Approved with Co	08/19/2020	Obtain plan approval for development with more than 500	

Mod Fields

Applied by Org. By Name

Action by Org. By Name

Standard Clearances

Project Clearances

Clear Mod Fields Search Update Delete Save Comment

Cell 2/13/26

Payment History - GPAYHIST

Application # 18010 10000 05494

Quick Exit

Receipt	Payment Period	Payment Date	Method of Payment	Amount
2022224002-53	Final	08/12/2022	ICL Check	359309.14
0103967950	Submittal	11/13/2018	Check	29543.46
		//		
		//		
		//		



Bldg-New GREEN - MANDATORY Apartment Regular Plan Check Plan Check	City of Los Angeles - Department of Building and Safety APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY	Issued on: 08/12/2022 Last Status: Issued Status Date: 08/12/2022
--	--	---

TRACT	BLOCK	LOT(s)	ABB	COUNTY MAP REF #	PARCEL ID # (PIN #)	ASSESSOR PARCEL #
TR 4677	49	19		M B 92-24/31	132B157 490	4327 - 005 - 019
TR 4677	49	18		M B 92-24/31	132B157 505	4327 - 005 - 018

3. PARCEL INFORMATION

Alquist Priolo - YES LADBS Branch Office - WLA Council District - 5 Certified Neighborhood Council - Westwood Census Tract - 2657.00	District Map - 132B157 Energy Zone - 9 Hillside Grading Area - YES Thomas Brothers Map Grid - 632-D3 Area Planning Commission - West Los Angeles	Community Plan Area - Westwood Near Source Zone Distance - 0 Methane Hazard Site - Methane Zone
--	--	---

ZONES(S): [Q]R3-1-O

4. DOCUMENTS

ZI - ZI-1117 MTA Project	ZA - ZA-2018-2734-ZAA	ORD - ORD-145106	ORD - ORD-163205
ZI - ZI-2410 Metro Westside Subway Ex RENT - YES		ORD - ORD-163195	ORD - ORD-171227
ZI - ZI-2442 Preliminary Fault Rupture	ORD - ORD-112901	ORD - ORD-163203	ORD - ORD-171492
ZI - ZI-2452 Transit Priority Area in the	ORD - ORD-129279	ORD - ORD-163204	ORD - ORD-183497

5. CHECKLIST ITEMS

Special Inspect - Anchor Bolts	Special Inspect - Structural Wood (periodic)	Storm Water - LID Project
Special Inspect - Field Welding	Permit Flag - Aff Housing Per 12.22A25 DB	Permit Flag - Rec and Parks Fee Memo Req'd
Special Inspect - Structural Observation	Permit Flag - Fire Life Safety Clearance Req'd	Std. Work Descr - Seismic Gas Shut Off Valve

6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION

Owner(s):
XENON INVESTMENT CORP 11022 SANTA MONICA BLVD STE 400 LOS ANGELES CA 90025

Tenant:

Applicant: (Relationship: Agent for Owner)
FERNANDO J. DIAZ - 3646 LONG BEACH BLVD. #105 LOS ANGELES, CA 90807 (562)252-3316

7. EXISTING USE	PROPOSED USE	8. DESCRIPTION OF WORK
	(05) Apartment (07) Garage - Private	NEW 1372" X 1319" 4-STORY TOTAL 34-UNIT APARTMENT BUILDING TYPE VA OVER BASEMENT PARKING GARAGE TYPE 1-B WITH AFFORDABLE HOUSING INCLUDING (3) VERY LOW INCOME DENSITY UNITS AS PER 12.22A25(C), ALL WORK AS PER PER DIR-2014-4768-DRB-SPP-DB, DIR 2014-2734 AND

9. # Bldgs on Site & Use: 1 OF 3

10. APPLICATION PROCESSING INFORMATION

BLDG. PC By: Yaqub Mirza DAS PC By: Elizabeth Toms
OK for Cashier: Hektor Favela Coord. OK:

Signature: *[Signature]* Date: 08/12/2022

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

For Cashier's Use Only W/O #: 81005494

11. PROJECT VALUATION & FEE INFORMATION Final Fee Period

Permit Valuation:	\$6,800,000	PC Valuation:	
FINAL TOTAL Bldg-New	359,309.14	Dwelling Unit Construction Tax	6,800.00
Permit Fee Subtotal Bldg-New	26,897.50	Residential Development Tax	10,200.00
Energy Surcharge		CA Bldg Std Commission Surchar	272.00
Handicapped Access		Green Building	
Plan Check Subtotal Bldg-New	0.00	Permit Issuing Fee	0.00
Plan Maintenance	300.00	Linkage Fee	134,594.27
E.Q. Instrumentation	1,904.00		
D.S.C. Surcharge	873.05		
Sys. Surcharge	1,746.09		
Planning Surcharge	1,631.85		
Planning Surcharge Misc Fee	10.00		
Planning Gen Plan Maint Surchar	1,903.83		
School District Residential Level 1	172,176.55		
Sewer Cap ID:		Total Bond(s) Due:	

VN ZALTUNKA 08/12/22 11:19:14 AM

Payment Date: 08/12/22

Receipt No.: 2022224002-53

Amount: \$359,309.14

Method: ICL Check

Building Card No.: 2022VN01636

12. ATTACHMENTS

Plot Plan
Signed Declaration



6262 Van Nuys Blvd., 2nd Floor
Van Nuys, CA 91401

Receipt

Your Reference Number:

2022224002-53

08/12/2022 11:17:42 AM

zaltunkaryan

TRANSACTIONS

LADBS PERMIT \$4,424.51
2022224002-53-1

Name: FERNANDO J. DIAZ
Job Address: 10403 W EASTBORNE AVE
Permit Number: 18030-10000-07845
Building Permit Reference Number: 2022VN01634

D.S.C. Surcharge \$108.55
Permit Fee Subtotal Grading \$3547.50
Permit Issuing Fee \$0.00
Plan Check Subtotal Grading \$0.00
Plan Maintenance \$70.95
Planning Surcharge \$217.11
Planning Surcharge Misc Fee \$10.00
Sys. Surcharge \$217.11
Planning Gen Plan Maint Surcharge \$253.29

LADBS PERMIT \$2,011.73
2022224002-53-3

Name: FERNANDO J. DIAZ
Job Address: 10403 W EASTBORNE AVE
Permit Number: 18020-10000-03408
Building Permit Reference Number: 2022VN01635

CA Bldg Std Commission Surcharge \$5.00
D.S.C. Surcharge \$49.19
Planning Gen Plan Maint Surcharge \$112.73
Permit Fee Subtotal Nonbldg-New \$838.75
Permit Issuing Fee \$0.00
Plan Check Subtotal Nonbldg-New \$754.87
Plan Maintenance \$16.78
Planning Surcharge \$96.62
Planning Surcharge Misc Fee \$10.00
Sys. Surcharge \$98.39
E.Q. Instrumentation \$29.40

LADBS PERMIT \$359,309.14
2022224002-53-5

Name: FERNANDO J. DIAZ
Job Address: 10403 W EASTBORNE AVE 1-34
Permit Number: 18010-10000-05494
Building Permit Reference Number: 2022VN01636

CA Bldg Std Commission Surcharge \$272.00
Planning Surcharge Misc Fee \$10.00
Residential Development Tax \$10200.00
School District Residential Level 1 \$172176.55
Sys. Surcharge \$1746.09
Planning Gen Plan Maint Surcharge \$1903.83
Linkage Fee \$134594.27 ←
Dwelling Unit Construction Tax \$6800.00
E.Q. Instrumentation \$1904.00
D.S.C. Surcharge \$873.05

Permit Fee Subtotal Bldg-New	\$26897.50
Permit Issuing Fee	\$0.00
Plan Check Subtotal Bldg-New	\$0.00
Plan Maintenance	\$300.00
Planning Surcharge	\$1631.85

Total Amount: \$365,745.38

PAYMENT

ICL Check	\$365,745.38
------------------	---------------------

Check Number: 15280

iPayment Reference Number:

202224002-53

Effective Date 8/12/2022

Workgroup Van Nuys

User zaltunkaryan

Consolidated Capital Realty Corp, Inc. 11041 Santa Monica Blvd #408 Los Angeles, CA 90025	Mechanics Bank 9300 Wilshire Blvd Suite 101 Beverly Hills, CA 90212	15280 Date: 07/27/2022
Pay to the order of: CITY OF LOS ANGELES		
This amount: ---- THREE HUNDRED SIXTY-FIVE THOUSAND, SEVEN HUNDRED FORTY-FIVE AND 38/100		\$365,745.38
DOLLARS City of Los Angeles		
MEMO 18010-10K-02494 18020-10K-03408, 18020-10K-07845		
⑈ 15280 ⑈		

iPayment Reference Number:

202224002-53

Effective Date 8/12/2022

Workgroup Van Nuys

User zaltunkaryan

CLIENT FOR J.P. MORISSE E-TRANSFER 11/3/2022	CR PHOTO DEPOSIT J.P. 11/3/2022
FOR DEPOSIT ONLY PAY TO THE ORDER OF JP MOR City of LA Building and Safety 8882/0322 DS/12/2022 11:19 03 AM 202224002-53 \$365745.38	

Los Angeles Department of Building and Safety

Certificate Information: 10403 W EASTBORNE AVE 1-34 90024

Application / Permit

18010-10000-05494

Plan Check / Job No.

B18LA24403

Group

Building

Type

Bldg-New

Sub-Type

Apartment

Primary Use

(5) Apartment

Work Description

NEW 137'2" X 131'9" 4-STORY TOTAL 34-UNIT APARTMENT BUILDING TYPE V-A OVER BASEMENT PARKING GARAGE TYPE I-B WITH AFFORDABLE HOUSING INCLUDING (3) VERY LOW INCOME DENSITY UNITS AS PER 12.22A25(C) , ALL WORK AS PER PER DIR-2014-4768-DRB-SPP-DB, DIR 2014-2734 AND ZA-2018-2734-ZAA , ALL WORK PER ENGINEERING

Permit Issued

Issued on 8/12/2022

Issuing Office

Valley

Current Status

Issued on 8/12/2022

Certificate of Occupancy

Pending

Permit Application Status History

Submitted	11/13/2018	APPLICANT
Assigned to Plan Check Engineer	12/14/2018	YAQUB MIRZA
Corrections Issued	12/20/2018	YAQUB MIRZA
Quality Review Completed	1/11/2019	HERNAN ARREOLA
Disabled Access Plans Picked Up	1/14/2019	APPLICANT
Building Plans Picked Up	1/24/2019	APPLICANT
Green Plans Picked Up	12/15/2020	APPLICANT
Applicant returned to address corrections	4/30/2021	RARES BODEA
Applicant returned to address corrections	5/3/2021	RARES BODEA
Plan Check Approved	6/10/2021	RARES BODEA
Issued	8/12/2022	APPLICANT

Permit Application Clearance Information

Hydrant and Access approval	Cleared	6/26/2019	GILBERT URREA
Address approval	Cleared	6/27/2019	JEANIE LAM
Permit	Cleared	6/27/2019	JEANIE LAM
Green Code	Cleared	9/25/2019	YAQUB MIRZA
DAS Clearance	Cleared	11/7/2019	ELIZABETH TOMS
Internal circulation	Cleared	7/28/2020	FREDDY GARCIA
Specific Plan	Cleared	7/28/2020	FREDDY GARCIA
Eng Process Fee Ord 176,300	Cleared	7/29/2020	DINAH GARIN
Trees in Parkway	Cleared	8/10/2020	JOHN KIM
Low Impact Development	Cleared	8/19/2020	AMMAR ELTAWIL
Encroachment in public way	Cleared	8/21/2020	DINAH GARIN

Permit and Inspection Report Detail

Roof/Waste drainage to street	Cleared	8/21/2020	DINAH GARIN
Sewer availability	Cleared	8/25/2020	DINAH GARIN
DCP conditions approval	Cleared	9/2/2020	RICHARD TRUONG
Density Bonus 12.22.A.25	Cleared	9/2/2020	RICHARD TRUONG
Disturb/Remove Protected Trees	Cleared	9/25/2020	YAQUB MIRZA
"Q" conditions	Cleared	3/5/2021	NOAH MCCOY
Fmnt yard landscape/Water mgmt	Cleared	3/5/2021	NOAH MCCOY
Miscellaneous	Cleared	3/5/2021	NOAH MCCOY
Opn space landscape/Water mgmt	Cleared	3/5/2021	NOAH MCCOY
Prkng lot landscape/Water mgmt	Cleared	3/5/2021	NOAH MCCOY
ZA Case	Cleared	3/5/2021	NOAH MCCOY
ZI	Cleared	3/5/2021	NOAH MCCOY
ZI	Cleared	3/5/2021	NOAH MCCOY
Miscellaneous	Cleared	3/23/2021	NOAH MCCOY
Specific Plan	Cleared	3/23/2021	NOAH MCCOY
Building over 3-story or 36-ft	Cleared	4/30/2021	CALOSHA APPROVED
Construction near power lines	Cleared	4/30/2021	OSCAR CASTRO
Excavation more than 5-ft deep	Cleared	4/30/2021	CALOSHA APPROVED
Grading Pre-Inspection	Cleared	4/30/2021	RARES BODEA

Contact Information

Architect	, ; Lic. No.: C34688	CULVER CITY, CA 90232
Contractor	Stx Construction Inc; Lic. No.: 969338-B	6250 HOLLYWOOD BLVD 10M LOS ANGELES, CA 90028
Engineer	Minas., Caro Jolfaie; Lic. No.: GE601	4742 SAN FERNANDO RD GLENDALE, CA 91204
Engineer	Pirbadlan., Amir; Lic. No.: C72413	5435 BALBOA BLVD 214 ENCINO, CA 91342
Geologist	Minas., Shant; Lic. No.: EG2607	566 RIVERDALE DRIVE GLENDALE, CA 91204

Inspector Information

DERRICK SPENCER, (310) 914-3919

Office Hours: 7:00-8:00 AM MON-FRI

Pending Inspections

No Data Available.

Inspection Request History

Pre-Inspection	10/4/2022	Approved	DERRICK SPENCER
Pre-Inspection	3/3/2023	Approved	DERRICK SPENCER
Pre-Inspection	3/6/2023	Approved	DERRICK SPENCER
Pre-Inspection	7/31/2023	No Access for Inspection	DERRICK SPENCER
Pre-Inspection	9/10/2024	Approved	DERRICK SPENCER
Pre-Inspection	1/22/2025	Approved	DERRICK SPENCER
Pre-Inspection	2/28/2025	Approved	DERRICK SPENCER

DEPARTMENT OF
CITY PLANNING

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
PRESIDENT

VAHID KHORSAND
VICE PRESIDENT

DAVID H. J. AMBROZ

CAROLINE CHOE

RENEE DAKE WILSON

KAREN MACK

MARC MITCHELL

VERONICA PADILLA-CAMPOS
DANA M. PERLMAN

ROCKY WILES
COMMISSION OFFICE MANAGER
(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP
DIRECTOR
(213) 978-1271

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER
(213) 978-1272

LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

<http://planning.lacity.org>

**DIRECTOR'S DETERMINATION
DENSITY BONUS & AFFORDABLE HOUSING INCENTIVES, WESTWOOD COMMUNITY
MULTI-FAMILY SPECIFIC PLAN PROJECT PERMIT COMPLIANCE REVIEW & DESIGN
REVIEW**

November 6, 2018

Applicant/Property Owner

Scott Mossler
Xenon Investments Corporation
11022 Santa Monica Boulevard
Los Angeles, CA 90025

Representative

Fernando J. Diaz
ANE Consulting, Inc.
3646 Long Beach Boulevard
Long Beach, CA 90807

Case No. DIR-2014-4768-DRB-SPP-DB
Related Case No. ZA-2018-2734-ZAA
CEQA: ENV-2014-4769-CE
Location: 1645 South Beverly Glen Blvd;
10401 Eastborne Avenue
Council District: 5 – Paul Koretz
Neighborhood Council: Westwood
Community Plan Area: Westwood
Land Use Designation: Medium Residential
Zone: [Q]R3-1-O
Legal Description: Lots 18 – 19, Block 49, TR 4677

Last Day to File an Appeal: November 21, 2018

DETERMINATION

Pursuant to Los Angeles Municipal Code (LAMC) Sections 11.5.7 and 16.50, and based upon the recommendation of the Westwood Community Design Review Board, I have reviewed the proposed Project and as the designee of the Director of Planning, I hereby:

Approve with Conditions a Project Permit Compliance and Design Review for the construction of a new three-story and four-story, 34-unit apartment building with attached garages, one level subterranean parking.

