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September 11, 2026

VIA ONLINE PORTAL SUBMISSION AND EMAIL

Planning Housing Crisis Act Implementation Unit,
Department of City Planning
City of Los Angeles
planning.hca@lacity.org

**Re: SB 330 Preliminary Application and Notice to Begin Tribal Consultation under AB 130
7639-7827 N. Topanga Canyon Blvd, 7716, 7746 N. Glade Ave, 22000 W. Elkwood Street**

Dear Planning Staff:

Our firm represents Borstein Enterprises (“Applicant”) regarding a proposed for-sale condominium development project with 271 residential units (“Project”) located at 7639-7827 N. Topanga Canyon Blvd, 7716, 7746 N. Glade Ave, 22000 W. Elkwood Street (“Site”) in the City of Los Angeles (“City”). With this submittal through the Online Application System (OAS) and as transmitted via email, the Applicant is submitting an SB 330 preliminary vesting application for the Project. This letter provides supplemental Project information and provides the City with the required notice of the Project’s CEQA exemption under Public Resources Code Section 21080.66(b)(1)(A)(ii) (i.e., Assembly Bill 130), **which requires the City to commence the tribal notification and consultation process within 14 days of the date of this letter.**

A. Preliminary Application

The Applicant submits a SB 330 preliminary vesting application with this letter, pursuant to Government Code Section 65941.1. The submission of the preliminary application vests the Project under all “ordinances, policies, and standards” (as defined in Government Code Section 65589.5(o)) that are adopted and in effect on the date the preliminary application is submitted. The Applicant intends to submit a full Project application within 180 calendar days after the date the preliminary application was submitted, in accordance with Government Code Section 65941.1(e)(1). Additionally, the Applicant has consulted with the Expedited Processing Unit staff and will pay additional fees to process the application within their unit.

The City is not required to deem the preliminary application complete or incomplete,¹ but once the Applicant submits a formal Project application, that application must be processed in accordance with

¹ Government Code Section 65941.1(e)(3).

the Permit Streamlining Act (Gov. Code Section 65920 *et seq.*) and the Housing Accountability Act (Government Code Section 65589.5).

B. Density Bonus Law and Inclusionary Housing Requirement

The Site has a base density of 253 units based on the underlying land use designations of Low Residential (corresponding to the RD5 zone) and Low Medium II Residential (corresponding to the RD1.5 zone). The Project will include 13 units restricted for very low income households (i.e. 5% of the base units rounded up). The inclusion of these units permits a 20% density bonus pursuant to LAMC 12.22 A.37 and Government Code Section 65915. Consequently, the Project is entitled to include up to 304 units total units.

Under State Density Bonus Law, the Project is entitled to one concession/incentive for providing 5% of the base density as very low income. The Project may also request waivers of any development standards that would have the effect of physically precluding the construction of the development at the densities and with the concessions and incentives to which the Project is entitled. (Government Code Section 65915(d)(2)(C) and (e).)

At this time, the Project is requesting the following incentives/concessions to modify development standards:

(1) INCENTIVE: RELIEF FROM THE AFFORDABLE HOUSING INCENTIVE GUIDELINES DISTRIBUTION SECTION V1.4 TO PERMIT VERY LOW INCOME UNIT TO BE DISPERSED AMONG D1 AND D2 UNIT TYPES ONLY

(1) WAIVER: AVERAGING OF FAR, DENSITY, OPEN SPACE, PARKING, AND ACCESS BETWEEN THE A1 AND RA ZONES

(1) WAIVER: FRONT YARD REDUCTION IN A1 ZONE FROM 25' TO 7'

(1) WAIVER: FRONT YARD REDUCTION IN RA ZONE FROM 25' TO 7'

(1) WAIVER: SIDE YARD REDUCTION IN A1 & RA ZONE FROM 25' TO 10'

(1) WAIVER: SPACE BETWEEN BUILDINGS REDUCTION FROM 10' TO 6.5'

(1) WAIVER: INCREASED HEIGHT IN RA-1 ZONE FROM 30' TO 38'

(1) WAIVER: INCREASED F.A.R. FROM 704,276 SF TO 725,675 SF

The Applicant reserves the right to request additional incentive or waivers and reductions of development standards in the future.

C. AB 130 CEQA Exemption and Notice to Begin Tribal Consultation

Public Resources Code Section 21080.66 – added by Assembly Bill (“AB”) 130 – exempts all aspects of a qualifying housing development project from CEQA. As demonstrated in Exhibit A, Exhibit B, and

Attachments 1-9 to Exhibit B, the Project satisfies the criteria in Public Resources Code Section 21080.66, and is therefore exempt from CEQA.

As a requirement of the AB 130 CEQA exemption, the City must engage in the tribal notification and consultation process described in subdivision (b) of Public Resources Code Section 21080.66. The City is required to commence this process within 14 days of the date of this letter and submittal of the preliminary application:²

A local government shall provide formal notification via certified mail and email to each California Native American tribe that is traditionally and culturally affiliated with the project site as an invitation to consult on the proposed project, its location, and the project's potential effects on tribal cultural resources pursuant to one of the following deadlines: ...

- (i) Within 14 days of the application for the project being deemed complete pursuant to paragraph (5) of subdivision (h) of Section 65589.5 of the Government Code.

Pursuant to Government Code Section 65589.5(h)(5), the Project application is deemed complete upon submission of a preliminary application. Furthermore, through this letter, the Applicant has provided the City with notice that the Project is exempt from CEQA pursuant to Public Resources Code Section 21080.66. Consequently, the City is required to provide formal notification to each California Native American tribe that is traditionally and culturally affiliated with the project site **within 14 days** of the date of this letter, and to comply with the consultation requirements in Public Resources Code Section 21080.66(b).

Please do not hesitate to contact me with any questions.

Sincerely,

Elisa Paster

Elisa Paster
Managing Partner
of RAND PASTER & NELSON, LLP

² Public Resources Code Section 21080.66(b)(1)(A)(ii).

