

Planning, Land Use and Mobility Committee



CASE REPORT

Case Number: CPC-2022-6472

Env. Case Number: ENV-2022-6473

5353 Del Moreno Dr.

Woodland Hills, CA 91364

An eight story mixed use development comprising of one commercial unit and 67 residential units. Seven units will be assigned to very low-income household of disabled veterans; 60 will be offered at Market Rate. This project uses State Density Bonus and AB2442 incentives

PLUM Presentation: February 2, 2023

PLUM Determination: March 2, 2023

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PLUM Case Leader: Oliver Slosser, oliver.slosser@gmail.com; tel: (310) 995-6260

Project Description:

The applicant is requesting to demolish a single-family house of 4 bedrooms and 3 bathrooms and 3,001 SF of floor area on a 16,807.4 SF lot on Del Moreno Dr. and replace it with a new eight story mixed use apartment building in the Ventura-Cahuenga Boulevard Corridor Specific Plan. The property that the building is on is zoned RA-1 in a single family home neighborhood with a Limited Commercial Land Use Designation. The building will have 78,000 SF of floor space; includes 80 automobile parking spaces, 58 bicycle parking spaces, balconies, a gym facility, and courtyard. The property currently has one access entry/exit—on Del Moreno Dr.; the project will add an additional entry/exit on the same street.

The application asks for approval of Density Bonus, plus numerous major variances, exceptions, off-menu incentives and waivers