Pursuant to the Los Angeles Municipal Code (LAMC) Section 12.22 A 25, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

Approve with Conditions the following two (2) on-menu incentives requested by the applicant for a project totaling 34 dwelling units, reserving at least eleven (11) percent, or three (3) dwelling units for Very Low Income household occupancy of the 25 by-right

permitted "base" dwelling units, for a period of 55 years, subject to the attached conditions of approval:

1. **Open Space.** A 20 percent decrease from the minimum open space requirement, allowing 5,440 square feet in lieu of the otherwise 6,800 square feet required.
2. **Side Yard.** A 20 percent side yard reduction for the side yard along the south property line, allowing 5 feet and 7 inches in lieu of the required 7 feet.

DETERMINED based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Article 19 and Section 15332 (Class 32 – Infill Development) of the City of Los Angeles CEQA Guidelines, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

The project approval is based upon the attached Findings, and subject to the attached Conditions of Approval:

CALIFORNIA JURAT

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)

Subscribed and sworn to (or affirmed) before me on this 9th day
of May, 20 25, by Rohit Mehra

proved to me on the basis of satisfactory evidence to be the person(s)
who appeared before me.



(Seal)

Signature Stephanie Zepeda

Optional Information

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this jurat to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

This certificate is attached to a document titled/for the purpose of

containing _____ pages, and dated _____.

Additional Information

Method of Affiant Identification

Proved to me on the basis of satisfactory evidence:

form(s) of identification credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other

Affiant(s) Thumbprint(s) Describe: _____

Xenon Investment Corp.

11041 Santa Monica Blvd #408
Los Angeles, CA 90025

310-479-1800 Fax 310-470-3674

8/13/2025

RE: Linkage Fees – 10401 Eastborne Ave. Los Angeles CA 90025

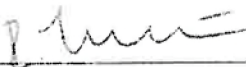
To whom it may concern,

The purpose of this letter is to explain the relationship between Consolidated Capital Realty Corp, Inc and Xenon Investment Corp. with regards to the payments made for linkage fees.

These two companies are related parties, and both companies have the same ultimate ownership. Most likely what happened is that the payment made for the linkage fees was sent from an account in the name of Consolidated Capital Realty Corp. Inc, instead of an account in the name of Xenon Investment Corp.

For the refund, if it is simpler to send the refund to the original payer that is fine. I own and operate both companies, so it does not make much difference which company the payment is made out to.

Thank You,



Rohit Mehta, President

Xenon Investment Corp.

CERTIFICATE OF SECRETARY
OF
CONSOLIDATED CAPITAL REALTY GROUP, INC.

I, the undersigned, hereby certify I am the duly elected and acting Secretary of Consolidated Capital Realty Corp., a Delaware corporation ("Corporation"), and have knowledge of the matters contained in this Certificate and hereby certify that:

1. The Articles of Incorporation of the Corporation attached to this Certificate as Exhibit A are a true and correct copy of the current Articles of Incorporation of the Corporation, have not been altered, modified or amended, and are in full force and effect.
2. The Bylaws of the Corporation attached to this Certificate as Exhibit B are a true and correct copy of the current Bylaws of the Corporation, have not been altered, modified or amended, and are in full force and effect.
3. The shareholders have taken no action to dissolve the Corporation.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of May, 2013.



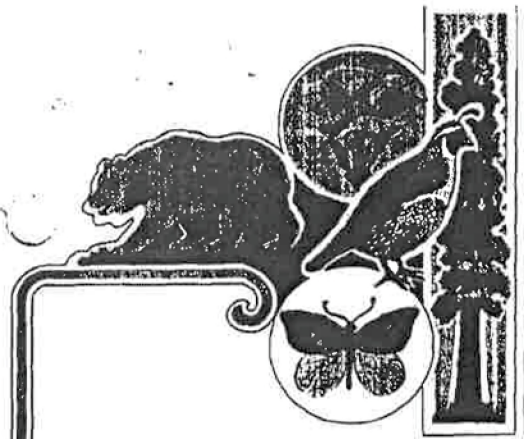
Gail Dunlap, Secretary

EXHIBIT A

Articles of Incorporation

State of California

SECRETARY OF STATE'S OFFICE



1942066

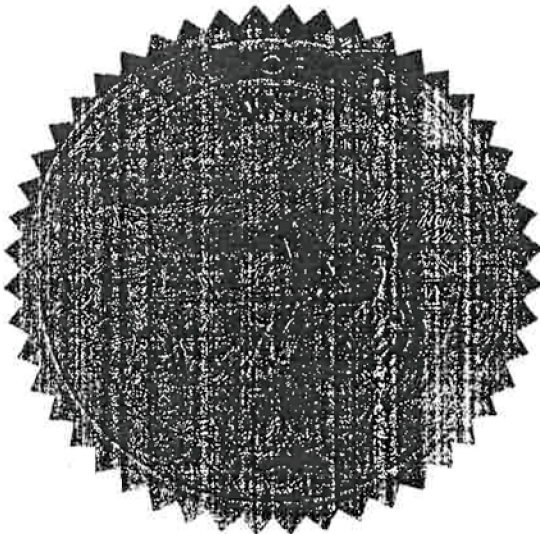
CERTIFICATE OF QUALIFICATION

I, **BILL JONES**, Secretary of State of the State of California, hereby certify:

That on the 6th day of June, 1995,

CONSOLIDATED CAPITAL REALTY GROUP, INC.

a corporation organized and existing under the laws of Delaware,
conform with the requirements of California law in effect on that date for the purpose of
qualifying to transact intrastate business in the State of California, and that as of said
date said corporation became and now is qualified and authorized to transact intrastate
business in the State of California, subject however, to any licensing requirements
otherwise imposed by the laws of this State.



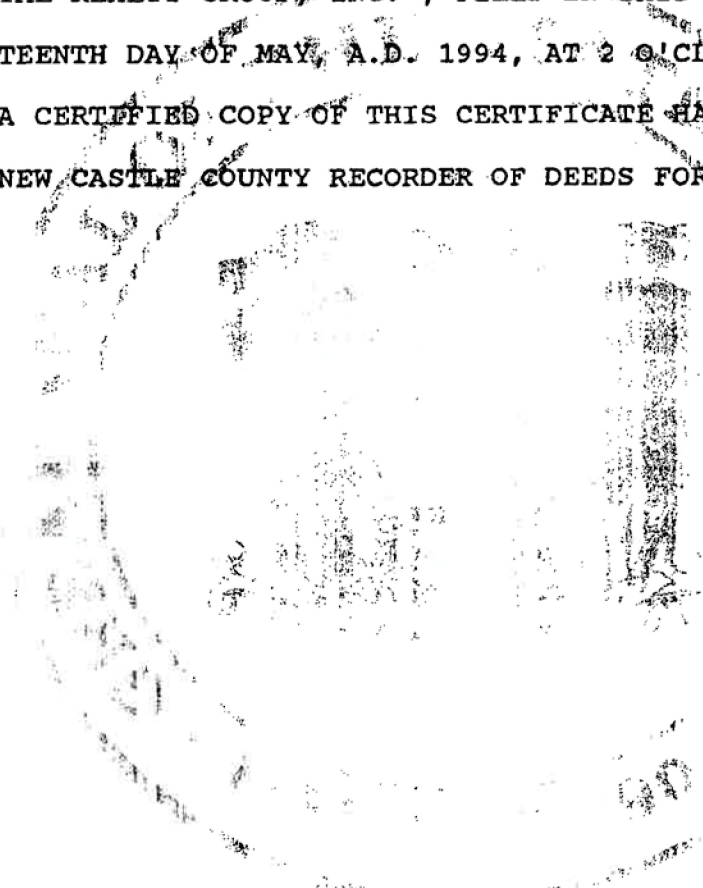
IN WITNESS WHEREOF, I
execute this certificate and
affix the Great Seal of the
State of California this
20th day of June, 1995

Bill Jones
Secretary of State

State of Delaware
Office of the Secretary of State

I, WILLIAM T. QUILLEN, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF INCORPORATION OF "CONSOLIDATED CAPITAL REALTY GROUP, INC.", FILED IN THIS OFFICE ON THE NINETEENTH DAY OF MAY, A.D. 1994, AT 2 O'CLOCK P.M.

A CERTIFIED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS FOR RECORDING.



William T. Quillen
William T. Quillen, Secretary of State

2404149 8100

944089553

AUTHENTICATION:

7125019

DATE:

05-19-94

CERTIFICATE OF INCORPORATION

OF

CONSOLIDATED CAPITAL REALTY GROUP, INC.

• • • • •

1. The name of the corporation is

CONSOLIDATED CAPITAL REALTY GROUP, INC.

2. The address of its registered office in the State of Delaware is

Corporation Trust Center, 1209 Orange Street, in the City of Wilmington, County of New Castle. The name of its registered agent at such address is The Corporation Trust Company.

3. The nature of the business or purposes to be conducted or promoted

is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware.

4. The total number of shares of stock which the corporation shall have

authority to issue is One Thousand (1,000) and the par value of each of such shares is One Dollar (\$1.00) amounting in the aggregate to One Thousand Dollars (\$1,000.).

5. The name and mailing address of each incorporator is as follows:

<u>NAME</u>	<u>MAILING ADDRESS</u>
J. L. Austin	Corporation Trust Center 1209 Orange Street Wilmington, Delaware 19801
M. A. Humphrey	Corporation Trust Center 1209 Orange Street Wilmington, Delaware 19801
A. K. Wright	Corporation Trust Center 1209 Orange Street Wilmington, Delaware 19801



**SECRETARY OF STATE
CERTIFICATE OF STATUS
DOMESTIC CORPORATION**

I, **BILL JONES**, Secretary of State of the State of California, hereby certify:

That on the **23rd day of February, 1989**, **XENON INVESTMENT CORP.** became incorporated under the laws of the State of California by filing its Articles of Incorporation in this office; and

That no record exists in this office of a certificate of dissolution of said corporation nor of a court order declaring dissolution thereof, nor of a merger or consolidation which terminated its existence; and

That said corporation's corporate powers, rights and privileges are not suspended on the records of this office; and

That according to the records of this office, the said corporation is authorized to exercise all its corporate powers, rights and privileges and is in good legal standing in the State of California; and

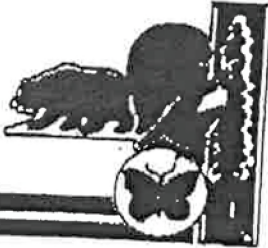
That no information is available in this office on the financial condition, business activity or practices of this corporation.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of October 24, 2002.



Bill Jones
BILL JONES
Secretary of State

tg



State
of
California

OFFICE OF THE SECRETARY OF STATE

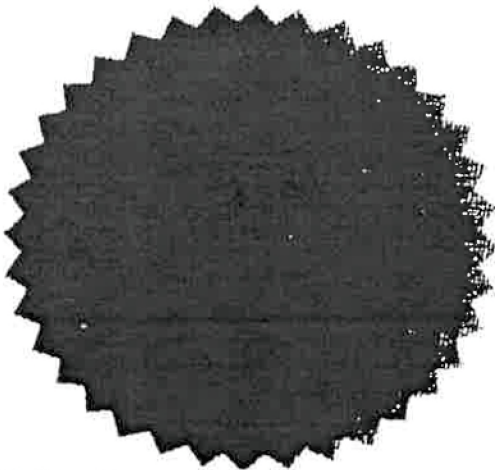
CORPORATION DIVISION

I, *MARCH FONG EU*, Secretary of State of the State of California, hereby certify:

That the annexed transcript has been compared with the corporate record on file in this office, of which it purports to be a copy, and that same is full, true and correct.

IN WITNESS WHEREOF, I execute
this certificate and affix the Great
Seal of the State of California this

FEB 28 1989



March Fong Eu

Secretary of State

ARTICLES OF INCORPORATION

1456758
ENDORSED
FILED
In the office of the Secretary of State
of the State of California

I

NAME: The name of this corporation shall be

XENON INVESTMENT CORP.

FEB 25 1989

MARCH FONG EU, Secretary of State

II

PURPOSE: The purpose of the corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporations Law of California, other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

III

INITIAL AGENT: The name and address of the corporation's initial agent for service of process is

Frank Bird
1015 Gayley Avenue, Suite 1105
Los Angeles, CA 90024

IV

DIRECTOR LIABILITY: The liability of the directors of the corporation for monetary damages shall be eliminated to the fullest extent permissible under California law.

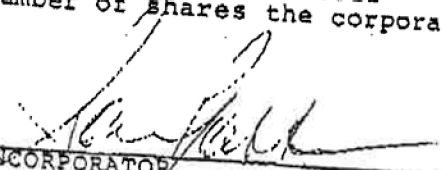
V

INDEMNIFICATION OF AGENTS: The corporation is authorized to provide indemnification of agents (as defined in Section 317 of the Corporations Code) for breach of duty to the corporation and its stockholders through bylaw provisions or through agreements with the agents, or both, in excess of the indemnification otherwise permitted by Section 317 of the Corporations Code, subject to the limits on such excess indemnification set forth in Section 204 of the Corporations Code.

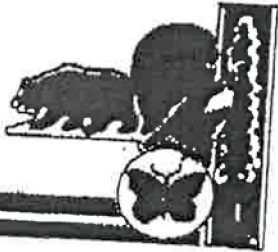
VI

CAPITAL STOCK: The corporation is authorized to issue only one class of stock. The total number of shares the corporation is authorized to issue is 1,000.

DATED: February 9, 1989


INCORPORATOR

I declare that I am the person who executed the above Articles of Incorporation, and such instrument is my act and deed.



State
of
California

OFFICE OF THE SECRETARY OF STATE

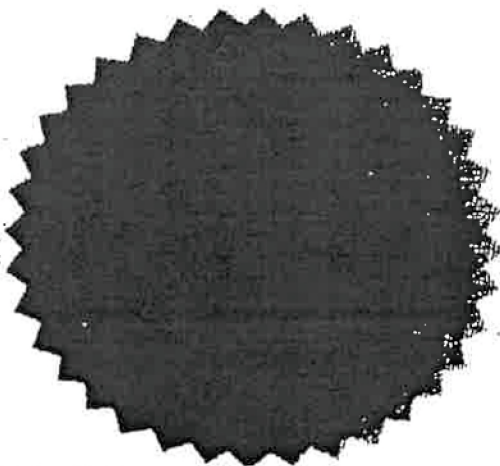
CORPORATION DIVISION

I, *MARCH FONG EU*, Secretary of State of the State of California, hereby certify;

That the annexed transcript has been compared with the corporate record on file in this office, of which it purports to be a copy, and that same is full, true and correct.

IN WITNESS WHEREOF, I execute
this certificate and affix the Great
Seal of the State of California this

FEB 28 1989



March Fong Eu

Secretary of State



REFERRAL FORMS:

AFFORDABLE HOUSING REFERRAL FORM
LOS ANGELES CITY PLANNING DEPARTMENT

This form is to serve as a referral to the Department of City Planning Development Services Center for affordable housing case filing purposes (in addition to the required Department of City Planning Application and any other necessary documentation) and as a referral to HCIDLA, CRA, LA County, or other City agency for project status and entitlement need purposes. This form shall be completed by the applicant and reviewed and signed by Department of City Planning staff prior to case filing. Any modifications to the content(s) of this form after its authorization by the Department of City Planning staff is prohibited.

CITY STAFF USE ONLY

Referral To:
 Planning DSC - Filing HCIDLA Funding CRA LA County Other: _____

NOTES:
Revision

Planning Staff Name and Title <i>Aida Karapetian (Planning Assistant)</i>	Planning Staff Signature <i>[Signature]</i>	Date <i>5/3/17</i>
--	--	-----------------------

(The Department of City Planning reserves the right to require an updated AHRF for the project if more than 180 days have transpired since the above date, or as necessary, to reflect project modifications, policy changes and/or amendments to the LAMC, local laws, and State laws.)

I. PROPOSED PROJECT

1. PROJECT LOCATION/ ZONING
Project Address: 1645-1653 S Beverly Glen Blvd & 10401-10407 W Eastborne Avenue
Project Name: _____
Applicant Name and Phone/Email: Xenon Investments Corporation
Assessor Parcel Number(s): 4327-005-(018-019)
Community Plan: Westwood Number of Lots: 2 Lot Size: 19,660 sf. s.f.
Existing Zone: IQR3-1-O Land Use Designation: Medium Residential
 Specific Plan HPOZ DRB Enterprise Zone CRA
 Q-condition/ D-limitation/ T-classification (please specify): All new project w/two or more units subject to DRB
 Other pertinent zoning information (please specify): _____
 Location of Major Transportation Stop or Intersection (please specify): 1 Beverly Glen Blvd & Santa Monica Blvd

2. DESCRIPTION OF PROPOSED PROJECT
Construction of a new three (3) and four story (4) multi-family complex consisting of 34 units (31 market rate and 3 very low income) over one story parking structure with 58 parking and 50 bicycle stalls and ancillary storage and flex spaces

¹ Per AB 744, A Major Transit Stop means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. It also includes major transit stops that are included in the applicable regional transportation plan. Per Sec 12.22.A.25(b) of LAMC, the definition of Transit Stop/Major Employment Center includes: (1) a station stop for a fixed transit guideway or fixed rail system, (2) a Metro Rapid Bus stop or route, (3) the boundaries of three major economic activity areas, and (4) the boundaries of a college or university campus with an enrollment exceeding 10,000 students.