Exhibit A

AB 130 CEQA Exemption Criteria

The following analysis assesses each of the required criteria to qualify for the AB 130 CEQA Exemption.

1. Section 21080.66(a) – The Project is a “housing development project,” as defined in Government Code Section 65905.5(b). The Project is a 271-unit condominium development with accessory parking and open space.
2. Section 21080.66(a)(1) – The Site is approximately 17.7 acres in size, which is less than the 20-acre maximum size.
3. Section 21080.66(a)(2) – The project site is located within the boundaries of the City of Los Angeles – an incorporated municipality – which meets this requirement.
4. Section 21080.66(a)(3) – The Site has been previously developed with an urban use³ as it is currently developed with a commercial plant nursery, four single family dwellings and institutional/religious building.

The Site also satisfies this requirement because at least 75 percent of the perimeter of the site adjoins⁴ parcels that are developed with urban uses, as there are residential uses to the east, west, north and south of the Site.

5. Section 21080.66(a)(4) – To be eligible for this CEQA exemption, the Project must be consistent with the general plan and zoning ordinance, subject to any density bonus, incentives or concessions, waivers or reductions of development standards, and reduced parking ratios that the Project requests and is eligible for under State Density Bonus Law (Gov. Code Section 65915).

The Project will conform with the General Plan and zoning ordinance, except as otherwise permitted by State Density Bonus Law.

6. Section 21080.66(a)(5) – The Project must be at least one-half of the density required in Government Code Section 65583.2(c)(3)(B). For the City of Los Angeles, this density is 30 units per acre,⁵ which means the Project must have a density of at least 15 units per acre. The Project

³ “Urban use” is defined as “any current or previous residential or commercial development, public institution, or public park that is surrounded by other urban uses, parking lot or structure, transit or transportation passenger facility, or retail use, or any combination of those uses.” (Public Resources Code Section 21080.66(f)(3).)

⁴ “‘Adjoins’ includes parcels that are only separated by a street, pedestrian path, or bicycle path.” (Public Resources Code Section 21080.66(f)(1).)

⁵ See Appendix 1 of the Memorandum from the Department of Housing and Community Development entitled “Default Density Standard Option – 2020 Census Update” (dated March 21, 2022), available at:

<https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/defaultdensity2020censusupdate.pdf>.

proposes a density of approximately 15.3 dwelling units per acre, which satisfies this requirement.

7. Section 21080.66(a)(6) – The Project satisfies the requirements specified in Government Code Section 65913.4(a)(6). (See Exhibit B.)
8. Section 21080.66(a)(7) – The Project must not require the demolition of a historic structure that was placed on a national, state, or local historic register before the date a preliminary application was submitted for the project.

The Project requires the demolition of a commercial plant nursery, four single family dwellings and institutional/religious building. None of these structures have been placed on a historic register as of the date of this preliminary application; therefore, the Project would not require the demolition of a historic structure.

9. Section 21080.66(a)(8) – This exemption places limitations on projects that include a hotel, motel, bed and breakfast inn, or other transient lodging. No portion of the Project will be designated for use as a hotel, bed and breakfast inn, or other transient lodging.⁶ Therefore, the Project meets this requirement.
10. Section 21080.66(b) – The City will be required to consult with Native American tribes that are traditionally and culturally affiliated with the Site prior to approval of the Project. This consultation process may result in the imposition of conditions of approval on the Project related to the protection of tribal cultural resources that may be impacted by the Project.
11. Section 21080.66(c)(1) – As a condition for approval of the Project, the Applicant will be required to complete a phase I environmental assessment. However, the prior completion of a phase I environmental assessment is not required to qualify for this CEQA exemption. If a recognized environmental condition is found, the Applicant must complete a preliminary endangerment assessment to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. We assume these requirements will be memorialized and enforced as a Project condition of approval.

If a release of a hazardous substance is found to exist on the site, the release must be removed or any effects of the release must be mitigated to levels required by current federal and state statutory and regulatory standards before issuance of a certificate of occupancy. If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure must be mitigated to levels required by current federal and state statutory and regulatory standards before issuance of a certificate of occupancy.

⁶ “Other transient lodging” does not include: (A) a residential hotel, as defined in Health and Safety Code Section 50519; or (B) after the issuance of a certificate of occupancy, a resident’s use or marketing of a unit as short-term lodging, as defined in Business and Professions Code Section 17568.8, in a manner consistent with local law.

We assume these requirements would be memorialized and enforced as a Project condition of approval.

12. Section 21080.66(c)(2) – This exemption imposes specific development standards on projects within 500 feet of a freeway. These standards do not apply because the Project is not located within 500 feet of a freeway.
13. Section 21080.66(d) – If the Project is more than 85 feet in height from grade, the Project will be required to pay prevailing wages and comply with other labor requirements, including using a “skilled and trained workforce” (as defined in Public Contract Code Section 2601), subject to limited exceptions, and making certain healthcare expenditures for construction craft employees if the project has more than 50 units. The Project will not exceed 85 feet in height and therefore the labor requirements are not applicable to the Project.

Exhibit B

Compliance with Government Code Section 65913.4(a)(6)

The Project is not located on a site specified in subparagraphs (A)-(K) of Government Code Section 65913.4(a)(6).