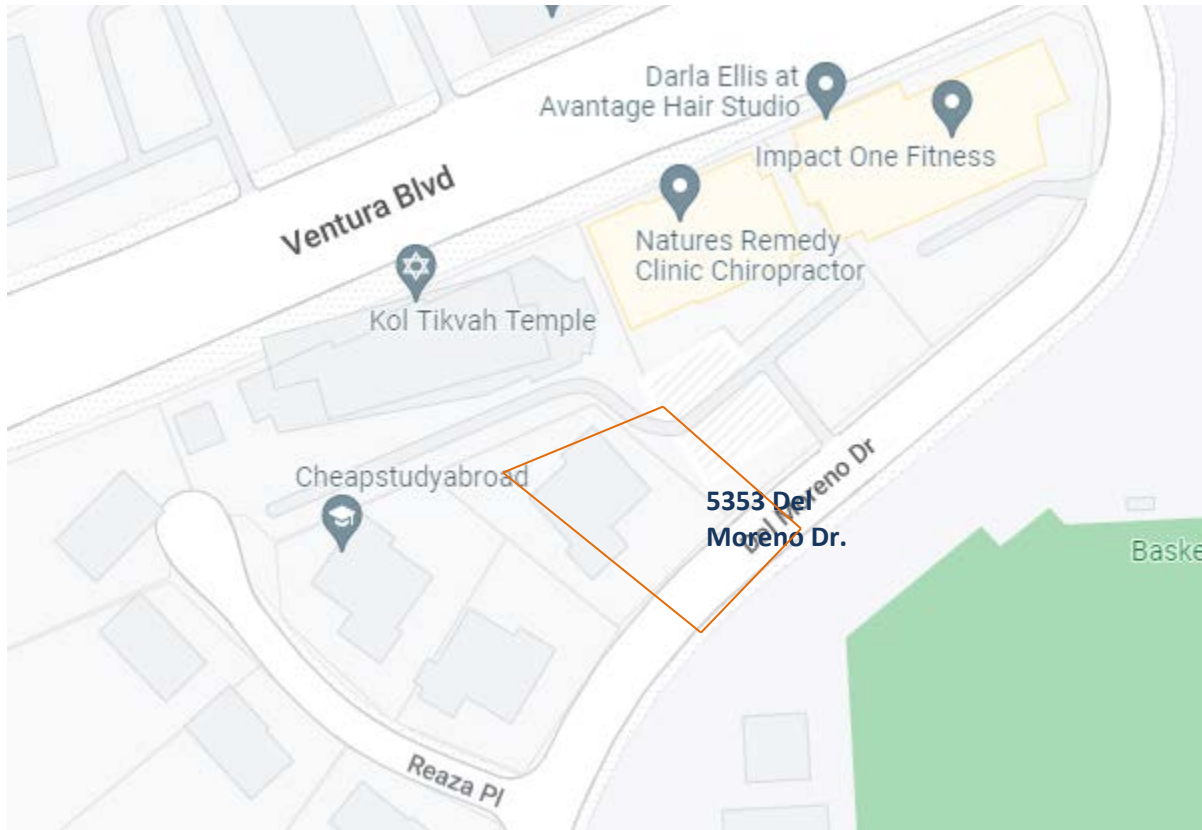
Project site and circulation

The project site in a single-family residential neighborhood currently holds a 1-story single family residence that has a single entry/exit onto Del Moreno Dr. There is street parking in front of the residence. There is no paved sidewalk at the front of the property, though one is found directly north on Del Moreno Dr. extending from Ventura Blvd, and terminating north of the property. There is a 2ft easement by LADWP on the front side of the property

The site is bordered to the south by two single family residences, one on the corner of Del Moreno Dr. and Reaza Pl, and one on Reaza Pl west of Del Moreno Dr. To the North of the property is a parking lot serving Kol Tikvah Temple and a commercial building along Ventura Blvd. Behind the property to the west is an elevated, gated driveway connecting the north parking lot to the back of Kol Tikvah Temple where it dead ends. Across the street from the property is the Taft High School baseball diamond and sports field.



View of the existing SFR on Del Moreno Dr.



Proposed location of eight story mixed use building and adjacent SFR homes



Aerial view showing project site and adjacent properties

The Project calls for the removal of the existing residence and erecting an eight story mixed use building fronting Del Moreno Dr. The building will be 94 ft. tall from lowest point to the top of the parapet, and will encompass 90 percent of the building site, with 8 percent for paving and hardscape, and 2 percent for landscaping. The 1st floor of the building will be a lobby, retail space and parking; the 2nd floor will be a gym and additional parking; the 3rd floor would be very low income housing; and 4th through 8th floors would be for residential units. The building will have a 20 ft. setback in the rear, 11ft on the sides, and a 18 ft. setback in front—all requiring variances and exceptions from LA City building codes.