3. EXISTING USE

A. Describe Existing Development: 22-Apartment Dwellings above single car garages.

Characteristic of existing use Dwelling Unit (DU), Commercial/ Industrial, or Other	Existing		To Be Demolished	Proposed ²	
	No. of DU or Guest Rooms	Approximate sq. ft./ea.		No. of DU or Guest Rooms	Approximate sq. ft./ea.
Guest Rooms	9	500 sf.	9	0	
Studio					
One Bedroom	7	1000 sf.	7	10	664 sf
Two Bedrooms	6	1200 sf.	6	14	1,015 sf.
Three Bedrooms				10	1,141 sf.
_____ Bedroom					
Commercial / Industrial	N/A				
Other:					

B. Previous Cases Filed

	(1)	(2)	(3)
Case Number(s):	<u>DIR 2014-4768 DRB/SPP/DB</u>	<u>TT 67646</u>	<u>_____</u>
Date Filed:	<u>12/19/2014</u>	<u>09/26/2006</u>	<u>_____</u>
Date Approved:	<u>N/A</u>	<u>01/25/2007</u>	<u>_____</u>
End of Appeal Period:	<u>N/A</u>	<u>02/05/2007</u>	<u>_____</u>
Environmental No.	<u>ENV 2014-4769 EAF</u>	<u>ENV 2006-8450 MND</u>	<u>_____</u>

4. TYPE OF APPLICATION

- Density Bonus (per LAMC Sec. 12.22.A.25) with **no** incentives filed in conjunction with a discretionary approval. If no entitlement case is requested, please contact the Los Angeles Department of Building and Safety (LADBS) at ladbs.org or call 3-1-1 within the City of Los Angeles or (213) 473-3231 outside of the City of Los Angeles.
- Density Bonus per LAMC Sec. 12.22.A.25 with incentives on the menu (please specify): (1) A sideyard reduction of 5'-6" in lieu of 7'0"; AND (2) an open space reduction of 5,440 sf. in lieu of 6,800 sf. both incentives at or under 20%
- Density Bonus per LAMC Sec. 12.22.A.25 with incentives off menu (please specify): _____
- Density Bonus per LAMC Sec. 12.22.A.25 with on and off menu incentives (please specify): _____
- Greater Downtown Housing Incentive Area per LAMC Sec. 12.22.A.29, Ordinance 179,076 (Sections 7 and 9 through 11 of this form do not apply)
- Public Benefit Project per LAMC Sec. 14.00.A.2
- Unapproved Dwelling Unit per LAMC Sec. 14.00.A.10
- Agreement for Partnered Housing Between Commercial and Housing Developer:
 - 30% or more of total units provided for low income housing
 - 15% or more of total units provided for very low income housing
- General Plan Amendment per LAMC Sec. 11.5.6. Request: _____
- Zone/Height District Change per LAMC Sec. 12.32. Request: _____
- Conditional Use per LAMC Sec. 12.22.U.26
- Site Plan Review per LAMC Sec. 16.05
- Specific Plan Project Permit Compliance per LAMC Sec. 11.5.7.C
- Community Design Overlay per LAMC Sec. 13.08
- Coastal Development Permit per LAMC Sec. 12.20.2 or 12.20.2.1
- Tract or Parcel Map per LAMC Sec. 17.00 or 17.50
- Other discretionary incentives requested (please specify): Pursuant to L.A.M.C 16.50 - Design Review Board Authorization for the construction of a new 34-unit multi family complex over a 1-story parking structure with 58 parking and 50 bicycle stalls and ancillary storage and flex space.

² Replacement units, per AB 2556, shall be equivalent to the number of units, size, and number of bedrooms of the existing development.

5. ENVIRONMENTAL REVIEW

- Environmental Review Not Required – Project is Ministerial.³ Please explain: Class 32 "infill" Categorical Exemption
- Not filed (please contact the Department of City Planning Development Services Center for more information)
- Filed (indicate case number): ENV-2014-4769-EAF

6. HOUSING DEVELOPMENT PROJECT TYPE (please check all that apply):

- For Sale
- For Rent
- Extremely Low Income
- Very Low Income
- Low Income
- Moderate Income
- Market Rate
- Mixed Use Project
- Senior
- Residential Hotel
- Transitional Foster Youth
- Disabled Veteran
- Homeless
- Special Needs (please describe): _____

7. DENSITY CALCULATION

A. Base Density: Maximum density allowable per zoning

Lot size 19,614 s.f. (a)
 Density allowable by zone 800 units/s.f. of lot area (b)
 Units allowed by right (Base Density) 25 units (c) [$c = a/b$, Including fraction and round up to the next whole number]

B. Maximum Allowable Density Bonus: 34 units (d) [$d = c \times 1.35$, include fraction and round up to whole number]

C. Proposed Project: Please indicate total number of Units requested as well as breakdown by levels of affordability set by each category (HCD or HUD). For information on HCD and HUD levels of affordability please contact the Housing and Community Investment Department of Los Angeles (HCIDLA) at (213) 808-8843 or hcidla.lacity.org.⁴

	<u>Total</u>	<u>HCD (State)</u>	<u>HUD (TCAC)</u>
Market Rate	<u>31</u>	<u>N/A</u>	<u>N/A</u>
Managers Unit(s) - Market Rate	_____	<u>N/A</u>	<u>N/A</u>
Extremely Low Income	_____	_____	_____
Very Low Income	<u>3</u>	<u>3</u>	_____
Low Income	_____	_____	_____
Moderate Income	_____	_____	<u>N/A</u>
Seniors- Market Rate	_____	<u>N/A</u>	<u>N/A</u>
Seniors- Very Low Income	_____	_____	_____
Seniors- Low Income	_____	_____	_____
Seniors – Moderate Income	_____	_____	_____
Transitional Foster Youth–Very Low Income*	_____	_____	_____
Disabled Veterans – Very Low Income*	_____	_____	_____
Homeless – Very Low Income*	_____	_____	_____
Total # of Units per Category	_____	<u>3</u> (e)	_____ (f)
Percent of Affordable Units by Category	_____	<u>11%</u> (g)	_____ (h)
[g = e/c or e/i, whichever is less, c or i] [h = f/c or f/i, whichever is less, c or i]			
TOTAL # of Units Proposed	<u>34</u> (i)		
Number of Density Bonus Units	<u>9</u> (j) [If $i > c$, then $j = i - c$; if $i < c$, then $j = 0$]		
Percent Density Bonus Requested	<u>35%</u> (k) [$k = j/c$]		
Percent of Affordable Set Aside	<u>11%</u> (3) (c) x % of affordable housing units provided		

* Per AB 2442, a 10% setaside with Very Low Income units at 20% Density Bonus.

³ Ministerial Projects (aka, "By-Right") do not require any discretionary Planning approvals. Developers of such housing file building plans with the Department of Building & Safety. Plans are checked for compliance with the Building Code and, when in compliance, permits are issued to begin construction.

⁴ HCD (State) = Published affordability levels per California Department of Housing and Community Development. HUD (TCAC) = Published affordability levels per the United States Department of Housing and Urban Development.

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

N/A units allowed by right (permitted by LAMC) – N/A existing units = N/A units

- o YES, Site Plan Review is required, if Proposed Base Density units minus existing units is equal to or greater than 50⁵
- o NO, Site Plan Review is not required, if Base Density units minus existing units is less than 50
- o NO, Site Plan Review is not required if Proposed Project is not utilizing a Density Bonus and total Project is less than 50
- o Exempt (please specify): N/A

II. DENSITY BONUS (LAMC Sec.12.22.A.25, Ordinance 179,681)

9. **DENSITY BONUS OPTIONS** (Please check all that apply)

- Land Donation
- Child Care
- Restricted Affordable Units Located Near Transit Stop/ Major Employment Center
- Common Interest Development with Low or Very Low Income Restricted Affordable Units for Rent
- Condominium Conversion

Parking (Please choose only one of the following options):

Parking Option 1: Based on # of bedrooms, inclusive of Handicapped and Guest parking. Fractional numbers are rounded down.

	# of Units	Spaces/Unit	Parking Required	Parking Provided
0-1 Bedroom	10	1	10	10
2-3 Bedrooms	24	2	48	48
4 or more Bedrooms	0	2.5	0	0
TOTALS	34		58	58

Parking Option 2: Reduced only for Restricted Affordable Units: up to 40% of required parking for Restricted Affordable Units may be compact stalls. Fractional numbers are rounded down.

	# of Units	Spaces/Unit	Parking Required	Parking Provided
Market Rate (Including Senior Market Rate)		Per code		
Restricted Affordable		1		
Very Low/ Low Income Senior or Disabled		.5		
Restricted Affordable in Residential Hotel		.25		
TOTALS				

Parking Option 3: AB 744 - Applies to two types of projects: (A) 100% affordable developments consisting solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families; or (B) mixed-income developments consisting of the maximum number of very low- or low income units, which is 11% and 20% set aside, respectively.

⁵ Site Plan Review may also be required if other characteristics of the project exceeds the thresholds listed in Sec. 16.05 of the LAMC.

A) 100% Affordable Rental Projects

	# of Units	Spaces/Unit	Parking Required	Parking Provided
Located within 1/2 mile of major transit stop		0.5		
Senior having either paratransit service or unobstructed access within 1/2 mile to fixed bus route service that operates at least 8 times/day		0.5		
Special needs having either paratransit service or unobstructed access within 1/2 mile to fixed bus route service that operates at least 8 times/day		0.3		

B) Mixed Income Projects consisting of the maximum number of very low- or low income units, which is 11% and 20% set aside, respectively

	# of Bedrooms	Spaces/Bedroom	Parking Required	Parking Provided
Located within 1/2 mile of major transit stop with unobstructed access to project		0.5		

APPLICABLE TO PARKING OPTION 3 – AB744 ONLY: (1) **Major transit stop** means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. It also includes major transit stops that are included in the applicable regional transportation plan. (2) The maximum 1/2 mile distance to a major transit stop is measured in a straight line ("as the crow flies"). (3) Tandem or uncovered parking is permitted. (4) Fractional numbers are rounded up.

10. INCENTIVES

Please check if you are requesting an incentive from AB 2501 "Development Bonuses From a Mixed Use Development".

A. Project Zoning Compliance & Incentives (Please check all that apply)

	<u>Required/ Allowable</u>	<u>Proposed</u>	<u>ON Menu</u>	<u>OFF Menu</u>
<input checked="" type="checkbox"/> (1) Yard/Setback (each yard counts as 1 incentive)				
<input type="checkbox"/> Front	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Rear	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Side(s)	7'-0"	5'-6"	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> (2) Lot Coverage	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> (3) Lot Width	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> (4) Floor Area Ratio ⁶	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> (5) Height/ # of Stories ⁷	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> (6) Open Space	6,600 sf.	5,280 sf.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> (7) Density Calculation	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> (8) Averaging (all count as 1 incentive)			<input type="checkbox"/>	<input type="checkbox"/>
FAR	_____	_____	—	—
Density	_____	_____	—	—
Parking	_____	_____	—	—
OS	_____	_____	—	—
Vehicular Access	_____	_____	—	—
<input type="checkbox"/> Other (please specify):	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

TOTAL # of Incentives Requested:

2

⁶ If applicable, provide vicinity map showing 50% of commercially zoned parcel is within 1,500 feet from Transit Stop or Major Employment Center.
⁷ See Sec. 12.22.A.25(f) 5 for additional requirements.

B. Qualification for Incentives On the Menu: *(Please check only one)*

Incentives	% Very Low Income	% Low Income	% Moderate Income
One	<input type="checkbox"/> 5% to <10%	<input type="checkbox"/> 10% to <20%	<input type="checkbox"/> 10% to <20%
Two	<input checked="" type="checkbox"/> 10% to <15%	<input type="checkbox"/> 20% to <30%	<input type="checkbox"/> 20% to <30%
Three	<input type="checkbox"/> 15% or greater	<input type="checkbox"/> 30% or greater	<input type="checkbox"/> 30% or greater
3+	<input type="checkbox"/> <i>(Specify):</i>	<input type="checkbox"/> <i>(Specify):</i>	<input type="checkbox"/> <i>(Specify):</i>

11. COVENANT:

All Density Bonus projects are required to prepare and record an Affordability Covenant to the satisfaction of the Los Angeles Housing Department's Occupancy Monitoring Unit **before** a building permit can be issued. Please contact the Housing and Community Investment Department of Los Angeles (HCIDLA) at (213) 808-8843 or hcidla.lacity.org

12. REPLACEMENT UNITS:

AB 2222 requires that density bonus eligible projects replace any pre-existing affordable housing units on the project site. Replacement units include the following: *(Answer the following with yes or no.)*

- A. Units subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income? No
- B. Units occupied by lower or very low income households below 80% AMI per California Department of Housing and Community Development Department levels not already listed above? NO
- C. Units subject to the Rent Stabilization Ordinance not already listed above? YES
- D. Units that have been vacated or demolished in the last 5 years? NO
- E. Per AB 2556, are the number of replacement units, size and number of bedrooms equivalent to that being demolished (as shown on Existing Development Table on page 2 above)? No

III. GREATER DOWNTOWN HOUSING INCENTIVE AREA (GDHIA)

13. GREATER DOWNTOWN HOUSING INCENTIVE AREA (LAMC SEC. 12.22.A.29, Ordinance 179,076)

A. ELIGIBILITY FOR FLOOR AREA BONUS

NOTE: Published affordability levels per the United States Department of Housing and Urban Development (HUD/TCAC). Please consult with Los Angeles Housing Department's Occupancy Monitoring Unit for additional information.

- (1) 5% of the total number of dwelling units provided for Very Low Income households; and
- (2) One of the following shall be provided:
 - 10% of the total number of dwelling units for Low Income households; or
 - 15% of the total number of dwelling units for Moderate Income households; or
 - 20% of the total number of dwelling units for Workforce Income households; and
- (3) Any dwelling unit or guest room occupied by a household earning less than 50% of the Area Median Income that is demolished or otherwise eliminated shall be replaced on a one-for-one basis within the Community Plan Area in which it is located.

B. INCENTIVES *(Please check all that apply)*

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

- (1) A 35% increase in total floor area.
- (2) Open Space requirement pursuant to Section 12.21.G reduced by one-half, provided fee is paid.
- (3) No parking required for units for households earning less than 50% AMI.
- (4) No more than one parking space required for each dwelling unit.

C. ADDITIONAL INCENTIVES TO PRODUCE HOUSING IN THE GREATER DOWNTOWN HOUSING INCENTIVE AREA

- (a) No yard requirements except as required by the Urban Design Standards and Guidelines
- (b) Buildable area shall be the same as the lot area (for the purpose of calculating buildable area for residential and mixed-use)
- (c) Maximum number of dwelling units or guest rooms permitted shall not be limited by the lot area provisions as long as the total floor area utilized by guest rooms does not exceed the total floor area utilized by dwelling units.
- (d) No prescribed percentage of the required open space that must be provided as either common open space or private open space.

KEY SYMBOLS
NO SCALE

UNIT 2
NO SCALE

PROPOSED TYPICAL UNIT FLOOR PLAN

MECHANICAL, ELECTRICAL, PLUMBING, AND FIRE PROTECTION SHALL BE SHOWN IN CONJUNCTION WITH THE ARCHITECTURAL FLOOR PLAN. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE COORDINATION OF ALL MECHANICAL, ELECTRICAL, PLUMBING, AND FIRE PROTECTION SYSTEMS WITH THE ARCHITECTURAL FLOOR PLAN. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE COORDINATION OF ALL MECHANICAL, ELECTRICAL, PLUMBING, AND FIRE PROTECTION SYSTEMS WITH THE ARCHITECTURAL FLOOR PLAN.

MECHANICAL: MECHANICAL ROOMS SHALL BE LOCATED IN THE MECHANICAL ROOMS AND SHALL BE IDENTIFIED BY THE MECHANICAL ENGINEER. MECHANICAL ROOMS SHALL BE IDENTIFIED BY THE MECHANICAL ENGINEER.

ELECTRICAL: ELECTRICAL ROOMS SHALL BE LOCATED IN THE ELECTRICAL ROOMS AND SHALL BE IDENTIFIED BY THE ELECTRICAL ENGINEER. ELECTRICAL ROOMS SHALL BE IDENTIFIED BY THE ELECTRICAL ENGINEER.

PLUMBING: PLUMBING ROOMS SHALL BE LOCATED IN THE PLUMBING ROOMS AND SHALL BE IDENTIFIED BY THE PLUMBING ENGINEER. PLUMBING ROOMS SHALL BE IDENTIFIED BY THE PLUMBING ENGINEER.

