

September 20, 2018

Councilmember Jose Huizar, Chair  
Councilmember Marqueece Harris-Dawson  
Councilmember Mitchell Englander  
Councilmember Bob Blumenfield  
Councilmember Curren D. Price, Jr.

[clerk.plumcommittee@lacity.org](mailto:clerk.plumcommittee@lacity.org)

Re: VTT-76054-SL-1A (Council File: 18-0762) – Letter in Response to Appeal

EX-100  
CITY CLERK  
2018 SEP 21 PM 2:48  
CITY OF LOS ANGELES

Dear Honorable Councilmembers:

Our law firm represents 836 Poinsettia, LLC (the “Applicant”), in defense of its application for Vesting Tentative Tract Map (“VTT”) No. 76953-SL to allow subdivision of a 7,735 sq.-ft. lot into five (5) small lots, pursuant to Small Lot Subdivision Ordinance No. 176,354, to construct five (5) single-family dwellings (the “Project”). The Project site is located at 836-838 N. Poinsettia Place (the “Property”) in the City of Los Angeles (the “City”) and is zoned R3-1XL. The above-referenced subdivision was approved by the Deputy Advisor Agency on June 21, 2018 and unanimously approved again on appeal by the Central Area Planning Commission (“APC”) on July 24, 2018.

The previous and current appeals were both filed in opposition to the Project by Lucille Saunders (the “Appellant”) on behalf of the La Brea Willoughby Coalition. The appeals primarily allege that the approved front yard setback of 10 feet violates the Los Angeles Municipal Code (“LAMC”), which they believe requires a 15-ft. setback. In the current appeal, the Appellant attempts to expand on this assertion by stating the Project fails to comply with the City’s procedures for “granting an adjustment” and/or “a variance” to allow this setback, and as a result, the determination violates the Subdivision Map Act. Unfortunately, the Appellant fails to understand the City’s front yard setback requirements as applied to the Project, which are described below. Therefore, the allegations raised in the appeal are entirely false and without merit.

First, approval of the 10-ft. front yard setback did not violate the City’s zoning requirements. As stated in LAMC Sec. 17.15-C.1., “approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect on the date the application is deemed complete [emphasis added].” The VTT application was filed on May 26, 2017, and “deemed complete” by City Planning Dept. staff on February 1, 2018. At that time, the City’s Small Lot Subdivision Ordinance No. 176,354 was in effect

and stated that “no front, side or rear yard shall be required between lots within an approved small lot subdivision. However, a five-foot setback shall be provided where a lot abuts a lot that is not created pursuant to this subdivision.” The lots that abut the Project on all sides, including the lots located across from the Project’s street frontage on Poinsettia Place, were not created by the small lot subdivision. Therefore, per Ordinance No. 176,354, the minimum required front yard setback along Poinsettia Place is 5 feet.

This setback requirement couldn’t be any clearer. By virtue of the vested rights bestowed upon the Project at the time the VTT application was deemed complete, the Project is not required to comply with the current Small Lot Subdivision Ordinance, which mandates the same front yard setback limit as the underlying R3 Zone of 15 feet. Because the Project was approved in compliance with applicable law at the time its vested rights were obtained, no adjustment or variance from the current zoning code is required to approve a 10-ft. front yard setback.

Also, please note that despite the minimum requirement of a 5-ft., front yard setback, the Advisory Agency had authority to require greater setbacks than those prescribed in the Small Lot Subdivision regulations. As a result, the Advisory Agency approved a 10-ft. front yard setback for Lot 1 fronting Poinsettia Place. This 10-ft. front yard setback is double the required minimum setback under Ordinance No. 176,354. Also, given that the Project is subject to a 3-ft. wide dedication along the Poinsettia Place street frontage, the approved setback is effectively 13 feet when compared to existing setbacks on adjacent properties. Also, the properties to the north of the Project site have variable front yard setbacks of 10-13 feet. Despite the fact that the R3 Zone is not subject to the City’s prevailing setback requirements, the Advisor Agency’s imposed a larger setback on the Project to keep the proposed development in line with the existing neighborhood context. In acknowledgement of this effort and despite its original request for the perfectly allowable, 5-ft. setback, the Applicant acted reasonably and did not challenge the increased setback imposed by the Advisor Agency.

For the reasons stated above, the appeal lacks merit. We, therefore, respectfully ask the PLUM Committee members to recommend denial of this appeal. We would be more than happy to address any issues raised in the appeal in more detail during the meeting on September 25<sup>th</sup>. Thank you for your attention to this letter.

Best regards,



Jonathan H. Riker

cc: Haytham Kafouf  
Sami Kohanim  
Ellia Thompson