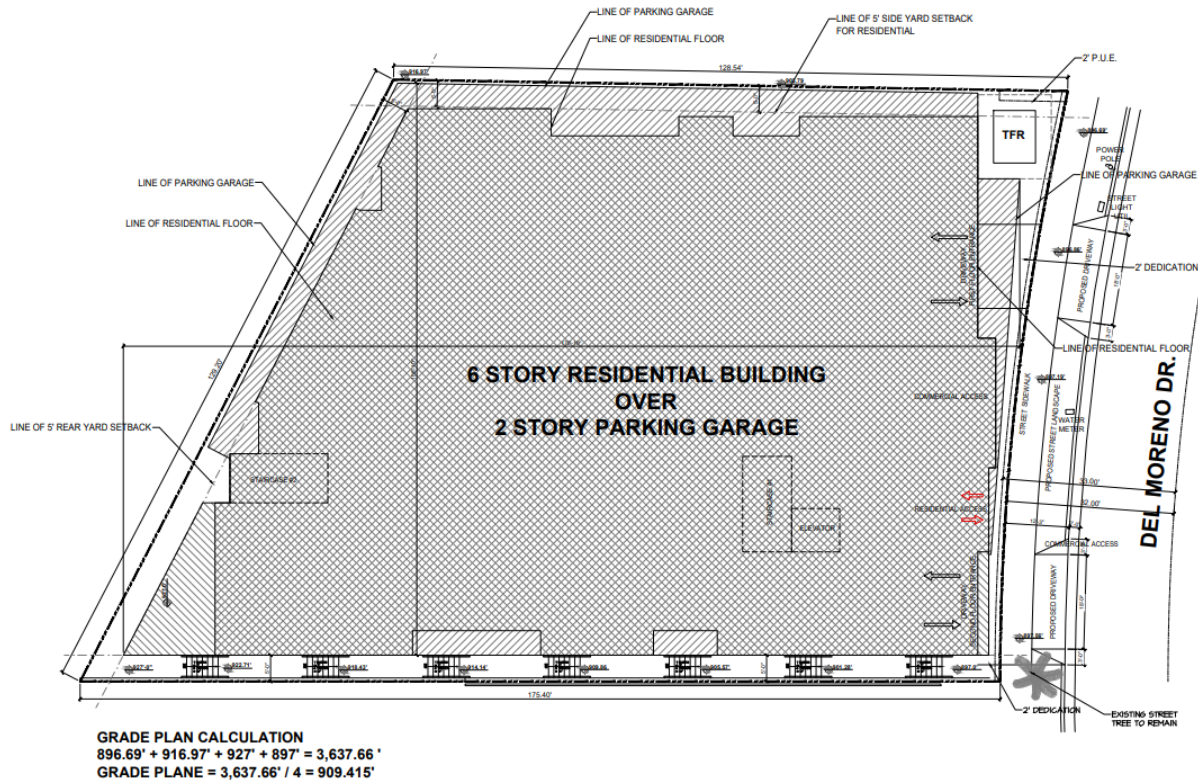


**SOUTH ELEVATION
(FROM DEL MORENO DR.)**

South Elevation of building

The project will have 67 total residential units, with 7 of those units allocated for very low income housing units assigned to disabled veterans per AB2442. The project uses California State Density Bonus and AB2442 incentives. A density bonus of 50 percent based on 15 percent affordable housing, for a total of 67 units above the 43 base units. The project provides 80 vehicle parking spaces and 58 bicycle parking spaces. The development includes 12 balconies, gym facility and courtyard.

The project proposes to add a second entry/exit on Del Moreno Dr.; one to the north and one to the south end of the building front. Del Moreno is a fairly active thoroughfare bordering Taft High School which has significant school traffic in the mornings and afternoon. There is usually significant parking on Del Moreno during the day.



Proposed Site Plan. The project will add a second entry/exit on Del Moreno Dr.; one to the north and one to the south end of the building front at the property line.

Issues for PLUM Committee Consideration:

The proposed project application requests the following Incentives (The following 3 incentive requests and 13 waiver requests are directly copied from the Application):

1. **Building Height and Number of Stories:** *This mixed use project is proposed on the general plan Limited Commercial, which allows unlimited number of stories for the height district 1. It also allows for 30 ft of height. However, given the confusion surrounding this project, an explicit incentive is requested regarding the number of stories and height. In order to accommodate two stories of parking structures and six stories of residential units, the project seeks an incentive requesting eight stories and 85 ft building height.*
2. **Floor Area Ratio:** *Per LAMC § 12.21.I, the allowable floor area ratio is 1.5. However, in order to accommodate the residential and commercial areas, a floor area of 78,200 sf is required. Therefore, using the buildable area of current RA-1 zone, a FAR of 10 is requested as an incentive for this project.*
3. **Low Impact Development:** *The low impact development is very expensive to implement and is cost prohibitive for developing a low-income housing especially given the already costliest housing construction price situation. In fact, after the main structure, plumbing and electrical work, the low impact development is the costliest to implement. Also note that a low impact development requires planter areas that is not possible to provide given the setbacks of the project. The factors such as (a) record drought of the state, (b) costly construction cost of making deep barrels into the ground and providing permeable barriers, and (c) the lack of space to*

provide the necessary planters are considered in this project to conclude that a low-impact development is a necessary incentive for this project's success as a low-income housing project.

The proposed project application requests the following waivers:

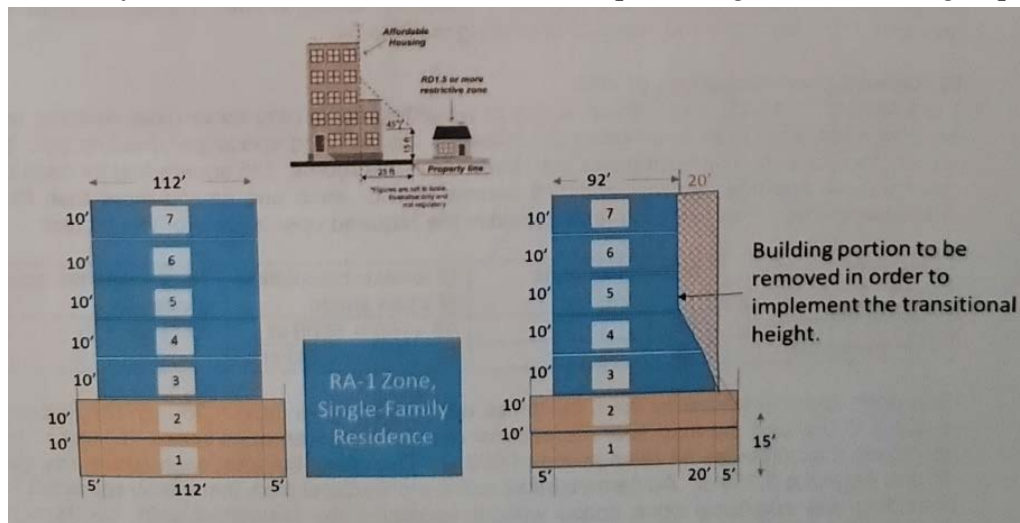
1. **Front Yard Setback:** *Per LAMC § 12.13.5.8, a front setback of 25 ft is required in RA-1 zone. The front yard of this project faces the street Del Moreno Drive. The first two floors contain commercial space and parking stalls. The remaining six floors (3rd-8th floors) are for residential usage. There is also an easement of 2 feet required on the front side of the lot. Therefore, a waiver is requested to reduce the front setback from 15 feet to 0 feet from the easement. This waiver is required to make the project feasible since, as demonstrated in the architectural plans, the parking depth requirement and the back-up space requirements cannot be met in providing 79 parking stalls and 67 units cannot be built because of the lack of the floor area.*
2. **Rear Yard Setback:** *Per LAMC § 12.13.5.8, a rear yard setback of 25 ft is required in RA-1 zone. However, due to the constraints of providing 79 parking spaces and 67 residential units, it is not feasible to conform to such rear yard requirement. This project has been able to provide 0 ft of rear yard setback for floors 1-2 and 5 ft of rear yard setback for 3rd to 8th floors. Therefore, a waiver is requested for reduce to the setback requirements accordingly.*
3. **Side Yard Setbacks:** *Per LAMC § 12.13.5.8, a side yard setback of 15 ft is required in RA-1 zone. However, due to the constraints of providing 79 parking spaces and 67 residential units, it is not feasible to conform to such side yard requirement. Therefore, the project has been able to provide 0 ft of side yard setback for floors 1-2 and 5 ft of side yard setback for 3rd to 8th floors.*
4. **Automobile Parking:** *Even with two level of parking structure, the maximum number of parking stalls possible with this project is 79. Out of these 79 parking stalls, only 54 parking stalls can be accessed independently. However, the total number of required parking is 108. Therefore, a waiver is requested to reduce the requirement of parking stalls to 54.*
5. **Open Space Reduction of 70%:** *Per LAMC § 12.21 G2, a new construction of a building containing six or more dwelling units on a lot shall provide at a minimum the following usable open space per dwelling unit: 100 square feet for each unit having less than three habitable rooms; 125 square feet for each unit having three habitable rooms; and 175 square feet for each unit having more than three habitable rooms. The following table provides the required open space for this project:*

| Unit Type | Number of units | Unit-wise calculation of open space | Total required open space |
|-------------|-----------------|-------------------------------------|---------------------------|
| One Bedroom | 55 | 55 x 100 = 5500 sf | 7000 sf |
| Two Bedroom | 12 | 12 x 125 = 1500 sf | |

The open space provided by the 6 balconies will amount to be 6x50 = 300 sf. The first-floor lobby is 600 sf and the third-floor recreational room provides an open space of 1400 sf and the fourth floor provides an open space of 600 sf. Therefore, the total open space provided by this project is 2,950 sf. As demonstrated in the architectural plan. there is no space left for providing any additional open space without sacrificing the residential units. A Type III construction can have a

maximum of five stories above a concrete podium. Therefore, any additional open space on the rooftop cannot be given. Any attempt to provide open space in the front and back yards will require the building to have more height and stories. Therefore, this project is seeking a waiver in terms of modification of the development standard regarding the required open space. To this end, a 60% reduction in open space is requested.