FIRE PROTECTION: FIRE PROTECTION ROOMS SHALL BE LOCATED IN THE FIRE PROTECTION ROOMS AND SHALL BE IDENTIFIED BY THE FIRE PROTECTION ENGINEER. FIRE PROTECTION ROOMS SHALL BE IDENTIFIED BY THE FIRE PROTECTION ENGINEER.

MECHANICAL ROOMS SHALL BE IDENTIFIED BY THE MECHANICAL ENGINEER.

ELECTRICAL ROOMS SHALL BE IDENTIFIED BY THE ELECTRICAL ENGINEER.

PLUMBING ROOMS SHALL BE IDENTIFIED BY THE PLUMBING ENGINEER.

FIRE PROTECTION ROOMS SHALL BE IDENTIFIED BY THE FIRE PROTECTION ENGINEER.

MECHANICAL ROOMS SHALL BE IDENTIFIED BY THE MECHANICAL ENGINEER.

ELECTRICAL ROOMS SHALL BE IDENTIFIED BY THE ELECTRICAL ENGINEER.

PLUMBING ROOMS SHALL BE IDENTIFIED BY THE PLUMBING ENGINEER.

FIRE PROTECTION ROOMS SHALL BE IDENTIFIED BY THE FIRE PROTECTION ENGINEER.

UNIT 1
NO SCALE



UNIT FLOOR PLAN
SCALE 3/8" = 1'-0"

UNIT 4
NO SCALE

LAND USE COVENANT APPLICATION

Submit Application to:
 Housing + Community Investment Department
 Planning and Land Use Unit
 1200 W. 7th St., 8th Floor; Los Angeles, CA 90017
 Email (preferred): hcidla.landuse@lacity.org
 Phone: (213) 808-8843

Use Mouse to click to move about and complete this form

Application Date: _____

Application Date (Revised): _____

Fee Category		
Covenant Preparation		\$5,770
Monitoring	Unit(s):	\$ -
Filing Fee/Project		\$43
Total Due:		\$5,813

Check Amount:	
Check #:	
Check Date:	



For HCIDLA Use Only
HIMS No:
Analyst:
Date Assigned:
LU Schedule:

Monitoring Payment	
<input type="radio"/> Lump Sum	<input checked="" type="radio"/> Annual Billing

Application Type:	New Covenant
-------------------	--------------

A. Project 1645-51 S Beverly Glen Blvd City: Los Angeles, California Zip: 90024
Address 10401-10407 Eastborne Avenue City: Los Angeles, California Zip: 90024
 (List all)
 Project Name: _____ No. of Lots: 2 No. of APNs: 2 CD: 05

B. Project Information

Covenant Type: Rental Purchase Rental & Purchase
Current Property: Vacant Land Apartment (RSO) Demolition of RSO Bldg. Other: _____
Proposed Project Type: New Apartment Bldg. New Condominium Bldg. Condominium Conversion Legalizing Existing Units
 Convert to Rental Units Addition of Rental Units Mixed Use: Retail/residential Other: _____
Funding Source(s): AHTF MHP Bond TCAC HUD 202 PRAC PRIVATE OTHER

Building & Safety (Attach list if needed) Application No: _____ Date Permit Pd: _____
City Planning (Attached list if needed) TT/TT No: _____ Plan Case No: DIR 2014-4768 DRB/SPP/DB 18-19 4327-005-(018-019)
 Application No: _____ Plan Case No: _____
 Plan Check No: _____ Other: _____

C. OWNER INFORMATION (As on the Grant Deed) Management Powers: Sole Manager: Yes No Power to act Alone: Yes No
 Owner Name: Xenon Investments Corporation Email: _____
 Address: 11022 Santa Monica Blvd #400 City: Los Angeles State: Ca Zip: 90025
 Contact Info: (310) 479-1800 Ext: _____ Cell: _____ Fax: _____
 Print Signatory: Rohit Mehta Title: Chief Executive Officer Email: _____
 Print Signatory: _____ Title: _____ Email: _____
 Entity Type(s): Individual Trust Corp LLP LP LLC Tenants in Common Other

D. Owner's Representative: Name of Representative: Fernando J. Diaz
 Company: Ane Consulting, Inc Email: fdiaz@aneconsult.com
 Address: 3646 Long Beach Blvd #105 City: Long Beach State: Ca Zip: 90807
 Contact Info: (562) 252-3316 Ext: _____ Cell: (213) 210-1003 Fax: _____

E. REASON FOR THE COVENANT (check all that apply)

Density Bonus: 35 % Total No. of Units in Project: 34
 By right Base No. of Units before DB: 25
 Incentives: Yard/Setback Total No. of DB units: 9
 (More than 3? Open Space (OS) # Replacement units: 31
 Put in Other.) (AB 2222)
 Parking Reduction: **Parking Stalls Required:**
 Option: 1 Stalls Before Parking Reduction: 58
 Option: 2 Stalls after DB Parking Reduction: 58
 Bicycle Parking Spaces: No. of bicycle stalls provided: 51
 Yes No Total no. of parking provided w/ PR: 55

Land Donation Tentative Tract/VTT
 Senior Housing Project Specific Plan Adjustment
 Child Care Specific Plan Exception
 Site Plan Review Housing for Persons w/ disabilities
 Conversion -Illegal Units Costal Development
 Zoning Variance Mello
 Zoning Admin Adjust. Residential Hotel
 Conditional Use Other:
 Mixed use building Density Bonus for a new 34-Unit Apartment Complex

F. Rental Units*	Bedroom Type	TOTAL UNITS	Total Restricted Units	Affordability Level & Number of Restricted Units				Number of RSO Units	
				Moderate	Low	Very Low	Workforce	Demolished	Replaced
	Single		0					9	
	1 BR	10	1			1		7	8
	2 BR	14	1			1		6	13
	3 BR	10	1			1			10
	4 BR		0						
	TOTALS:	34	3	0	0	3	0	22	31

* Attach the Table of Rental Units

G. REQUIRED DOCUMENTS: (place an "X" in box IF the documents are submitted with this application)

NOTE: The Covenant draft time line starts when all Documents are received by the Land Use Analyst.

LADBS

- Building Permit Application:
- Clearance Summary Worksheet:
- Recorded Lot Tie (if Applicable):
- B of E Legal Address Clearance:
- Demolition Clearances (if Applicable):

Planning Department

- Planning Referral Form:
- Planning Determination Letter(s):
- Tentative Tract / Vtt Letter:

HCIDLA (Submit tables as listed below. *)

- Application Letter (letterhead):
- Projected Completion Dates (25%, 50%, 75%, 100%):
- Architect Plans (digital / physical):
- *Table of Rental Units:

AB 2222

- AB 2222 Application and documents:
- (Density Bonus projects may be subject to AB 2222)

For Purchase Projects

- Sales Comps (3 per bdrm size):
- *Table of Purchase Units:

Signatory / Ownership Documents

- Grant Deed(s):
- Legal Signature Block:
- Title Report:
- Organizational Chart:
- Trust Documents:

For Business Entities

- Corporation
 - Board Resolution:
 - Articles of Incorporation:
- Ltd Liability Partnership
 - Application to Register and:
- Limited Partnership
 - L.P. Agreement:
 - Certificate of L.P.:
- Limited Liability Co.
 - Oper Agmt & Art of Org:
 - Statement of Information:

I. List all other HCIDLA Covenants Associated with any individual in the Company (attach "Current Property List" or additional pages) :

- Address: None Los Angeles, Zip _____ CD: _____
- Address: None Los Angeles, Zip _____ CD: _____
- Address: None Los Angeles, Zip _____ CD: _____

J. SIGNATURE AND DECLARATION BY THE OWNER (Required)

Under penalty of perjury, I certify that the information presented in this application is true and accurate to the best of my knowledge. Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government.

Print Name: Rohit Mehta Title: Chief Executive Officer
 Signature: _____ Date: _____

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20201140717



Pages: 0028

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

09/18/20 AT 02:01PM

FEEs:	0.00
TAXES:	0.00
OTHER:	0.00
<hr/>	
PAID:	0.00



LEADSHEET



20200918120088

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SEQ:
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SECURE - Daily - Time Sensitive



THIS FORM IS NOT TO BE DUPLICATED

LU 10403 W Eastern Ave

E0650375

OFFICIAL BUSINESS

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Recording per Government Code
Section 6103

Recorded at the request of and mail to:
Los Angeles Housing and Community
Investment Department
Planning and Land Use Unit
P.O. Box 532729
Los Angeles, California 90053-2729

-----SPACE ABOVE THIS LINE FOR RECORDER'S USE-----

**RENTAL COVENANT AGREEMENT RUNNING WITH THE LAND
RE: LAND USE INCENTIVES**

CITY OF LOS ANGELES
AGREEMENT NUMBER C-136776 **OF CITY CONTRACTS**

This Agreement is made this 19 day of September, 2020, by and between the City of Los Angeles ("City"), a municipal corporation, acting by and through the Los Angeles Housing and Community Investment Department ("HCIDLA" or "Department") and XENON INVESTMENT CORP., a California corporation ("Owner").

RECITALS

WHEREAS, Owner is the record owner of that certain real property located at what will be commonly known as 10403 West Eastborne Avenue (currently commonly known as 10401 West Eastborne Avenue, on which sits a fourteen (14)-unit residential apartment building subject to the City's Rental Stabilization Ordinance ("RSO")) and 1645 South Beverly Glen Boulevard (on which sits an eight (8)-unit residential apartment building subject to the City's RSO) (the aforementioned fourteen (14) and eight (8) unit apartment buildings are hereinafter collectively referred to as the "Existing Project") in the City of Los Angeles, County of Los Angeles, State of California (the "Property"), which address is also set forth in Section 1(a) hereof, and whose legal description is set forth in Exhibit "A," which is attached hereto and incorporated herein by this reference; and

WHEREAS, the Owner intends to develop, rehabilitate or legalize one or more residential units on the Property, which will call for the demolition of the Existing Project and for the construction of a new, four (4)-story apartment building with thirty-four (34) residential units over one level of subterranean parking (the "Project"); and

WHEREAS, in connection with the Project, the Owner has sought and received the following land use incentive(s) and/or discretionary land use approval(s) from the Department of City Planning including a **35% Density Bonus, Parking Reduction Option One**, and two (2) on-menu incentives: **(1) Open Space**. A 20 percent decrease from the minimum open space requirement, allowing 5,440 square feet in lieu of the otherwise 6,800 square feet required and **(2) Side Yard**. A 20 percent side yard reduction for the side yard along the side property line, allowing 5 feet and 7 inches in lieu of the required 7 feet; in order to construct the Project (a new, four (4) story apartment building consisting of thirty-four (34) residential units), approved pursuant to Department of City Planning Case No. DIR-2014-4768-DRB-SPP-DB, Department of Building and Safety Application No. 18010-10000-05494 and/or the provisions of California Government Code Section 65651, 65915, Los Angeles Administrative Code Section 5.522, Los Angeles Charter Sections 555, 562, Los Angeles Municipal Code ("LAMC") Sections 11.5.6.B, 11.5.8, 11.5.11, 12.02, 12.04.09.B.11, 12.21.A.4, 12.22.A.25, 12.22.A.29, 12.22.A.31, 12.27, 14.00.A.10, 14.00.A.13, 16.05.D.8, and 17.11, as applicable; and

WHEREAS, as a requirement or condition of and in consideration for one or more of the above referenced land use incentive(s) and/or discretionary land use approval(s) for the Project, the Owner must provide three (3) Restricted Unit(s) at the Project for rent to income eligible households so as to provide affordable housing opportunities to Extremely Low, Very Low, Low and/or Moderate Income Households and possibly Seniors (as set forth below), and to improve housing design standards to meet the housing needs of the City's population; and

WHEREAS, it is the desire of the City and the Owner to enter into this Agreement to ensure that such requirement is fully complied with and to provide for the rental of the Restricted Unit(s) at affordable Rents as set forth in Exhibit "B," which is attached hereto and incorporated herein by this reference; and

WHEREAS, the Department administers and coordinates various local, state and federal public funding sources to promote the production of affordable housing citywide; and

WHEREAS, the Department is authorized to execute and enforce covenants and agreements implementing affordable housing requirements; and

WHEREAS, Owner acknowledges and agrees that it has or shall comply with any and all applicable laws including but not limited to the City's RSO, if applicable, required to vacate the Existing Project prior to demolition for the Project; and

WHEREAS, in the event the Property is subject to the RSO, unless the Owner, has or obtains an applicable RSO exemption, the Owner acknowledges and agrees that while during the term of this Agreement, the Rents in Exhibit "B" shall govern the Restricted Unit(s), the RSO, shall still apply to the Project; and

WHEREAS, the Owner also expressly acknowledges and agrees that due to its receipt of a density bonus pursuant California Government Code 65915, or incentives pursuant to LAMC Sections 11.5.6.B, 11.5.8, 11.5.11, 12.22.A.25, 12.22.A.31, and/or 14.00.A.13, as applicable for the development of the Project, it must comply with the replacement obligations of California Government Code Section 65915(c)(3), if applicable; and

WHEREAS, it is the intent of the parties that the Restricted Unit(s) herein, shall be continuously held as rental units, subject to the limitations, restrictions, covenants and conditions provided for in this Agreement for the benefit of the City, which is the owner of the public streets and areas adjoining the Property; and

WHEREAS, these provisions are for the purpose of enabling only Eligible Households to rent the Restricted Unit(s).

NOW THEREFORE, in consideration of the mutual covenants and representations herein contained, the parties hereto covenant, represent and agree as follows:

[Remainder of this page left intentionally blank]

1. Fundamental Provisions.

- (a) Property Address: 10403 West Eastborne Avenue
Los Angeles, CA 90024
- (b) City Planning Case No.: DIR-2014-4768-DRB-SPP-DB
ZA 2018-2734 (ZAA)
City Planning Referral Form No.: Not applicable
- (c) Tentative Tract No.: Not applicable
- (d) Building Permit Application No.: 18010-10000-05494
- (e) Plan Check No.: B18LA24403
- (f) Total Number of Residential Unit(s) at the Project: 34
- (g) Total Number and Type of Restricted Unit(s) at the Project: 3
- (h) Total Number of Senior Unit(s) at the Project: Not applicable
- (i) Initial Allocation and Type of Restricted Unit(s) at the Project: Type: Floating

VERY LOW INCOME HOUSEHOLDS
(Schedule 6)

HCD Very Low					
Bedroom Size	Total # of Residential Unit(s) at the Project	Total # of Restricted Unit(s) at the Project	Unit No.	Square Feet*	Location In Project
One	10	1	#305	684	West side
Two	14	1	#103	988	South side
Three	10	1	#207	1,141	North side
TOTAL:	34	3			

*Restricted one (1) bedroom unit(s) must be no less than 626 square feet in size,
 Restricted two (2) bedroom unit(s) must be no less than 917 square feet in size,
 Restricted three (3) bedroom unit(s) must be no less than 1,027 square feet in size

(j) Owner's Contact Information:

(k) Owner's Representative:

Xenon Investment Corp. Rohit Mehta, Chief Executive Officer 11022 Santa Monica Boulevard, #400 Los Angeles, CA 90025 310.479.1800 Office	Ane Consulting, Inc. Fernando Diaz 3646 Long Beach Boulevard Long Beach, CA 90807 562.252.3116 Office fdiaz@aneconsult.com
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2. **Definitions.**

For purposes of this Agreement, the terms listed below shall have the meanings hereinafter specified.

(a) **Agreement.** "Agreement" means this "Rental Covenant Agreement Running with the Land" between the City and the Owner.

(b) **Eligible Household.** "Eligible Household" means a household that qualifies as a Very Low Income Household whose eligibility has been certified by the Department. For reference purposes, the eligibility income requirements are enumerated in Exhibit "B," attached hereto and incorporated herein by this reference. However, if a previously approved Eligible Household is later determined to have a Household Income increase of no greater than one hundred and twenty percent (120%) of the area median income, as enumerated in Exhibit "B," the previously approved Eligible Household shall continue to be considered an Eligible Household for purposes of this Agreement.

(c) **Existing Project.** "Existing Project" refers to the fourteen (14)-unit and eight (8) unit residential apartment buildings subject to the City's RSO situated on the Property presently situated on the Property, which Owner plans to demolish and replace with the Project.

(d) **Fixed.** A "Fixed" Restricted Unit(s) means that the designated Restricted Unit(s) identified in Section 1(i) shall remain unchanged throughout the term of this Agreement.

(e) **Floating.** A "Floating" Restricted Unit(s) means that an initially designated Restricted Unit(s) identified in Section 1(i) and any subsequently designated Restricted Unit(s), may be replaced by another available comparable (i.e. in unit type, size and location) unit(s) at the Project (or if no comparable unit(s) at the Project exist and if not otherwise prohibited by applicable law, regulation or guideline, at the option of the Owner, an available LARGER unit(s) (i.e. more bedrooms and increased square footage) at the Project when and if a once Eligible Household living in a Restricted Unit(s) no longer qualifies as a "Eligible Household" per Section 2(b).