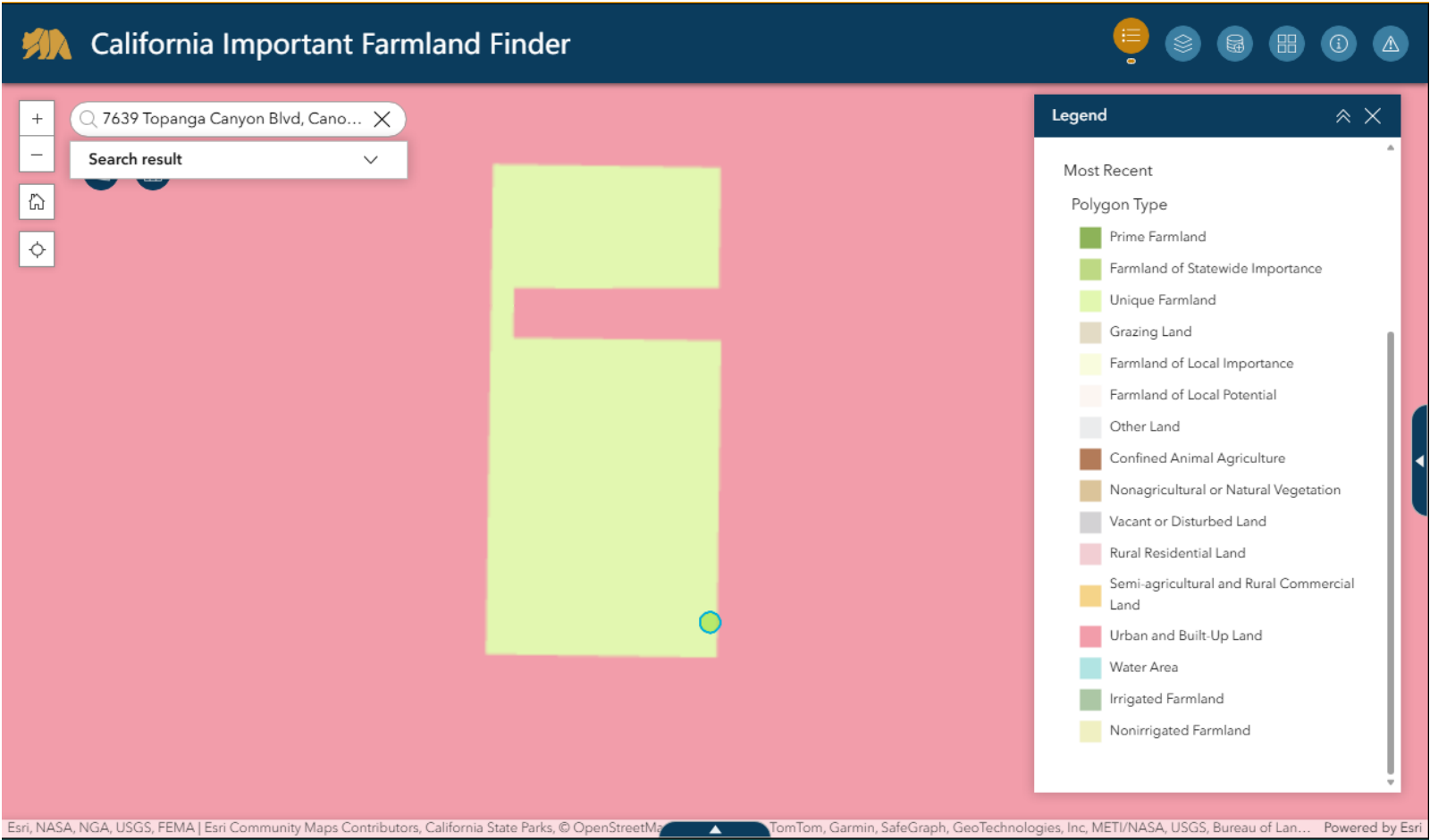
- (A) The Project is not located in the coastal zone.
- (B) The Project is not located on prime farmland or farmland of statewide importance, as defined pursuant to the United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction. (See Attachment 1.)
- (C) The Project is not located on wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993). (See Attachment 2.)
- (D) The Project is not within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, or within the state responsibility area. (See Attachment 3.)
- (E) The Project is not located on a hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code. (See Attachment 4a and 4b.)
- (F) The Project is not located on a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2. (See Attachment 5.)
- (G) The Project is not located within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. (See Attachment 6.)
- (H) The Project is not located within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. (See Attachment 6.)
- (I) The Project is not located on lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act

- (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan. (See Attachment 8.)
- (J) The Project is not located on habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code). (See Attachment 9.)
- (K) The Project is not located on lands under conservation easement. (See Attachment 10.)

Attachment 1

Farmland

California Important Farmland Finder (<https://maps.conservation.ca.gov/DLRP/CIFF/>).
PROJECT SITE - ■