6. **Lot Coverage:** The lot coverage is required to be 60% in an RA-1 zone. Given the density of the zoning, it is not feasible to achieve the number of units with 60% lot coverage. Therefore, 90% of lot coverage is requested per the architectural plans submitted.
7. **Commercial Frontage:** Per LAMC § 13.09.B.3, the required commercial frontage for this mixed-use project has to be 35% of the lot width 112'-7" ft or a minimum of 25 ft. As shown in the architectural plans, the commercial frontage cannot be provided more than 21 ft due to the requirement of placing a transformer on the front yard and meeting the LA City Bureau of Engineering requirements for the two driveways. Therefore, a reduction of the commercial frontage to the length of 21 ft is requested as a waiver.
8. **Commercial Depth:** Per LAMC § 13.09.8.3, the required commercial depth for this mixed-use project 25. As shown in the architectural plan, the depth of the commercial space cannot be more than 18' in order to accommodate the parking stalls and mechanical and bicycle rooms. Therefore, a reduction of the depth of the commercial space to 18 ft is requested as a waiver.
9. **Transitional Height to Residential Zone More Restrictive than RD1.5:** Adjacent to the northern side of this project is a lot zoned RA-1. A height transition applies at 45 degrees for the first 25 ft of depth for all Housing Projects that are either abutting or across an alley from a property in the RD1 .5 or more restrictive zone. The relevant illustration is shown below. A schematic of resulting loss of floor area is shown below as well to demonstrate the effect of conforming with this code. As it can be seen from the schematic diagram, the floor area loss will be about 205. Therefore, the project cannot conform with this code and a waiver is requested against this zoning requirement.



10. **Construction of a Substandard Street and Location:** Per LAMC 12.22.A.25(e)(2)(iv), a housing development project shall not be located on a substandard street in a hillside area or in a Very High Fire Hazard Severity Zone as established in Section of this code. However, as with the current building construction technology and fire retardation measures, these concerns can be alleviated as evident by several high-rising residential buildings surrounding the proposed housing project. Therefore, this condition is requested to be waived for this housing project

11. **Parking Structure Buffer:** *Per Ventura Specific Plan (Section 7.D.2), parking structure shall have a landscaped buffer of ten feet around the surface perimeter, except where immediately adjacent to another structure. As shown in the architectural plan, there is not space available to provide landscape buffer for this project. Therefore this requirement is requested to be waived for this project.*
12. **Passageway Width:** *Per LAMC 12.21-C.2(b), There shall be a passageway of at least 10 feet in width extending from a street to one entrance of each dwelling unit or guest room in every residential building. The passageway shall be increased by two feet in width for each story over two contained in any building located between 'the public street and the building which the passageway services. Therefore, the total passageway width required for this building would be 22 ft. As shown in the architectural plan, the passageway cannot be provided more than 15 ft. Therefore, a reduction of the passageway width from 20 ft to 15 ft is requested as a waiver for this project.*
13. **Landing Space:** *The Bureau of Engineering requires 20'x20' of landing space in front of the driveway. As shown in the plan, the front space is already providing restrictions on passageway width, commercial width. Providing further landing space of 20'x20' at two locations will have the severe impact on the accessibility of the building. Therefore, this landing space requirement is requested to be waived for this project.*

PLUM Case History:

This project was originally brought to City Planning's which made a determination that the project application could not be accepted for entitlement filing purposes or determined to be complete. The application was not accepted for filing and was not determined to be complete. The application was not accepted for filing and was not determined to be complete. On July 8, 2021, City Planning received an appeal under Government Code Section 65943(c) regarding these filing actions.