(f) **HCD.** "HCD" refers to the California Department of Housing and Community Development.

(g) Household Income. "Household Income" means the current gross amount of income of all adult household members that is anticipated to be received during the coming twelve (12)-month period, including the income of temporarily absentee family members, welfare assistance payments, and other such criteria determined in accordance with the definition of Annual Income found in 24 Code of Federal Regulations ("CFR") 5.609, formerly referred to as the Section 8 definition of income.

(h) HUD. "HUD" refers to the U.S. Department of Housing and Urban Development

(i) Immediate Family. "Immediate Family" includes domestic partner and/or those persons related by blood, marriage and or adoption, such as husband, wife, father, mother, brother, sister, son, daughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, his or her significant other, and his or her domestic partner.

(j) Income Adjustment Factor. The "Income Adjustment Factor" is used to establish the maximum monthly Rent to be paid by an Eligible Household per Restricted Unit. The "Income Adjustment Factor" shall be the following figures based upon the corresponding number of persons in the household in a Restricted Unit, as periodically published by HUD:

<u>Persons in Household</u>	<u>Income Adjustment Factor</u>
1	0.7
2	0.8
3	0.9
4	1.00
5	1.08
6	1.16
7	1.24
8	1.32

(k) Median Income. "Median Income" is based on the County of Los Angeles Median Income, as determined by HCD and published periodically, and adjusted by household size.

(l) Net Median Income. "Net Median Income" is defined as Median Income adjusted for expenses and taxes by the Department or its successor to reflect state and federal income tax requirements.

(m) Owner. "Owner" refers to XENON INVESTMENT CORP., a California corporation and its authorized representatives, assigns, transferees, or successors-in-interest in ownership of the Property. Owner shall not include persons or entities who/which hold an interest merely as security for the performance of an obligation. Owner shall not include persons or entities after they have ceased to hold a record ownership interest in the Property.

(n) Project. "Project" refers to the new, four (4)-story apartment building consisting of two buildings with thirty-four (34) residential units, which Owner is going to build on the Property to replace the Existing Project.

(o) Property. "Property" means that certain real property and the Project to be situated thereon, located at what will be commonly known as 10403 West Eastborne Avenue (currently commonly known as: 10401 West Eastborne Avenue and 1645 South Beverly Glen Boulevard) in the City of Los Angeles, County of Los Angeles, State of California, which address is set forth in Section 1(a) hereof, and whose legal description is set forth in Exhibit "A."

(p) Rent. "Rent" means the consideration, including any bonus, benefits, or gratuity, demanded by or received by the Owner for, or in connection with: (1) the use or occupancy of a housing unit and land and facilities associated therewith, (2) any separately charged fees or service charges assessed by the Owner which are required of all tenants, other than security deposits, (3) a reasonable Utility Allowance, and (4) possessory interest, taxes, or other fees or charges assessed for use of the land and facilities associated therewith by a public or private entity other than the Owner. (1), (2), (3) and (4) shall be an average of estimated costs for the next twelve (12) months. The maximum monthly Rent to be paid by an Eligible Household per Restricted Unit, may not exceed thirty percent (30%) of fifty percent (50%) of the Net Median Income, as established by the Department from time to time to reflect HCD updates of Median Income estimates, divided by twelve (12), as set forth in Exhibit "B."

(q) **Restricted Unit.** "Restricted Unit" shall be a dwelling unit at the Project as set forth in Section 1(i) of the Fundamental Provisions, rented to an Eligible Household, and wherein the maximum monthly Rent to be paid by an Eligible Household per Restricted Unit is as set forth in Exhibit "B." The Restricted Unit(s) shall be designed to harmonize with other residential structures and units at the Project and shall be reasonably dispersed within the Project.

(r) **Utility Allowance.** "Utility Allowance" means an amount designated by the Housing Authority for the City of Los Angeles, the California Utility Allowance Calculator method (for California Tax Credit Allocation Committee ("TCAC") funded projects), or CFR Section 92.252(d) (for projects funded by the Home Investment Partnership Program ("HOME")), as applicable, as a reasonable estimate of the cost of utilities for an Eligible Household for purposes of calculating the maximum Rent per Restricted Unit.

(s) **Very Low Income Household.** A "Very Low Income Household" is defined as a household whose Household Income is at or below the amount designated as "Very Low Income" for Los Angeles County by HCD, adjusted by household size.

3. Term.

The covenants and conditions contained herein shall run with and burden the Property for a period of fifty-five (55) years from the date of the Certificate of Occupancy or Certificate of Completion, if applicable, of the Project in accordance with the provisions hereof. The Owner shall expressly make the conditions and covenants in this Agreement a part of any deed or other instrument conveying any interest in the Property. Note: Full compliance with all applicable state law notice requirements (as set forth in California Government Code Sections 65863.10, 65863.11 and 65863.13) is required in order for this Agreement to be terminated at the end of the term.

4. Notice and Opportunity to Cure.

In the event the Department determines the Owner is out of compliance with the income and rent restrictions set forth in Section 9 of this Agreement, the Department shall send to Owner via U.S. Mail and/or email at the address set forth in Section 1(j) above, a Notice of Default and Opportunity to Cure ("Notice"). In the event the cure requires the eviction of a tenant(s) who no longer qualifies as an "Eligible Household" per Section 2(b), the cure time shall be one hundred and twenty (120) days from the date contained on the Notice in which for Owner to cure. All other events of default must be cured within sixty (60)

days from the date contained on the Notice. In the event the default is not satisfactorily cured within the allotted amount of time, Owner agrees to extend the fifty-five (55) year term of this Agreement by way of written amendment, in accordance with the amount of time, the Owner has been determined by the Department to be out of compliance.

5. Compliance with Recitals.

Owner acknowledges and agrees that it has and/or will comply with any and all of its obligations under the Recitals and obey all applicable laws.

6. Condominium Conversions.

The Owner shall not convert any Restricted Unit(s) to condominiums or cooperative ownership or sell condominium or cooperative conversion rights to any Restricted Unit(s) during the term of the Agreement unless it first complies with the following requirements: (a) Owner must apply for and receive a Tentative Tract Number for the Project from the Department of City Planning, (b) pay any applicable fees to the Department to amend the Agreement into a Rental or Purchase Covenant Agreement Running with the Land, (c) execute and record the amendment, and (d) obtain any all necessary subordinations so that the amendment retains the same recording position as the original Agreement.

7. Tenant Qualification.

Each Restricted Unit within the Project shall be reserved and rented for the purposes set forth in Section 1(i) to Eligible Households, and the maximum monthly Rent to be paid by an Eligible Household per Restricted Unit shall be established as set forth in Exhibit "B."

8. Conflict of Interest Self-Certification.

Before approving a tenant for tenancy in any Restricted Unit(s), Owner shall require each prospective tenant to certify under penalty of perjury that they are not: (a) an Owner, developer, or sponsor of the Property, (b) an officer, employee, agent or consultant, or elected or appointed official of an Owner, developer or sponsor of the Property; or (c) a member of the Immediate Family of any such person described in subsections (a) or (b). Owner shall not rent any Restricted Unit(s) to any said individuals.

9. Income and Rent Restrictions.

(a) Each Restricted Unit shall only be rented to Eligible Households. The maximum monthly Rent to be paid by an Eligible Household per Restricted Unit, may not exceed thirty percent (30%) of fifty percent (50%) of the Net Median Income, as established by the Department from time to time to reflect HCD updates of Median Income estimates, divided by twelve (12), as set forth in Exhibit "B." Notwithstanding the formula(s) herein set forth, the City Council reserves the right to change the Rent calculation formula(s) and the constituent factors if so required, based upon applicable law.

(b) The maximum monthly Rent to be paid by an Eligible Household per Restricted Unit may be increased, when Median Income figures are increased, applying the formula(s) set forth above in Section 9(a), but no more than one (1) time per year. **It is the responsibility of the Owner to contact the Department to receive the periodic changes in affordability restrictions.**

(c) The Owner agrees to notify the Department, in writing at the address set forth in Section 21, when the Project is within one hundred and twenty (120) days of issuance of a Certificate of Occupancy or Certificate of Completion, if applicable. In this same notification, if the initial allocation of Restricted Unit(s) in Section 1(i) (whether Fixed or initial Floating) above is no longer accurate, Owner further agrees to notify the Department and immediately execute an amendment to this Agreement so that Section 1(i) and any other provisions of this Agreement thereby affected, may be updated.

(d) The Owner agrees to notify the Department within thirty (30) days, in writing at the address set forth in Section 21, each time any Restricted Unit(s) becomes vacant.

(e) The Owner shall make the selection of any Eligible Household to occupy a Restricted Unit(s), subject to Owner's verification and the Department's certification of eligibility by the Department as required by Section 9(g), (h) and (j) of this Agreement.

(f) Each Restricted Unit provided for under this Agreement shall be administered by the Owner, including tenant selection, lease-up, Rent collection, Property maintenance, and eviction procedures, among others.

(g) The Owner shall verify the prospective Eligible Households' eligibility using the Eligible Households' income tax records, employment records, paystubs, bank statements and benefit statements or other records deemed appropriate by the Department, and shall require from each Eligible Household, a statement that such Eligible Household's projected future income from all sources does not exceed allowable limits. This statement shall be signed by the Eligible Household under penalty of perjury. In the event that the prospective Eligible Household may be claimed as a dependent for purposes of another party's (such as parents) income taxes, in addition to the items mentioned above for the prospective Eligible Household, the same items must be produced for any party who may claim the prospective Eligible Household as a dependent.

(h) Prior to renting any Restricted Unit(s), the Owner shall request the Department to certify the eligibility of any prospective Eligible Household by submitting required documentation, as determined by the Department. **If the Owner does not request the Department to certify the eligibility of a tenant of a Restricted Unit, the tenant shall not be considered an Eligible Household and may not reside in any Restricted Unit(s) unless and until they are certified by the Department as an Eligible Household.**

Note: If the Project is 100% restricted as affordable through programs, including, but not limited to the Low-Income Housing Tax Credit ("LIHTC") program under Section 42 of the Internal Revenue Tax Code or financed in part with HCIDLA Multifamily Housing tax-exempt bonds, the Owner need not obtain certification of income eligibility from the Department prior to allowing a tenant to move into a Restricted Unit. However, the Restricted Unit(s) will be monitored on an annual basis to ensure income and Rent restrictions do not exceed the limits set forth in Exhibit "B."

(i) **Fees and Penalties.** In the event that the Owner fails to reasonably verify the prospective Eligible Household's eligibility (per Section 9(g)) and rent to tenants whose Household Income exceeds the permissible limits, the Owner agrees to pay to the Department, all Rents received for each day of occupancy by such unqualified tenants.

(j) **Tenant Income Certification.** Within ten (10) business days of the complete submission of all required income eligibility documents, the Department will make every effort to furnish the Owner with:

- (1) A determination that the prospective tenant is an Eligible Household; or
- (2) A determination that the prospective tenant is not an Eligible Household; or
- (3) A statement that specified additional information is required to enable the Department to make its determination.

The time frame of ten (10) business days shall begin to run only upon the submission by the Owner of the full and complete required documents as specified by the Department. Failure to hear from the Department within the aforementioned ten (10) business day period **DOES NOT** mean the prospective tenant has been deemed approved. Owner must contact the Department for an update.

(k) **Repayment.** In the event the Owner charges an Eligible Household monthly Rent per Restricted Unit, above the applicable amounts specified in Exhibit "B" (or the then current maximum monthly Rent as updated by the Department to reflect HCD updates of Median Income estimates), the Owner agrees to repay the Eligible Household the difference between the monthly Rent charged and the maximum monthly Rent allowed in this Agreement for the period that the disallowed monthly Rent was being charged within ten (10) days of the Department's written request. Written proof of such repayment shall be provided to the Department within ten (10) days of such repayment.

(l) The Owner shall maintain books and records to the satisfaction of the Department which verify tenant's eligibility, the Rents, and the proper maintenance of each Restricted Unit at the Project. Such books and records shall be made available for inspection by the Department at any time during normal business hours of 9:00 am to 5:00 pm, with two (2) business days' written notice.

(m) On an annual basis, Owner shall provide the Department with a copy of an occupancy summary report (using the Department's approved form(s)) showing the present occupants, Rent and size of each Restricted Unit(s) at the Project, and any other information which the Department requests and which relates to the eligibility of these households. If the household size of a previously approved Eligible Household changes, the Owner is required to provide the Department with additional income documentation, if applicable, to determine eligibility. If a previously Eligible Household is later determined to no longer be an Eligible Household, as defined in Section 2(b):

If Eviction is Not Prohibited by Applicable Law: The Rent charged to the previously Eligible Household may be raised to market rates. At such time, if there is a vacant comparatively sized market rate unit at the Project, Owner shall provide a minimum of thirty (30) days-notice to such previously Eligible Household granting the right of first refusal to rent the market rate unit at market rates, which right shall be effective for the duration of the thirty (30) days-notice. If no such vacant market rate units are available, Owner shall evict the previously Eligible Household pursuant to the terms of its lease agreement (See Section 10(a)(3), "Required Provisions for Rental or Lease Agreements for Restricted Unit(s)") and immediately re-rent the Restricted Unit(s) to an Eligible Household.

If Eviction is Prohibited by Applicable Law. Such Restricted Unit(s) will continue to be treated as a Restricted Unit(s) (i.e. the Rent shall remain in accordance with Exhibit "B") but the next available unit(s) of comparable size (a restricted one (1) bedroom unit must be no less than 626 square feet in size, a restricted two (2) bedroom unit must be no less than 917 square feet in size, and a three (3) bedroom unit must be no less than 1,027 square feet in size) and type and comparable location reasonably dispersed within the Project, must be rented to an Eligible Household(s) who qualifies for a Restricted Unit. Upon the rental of any replacement Restricted Unit(s) to an Eligible Household, such unit will be deemed a Restricted Unit(s). If no comparable unit(s) at the Project exist and if not otherwise prohibited by applicable law, regulation or guideline, Owner may opt to rent an available LARGER unit(s) at the Project (i.e. more bedrooms and increased square footage) as a replacement unit. If an Owner opts to rent a LARGER replacement unit at the Project, the Rent will be adjusted accordingly. The Owner will be considered temporarily non-compliant with the terms of this Agreement until the no-longer Eligible Household voluntarily vacates the Restricted Unit and it is re-rented to an Eligible Household or a replacement Restricted Unit(s) is rented to an Eligible Household.

(n) **Fees.** On a date designated by the Department and annually on that date thereafter, the Owner agrees to reimburse the Department, \$173.00 annually per Restricted Unit to offset the cost of performing the duties and responsibilities of this Agreement.

(o) If at any time, beginning immediately after the date of the notice described in Section 9(d), a Restricted Unit(s) offered for rent remains vacant for a continuous period of two (2) months, the Department may refer to the Owner, Eligible Households interested in renting such Restricted Unit(s). If the Department makes such

referrals to the Owner and the Owner declines to rent to such Eligible Households, the Owner's refusal to rent must be based upon a non-discriminatory basis. Owner agrees to provide the basis for any such refusal to rent to the Department within ten (10) business days of any written request to Owner at the address in Section 1(j) above.

(p) If the Property is transferred in any manner or is acquired at a foreclosure sale under any deed of trust or mortgage encumbering the Property and/or improvements thereon or by deed in lieu of foreclosure prior to the time the Restricted Unit(s) are constructed, title to the Property shall be taken subject to the limitations provided for herein.

(q) If the Restricted Unit(s) are transferred in any manner or are acquired at a foreclosure sale under any deed of trust or mortgage encumbering the Restricted Unit(s) or by a deed in lieu of foreclosure, then the transferee, as Owner, shall be subject to all the conditions, limitations and restrictions provided for in this Agreement.

10. Required Provisions for Rental or Lease Agreements for Restricted Unit(s).

For Restricted Unit(s), Owner shall use a form of rental or lease agreement, subject to the review and approval by the Department, which shall:

(a) Provide for termination of the rental or lease agreement and consent by a tenant to immediate eviction: (1) for failure to provide any information required by this Agreement or reasonably requested by the Owner to establish or re-certify the tenant's income qualification or the income qualification of the tenant's household for occupancy of a Restricted Unit in accordance with the standards set forth in this Agreement, or (2) for failure to qualify as an Eligible Household as applicable, as the result of any material misrepresentation made by such tenant(s) with respect to their income computation or certification; or (3) if not prohibited by applicable law, in the event tenant no longer qualifies as an Eligible Household as defined in Section 2(b); and

(b) Prohibit the subleasing of any Restricted Unit (this includes listing any Restricted Unit(s) for vacation/short-term rental on Airbnb or like websites); and

(c) Permit the termination of an existing tenancy or an eviction **only** upon good cause. Good cause includes the non-payment of Rent, any of the events in Section 10(a) above, repeated violation of the terms or conditions of the rental agreement or lease

agreement, or violations of applicable federal, state or local law.

