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December 11, 2015

VIA E-MAIL

Honorable Members of the Planning and Land Use  
Management Committee  
City of Los Angeles  
200 North Spring Street, Room 395  
Los Angeles, CA 90012

Sharon.dickinson@lacity.org

Re: Council File No. 15-1387 (VTT-72932-SL & ENV-2014-2444-MND)  
11580-11594 West Riverside Drive and 4748-4752 North Irvine Avenue

Dear Honorable Councilmembers:

Our firm represents Irvine Riverside VV, LLC (the “Applicant”) in connection with the proposed development of a 16 single-family home small lot subdivision project (the “Project”) in the Valley Village neighborhood of the City of Los Angeles (the “City”). The Planning and Land Use Management (“PLUM”) Committee heard appeals of the Project’s vesting tentative tract map (“VTTM”) on December 8, 2015, at which time several parties (the “Appellants”) raised various objections to the Project. The appeals were continued to the December 15, 2015 PLUM hearing. This letter responds to questions and concerns raised by the Appellants as well as PLUM Committee members during the December 8<sup>th</sup> hearing.

**I. The Project is Consistent with the Valley Village Specific Plan.**

Appellants assert that the City’s Director of Planning and South Valley Area Planning Commission (“APC”), in approving the Project, improperly subjected the Project to the single-family residential development standards, instead of the multiple-family standards, of the Valley Village Specific Plan (“Specific Plan”), resulting in an improper determination of the Project’s consistency with the Specific Plan. To advance this claim, Appellants point to a previously issued Director’s interpretation for the Venice Coastal Zone Specific Plan (“Venice Specific Plan”), which established that multiple-family residential standards should be applied to small-lot subdivision projects located within the Venice Specific Plan *only*, and argued that this interpretation should similarly apply to all small-lot subdivision projects across the City.

As a threshold matter, the Project’s consistency with the Specific Plan has already been finally determined, by virtue of the APC’s denial, on November 9, 2015, of the appeals filed against the Project’s Project Permit Compliance Review (“PPCR”). The APC’s decision to uphold the PPCR approval could not be appealed to any other City body, and, therefore,

constituted a final decision on the matter of the Project's consistency with the Specific Plan. Therefore, this issue is not squarely before the PLUM Committee.

Notwithstanding the above, to approve the Project's VTTM, the City is required to make a far more general finding regarding the proposed map's consistency with the general plan and any applicable specific plan. This finding can easily be made, for the following reasons.

In accordance with California Government Code Section 65450, a specific plan systematically implements a jurisdiction's general plan for a particular geographic area. Therefore, by definition, each adopted specific plan in the City is unique, and specifically tailored to the land use policies and issues facing the specific geographic area encompassed by the specific plan. The adoption of the Valley Village Specific Plan indicates the City's intention to establish specific land use and development policies and regulations for Valley Village, which are distinct from the generally applicable citywide land use and development policies and regulations, and also distinct from the policies and regulations deemed by the City to be appropriate for other distinct geographic areas, such as Venice.

Due to the uniqueness of each specific plan, the City must examine projects within each specific plan area against the relevant land use and development policies and regulations set forth by the applicable specific plan, as interpreted by the City for that specific plan area. Accordingly, and in conformance with the specific land use and development policies applicable to the Specific Plan, the City has consistently applied single-family residential development standards to small lot subdivision projects in Valley Village, such as the currently proposed Project. Examples of such prior small-lot subdivision projects approved in Valley Village include, but are not limited to, those approved under case numbers AA-2014-4301-PMLA-SL, VTT-65985, and VTT-72157-SL. For each of these approvals, the City determined that the project in question was appropriately subject to single-family residential standards, and properly complied with the applicable planning and land use policies and regulations of the Specific Plan.

Given the distinct nature and purpose of each specific plan, the City cannot simply borrow a policy or interpretation from one specific plan and apply it to a project outside of that specific plan area. That is why the Director specifically limited the scope of the interpretation cited by Appellants to only "*small lot subdivision cases within the boundary of the Venice Coastal Zone Specific Plan.*" (Emphasis added) (ZI. No. 2406, p. 1). Accordingly, the fact that the City has issued an interpretation regarding small-lot subdivisions in the Venice Specific Plan has no bearing on the current Project, or on any other small-lot subdivision project located outside of the Venice Specific Plan. This all supports the prior determinations by the Director of Planning, and the APC on appeal, that single-family residential standards are applicable to the Project, and that the Project is fully consistent with the policies and regulations of the Specific Plan. As a result, the PLUM Committee is presented with significant evidence showing that the VTTM is also consistent with the Specific Plan.

Planning and Land Use Management Committee

December 11, 2015

Page 3

**II. The Applicant Fully Complied with the City's Rent Stabilization Ordinance.**

The second question raised by members of the PLUM Committee related to the Applicant's compliance with the City's Rent Stabilization Ordinance ("RSO") and the State of California's Ellis Act in evicting tenants from the site of the proposed Project.


As background, the RSO generally applies to residential buildings constructed before 1978 (such as those currently located on the site of the proposed Project), and establishes various rent-control regulations for those buildings (e.g., limits on annual rent increases, registration requirements for units subject to the RSO, etc.). The RSO also implements provisions of the State's Ellis Act, which grants landlords the right to demolish or otherwise remove existing rental units from the rental housing market. Under the RSO and Ellis Act, any eviction of a tenant for purposes of demolishing or removing a rental unit must strictly comply with various procedures established by the RSO, including establishment of minimum time periods that a tenant is permitted to remain at their unit after receiving an eviction notice, and payment to all tenants of certain City-established relocation fees.

In this case, the Applicant exercised its rights under the Ellis Act to remove the existing units on the property from the rental housing market. When the Applicant eventually seeks a demolition permit, the City would ensure that all applicable requirements of the RSO and Ellis Act were being complied with as part of the permit clearance process. Nonetheless, in response to the Committee's questions, we have provided the Planning Department with evidence that all required eviction-related paperwork has been filed with and approved by the City's Housing and Community Investment Department ("HCID"). Specifically, HCID approved the required tenant relocation payment amounts, and the Applicant has deposited these relocation payments in escrow accounts for all tenants, as required by the RSO. No deviations from the RSO's requirements have been sought or approved, and the eviction process for the Project is fully in compliance with the City's laws.

For the foregoing reasons, we respectfully request that the PLUM Committee deny the VTTM appeal and approve the Project.

Thank you for your careful consideration of the appeal and of our response.

Sincerely,



Dave Rand

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