According to the Appeal Recommendation Report by the Department of City Planning to the LA City Council, dated August 26, 2021, the rationale for denying the project were twofold:

- 1) ...The documents submitted to City Planning could not be accepted for entitlement filing purposes because several pertinent filing requirements were missing. As such, a City Planning case number was never created, entitlement fees were never paid, and the application was not received...
- 2) The information in its Geographic Project Planning Referral Form and Affordable Housing Referral Form is inaccurate, and that the project as proposed does not comply with the objective standards of the RA zone, because the RA zone does not allow multi-family residential or commercial uses...

On September 1, 2021, the LA City Council voted 13 – 0 – 2 that the application for the project should be deemed incomplete and not accepted for processing. The case was then brought to court, as described in a letter from the LA City Attorney, Michael Feuer, date December 6, 2022:

On November 24, 2021, the Developer, along with Yes In My Backyard and Sonja Trauss, a non-profit housing organization and founder (YIMBY), filed their Petition for Writ of Mandate and Complaint for Declaratory Relief (Petition). The Petition claimed violations of: the Permit Streamlining Act at §65920 et seq. (PSA); the Housing Accountability Act at §65589.5 (HAA); State Law Density Bonus at §65915; and the Preliminary Application

provision at §65941.1.

The Court ruled against the City and issued a Judgment dated October 17, 2022, attached as Exhibit A. The Judgment, at Section 2.d, requires the City Council to set aside, vacate, and annul its September 1, 2021 appeal determination and associated findings for Council File No. 21-0808

The letter further recommends

This Office recommends Council act consistent with the Judgment and: (1) set aside, vacate, and annul its September 1, 2021 appeal determination and associated findings for Council File No. 21-0808 (item No. 35 of Council’s September 1, 2021, agenda); and (2) remand the Development Application discussed in Council File No. 21 0808 to Planning for further proceedings.

PLUM Case Analysis:

While the courts have ruled that the application for the project must be considered and processed, and the City Attorney has recommended that the Development Application should be remanded to Planning for further proceedings, the letter also states that “Notably, the City has not yet made a determination on the merits of the Project.”

Speaking to the merits of the project, it does not seem that the issue of placing a towering multistory building on an RA-1 lot that is sized for a single family residence, adjacent to other RA-1 parcels, and several stories taller than all of its neighboring buildings has been addressed in the application. The majority of the Applicants’ requested incentives and waivers appear to be due to the space limitation of such a site and the inappropriate sizing of the building type proposed by this project. The Applicant is stating an inability to meet Floor Area Ratio (FAR), Front Yard Setback, Rear Yard Setback, Side Yard Setback, Required Parking, Commercial frontage, Open Space (a reduction of 70%), and multiple other code requirements that all appear to stem from the limited space available on the selected lot and the project that has been proposed for said lot. As noted in the Department of City Planning Appeal Report a “Housing Development” is defined in Government Code Section 65915 as ‘a development project for five or more residential units, including mixed-use developments.’” This project is proposed on a site zoned for a *single* residential unit, and does not seem to have the square footage to adequately accommodate the proposed project—thereby compromising anyone who lives in the project or adjacent to it.

The project also appears that it will have significant negative impacts on the neighbors and residents surrounding the site. With “0 ft. of side yard setback for floors 1-2 and 5 ft. of side yard setback for 3rd to 8th floors,” this building will give no buffer to the single family residences it borders, and will provide view and privacy intrusions into the backyards of several SFRs in that neighborhood. Furthermore, the request of the applicant to waive the requirements for low impact development will result in significant impacts to the neighborhood and neighbors. The Applicant also states that they cannot meet the Transitional Height requirements to Residential Zone. The project also cannot meet minimum parking requirements which is likely to impact the available street parking and traffic congestion in the area.