11. Utilization of Restricted Unit(s).

(a) Full Utilization. Each Restricted Unit required to be provided by this Agreement shall be leased or rented (i.e., the Restricted Unit(s) shall not be withdrawn from the market) and fully utilized in a manner consistent with the Space and Occupancy Standards set forth in LAMC, Chapter IX, Article 1, and the Uniform Housing Code, Chapter V.

(b) The Owner agrees to: (1) maintain and operate each Restricted Unit so as to provide decent, safe, and sanitary housing; and (2) provide each Restricted Unit with the same level of services (including security), amenities, and maintenance as is provided to the market rate unit(s) on the Property. Such amenities that may be provided to tenants of market rate unit(s) include, but are not limited to access to recreational facilities, parking, cable TV, and interior amenities such as dishwashers and microwave ovens. Optional services provided must also be optional for tenants of both Restricted Unit(s) and market rate unit(s) and available to all under the same terms and conditions. At the commencement of each Eligible Household's respective lease for a Restricted Unit, all non-purchased incentives being offered to tenants of market rate unit(s), such as free parking (if applicable), must be equally offered to each Eligible Household. However, any promotional non-purchased incentives offered to new tenants after commencement of an existing lease need not be offered to existing tenants, but must be equally offered to new tenants of both Restricted Unit(s) and market rate unit(s).

12. Parking.

The following definitions **ONLY** apply if the Department of City Planning has provided the Owner with the option to "bundle" or "unbundle" the parking spaces at the Project (note: under such circumstances, 100% of the parking spaces at the Project must be either "bundled" OR "unbundled"):

Bundled Parking Space. A "Bundled Parking Space" refers to a parking space at the Project that the Owner has opted to tie with a residential unit. If there are fewer parking spaces at the Project than are residential units, the Owner is required to provide them in the same ratio to both Restricted Unit(s) and market rate unit(s). Bundled Parking Spaces must be distributed on a first come, first serve basis, or by lottery or the method that does not favor or prioritize market rate tenants. Owner must offer parking spaces to tenants of both

Restricted Unit(s) and market rate unit(s), at the same cost and under the same terms and conditions. The cost of a Bundled Parking Space (if provided with a Restricted Unit) **IS** included in the Rent for a Restricted Unit.

Unbundled Parking Space. An "Unbundled Parking Space" refers to a parking space at the Project that the Owner has opted to sell or rent separately from a residential unit(s). If there are fewer parking spaces at the Project than are residential units, the Owner is required to provide them in the same ratio to tenants of both Restricted Unit(s) and market rate unit(s). Unbundled Parking Spaces must be distributed on a first come, first serve basis, or by lottery or the method that does not favor or prioritize market rate tenants. Owner must offer parking spaces to tenants of both Restricted Unit(s) and market rate unit(s), at the same cost and under the same terms and conditions. The cost of an Unbundled Parking Space **IS NOT** included in the Rent for a Restricted Unit. A tenant of a Restricted Unit who is offered an Unbundled Parking Space but opts not to accept it, must decline the offer of an Unbundled Parking Space in writing.

13. Annual Determinations.

Upon initial occupancy of each Restricted Unit, and at least annually thereafter, the Owner shall determine and certify the Household Income of each Eligible Household. If a previously Eligible Household is later determined to no longer be an Eligible Household as defined in Section 2(b), Section 9(m) shall apply.

14. Right to Inspect.

The Department reserves the right to visit the Property and inspect each Restricted Unit for satisfactory compliance with this Agreement, any conditions of approval for the Project imposed by the Department of City Planning, City ordinances and requirements as applicable, and the City's Guidelines for the Affordable Housing Incentives Program. For routine inspections, seven (7) business days written notice (counted from the date of the notice) will be provided to the Owner via U.S. Mail.

15. Federal and State Laws.

Notwithstanding the above provisions, nothing contained herein shall require the Owner or the City to do anything contrary to or refrain from doing anything required by Federal and State laws and regulations promulgated thereunder applicable to the construction, management, maintenance, and rental of the Restricted Unit(s). Owner further expressly agrees to obey all applicable laws as to the Property, including, but not limited to

the California Building Code, the Americans with Disabilities Act, and Title VIII of the Civil Rights Act as amended in 1988 by the Fair Housing Amendments Act.

16. Binding on Successors and Assigns.

This Agreement shall be an equitable servitude and a covenant running with the land as a burden on the Property, shall be binding upon the Owner and its successors and assigns in ownership of the Property and shall be binding upon and inure to the benefit of the City and its successors and assigns in the ownership or administration of the adjacent public streets. The City reserves the right to designate another public agency to perform the City's obligations or to exercise the City's rights under this Agreement.

17. Prohibition Against Discrimination.

The Owner shall not discriminate against any tenant or potential tenant on the basis of race, color, religion, creed, sex, age, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income (which effective January 1, 2020, pursuant to California Government Code Section 12955(p) and LAMC Section 45.67 includes a prospective tenant's use of any lawful source of income, rental assistance, subsidy, or financial aid from any person whether paid directly to tenant or to Owner on behalf of tenant, including but not limited to vouchers issued under the Section 8 program), disability, genetic information or medical condition, including the actual or perceived affliction of AIDS or the HIV virus.

18. Affirmative Marketing of the Property.

For purposes of initial rental of each Restricted Unit, and for purposes of re-rental each time any Restricted Unit(s) becomes vacant, the Owner shall make reasonable efforts to advertise to Eligible Households and encourage their participation in applying for and occupying a Restricted Unit by immediately advertising the availability of any Restricted Unit(s) on the internet-based City of Los Angeles Housing Resource Center at <http://housing.lacity.org>.

19. Enforcement Provisions.

The parties hereto, or their respective successors, heirs or assigns may enforce any of the terms, covenants or conditions contained in this Agreement through any proceedings allowed at law or in equity. They may commence and maintain actions for damages or to restrain and enjoin any actual or threatened breach of any provision of this Agreement. Any remedy provided for herein shall not be exclusive or preclude the parties hereto or their

respective successors, heirs and assigns from exercising any other remedy available under this Agreement, or under provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any right or remedies available to such parties. It is understood and agreed that no waiver of a breach of any of the provisions of this Agreement shall be construed as a waiver of any other breach; nor shall failure to enforce any portion of this Agreement be construed as a waiver of any of the conditions of this Agreement.

20. Administrative.

The General Manager of the Department or the General Manager's designee shall have the authority to act on behalf of the Department in carrying out the Department's obligations under this Agreement.

21. Notices.

All notices required under this Agreement shall be in writing, which includes email, sent to the Owner at the address(es) set forth in Section 1(j), and to the City represented by the:

**LOS ANGELES HOUSING AND COMMUNITY INVESTMENT DEPARTMENT
1200 W. 7TH STREET, 8TH FLOOR
LOS ANGELES, CA 90017
ATTENTION: OCCUPANCY MONITORING**

Any party may change the address to which notices are to be sent by notifying the other parties of the new address in the manner set forth above.

22. Authority.

Each party to this Agreement hereby represents and warrants that each person executing this Agreement on behalf of a party has the right, power, legal capacity and authority to enter into and perform under the Agreement, that no approval or consent of any other persons are necessary and that the Agreement constitutes a valid and binding obligations of such party, enforceable against such party in accordance with its terms.

23. Amendments.

This Agreement may be amended only by a written instrument signed by both the City and the Owner. Owner agrees to pay any applicable fees to the Department for any required amendment(s) to this Agreement necessitated by Owner, including but not limited

to those caused by Owner non-compliance issues or Owner requested changes to the allocation of Restricted Unit(s) as set forth in Section 1(i) (whether Fixed or initial Floating) that involve substantive changes to the Project (i.e. changes to bedroom type, square footage and location within the Project). However, there is no need for an amendment under those circumstances wherein the eviction of a formerly Eligible Household living in a Restricted Unit(s) is prohibited by applicable law, no comparable replacement unit(s) at the Project exist, and Owner opts to rent an available LARGER unit(s) (i.e. more bedrooms and increased square footage) at the Project as a replacement unit.

24. Assignment, Assumption and Consent.

For administrative purposes, in the event of any sale or re-sale of the Property prior to the expiration of the Term of this Agreement, the Owner shall require the buyer to execute and record an Assignment, Assumption and Consent Agreement ("Assignment") with the City (on form to be provided by the Department) as condition of close of escrow. The City must be paid any applicable fees associated with the Assignment.

25. Recording of Agreement.

The parties hereto shall cause this Agreement to be recorded in the Official Records of the County of Los Angeles.

26. Third-Party Right of Enforcement.

Pursuant to Ordinance No. 179681, effective April 15, 2008, which amended applicable provisions of the LAMC to implement a revised Density Bonus program as required by State law, the terms and provisions of this Agreement may be enforced by the City, any tenant of a Restricted Unit or Owner.

27. Governing Law.

This Agreement shall be interpreted under and be governed by the laws of the State of California.

28. Counterparts.

This Agreement may be executed in counterparts, each of which, when the parties hereto have signed this Agreement, shall be one and the same instrument.

29. Entire Agreement.

The provisions herein constitute the entire agreement between the parties hereto.

Each party to this Agreement acknowledges that no representations, inducements, promises or agreements, orally or otherwise, have been made by any party or anyone acting on behalf of any party, which are not embodied herein, and that any other agreement, statement, or promise not contained in this Agreement shall not be valid or binding except more restrictive agreements.

[Remainder of this page left intentionally blank]

IN WITNESS WHEREOF, the City and the Owner have caused this Agreement to be executed by its duly authorized representatives:

APPROVED AS TO FORM:
MICHAEL N. FEUER, City Attorney

Executed this 13th day of
SEPTEMBER, 2020

By: MEMM EHL
Deputy City Attorney

For: **THE CITY OF LOS ANGELES**

Date: 9-10-20

ANN SEWILL
General Manager
Los Angeles Housing and Community
Investment Department

ATTEST:
HOLLY L. WOLCOTT, City Clerk

By: [Signature]
SEAN L. SPEAR
Assistant General Manager
Housing Development Bureau

By: [Signature]
Deputy City Clerk

Executed this _____ day of
_____, 2020

Date: 9-10-2020

(Contractor Corporate Seal)



For: **OWNER**

Council File Number:

XENON INVESTMENT CORP.,
a California corporation

Date Council Adopted:

By: _____
ROHIT MEHTA
Its: President and Chief Financial
Officer

Said Agreement is Number
0-134774
of City Contracts

By: _____
DEEPAK MEHTA
Its: Secretary

**SIGNATURES MUST BE NOTARIZED
FOR RECORDING**

IN WITNESS WHEREOF, the City and the Owner have caused this Agreement to be executed by its duly authorized representatives:

APPROVED AS TO FORM:
MICHAEL N. FEUER, City Attorney

Executed this _____ day of _____, 2020

By: _____
Deputy City Attorney

For: **THE CITY OF LOS ANGELES**

RUSHMORE D. CERVANTES
General Manager
Los Angeles Housing and Community
Investment Department

Date: _____

ATTEST:
HOLLY L. WOLCOTT, City Clerk

By: _____
SEAN L. SPEAR
Assistant General Manager
Housing Development Bureau

By: _____
Deputy City Clerk

Executed this _____ day of _____, 2020

Date: _____

(Contractor Corporate Seal)

For: **OWNER**

Council File Number:

XENON INVESTMENT CORP.,
a California corporation

Date Council Adopted:

By: _____
ROHIT MEHTA
Its: President and Chief Financial
Officer

Said Agreement is Number _____
of City Contracts

By: _____
DEEPAK MEHTA
Its: Secretary

**SIGNATURES MUST BE NOTARIZED
FOR RECORDING**

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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.

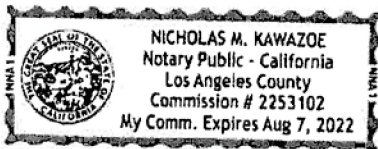
STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES)

On September 1, 2020 before me, Nicholas M. Kawazoe, Notary Public, personally appeared SEAN L. SPEAR, 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 of 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 of Notary Public

Place Notary Seal Above

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.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California)

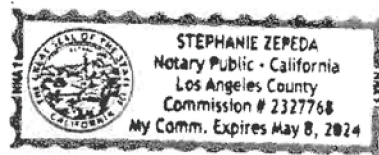
County of Los Angeles)

On August 27, 2020 before me, Stephanie Zepeda Notary Public
(here insert name and title of the officer)

personally appeared Robert Mehta

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 of 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 Stephanie Zepeda

(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of _____

containing _____ pages, and dated _____

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-Fact
- Corporate Officer(s) _____
Title(s)

- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer is Representing

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:
 form(s) of identification credible witness(es)

Notarial event is detailed in notary journal on:
Page # _____ Entry # _____

Notary contact: _____

Other

- Additional Signer(s)
- Signer(s) Thumbprint(s)
-

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.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California)

County of Los Angeles)

On August 27, 2020 before me, Stephanie Zepeda Notary Public
(here insert name and title of the officer)

personally appeared Deepak Mehta

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 of 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



(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

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- Attorney-in-Fact
- Corporate Officer(s) _____ Title(s)

- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer is Representing

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:
 form(s) of identification credible witness(es)

Notarial event is detailed in notary journal on:
Page # _____ Entry # _____

Notary contact: _____

Other

- Additional Signer(s)
- Signer(s) Thumbprint(s)
- _____

EXHIBIT "A"

LEGAL DESCRIPTION

(10403 West Eastborne Avenue, Los Angeles, CA 90024)

All that certain real property located in the City of Los Angeles, County of Los Angeles, State of California, more particularly described as follows:

LOT 18 AND 19, IN BLOCK 49 OF TRACT NO. 4677 IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 92 PAGES 24 THROUGH 31 INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY OF SAID COUNTY.

APN: 4327-005-018, 4327-005-019 (OLD) and 4327-005-102 (NEW)

[Remainder of this page left intentionally blank]

EXHIBIT "B"

**2019 AFFORDABILITY SCHEDULE – VERY LOW
SCHEDULE VI – HCD
Effective July 1, 2019**

MAXIMUM MONTHLY RENT TO BE PAID BY AN ELIGIBLE HOUSEHOLD PER RESTRICTED UNIT		
30% of 50% of NET AMI		
<u>ONE BEDROOM</u> \$710	<u>TWO BEDROOM</u> \$798	<u>THREE BEDROOM</u> \$887

MAXIMUM INCOME LEVELS		
Household Size	50% of AMI at initial move-in	120% of AMI at recertification
1	\$36,550	\$61,400
2	\$41,800	\$70,150
3	\$47,000	\$78,950
4	\$52,200	\$87,700
5	\$56,400	\$94,700
6	\$60,600	\$101,750
7	\$64,750	\$108,750
8	\$68,950	\$115,750

This table is subject to change to reflect HCD updates of Median Income estimates



Luis Fernando Garcia <luis.f.garcia@lacity.org>

Re: Claim 177697

13 messages

Fernando Diaz <fdiaz@aneconsult.com>

Fri, Oct 31, 2025 at 11:56 AM

To: Griselda Chavez <griselda.chavez@lacity.org>

Cc: Selenia Jessika Garcia <ladsb.refunds@lacity.org>, Selenia Jessika Garcia <selenia.garcia@lacity.org>

Hi Griselda,

Thank you for taking my call this morning. I have attached our project's approval letters and our housing covenant signed off by LAHD indicating their approval of the calculation of 3-units or 11% of the base 25-unit count.

the "Directors Decision Letter" for our project (DIR 2014-4768 DRB/SPP/DB) which states in Condition No. 4 to provide a minimum of 3 units or 11% of base dwellings (25-Base Units)

The calculation was completed as follows:

Lot area: 19,614 sf.

Base Count: $(800 \text{ pdu}/19,614) = 24.5175$ or round up to **25**

Density Bonus 35%: $25 \times 35\% = 8.75$ or round up to **9**

11% set aside from base: $= 25 \times 11\% = 2.75$ or round up to **3**

Total project built out: $(25+9) = 34$ Units

Total Set Aside Units VLI: $(25/11\%) = 3$

I have also attached the "Affordable Housing Referral Form" (AHRF) signed off by City Planning Housing approving the planning application submittal with the 3-unit set aside for VLI calculation. In addition, I also attached the LAHCID Land Use Application highlighting the base unit count as 25 and VLI set aside of 3. In addition, I highlighted under the Density / Incentives box on the first sheet of the "17.01 Beverly Glen Housing Clarification" Plan Set how the calculation was completed. Lastly, I provided the LADBS permit link which calls out the work description to include 3-Very Low Income Units. This permit was signed off by the relevant agencies with plenty of review.

<https://www.ladbsservices2.lacity.org/OnlineServices/PermitReport/PcisPermitDetail?id1=18010&id2=10000&id3=05494>

To reiterate, the set aside units are not based on the total project build of 34-units but based on the base unit count of 25. Since the denial was based on the former and not the latter calculation, we ask that Refund Claim No. 177697 be reopened.