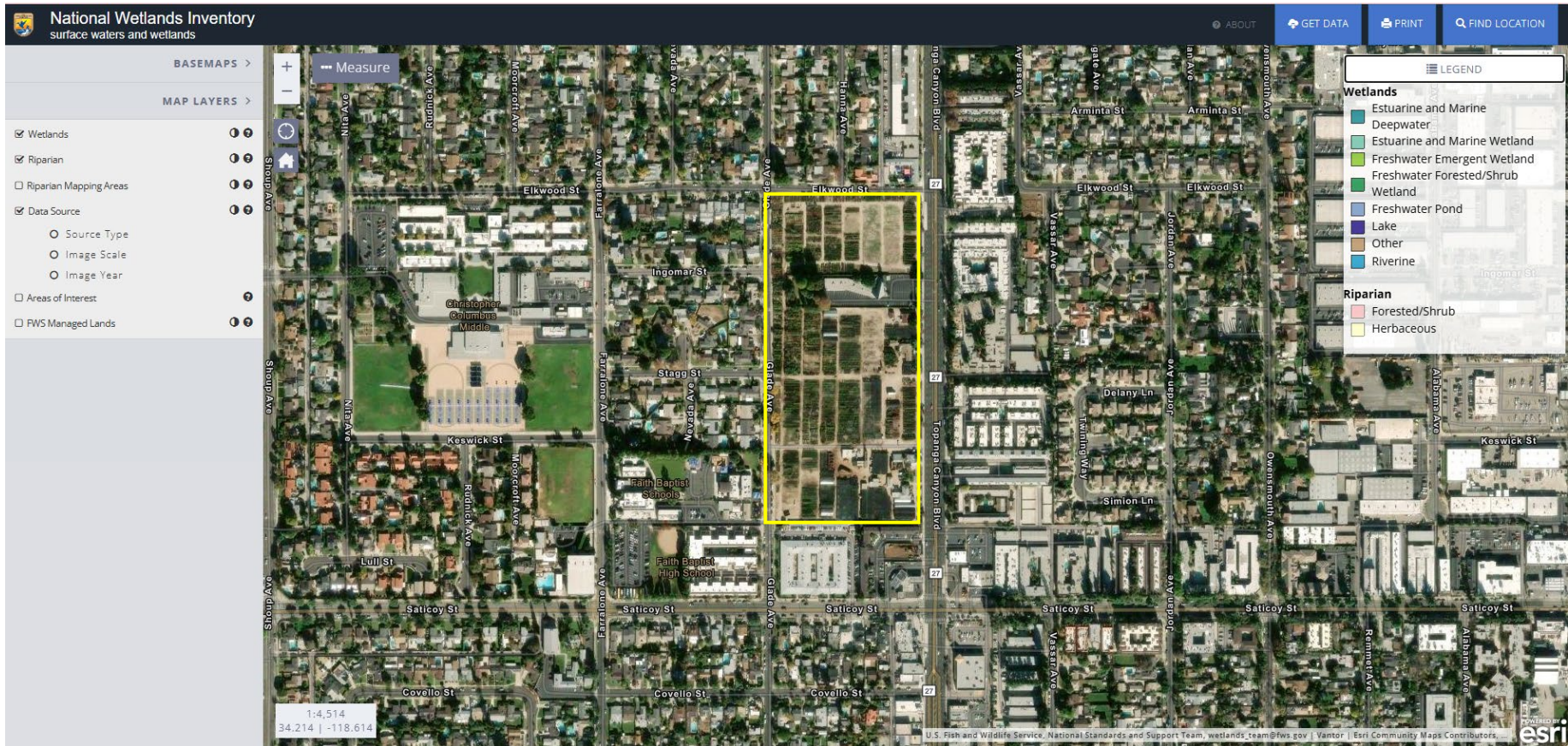


Attachment 2

Wetlands

National Wetlands Inventory (<https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>).

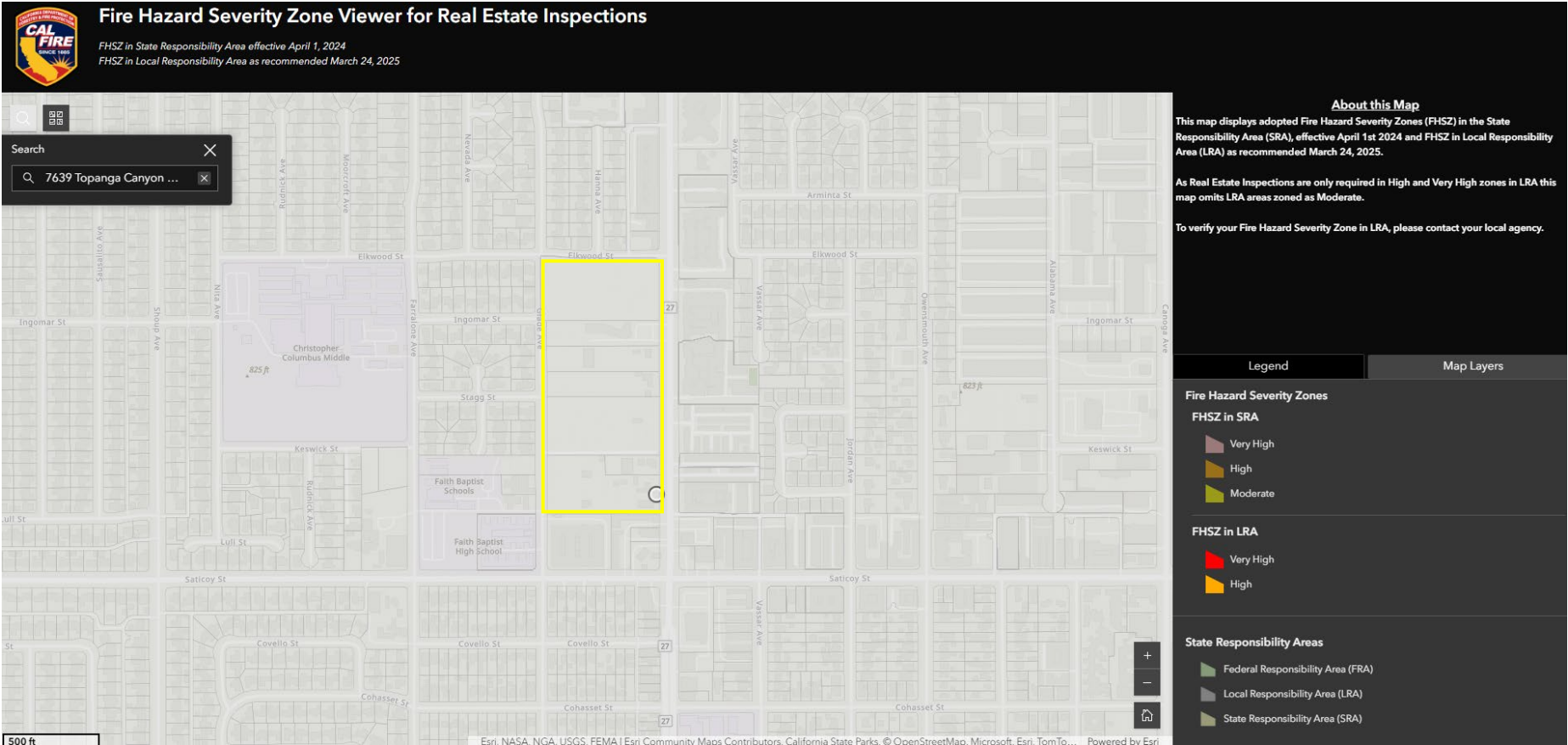
PROJECT SITE - 



Attachment 3

Fire Severity Zone

Cal Fire, Fire Hazard Severity Zone Viewer (<https://experience.arcgis.com/experience/6a9cb66bb1824cd98756812af41292a0>).
PROJECT SITE - 

