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February 3, 2016

Los Angeles City Council, PLUM Committee  
Los Angeles City Hall  
c/o City Clerk, Attn: Ms. Sharon Dickinson  
200 North Spring Street, Room 395  
Los Angeles, CA 90012

PLUM Chairman Hon. Jose Huizar, Vice Chair Hon. Marqueece Harris-Dawson,  
Hon. Mitchell Englander, Hon. Felipe Fuentes, Hon. Gilbert Cedillo

Re: Council File No. 16-0104/VTTM No. 72367-SL/ENV -2013-1998-MND  
2925 W. Waverly Drive, Los Angeles, 90046

This office represents Rubgi LLC, the applicant on the above filing. The filing received the approval of the Zoning Administrator and the previous appeal by the same appellant was unanimously denied by the Central Area Planning Commission. We respectfully respect that the PLUM Committee deny the appeal.

**Waverly Fully Conforms with Small Lot Ordinance—No Variance, ZAA or ZADs**

The filing is for a five-lot small lot subdivision (“Waverly”) which fully conforms with the Small Lot Ordinance LAMC §12.22.C. 27. (“Ordinance”) and the applicable City Design Guidelines. Waverly has no variances, Zoning Administrator Adjustments or Determinations. This filing reflects the City Council’s goal in adopting the Ordinance, “as a way to increase density in urban areas, lower the price of single-family homes and boost home ownership” (*Los Angeles Times*, June 26, 2015.)

**Appellant’s Arguments are Conclusory—Lacking Facts and Substance**

Our responses to the Appellant’s appeal are below:

1. That the filing was not consistent with the Hollywood Community Plan.  
Response: The Plan was adopted in 1998, therefore the 2005-adopted Small Lot Ordinance was not cited, yet Waverly is consistent with the Plan’s density and zoning.
2. The filing was not consistent with the area’s, “character, design and circulation.”  
Response: The neighborhood is mix of residential uses; single family, multi-family and small lot developments. The five residences will generate approximately half the traffic compared to a by-right 10 dwelling unit apartment.

3. The site is not suitable for its proposed density

Response: By right the existing RD-1.5 zone permits 10 multi-family dwelling units.

4. The City-approved Mitigated Negative Declaration fails to address the site's Historic Resources.

Response: On February 6, 2014 the City's Cultural Heritage Commission unanimously voted to reject the appellant's "Historic Resource" claim that the existing single family residence was a Historic-Cultural Monument.

5. The MND is inappropriate to address the environmental issues

Response: This allegation has no legal basis. The five small lots are half as dense and generate approximately half the traffic as the by-right 10 multi-family units. The California Environmental Quality Act (CEQA) mandates an EIR only when there is, "substantial evidence supporting a fair argument that the proposed project may produce significant environmental effects." California Public Resources Code §§21080(d), 21082.2; CEQA Guidelines §15064(f)(1). The Appellant has failed to cite any specific fact that support its allegation of "substantial evidence."

#### **Waverly Meets or Exceeds the Small Lot Ordinance's Design Guidelines**

Waverly is in full compliance with the advisory Guidelines for Small Lot Subdivisions. The on-site parking will not add to street parking, there are no variances, no protected trees and only 60%+/- of the property is developed. Waverly will create fee-simple ownership which is less expensive than traditional single family homes. Waverly's density and mass are far less than the adjacent property to the west, a 54 unit, three story condominium. The five lots are compatible with the existing neighborhood's mix of single family, multi-family and approved small lot subdivisions.

#### **An Extensive Community Outreach Yielded Community-Based Modifications**

My clients met numerous times with the Silver Lake Neighborhood Council and community stakeholders. To respond to the community my client withdrew all originally filed for ZAAs, reduced the density (by-right in the RD-1.5 zone 10 multi-family units could be built); and eliminated its roof top deck to appease the appellant's privacy concern.

#### **Respectfully Urge Denial of the Appeal**

Waverly is in strict adherence with the Small Lot Subdivision, and the environmental clearance has been adequately addressed in the MND. The appeal is without merit and we respectfully urge the Committee to deny the appeal.

Sincerely

  
Wayne Avrashow, Esq.  
WA/Img

cc: Los Angeles City Councilman David Ryu, Attn: Ms. Renee Weitzer  
Client