If you have any questions, please feel free to call me.

Best,
Fernando J. Diaz
Principal
Ane Consulting, Inc
Tel: (562) 252-3316
fdiaz@aneconsult.com



05-03-2017 FD AHRF Approval.pdf

On Fri, Oct 31, 2025 at 10:28 AM Griselda Chavez <griselda.chavez@lacity.org> wrote:

Good morning,

Attached is the denied letter for claim 177697. Thank you!

--

Please Note claims can take anywhere from 4-6 months to process.

Thank you!**Griselda Chavez**

LADBS Financial Services

Main: (213) 584-9974 / griselda.chavez@lacity.org



Note: Please allow between 24 hours for an email response due to the increase in workload and staff shortages.

--

Fernando J. Diaz

Ane Consulting, Inc

3646 Long Beach Blvd Space #103

Long Beach, California 90807-4014

Tel: 562.252.3316

fdiaz@aneconsult.com

aneconsult.com

The content of this email is the confidential property of Ane Consulting, Inc and should not be copied, modified, retransmitted, or used for any purpose except with Ane Consulting, Inc's written authorization. If you are not the intended recipient, please delete all copies and notify us immediately.

Please consider the environment before printing this email.

4 attachments

- DIR-2014-4768-DRB-SPP-DB Decision Letter.pdf**
21095K
- Recorded covenant 10403 W. Eastborne.pdf**
1538K
- land_use_app_8.0.pdf**
248K
- 17.01 Beverly Glen Housing Clarification_2018-05.03.pdf**
1458K

Suzy Ter-Oganesyan <suzy.teroganesyan@lacity.org>

Mon, Nov 3, 2025 at 10:50 AM

To: Griselda Chavez <griselda.chavez@lacity.org>, LADBS Refunds <LADBS.Refunds@lacity.org>

Hello,

Please follow up... thank you.

[Quoted text hidden]





--

Suzy Ter-Oganesyan

Accountant



4 attachments

-  **DIR-2014-4768-DRB-SPP-DB Decision Letter.pdf**
21095K
-  **Recorded covenant 10403 W. Eastborne.pdf**
1538K
-  **land_use_app_8.0.pdf**
248K
-  **17.01 Beverly Glen Housing Clarification_2018-05.03.pdf**
1458K

Luis Fernando Garcia <luis.f.garcia@lacity.org> Tue, Nov 4, 2025 at 10:39 AM
To: Fernando Diaz <fdiaz@aneconsult.com>
Cc: Griselda Chavez <griselda.chavez@lacity.org>, Selenia Jessika Garcia <ladbs.refunds@lacity.org>, Selenia Jessika Garcia <selenia.garcia@lacity.org>

Good morning,

Thank you for your call. Your email response and supporting documents will be printed and attached to Claim No.177697 as it is reopened and reviewed once again.

Please feel free to follow up in 3 weeks for a status update.

Thank you

[Quoted text hidden]

--

Regards,

Luis Fernando Garcia

Accounting Clerk

Los Angeles Department of Building and Safety

201 N. Figueroa St. 7th Floor

Los Angeles, CA 90012



Fernando Diaz <fdiaz@aneconsult.com> Tue, Nov 4, 2025 at 10:42 AM
To: Luis Fernando Garcia <luis.f.garcia@lacity.org>
Cc: Griselda Chavez <griselda.chavez@lacity.org>, Selenia Jessika Garcia <ladbs.refunds@lacity.org>, Selenia Jessika Garcia <selenia.garcia@lacity.org>

Thank you Luis for the update. I will add a calendar reminder to reach out in 3-weeks.

Best,

Fernando

[Quoted text hidden]

Fernando Diaz <fdiaz@aneconsult.com> Mon, Nov 17, 2025 at 12:08 PM
To: Luis Fernando Garcia <luis.f.garcia@lacity.org>
Cc: Griselda Chavez <griselda.chavez@lacity.org>, Selenia Jessika Garcia <ladbs.refunds@lacity.org>, Selenia Jessika Garcia <selenia.garcia@lacity.org>, nathanael.forand@lacity.org

Hi Luis,

Great talking with you a few minutes ago. I just got off the phone with Nathanael Forand of LA City Housing, Land Use Management who provides the analysis, calculation and covenants for these types of projects. I have cc'd him on this thread and if you or the plan check analyst can please reach out to him before any decisions are finalized would be greatly appreciated. Nathanael's information is as follows:

Nathanael Forand
(213) 808-8843
nathanael.forand@lacity.org

In addition, I included the information for our original plan checkers below.

1st PC:
Yaqub "Zain" Mirza
yaqub.mirza@lacity.org

2nd PC:
Rares Bodea
rares.bodea@lacity.org

Again, thank you Luis and anything you need to clarify or additional information, please feel free to reach out.

Best,
Fernando

On Tue, Nov 4, 2025 at 10:39 AM Luis Fernando Garcia <luis.f.garcia@lacity.org> wrote:

[Quoted text hidden]

[Quoted text hidden]

Luis Fernando Garcia <luis.f.garcia@lacity.org>
To: Fernando Diaz <fdiaz@aneconsult.com>, nathanael.forand@lacity.org

Wed, Nov 19, 2025 at 10:47 AM

Good morning,

Thank you for your email. The refund request for linkage fees under permit 18010-10000-05494 was re-review once again and it has been denied. The denial has not been finalized.....the following is the reasoning for the denial;

"Linkage Fee exemption per LAMC Sec. 19.18B.2(b): Any for-sale or rental housing development containing restricted affordable units where at least 40% of the total units or guest rooms are dedicated for moderate income households, or at least 20% of the total units or guest rooms are dedicated for low income households, or at least 11% of the total units or guest rooms are dedicated for very low income households, or at least 8% of the total units or guest rooms are dedicated for extremely low income households, for at least 55 years, where a covenant has been made with the Los Angeles Housing Department and required covenant and monitoring fees have been paid. Such a covenant shall also subject projects using this exemption to the replacement policies in Government Code Section 65915(c)(3), as that section may be amended from time to time, and to LAHD fees related to housing replacement determinations pursuant to state law, as set forth in this Code. For the purposes of this section, total units includes any units added by a density bonus or other land use incentive, consistent with the affordability levels defined in Government Code Section 65915, as that section may be amended from time to time.

Project is subject to Linkage Fee and cannot be refunded."

Please let me know if there is any new information that can be provided.

Thank you
[Quoted text hidden]

Nathanael Forand <nathanael.forand@lacity.org>
To: Luis Fernando Garcia <luis.f.garcia@lacity.org>
Cc: Fernando Diaz <fdiaz@aneconsult.com>

Wed, Nov 19, 2025 at 4:01 PM

Good evening everyone,

I believe I have a better picture of the situation.

Fernando - density bonus requires affordable units as a percentage of base density, however the linkage fee exemption requires affordable units as a percentage of the total units. So from my understanding, if you wanted to pursue a linkage fee exemption you would need to provide more affordable units based off the 34 total units in order to be exempt.

Thank you Luis for your input.

Nathanael Forand
Management Analyst

Housing Development Bureau
Asset Management Division/Land Use Section
Los Angeles Housing Department
E:nathanael.forand@lacity.org
C:213.729.4056



[Quoted text hidden]

Fernando Diaz <fdiaz@aneconsult.com>
To: Nathanael Forand <nathanael.forand@lacity.org>
Cc: Luis Fernando Garcia <luis.f.garcia@lacity.org>

Wed, Nov 19, 2025 at 5:01 PM

Nathanael,

Thanks for your response. The "Linkage Implementation Memo" should help this along. According to the memo, projects submitted before February 17, 2018 are not required to pay the linkage fee. Our Planning Application was submitted on December 14, 2014 and no fee is due. The VLI calculation fee may be moot.

Please let me know your thoughts.

The link below has the pertinent dates:

<https://planning.lacity.gov/pdiscaseinfo/search/casenumbr/DIR-2014-4768-DRB-SPP-DB>

Best,
Fernando
[Quoted text hidden]

 **2018.07.16 FD Linkage Implementation Memo.pdf**
522K

Fernando Diaz <fdiaz@aneconsult.com>
To: Luis Fernando Garcia <luis.f.garcia@lacity.org>

Mon, Dec 22, 2025 at 12:29 PM

Hi Luis,

Hope all is well and you are readying a well deserved holiday break. Can you provide me an update on this?

Thank you.
[Quoted text hidden]

Luis Fernando Garcia <luis.f.garcia@lacity.org>
To: Fernando Diaz <fdiaz@aneconsult.com>

Mon, Dec 22, 2025 at 1:14 PM

Good morning Fernando,

Per the last email I see in this thread.....Were we not waiting for a response from Nathanael? Did he agree with your latest reasoning / explanation?

Thank you

[Quoted text hidden]

Fernando Diaz <fdiaz@aneconsult.com>
To: Luis Fernando Garcia <luis.f.garcia@lacity.org>

Mon, Dec 22, 2025 at 2:00 PM


He first agreed but then walked it back based on the calculation. I updated the thread with the linkage implementation memo showing we were not subject to the linkage fee since our project was filed 12/19/2024 and accepted 05/25/2017 before the linkage implementation of 06/18/2018. I've included the memo and the project city planning link for your reference on dates. (<https://planning.lacity.gov/pdiscaseinfo/search/casenumbr/DIR-2014-4768-DRB-SPP-DB>)

Hoping to resolve this before the end of the year.

Thanks Luis for responding quickly.

Best,

[Quoted text hidden]

 **2018.07.16 FD Linkage Implementation Memo.pdf**
547K

Luis Fernando Garcia <luis.f.garcia@lacity.org>
To: Fernando Diaz <fdiaz@aneconsult.com>

Mon, Dec 22, 2025 at 2:09 PM

Hi Fernando,

I see. Your email response and new supporting documents will be printed and attached to the claim as it is sent for a re-review.

Thank you

[Quoted text hidden]

Fernando Diaz <fdiaz@aneconsult.com>
To: Luis Fernando Garcia <luis.f.garcia@lacity.org>

Mon, Dec 22, 2025 at 2:14 PM

Thank you Luis. You've been a big help. Have a safe and happy Christmas and in case we don't email or talk, have a great New Year!

Best,

Fernando

[Quoted text hidden]




DEPARTMENT OF CITY PLANNING

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

July 16, 2018

TO: Department of City Planning Staff
Interested Parties

FROM: Kevin J. Keller, AICP 
Executive Officer

SUBJECT: **AFFORDABLE HOUSING LINKAGE FEE ORDINANCE AND UPDATED
FEE SCHEDULE**

The City Council adopted the Affordable Housing Linkage Fee (AHLF) Ordinance (#185,342) on December 13, 2017 and it became effective on February 17, 2018. The City Council subsequently adopted a revised fee schedule on June 29, 2018, increasing the residential fee amount in the City's high market areas.

The ordinance places a fee on certain new market-rate residential and commercial development to generate local funding for affordable housing. The amount of the fee varies by the type of use and by location. Because of the ordinance's phased-in approach, projects submitting plans on or after June 18, 2018 are subject to the fee and fees will increase over time. There are also various exemptions and deductions.

The basic provisions of the law are summarized below. This memo replaces the previous memo dated April 27th, 2018 in order to reflect the revised fee schedule.

Development Projects Subject to the Fee:

Unless determined to be exempt (per LAMC 19.18 B.2) the Linkage Fee applies to all *Development Projects*, which is defined as any project involving or requiring the issuance of a building permit that results in:

- 1) Additional dwelling units or guest rooms (after deducting the number of units/guest rooms removed in the previous year).
- 2) Additional nonresidential floor area (after deducting the amount of nonresidential floor area removed in the previous year).
- 3) A single-family residential project that results in a net increase of more than 1,500 square feet of floor area, unless the property will not be not sold within three years.
- 4) A change of use from nonresidential to residential.

Fee Phase-In Timeline

The fee is being phased-in based on the date by which a building permit application or complete planning entitlement application is submitted, whichever is first. This is calculated according to the date that plans sufficient for a plan check or zoning plan check are accepted by the Department of Building and Safety, or City Planning fees are paid for a planning entitlement, whichever is first. Projects submitted before June 18, 2018 will be exempt from the fee.

Plans submitted on or after:

- February 17, 2018: Effective date of AHLF ordinance (no fee applies)
 June 18, 2018: One-third of full fee amount at the time of building permit issuance
 December 20, 2018: Two-thirds of full fee amount at the time of building permit issuance
 June 17, 2019: Full fee amount

How is the Fee Calculated?

For each Development Project, the Linkage Fee is calculated by the Department of Building and Safety as follows:

- 1) The amount of new or added floor area in the Development Project devoted to the uses described in the Linkage Fee Schedule below (after subtracting any eligible demolished floor area as defined in LAMC 12.03 within the prior year);
- 2) Multiplied by the amount of the applicable fee, depending on the market area in which the project is located, and type of project, at the time the building permit for the Development Project is issued;
- 3) Multiplied by the applicable phase-in ratio ($\frac{1}{3}$ or $\frac{2}{3}$, based on when a building permit application or a complete planning or zoning entitlement is submitted). This phase-in ratio is applicable only during the initial phase-in period;
- 4) Minus any applicable deductions or credits.

Payment of Linkage Fee

- The Linkage Fee is due and payable prior to the issuance of a building permit for the Development Project (i.e. not a demolition permit or grading permit).
- The fee amount is based on the fee schedule and market area maps in effect at the time the building permit for the project is issued and the phase-in ratio in effect at the time of submittal.

Linkage Fee Schedule as of June 29, 2018*

	Low Market Area	Medium Market Area	Medium-High Market Area	High Market Area
Type of Development Project	Fee per Square Foot			
Residential Uses (single-family home or multifamily with 6 or more units)	\$8	\$10	\$12	\$18
Residential Uses (2-5 units)	\$1	\$1	\$1	\$18
Nonresidential Uses (including Hotels)	\$3	\$4	N/A	\$5
Additional Charge for the Net Loss of Dwelling Units (added to any other applicable fees)	\$3	\$3	\$3	\$3

* Please check the current Linkage Fee Schedule maintained by the Department of City Planning for the most up to date information.

Fee Adjustments

Fees will be adjusted annually for inflation beginning July 1, 2019 using the Consumer Price Index (CPI-U). The market areas may be updated by City Council every five years beginning July 1, 2023.

In Which Market Area is My Property Located?

Please see the [Zoning Information Mapping Information System \(ZIMAS\)](#) or [City Council Resolution](#) to check the market area for any property in the City of Los Angeles. The market areas can be seen in the map attachments below.

Exemptions

The following types of projects may be exempt from the payment of the Linkage Fee. Please see the ordinance language to verify the applicability of the exemption:

- Multifamily housing projects with at least the following shares of affordable housing, as determined by HCIDLA, and as calculated based on the total number of units:
 - 40% moderate income units, or 20% low income units, or 11% very low income units, or 8% extremely low income units.
 - Other on-site affordable housing or fee payments in excess of the AHLF requirements.
 - Affordable housing required by the Mello Act, Central City West SP, or Measure JJJ (LAMC 11.5.11).
- Non-residential developments less than 15,000 square feet.
- Single-family detached homes (or additions) that result in less than 1,500 of net square feet. Additional floor area in excess of this amount is also exempt if the home remains under the same ownership for three years from the issuance of a building permit. If not exempt, all net new floor area added to a site is charged the fee.
- Developments constructed by or on behalf of a government agency or public institution like public schools, public museums and homeless shelters, as well as private elementary or high-schools.
- Hospitals.
- Accessory Dwelling Units (ADUs).
- Grocery stores, if there is not an existing one within one-third mile of the project.
- Adaptive Reuse projects involving a designated Historic-Cultural Monument with no increase in floor area.
- Non-residential floor area located in the SLATE-Z South LA Transit Empowerment Zone (Promise Zone) within first three years of effective date of ordinance.

Deductions/Credits

The following types of projects may be eligible for a deduction or credit on the otherwise payable fee:

- Applicable fee credit of prior nonresidential uses when converted to residential uses through a change of use.
- Floor area of Restricted Affordable Units (per LAMC 12.22 A. 25) in a market rate development.
- Floor area from the residential portion of a mixed-use building if the development is subject to certain other affordable housing requirements.
- First 15,000 square feet of nonresidential floor area in a mixed-use building.
- Any floor area that accrued as a result of a Public Benefit Payment as part of a Transfer Floor Area Right approval (per LAMC 14.5.9).
- Value of any land dedication for the purpose of affordable housing, as approved by HCIDLA.

July 16, 2018

Page 4

Additional Questions

For general questions on the implementation of the Affordable Housing Linkage Fee, please contact Cally Hardy in the Department of City Planning at (213) 978-1643, or email to cally.hardy@lacity.org. Project specific questions are best answered in person at one of the Department of Building and Safety offices.