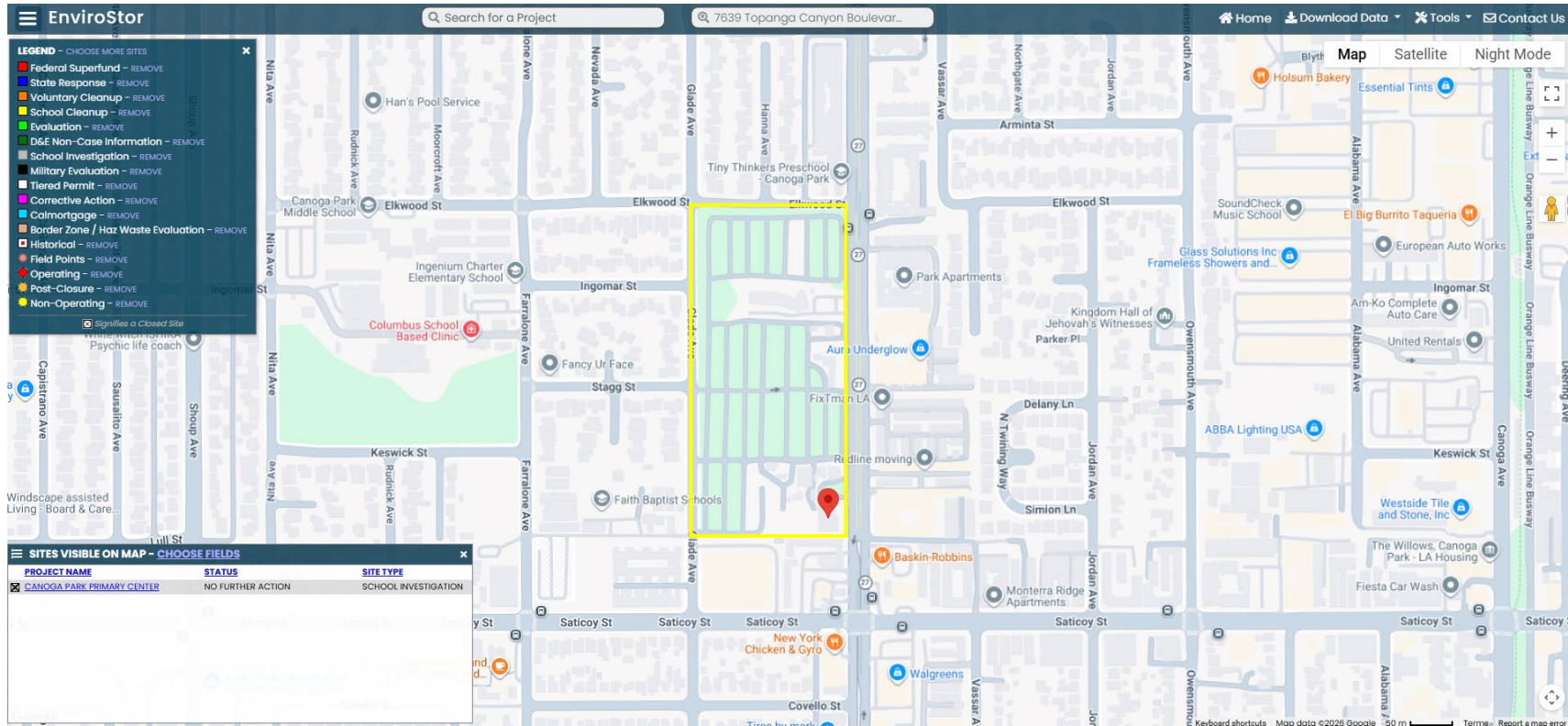


Attachment 4.a

Hazardous Waste Sites

Envirostor (<https://www.envirostor.dtsc.ca.gov/public/map>)

