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SECONDARY SUBMISSIONS

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January 18, 2019

VIA EMAIL

East Los Angeles Area Planning Commission
Commission Executive Assistant
200 N. Spring Street, Room 532
Los Angeles, CA 90012

Re: Rebuttal to Staff Report
2743-2745 Locksley Place/AA-2018-1838-PMLA-SL

Honorable Commissioners:

The purpose of this letter is to respond to the errors and omissions in the Staff Report which we just received.

As you are aware from our previous correspondence, our firm represents David Riccitiello, the Appellant, and the surrounding neighbors, in opposition to the Advisory Agency's approval of a demolition of a duplex with a detached two-car garage and the construction of four 4 small lot homes at 2743-2745 Locksley Place ("the Project").

First, at no point does the Staff Report even acknowledge the fact that Los Angeles Municipal Code ("LAMC") §12.22.C.27 ("the Small Lot Ordinance") explicitly permits small lot parcels only provided that the density of the subdivision complies with the minimum lot area per dwelling unit requirement (density) established for each zone.

Here, the proposed small lot subdivision does not comply with the density requirements of the underlying zone. The Staff Report does not acknowledge this fact nor otherwise provided any response to this issue presented by the Appeal.

Second, and similar to the density issue, at no point does the Staff Report acknowledge the fact when the City makes a finding that site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible for purposes of a Zoning Administrator's Adjustment, it must limit its analysis to site characteristics or existing improvements and to arguments based upon the land and any out of the ordinary circumstances that may be associated with the land which would prevent strict adherence to the Zoning Code requirements.

In our January 14, 2019 letter, we submitted several examples to this Commission demonstrating how the Office of Zoning Administration strictly analyzes Adjustment requests ("ZAA") based upon site characteristics and out of the ordinary circumstances that may be associated with the land, denying self-imposed requests or requests which are not based upon out of the ordinary circumstances that may be associated with the land. The Advisory Agency simply has failed to do that here.¹

The role of this Commission is to independently review the issues, facts and pertinent legal requirements in deciding this Appeal. To act otherwise as a rubber stamp would obviate the purpose of such appellate review. Appellants ask that you independently evaluate and identify any specific site characteristic, existing improvement or out of the ordinary circumstance associated with the Project site which would prevent strict adherence to the Zoning Code requirements. If you cannot do so, as we believe, then the Appeal should be granted. Certainly neither the Applicant nor Staff has presented any such information or facts, thus, this legally finding cannot be made in the affirmative.

¹ As a practical matter, ZAA requests are usually acted on by the Zoning Administrator - not the Advisory Agency. Based thereon, the Advisory Agency is generally not as experienced and knowledgeable of the analysis needed, and factors cited herein, in deciding a ZAA request.

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For all of the reasons set forth herein and our letter dated January 14, 2019, this Commission should grant the Appellants' appeal.

Attached hereto as Exhibit 1 are proposed findings.

Very truly yours,

LUNA & GLUSHON
A Professional Corporation

A handwritten signature in black ink, appearing to read "Rob Glushon", written in a cursive style.

ROBERT L. GLUSHON

cc: Kristina Kropp, Esq.
Emma Howard, Deputy to Councilmember David Ryu

Exhibit 1

PROPOSED FINDINGS TO GRANT APPEAL

Density Adjustment

To grant Appellant's appeal of the requested Density Adjustment, the Commission needs to make at least one of the following findings:

1. **Finding:** Site characteristics or existing improvements do not make strict adherence to the zoning regulations impractical or infeasible, and the Project does not conform with the intent of those regulations.

Evidence/Facts in Support:

- There are no site characteristics or existing improvements related to the Project site which make strict adherence to the zoning regulations impractical or infeasible.
- There are no out of the ordinary circumstances associated with the Project Site (land) which make strict adherence to the zoning regulations impractical or infeasible.
- The Project does not conform with the intent of the Small Lot Ordinance which allows small lot subdivisions only "provided that the density of the subdivision complies with the minimum lot area per dwelling unit requirement."
- The Project does not conform with the intent of the Small Lot Ordinance because it does not conform to the Small Lot Subdivision Guidelines.

2. **Finding:** In light of the Project as a whole, including any mitigation measures imposed, the Project's location, size, height, operations and other significant features will not be compatible with and will adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

Evidence/Facts in Support:

- The following Project features will not be compatible with and will adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety:

- The proposed parking within the common access driveway, with 50% provided in the side yard, visible from the adjacent public sidewalk
- The 6½-foot front yard setback in a neighborhood of 13½- to 15½-foot front yard setbacks;
- The three story height in a primarily one-story neighborhood;
- The 1:1 FAR which is double even the largest surrounding neighborhood FAR or .49:1 (average is .26:1).

3. **Finding:** The Project is not in substantial conformance with the purpose, intent and provisions of the Silver Lake-Echo Park-Elysian Valley Community Plan.

Evidence/Facts in Support: Silver Lake-Echo Park-Elysian Valley Community Plan policies, programs and objectives with which the Project is not in substantial conformance:

- Preserving and enhancing the positive characteristics of existing residential neighborhoods while providing a variety of housing opportunities with compatible new housing.
- Preserving and enhancing the positive characteristics of existing development, such as scale, height, bulk, setbacks and appearance, and uses which together provide the foundation for community identity.
- Improve the quality of existing single family and multiple family housing throughout the Plan Area.
- Promote the rehabilitation of existing housing stock over demolition.
- Encourage new infill residential development that complements existing development and architectural style.
- Protect existing stable single family and low-density multiple family residential neighborhoods from encroachment by higher density residential and other incompatible uses.
- Preserve and enhance the varied and distinct character and integrity of existing single and multiple family neighborhoods.

- Seek a higher degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.

Small Lot Subdivision

To grant Appellant's appeal of the Small Lot Subdivision, the Commission needs to make at least one of the following findings:

1. **Finding**: The Project is not consistent with the Silver Lake-Echo Park-Elysian Valley Community Plan.

2. **Finding**: The design or improvement of the proposed Project is not consistent with the Silver Lake-Echo Park-Elysian Valley Community Plan.

- **Evidence/Facts in Support**: See above.

DAY OF HEARING SUBMISSIONS