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Ref: 74751-1

February 13, 2017

**VIA E-MAIL AND HAND DELIVERY**

Hon. Jose Huizar, Chair  
Members of the Planning and Land Use Management Committee  
Los Angeles City Council  
Attention: Sharon Dickinson, Legislative Assistant

Date: 2/14/17

Submitted in PLUM Committee

Council File No: 16-1445

Item No. 4

**Re:** 2957 Midvale Avenue, Los Angeles, CA 90029  
Council File No. 16-1445

Deputy: Communication from Applicant Representative

Hearing Date: February 14, 2017 (Agenda Item 4)

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

We represent Behzad Toubian, owner of the above-referenced Property and applicant for the Project, which comprises a zone change to conform the zoning to the existing General Plan Land Use designation, and facilitate development of four residential units, of which three are net new. The Deputy Advisory Agency ("DAA") has already approved a four-unit small-lot subdivision for the Property, pending the zone change, and the West Los Angeles Area Planning Commission (the "APC") **unanimously approved** the Project and rejected the prior appeal. The City has an obligation to provide a zone that is consistent with the General Plan land use designation for the Project Site, and the requested zone is the only consistent zone. Therefore, no basis for a denial of the Project exists here.

**I. The Proposed Zoning is Consistent with the General Plan and Community Plan, while the Existing Zoning is Not.**

The Property is currently zoned R1-1 (single family). However, the Community Plan designates the site for multi-family development, consistent with the pattern along National Boulevard. The current General Plan and Community Plan Land Use Maps designate the Property as Medium Residential. **The only corresponding zone to the Medium Residential designation is R3**, the zone requested by the Project. Thus, the requested zone change is necessary to bring the zoning of the Property into conformance with the General Plan.

State law requires conformance between the zoning and the General Plan in Los Angeles. Cal. Govt. Code §§65860, 65860(d). The adoption of the Community Plan rendered the existing zoning of the Property non-conforming. The requested zone change would cure the non-conformity, in accordance with State law.

**2. The Project Would Develop *Half* of the Permitted Intensity of the Zone.**

The Property would include and be limited to only four residential units. The requested R3-1 zone permits one dwelling unit for every 800 s.f. of lot area.<sup>1</sup> As the area of the Property is 7,113 s.f., up to eight units would otherwise be permitted. Thus, even with the proposed zone change, the project would develop and be limited to half of the permitted units. Because the Project complies with the minimum lot area requirements of the R3-1 zone, the Project also complies with the corresponding land use designation and the Community Plan.

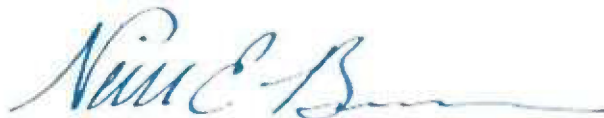
**3. The Project is Consistent with an Approved Small-Lot Subdivision for the Property.**

The City already has approved a small-lot subdivision for the Property, subject to the requested zone change. As stated in the DAA Determination Letter<sup>2</sup> for that approval, the proposed unit count and setbacks all would comply with the requirements of the Ordinance. Further, height would be limited to only 36 feet. Moreover, the City previously determined the Property is physically suitable for the type and intensity of development.

**4. PLUM Should Reject the Appeal.**

As described in detail above, the Project seeks to conform the zoning of the Property to the Community Plan and General Plan and facilitate development of the Property in accordance with its approved small-lot subdivision. The Project requests the only zone consistent with the General Plan land use designation of the Property, and would develop about half of the units permitted under that zone. Therefore, no basis exists to deny the Project and maintain the existing non-conforming zone.

Sincerely,



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

BMR:neb

cc: Via e-mail:  
Debbie Lawrence, Department of City Planning  
Lakisha Hull, Department of City Planning  
Terry P. Kaufmann-Macias, Office of the City Attorney

<sup>1</sup> LAMC §12.10 C.4.

<sup>2</sup> Case No. DAA-2014-2495-PMLA.