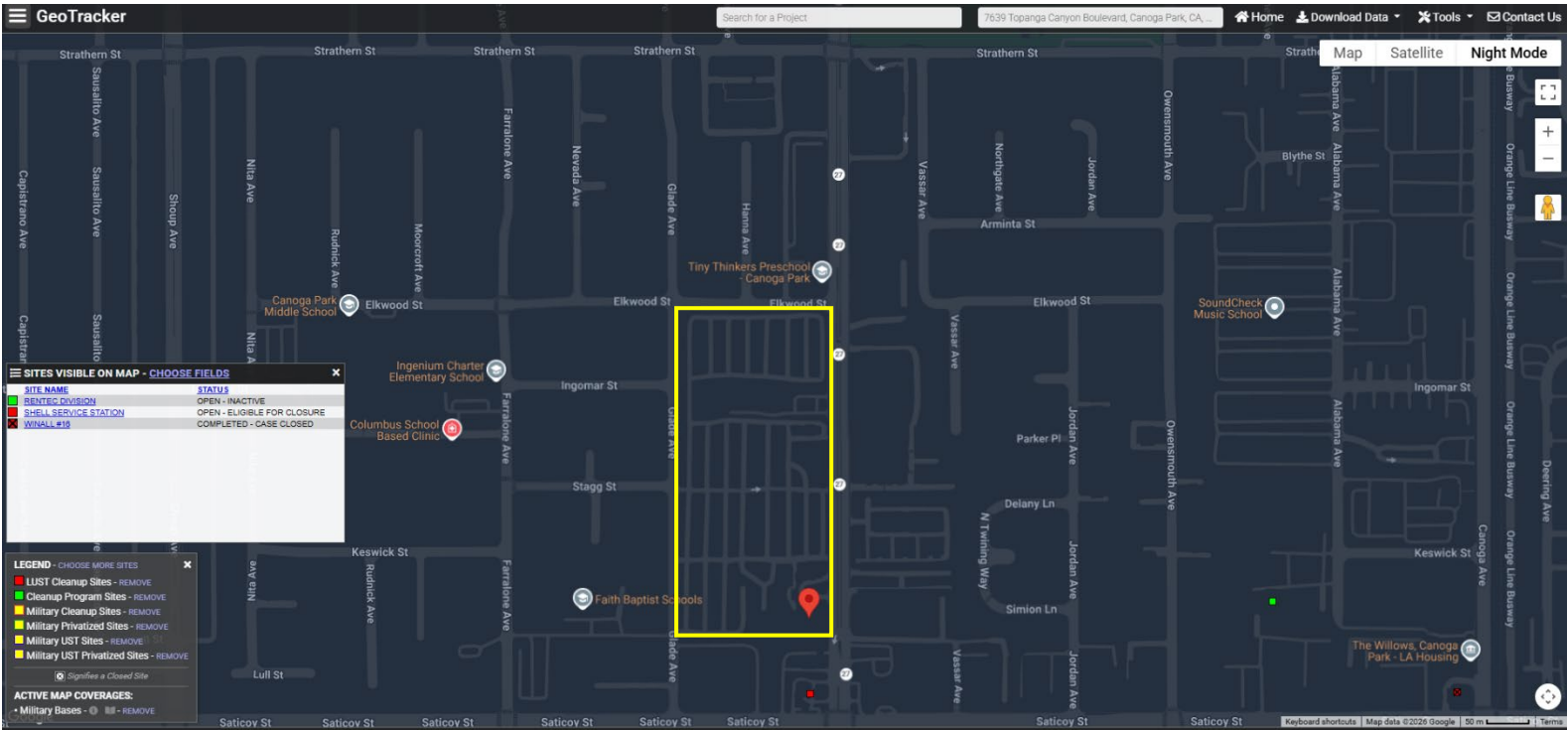
PROJECT SITE - 



Attachment 4.b

Hazardous Waste Sites

Geotracker (<https://geotracker.waterboards.ca.gov/map/>)
PROJECT SITE - 

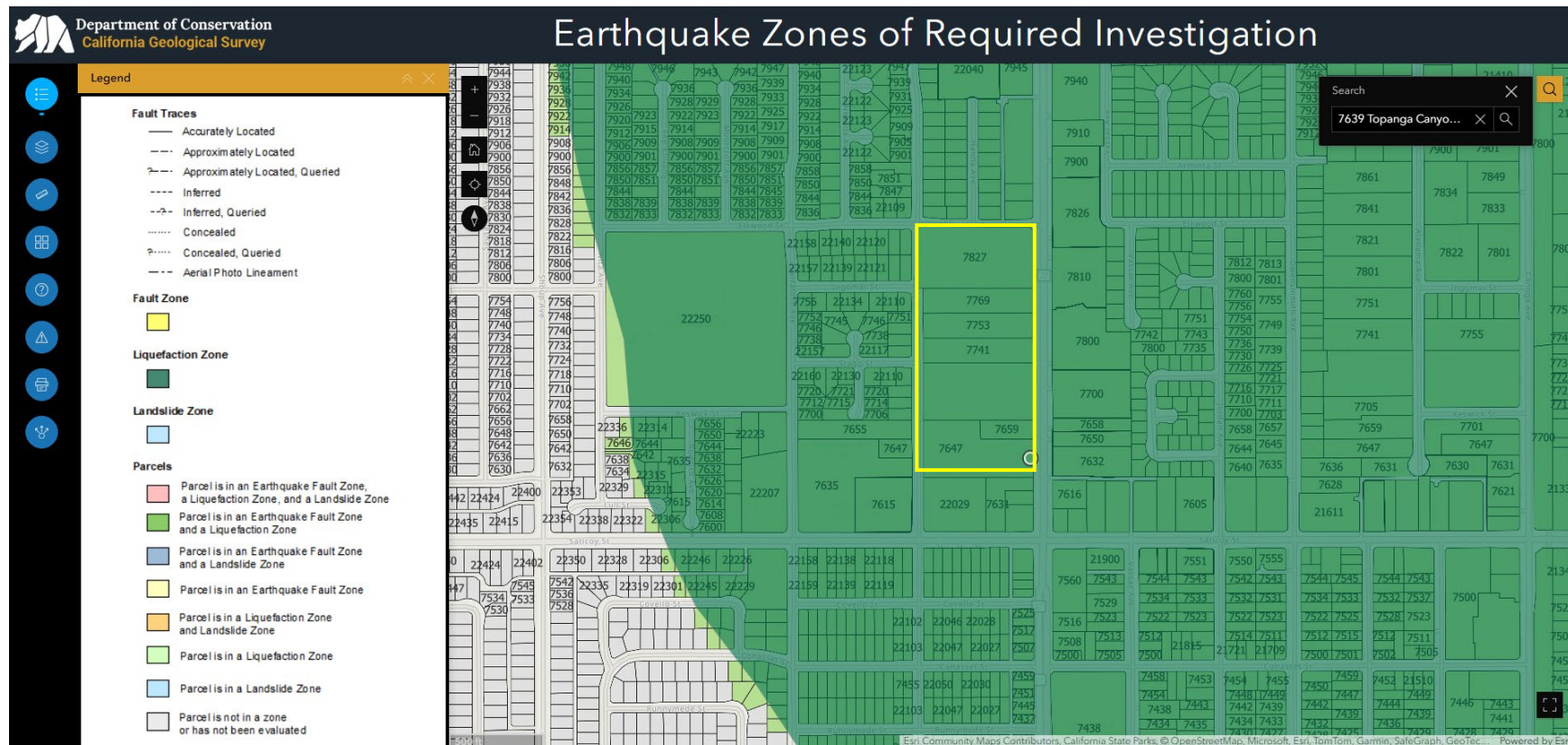


Attachment 5

Earthquake Fault Zones

Department of Conservation, California Geological Survey, Earthquake Zones of Required Investigation
(<https://maps.conservation.ca.gov/cgs/informationwarehouse/eqzapp/>).