Proposed PLUM Motion:

Having held two virtual (Zoom) public meetings for the application Case Number: CPC-2022-6472, Env. Case Number: ENV-2022-6473, concerning the demolition of existing 3,001 SF single family residence on a 16,807.4 SF lot, and construction of a new eight story mixed use development comprising of one commercial unit and 67 residential units in the Ventura-Cahuenga Boulevard Corridor Specific Plan section of Woodland Hills, the Planning, Land Use and Mobility Committee hereby finds that:

WHEREAS, the Applicant has submitted construction plans that do not substantially conform to the requirements of the Cahuenga Blvd. /Ventura Blvd. Specific Plan or of the RA-1 zoning of the parcel in question; and

WHEREAS, the Applicant is claiming that this is a necessary project to relieve the City's problems of not have sufficient Affordable or Low-Income housing, yet is only proposing 7 low-income units while planning to offer 60 units at higher market rate rents; and

WHEREAS, the requested incentive to allow an eight story building on a single family residential lot adjacent to two single story RA-1 single family lot does not appear to be warranted would cause hardship on the direct neighbors and neighborhood; and

WHEREAS, the requested incentive to allow a Floor Area Ratio (FAR) of 10 where LAMC §12.21.I allows for FAR no greater than 1.5 demonstrates the Project is over six times more dense than allowed on such a lot and does not appear to be warranted; and

WHEREAS, the requested incentive to waive the requirements of Low Impact Development due to the Applicant's higher cost to implement does not appear to be warranted and is inconsequential to the intent of the requirement; and

WHEREAS, the request to waive the Front Yard Setback requirements from 25 ft. to 0 ft., the Rear Yard Setback requirements from 25 ft. to 0 ft., and the Side Yard Setback requirements from 15 ft. to 0 ft. – requirements per LAMC §12.13.5.B – does not appear to be warranted and provides no setback for any part of the building; and

WHEREAS, the request to waive the Automobile Parking requirements from the required 108 stalls to 54 stalls does not appear to be warranted and is insufficient for 67 apartment units; and

WHEREAS, the request to waive the Open Space requirement per LAMC §12.21.G.2 by 70% from the 7,000 sf required to 2,950 sf does not appear to be warranted and is due the small lot size provided for the proposed Project; and

WHEREAS, the request to waive the Lot Coverage requirements and increase the lot coverage from a maximum of 60% to 90% is excessive and does not appear to be warranted; and

WHEREAS, the request to waive the Commercial Frontage requirement and the Commercial Depth requirement per LAMC §13.09.B.3 from 25 ft. to 21 ft. and from from 25 ft. to 18 ft., respectively, does not appear to be warranted; and

WHEREAS, the request to waive the Transitional Height to Residential Zone More Restrictive Than RD1.5 requirements due to the proximity of the Applicant’s project adjacent to multiple RA-1 single family dwellings unnecessarily affects the direct neighbors to the project does not appear to be warranted; and

WHEREAS, the request to waive the Construction of a Substandard Street and Location requirement per LAMC 12.22.A.25(e)(2)(iv) does not appear to be warranted; and

WHEREAS, the request to waive the Parking Structure Buffer requirement to have 10 ft. of landscape surrounding the parking structure to 0 ft. is out-of-character for the community and does not appear to be warranted; and

WHEREAS, the request to waive the Passageway Width requirement per LAMC §12.21-C.2(b) from 22 ft. to 10 ft. does not appear to be warranted and would limit access for residents; and

WHEREAS, the request to waive the Landing Space Requirement per the Bureau of Engineering which requires a 20ft by 20ft landing space, to No (0 ft.) landing space, does not appear to be warranted and ignores the requirement; and

THEREFORE, IT IS HEREBY RESOLVED that the Planning, Land Use and Mobility Committee, for the findings stated herein, finds that the submitted application and plans for the proposed project at 5353 Del Moreno Drive on Ventura Blvd, Woodland Hills, CA 91364 are unwarranted, fail to meet too many critical minimum housing and zoning requirements, have the potential to negatively impact the surrounding neighboring properties and community, and recommends that the Board of the Woodland Hills-Warner Center Neighborhood Council support and adopt this motion in OPPOSITION of the requested actions for the reasons as previously stated:

The Planning, Land Use, and Mobility Committee recommends that the Board of the Woodland Hills- Warner Center- Neighborhood Council advise the City of Los Angeles Planning Department and Council District 3 Councilmember Bob Blumenfield of the PLUM Committee’s findings and its subsequent recommendation to DENY this application as presented on March XX, 2023.

Motion: Oliver Slosser

Seconded:

VOTE: Aye Nay Abstain