Additional Documents:

[City Council Fee Resolution \(As of June 29, 2018\)](#)

[Ordinance No. 185.342 \(Affordable Housing Linkage Fee\)](#)

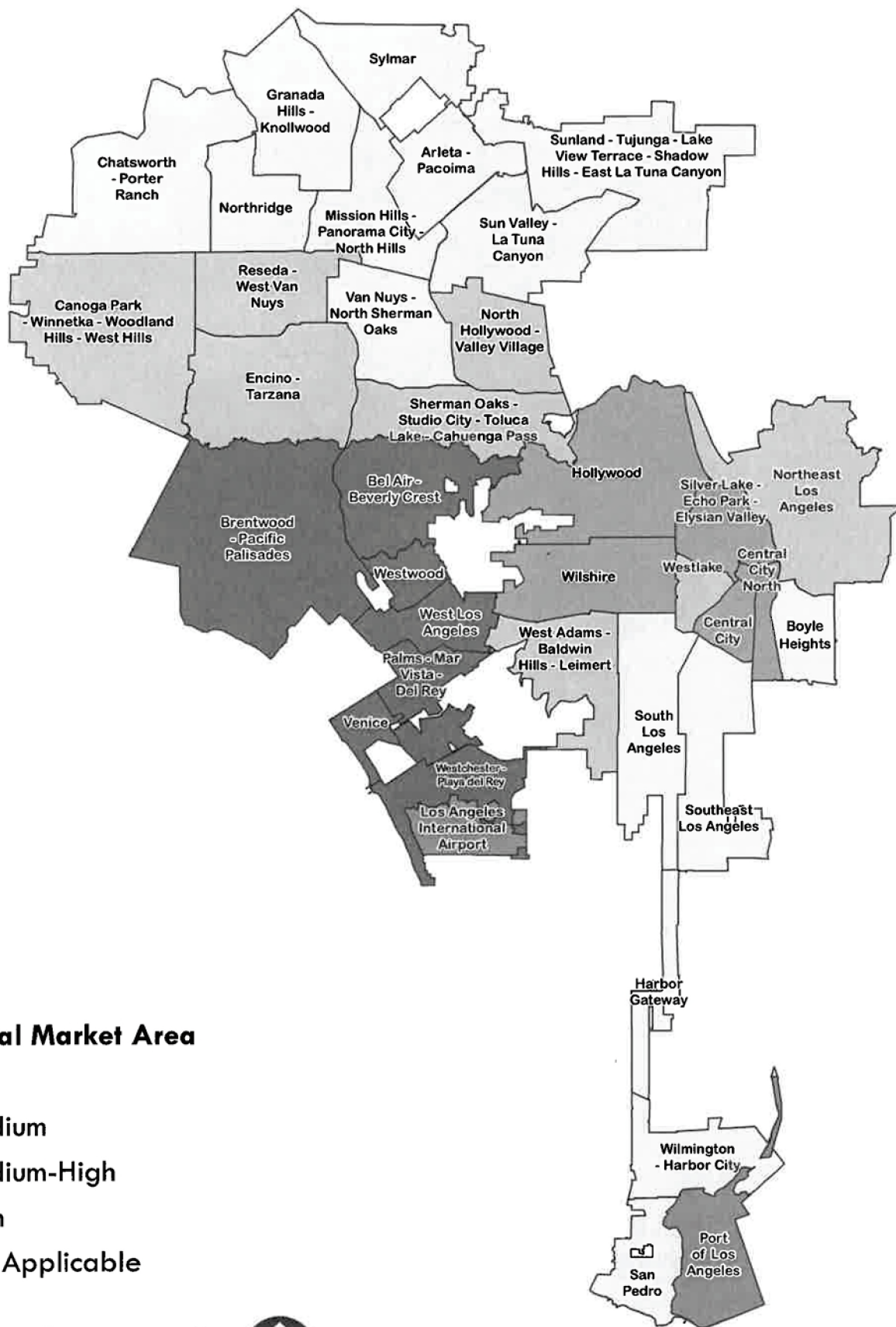
[Ordinance No. 185.341 \(Housing Impact Trust Fund\)](#)

Attachments:

Map of Residential Market Areas

Map of Non-Residential Market Areas

Affordable Housing Linkage Fee Residential Market Areas

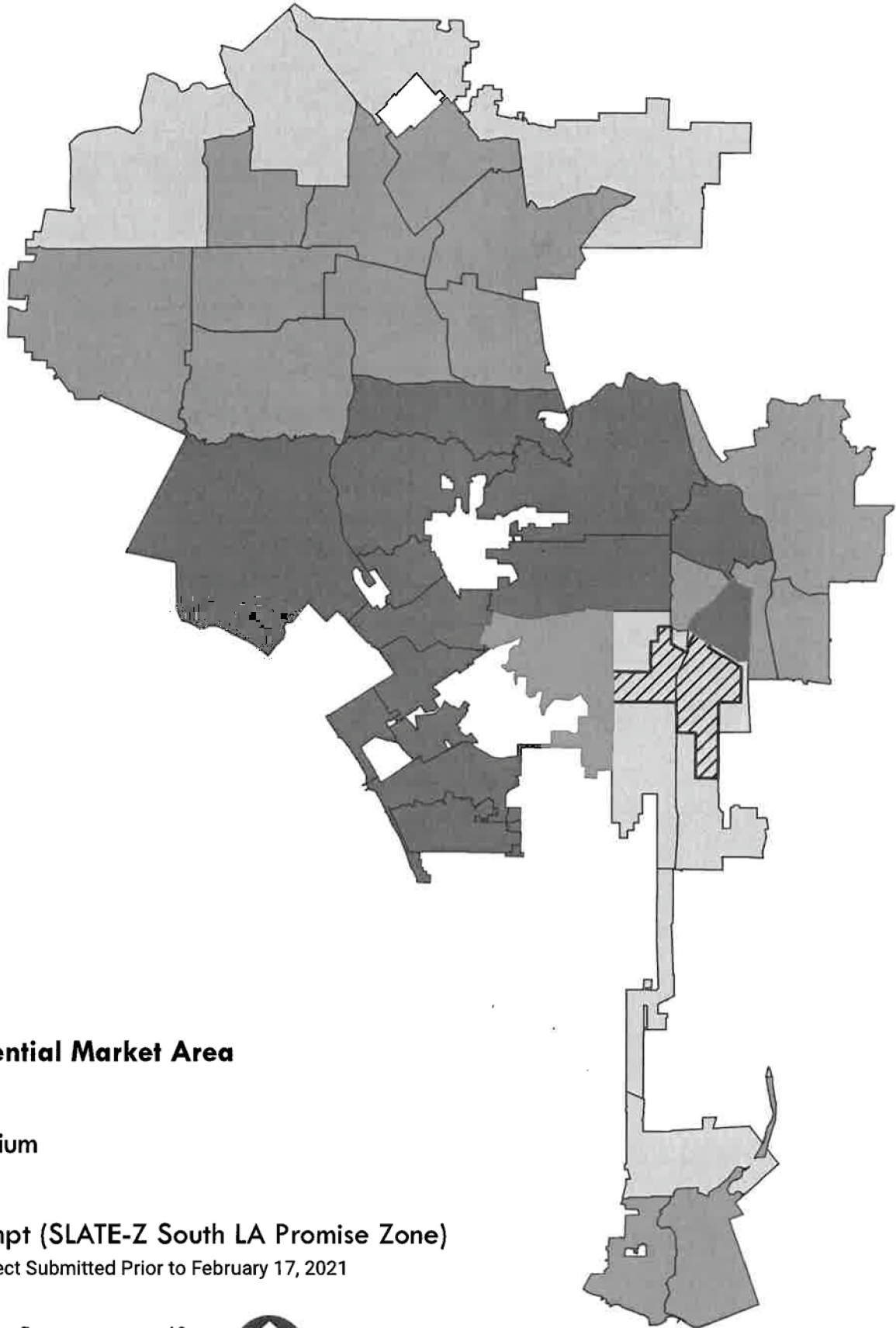


Residential Market Area

- Low
- Medium
- Medium-High
- High
- Not Applicable

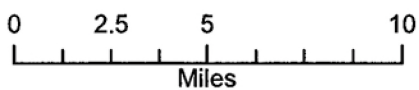


Affordable Housing Linkage Fee Nonresidential Market Areas



Nonresidential Market Area

-  Low
-  Medium
-  High
-  Exempt (SLATE-Z South LA Promise Zone)
If Project Submitted Prior to February 17, 2021



LADBS Recommendation Form

DENIED

CLAIM # 177697
Bureau: Engineering
Division: Major Structures

Document Number: linkage fee
Receipt Number: 202224002-53
Receipt Date: 08/12/2022
Fee Period:
Job Address: 10403 W Eastborne AVE 90024



1. Did LADBS perform any work for which the permit or receipt was issued?
yes

2. Are the reasons given by claimant correct?
no
The total required Very Low Income Unit to be provided must be 11% of the total units of the housing development project and the three (3) Very Low Income Units provided of the 34 total units is less than 11%. In addition, a covenant with Los Angeles Housing Department is recorded for the required number of Affordable Units in accordance to Linkage Fee Ordinance is required. Linkage Fee is applicable and cannot be refunded.

3. Did LADBS initiate an action that resulted in an error?
no

4. Is this a duplicated permit or receipt of the same job or item?
no

5. Of the gross amount claimed, is the amount claimed pertaining to the(se) particular item(s) correct?
yes

6. Is a refund recommended?
no
The total required Very Low Income Unit to be provided must be 11% of the total units of the housing development project and the three (3) Very Low Income Units provided of the 34 total units is less than 11%. In addition, a covenant with Los Angeles Housing Department is recorded for the required number of Affordable Units in accordance to Linkage Fee Ordinance is required. Linkage Fee is applicable and cannot be refunded.

Reviewed By: JOHN FRANCIA
Reviewed On: 10/02/2025
Approved By: ALLEN MANALANSAN
Approved On: 10/03/2025

Financial Service Div.'s Comments:
Linkage Fee Only

Liaison's Comments:
Please select the supervisor's name before selecting "Save & Submit for Supervisor Review".

Reviewer's Comments:

Supervisor's Comments:

History

Action	By	On
Review Approved & Returned to FSD	ALLEN MANALANSAN	10/3/2025 8:53:46 AM
Review Completed & Submitted for Supervisor Review (to ALLEN MANALANSAN)	JOHN FRANCIA	10/2/2025 12:27:29 PM
Assigned (to JOHN FRANCIA)	BRANDON JONES	10/1/2025 6:41:14 AM
Created	LUIS FERNANDO GARCIA	9/30/2025 2:32:04 PM

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DEPARTMENT OF
BUILDING AND SAFETY
201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

OSAMA YOUNAN, P.E.
GENERAL MANAGER
SUPERINTENDENT OF BUILDING

JOHN WEIGHT
EXECUTIVE OFFICER

December 04, 2025

Xenon Investment Group
11022 Santa Monica #400
Los Angeles, CA 90025

REFUND CLAIM NO: 177697
DATE CLAIM FILED: 06/13/2025
JOB LOCATION : 10403 W Eastborne Ave, Los Angeles 90024

To whom it may concern:

This is to inform you that your "Claim for Refund" has been:

- Denied

This determination is due to the following reason(s), based on Section 22.12 and 22.13 of the Los Angeles Municipal Code:

- Linkage Fee exemption per LAMC Sec. 19.18B.2(b): Any for-sale or rental housing development containing restricted affordable units where at least 40% of the total units or guest rooms are dedicated for moderate income households, or at least 20% of the total units or guest rooms are dedicated for low income households, or at least 11% of the total units or guest rooms are dedicated for very low income households, or at least 8% of the total units or guest rooms are dedicated for extremely low income households, for at least 55 years, where a covenant has been made with the Los Angeles Housing Department and required covenant and monitoring fees have been paid. Linkage Fee and cannot be refunded.

For questions regarding your claim, please contact the Los Angeles Department of Building and Safety Financial Services Division by email at LADBS.Refunds@lacity.org (preferred) or by phone at (213) 482-6890.

Thank you,

Financial Services Division

DENIED

LADBS Recommendation Form

CLAIM # 177697
Bureau: Engineering
Division: Major Structures

Document Number: linkage fee
Receipt Number: 202224002-53
Receipt Date: 08/12/2022
Fee Period:
Job Address: 10403 W Eastborne AVE 90024

1. Did LADBS perform any work for which the permit or receipt was issued?
yes

2. Are the reasons given by claimant correct?
no
Linkage Fee exemption per LAMC Sec. 19.18B.2(b): Any for-sale or rental housing development containing restricted affordable units where at least 40% of the total units or guest rooms are dedicated for moderate income households, or at least 20% of the total units or guest rooms are dedicated for low income households, or at least 11% of the total units or guest rooms are dedicated for very low income households, or at least 8% of the total units or guest rooms are dedicated for extremely low income households, for at least 55 years, where a covenant has been made with the Los Angeles Housing Department and required covenant and monitoring fees have been paid. Such a covenant shall also subject projects using this exemption to the replacement policies in Government Code Section 65915(c)(3), as that section may be amended from time to time, and to LAHD fees related to housing replacement determinations pursuant to state law, as set forth in this Code. For the purposes of this section, total units includes any units added by a density bonus or other land use incentive, consistent with the affordability levels defined in Government Code Section 65915, as that section may be amended from time to time. Project is subject to Linkage Fee and cannot be refunded.

3. Did LADBS initiate an action that resulted in an error?
no

4. Is this a duplicated permit or receipt of the same job or item?
no

5. Of the gross amount claimed, is the amount claimed pertaining to the(se) particular item(s) correct?
yes

6. Is a refund recommended?
no
Linkage Fee exemption per LAMC Sec. 19.18B.2(b): Any for-sale or rental housing development containing restricted affordable units where at least 40% of the total units or guest rooms are dedicated for moderate income households, or at least 20% of the total units or guest rooms are dedicated for low income households, or at least 11% of the total units or guest rooms are dedicated for very low income households, or at least 8% of the total units or guest rooms are dedicated for extremely low income households, for at least 55 years, where a covenant has been made with the Los Angeles Housing Department and required covenant and monitoring fees have been paid. Such a covenant shall also subject projects using this exemption to the replacement policies in Government Code Section 65915(c)(3), as that section may be amended from time to time, and to LAHD fees related to housing replacement determinations pursuant to state law, as set forth in this Code. For the purposes of this section, total units includes any units added by a density bonus or other land use incentive, consistent with the affordability levels defined in Government Code Section 65915, as that section may be amended from time to time. Project is subject to Linkage Fee and cannot be refunded.

SS

Reviewed By: JOHN FRANCIA
Reviewed On: 11/05/2025
Approved By: ALLEN MANALANSAN
Approved On: 11/06/2025

Financial Service Div.'s Comments:

Linkage Fee refund request. Please reference new additional supporting documents submitted by the customer.

Liaison's Comments:

Please select the supervisor's name before selecting "Save & Submit for Supervisor Review"

Reviewer's Comments:

Supervisor's Comments:

History

Action
Review Approved & Returned to FSD
Review Completed & Submitted for Supervisor Review (to ALLEN MANALANSAN)
Assigned (to JOHN FRANCIA)
Created

By	On
ALLEN MANALANSAN	11/6/2025 8:18:12 AM
JOHN FRANCIA	11/5/2025 12:55:03 PM
BRANDON JONES	11/5/2025 8:09:22 AM
LUIS FERNANDO GARCIA	11/4/2025 11:41:23 AM

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201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

OSAMA YOUNAN, P.E.
GENERAL MANAGER
SUPERINTENDENT OF BUILDING

JOHN WEIGHT
EXECUTIVE OFFICER

July 02, 2025

Xenon Investment Group
11022 Santa Monica Blvd. #400
Los Angeles, CA. 90025

REFUND CLAIM NO: 177697
DATE CLAIM FILED: 06/13/2025
JOB LOCATION : 10403 W. Eastborne Ave. Los Angeles, CA. 90024

To whom it may concern:

This is to inform you that your "Claim for Refund" has been:

- Closed

This determination is due to the following reason(s), based on Section 22.12 and 22.13 of the Los Angeles Municipal Code:

- Please explain the relationship of the payors, Consolidated Capital Realty Corp, Inc, and Fernando Diaz, to the permit/owner. Submit your statement to our email address listed Below to have your claim reopened.

For questions regarding your claim, please contact the Los Angeles Department of Building and Safety Financial Services Division by email at LADBS.Refunds@lacity.org (preferred) or by phone at (213) 482-6890.

Thank you,

Financial Services Division

CLAIM FOR REFUND - PAYMENTS

CLAIM # 177697

FEE TYPE	FUND	EVENT TYPE	AMOUNT PAID	20% RETENTION	NET REFUND
LINKAGE	59T/43/4680/468001	AP10	\$ 134,594.27	-	\$ 134,594.27
TOTAL			\$ 134,594.27	\$ -	\$ 134,594.27

LFR 01/27/2026

*ST
1/27/26*