PROJECT SITE - 

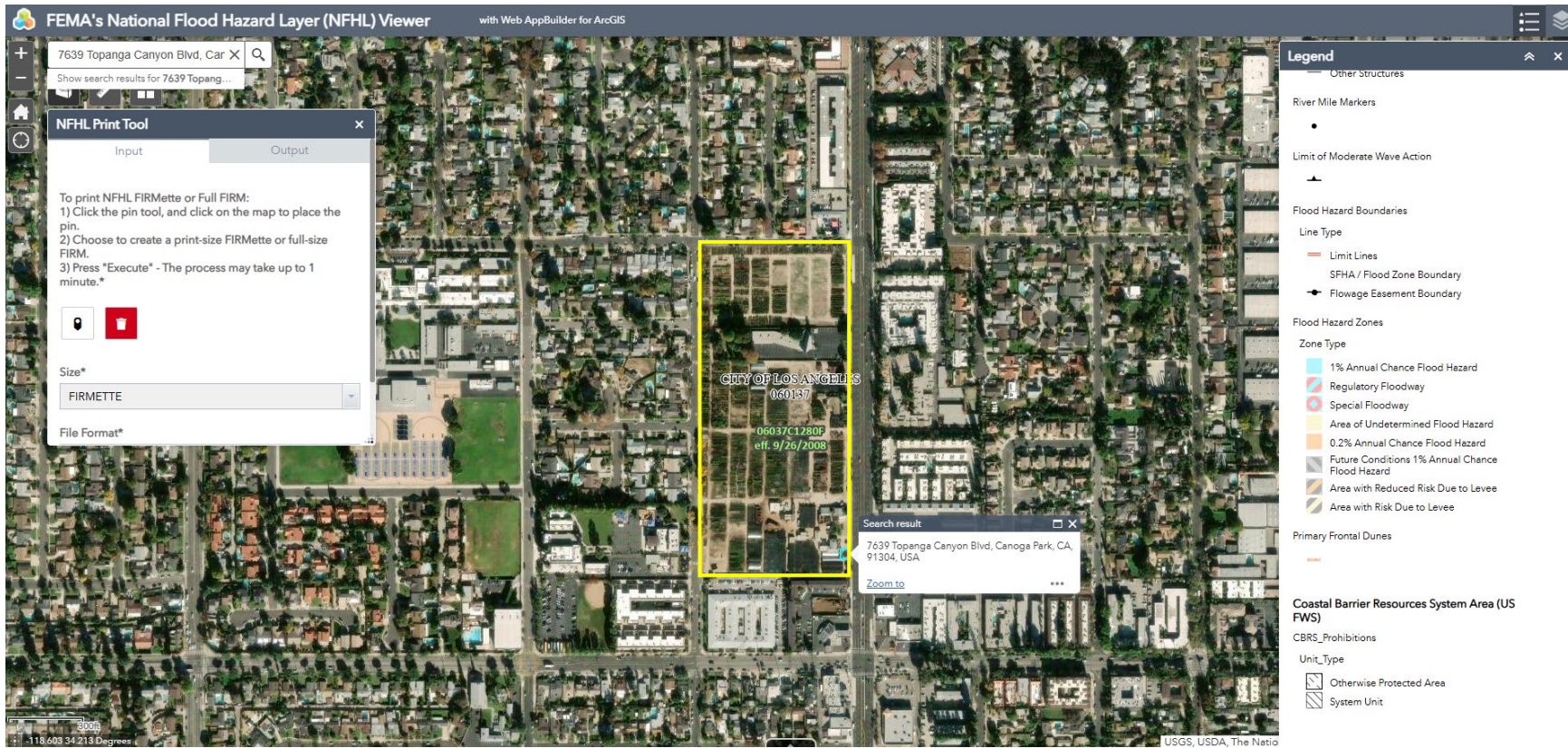


Attachment 6

Flood Hazard Areas and Regulatory Floodway

FEMA National Flood Hazard Layer Viewer (<https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>).

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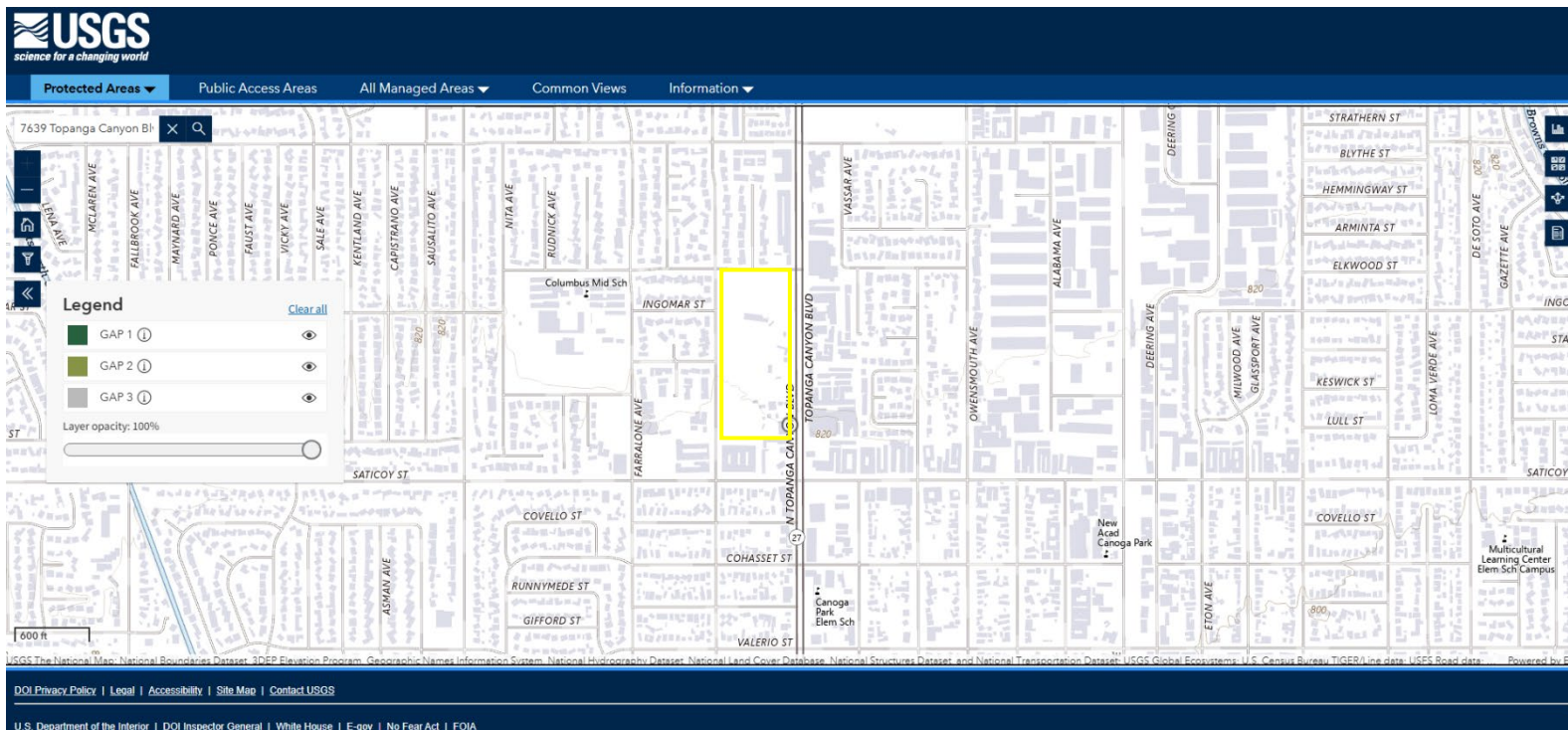
Attachment 7

