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December 8, 2014

VIA EMAIL (sharon.gin@lacity.org) AND FAX (213) 978-1040

Planning and Land Use Management Committee
Los Angeles City Council
200 N. Spring Street
City Hall, Room 395
Los Angeles, CA 90012
Attn: Sharon Gin

Re: Council File No. 14-1578
VTT-72465-SL A1
ENV-2013-3734-MND
11767 Bellagio Road
Hearing Date: December 9, 2014, Item 2

Dear President Huizar and Honorable Members of
the Planning and Land Use Management Committee:

We represent Daniel Saparzadeh and Farhad Ashofteh, the owners of the above-referenced Property and Applicants for the Tract Map that is the subject of this appeal. The appeal before you recycles the same legally and factually incorrect arguments that were roundly rejected by the West Los Angeles Area Planning Commission ("APC"). The determinations of both the Deputy Advisory Agency and the West Los Angeles Area Planning Commission ("APC") are well-supported by substantial evidence and should be upheld by the Planning and Land Use Management Committee ("PLUM").

1. The Project Complies with Small-Lot Subdivision Regulations and with the Height and Density Regulations for RD 1.5-1VL Zone.

The appeal simply ignores Ordinance 176,354 (the "Ordinance")¹ and incorrectly evaluates the Project solely on the basis of the RD1.5 zoning regulations. The Appellant also incorrectly states that the Property is governed by a Specific Plan (as affirmed in the Determination, no Specific Plan applies to the Property) and, among other errors, conflates lot size requirements with density requirements.

¹ Adopted December 22, 2004; effective January 31, 2005.

(a) The Small-Lot Subdivision Ordinance.

The City adopted the Ordinance to expand ownership opportunities for dwelling units and maximize the ability to provide the same.² Section 12.22 C.27 of the Municipal Code, as modified by the Ordinance, *allows owners to subdivide parcels on a single lot*, as long as the minimum lot area per unit complies with the zoning. To facilitate these subdivisions, the Ordinance *reduces the required yards*, requiring no yards among units and five-foot side yards where the subdivision abuts another non-small-lot property. § 12.22 C.27(e).

(b) The Zoning Designation for the Property Permits the Five Units Proposed.

The Property's zoning designation, [Q]RD1.5-1, is a qualified (height-limited) *multi-family* zoning designation that reflects the policy position of the City to provide multi-family development along the portion of Bellagio Road that includes the Property. Contrary to the appeal, the RD1.5 zone requires a *minimum lot size of 5,000 s.f.*, but only requires *1,500 s.f. of lot area per dwelling unit*. Municipal Code § 12.09.1 B.4. As the Property is 7,814 s.f. (after dedications), the RD1.5 zone permits the proposed five dwelling units.

(c) Project Density is Consistent with the RD1.5 Zone and the General Plan.

As the Appellant notes, the General Plan land use designation for the Property is Low Medium II Multiple Family, and the RD1.5 zoning corresponds to that designation. Because the Project complies with the minimum lot area requirements of the RD1.5 zone—both for the Property and per dwelling unit—the Project also necessarily complies with the corresponding land use designation and the Bel Air-Beverly Crest Community Plan, and the Appellant's claim to the contrary is wrong and unsupported by any evidence.

(d) The Project Provides the Required Setbacks.

The Appellant cites other requirements for the RD1.5 zone, provided at § 12.09.1 B.1 to 3. However, *the Ordinance overrides the setback requirements of the RD1.5 zone*, and specifically provides for reduced setbacks to allow more dwelling units. Consistent with these requirements, the Applicants proposed—and the Deputy Advisory Agency approved and the APC affirmed—*fully zoning-compliant setbacks* where the development abuts the neighboring residential structure, providing further relief. The residential development to the south of the Property would be separated from the proposed structure by an alley and by Ordinance-required setbacks.

² See Ord. 176,354.