Conservation Area

United States Geological Survey, Protected Areas Map (<https://maps.usgs.gov/padusdataexplorer/>).

GAP 1 means "Biodiversity Protection – Natural Disturbance Permitted," GAP 2 means "Biodiversity Protection – Natural Disturbance Suppressed," GAP 3 means "Multiple Use – Extraction Permitted."

PROJECT SITE -



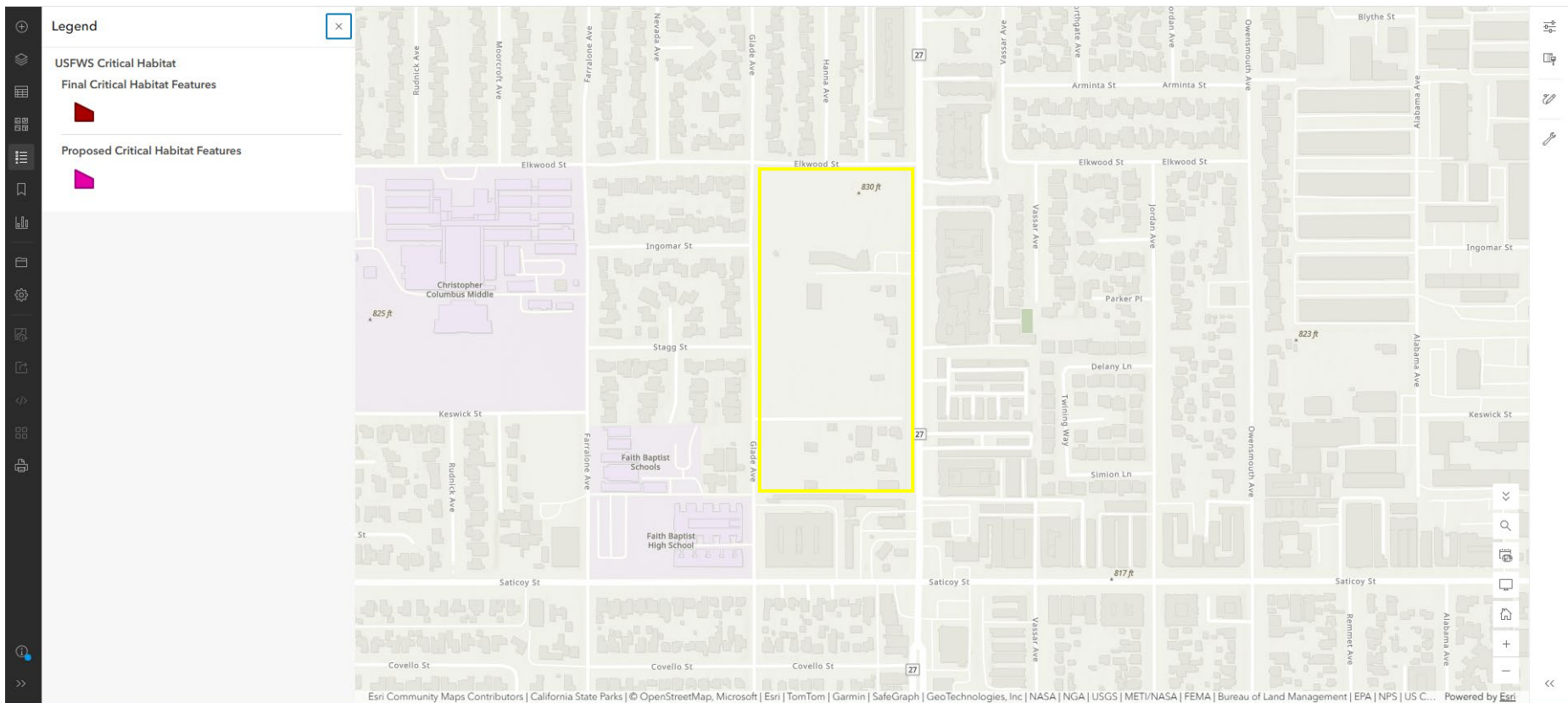
Attachment 8

Habitat for Protected Species

US Fish and Wildlife Service, Critical Habitat Viewer

(https://www.arcgis.com/apps/mapviewer/index.html?url=https://services.arcgis.com/QVENGdaPbd4LUkLV/ArcGIS/rest/services/USFWS_Critical_Habitat/FeatureServer&source=sd).

PROJECT SITE -



Attachment 9

Conservation Easements

National Conservation Easement Database (<https://site.tplgis.org/NCED/planningapp/>).

PROJECT SITE - 