2. The Project Resulted from Multiple Meetings with Neighbors and with the Urban Design Studio.

Although the Project originally comprised six dwelling units, with two curb cuts on Bellagio Road and roof decks, Messrs. Saporzadeh and Ashofteh met on several occasions with neighbors and with the Urban Design Studio to refine the design of the building to respond to community concerns. Among other changes the applicants eliminated one of the dwelling units and one of the curb cuts on Bellagio Road. Messrs. Saporzadeh and Ashofteh also agreed to several privacy measures, including full RD1.5 setbacks and plantings along a portion of the northern site boundary, which the current site plan incorporates.

3. No Evidence Indicates Any Significant Traffic Impacts.

The City has established screening thresholds for evaluating traffic impacts of projects. Specifically, the City Department of Transportation ("DOT") Traffic Study Exemption Thresholds establish thresholds of 48 d.u. for condominiums or, alternatively, 25 peak-hour vehicle trips at a maximum peak-hour trip generation rate of 0.52 vehicle trips per d.u. As described below, the Project does not even require a traffic analysis under either threshold:

- The increase of four units from the existing conditions represents *less than one tenth of the number of units required* to exceed the first DOT screening threshold; and
- Using the trip generation rate above (0.52 trips/unit), the Project would result in 2.08 net new peak-hour trips, or *less than one tenth the number of vehicle trips required* to exceed the second DOT screening threshold.

As Project-related traffic represents a small fraction of the traffic required even for a traffic study, the Project would not generate nearly enough vehicle trips to represent a significant adverse impact on local traffic. The appeal therefore provides no evidence—let alone substantial evidence—that a significant traffic impact could occur and therefore fails to present a fair argument regarding traffic impacts.

4. No Substantial Evidence Supports the Appeal, and the Determinations of the Deputy Advisory Agency and APC should be Upheld.

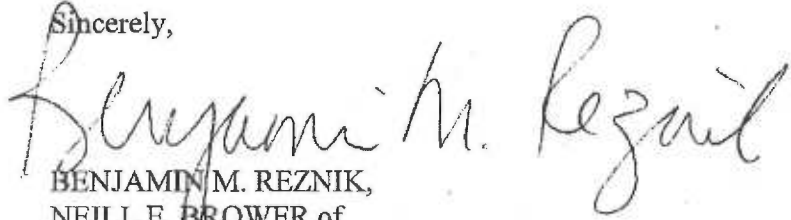
An agency abuses its discretion when it fails to proceed in a manner required by law, issues a decision unsupported by findings, and/or makes findings that are not supported by evidence. Cal. Code Civ. Pro. § 1094.5(b). As described above, the Deputy Advisory Agency and APC each supported their decisions with adequate findings and substantial evidence that the Project would comply with the Municipal Code and the General Plan, and would not result in significant adverse environmental impacts. Overruling the Deputy Advisory Agency requires corresponding findings supported by substantial evidence in the record. *Western States Petroleum Assn. v. Superior Court*, 9 Cal. 4th 559 (1995).

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As the Project would not result in any significant impacts, and has in fact provided greater protections of adjacent properties than required, no evidence supports any particular reduction in units. That the Appellant and some neighbors oppose the Ordinance is not a sufficient basis for denial of the Project. Rather, *these regulations represent the established policy position of the City* to accommodate its widely recognized housing needs. Moreover, the Project represents a residential building constructed with the number of dwelling units permitted by the long-established zoning designation of the Property. Thus, contrary to the claim of the Appellant, the Project could not physically divide an established community.

Therefore, in accordance with the determinations of the Deputy Advisory Agency and APC, as well as the recommendations of City staff, we respectfully request that the PLUM deny the appeal and approve the Project.

Sincerely,



BENJAMIN M. REZNIK,
NEILL E. BROWER of
Jeffer Mangels Butler & Mitchell LLP

BMR:neb

cc: Via E-mail:

Honorable Paul Koretz
Attn.: Shawn Bayliss
Heather Bleemers
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