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March 26, 2008

VIA FACSIMILE (213) 978-1040
AND MAIL

Planning and Land Use Management Committee
City of Los Angeles
200 North Spring Street, Public Works Hearing Room
Los Angeles, CA 90012

Re: Camerford Lofts Appeals
Council File 08-0454-S1
CPC 2006-6519-ZC ZV HD ZAA SPR-2A

Honorable Committee Members:

This firm and the undersigned represent the La Mirada Avenue Neighborhood Association of Hollywood ("LMANAH") regarding the Camerford Lofts project appeals.

Preliminarily, we support the City Planning Commission's rejections of numerous discretionary approvals sought by the Developer/Applicant (hereinafter "Applicant"). We ask you to uphold those findings and reject the appeal filed by the Applicant.

In addition, as to those entitlements that the Planning Commission did grant or recommend for approval, we respectfully appeal those. If allowed to stand, those approvals would cause serious policy problems. They should be rejected by the PLUM Committee and by the City Council.

We adopt all well-taken arguments and comments submitted as part of the administrative record in opposition to the Project as planned.

The Project as presented violates core zoning concepts. Essentially, the Applicant asks the City to spot zone, via multiple variances, and create a de facto general plan amendment, without properly characterized applications, and without the normally required environmental impact report ("EIR"). Among other things, such a change in the fundamental zoning plan for a community requires analysis of the impacts of moving greater density and height into the residential zone. The Advisory Agency below was accommodating, but its approval of this scheme and the Planning Commission's endorsement of it in part, create terrible public policy.

Given the number and magnitude of zoning variances and adjustments requested, Planning Director Gail Goldberg's often quoted comment about the value of land in Los Angeles is particularly apt. Ms. Goldberg observed:

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"In every city in this country, the zone on the land establishes the value of the land. In Los Angeles, that's not true. The value of the land is not based on what the zone says . . . It's based on what [the] developer believes he can change the zone to. This is disastrous for the city. Disastrous. Zoning has to mean something in this city."
LA Weekly, "Bitter Homes and Gardens," Feb. 27, 2008.

The Project, as proposed, sadly reconfirms the truth of Ms. Goldberg's observation.

Applicant's Appeals

The Applicant claims that it is allowed by right to construct 66 units in the C4-D zone on the Melrose lots, and to construct 33 units in the R3-1XL zone on the Camerford lots. The Applicant argues it should be allowed to transfer the density and height from the commercial district into the residential zone simply because the Applicant bought four commercial lots on Melrose that lie across the alley from four residential lots on Camerford. The developer also requests that it be given the airspace over the City's alley as additional developable square footage.

In addition, and as discussed below, the Project as proposed is unlawful because the proper findings for the requested variances cannot be made on any of the facts.

The Applicant also argues that it should not have to comply with a 15-foot setback along Melrose Avenue because hundreds of yards down the street, a soundstage of Paramount Studios does not have a similar 15-foot setback. This argument is specious. It ignores that the setback requirement applies to buildings in the actual vicinity of the Project. This Honorable Committee should not be swayed by citation to one building about a quarter of a mile away.

Finally, the Applicant alleges that the Planning Commission violated its due process rights by having supporters and opponents of the Applicant sitting at the hearing room table giving public comment at the same time. This argument verges on the nonsensical. The Planning Commission always understood who was talking. The Applicant was at one end of the table and the opponents at the other end of the table. There was no violation of due process.

LMANAH's Appeal

The LMANAH's concurrent appeal should be granted.

No factual basis exists upon which any City decision maker could make proper findings for any of the variances requested. In Stolman v. City of Los Angeles (2003) 114 Cal.App.4th 916, the City granted a non-conforming variance for a gas station in a residential neighborhood to add an auto detailing service to its gasoline sales business. The Court of Appeal, reversing a trial court denial of a writ of mandate, held that there was no evidence in the record that under the current use of the property the gas station owner was unable to earn a profit. The Stolman

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Court, quoting the California Supreme Court, noted that if the property could be put to some effective use that is consistent with the current zoning without the variance, then it is of no consequence that the property could be made more valuable with the variance. Stolman, supra, 114 Cal.App.4th at 928. Thus, the Stolman court held that the City of Los Angeles' grant of the variance to add automobile detailing to expand the non-conforming use simply on the ground that it would make the property more profitable was unlawful.

The appeal papers filed by the Applicant demonstrate that the requested variances are simply a developer trying to increase the density for increased profitability – not to address a unique circumstance or hardship associated with characteristics of the property as required by law.

On page 2 of Attachment A to the Applicant's appeal of the City Planning Commission action, the following bold message appears: "[TEAM: WE DON'T NEED THIS TO ACHIEVE 42 UNITS ON THE MELROSE PARCELS.]" (Exhibit 1.) This note to "The Team" is inserted in response to a purported appeal of the denial of a variance to LAMC 12.27 to allow the density of the lots on Melrose to be calculated on the total lot area before the required 15-foot dedication. This note tells this Honorable Committee (as it will tell a reviewing court) that the variances are sought merely to intensify the density to meet some high profit goal.

There is no evidence demonstrating that the current density along Camerford cannot allow any profitable development in conformity with the existing zoning. Instead, the Applicant seeks to take the more intense density allowed along the commercial zone of Melrose Avenue and inject it into the adjoining residential district under the novel theory that the density on the Melrose lots should be "evenly spread" over the Camerford lots and public alley airspace separating the residentially zoned community from the commercial district.

This claim is not a hardship associated with the land that permits a variance. It is merely for the convenience of the Applicant seeking to maximize density on the Camerford residential lots. **Increasing the profitability of a luxury lofts project is not a legitimate basis for granting the variances sought.**

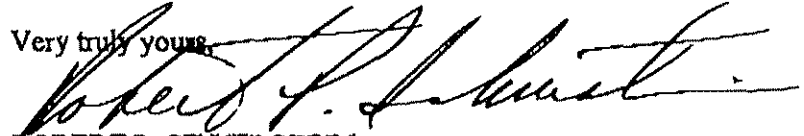
The LMANAH's appeal should also be granted because the City has endorsed a mitigated negative declaration ("MND") with vast analytical defects that ignore significant environmental impacts. A reviewing court will likely overturn the MND, and approvals based upon it, because of its inaccurate project description, its failure to acknowledge and discuss population and housing impacts, its failure to assess historic resources, the existence of significant traffic impacts, and unlawful piecemealing vis-à-vis adjacent projects. The environmental impacts of the Project as proposed are not lawfully mitigated due to the deficiencies of the MND.

The LMANAH's appeal should be granted.

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Thank you for your attention to these comments and objections. Please ensure that we are provided with written notice of all actions, decisions and future hearings regarding this matter. Should you have any questions or comments, please do not hesitate to contact me.

Very truly yours,



ROBERT P. SILVERSTEIN

FOR

THE SILVERSTEIN LAW FIRM

RPS: aa

cc: LMANAH Officers
Hon. Ed Reyes (via facsimile)
Hon. Jose Huizar (via facsimile)
Hon. Jack Weiss (via facsimile)

EXHIBIT 1

APPEAL TRANSMITTAL TO CITY COUNCIL

Case No. CPC-2006-5619-ZC-ZV-HD-ZAA- SPR-2A	Planning Staff Name(s) and Contact No. Madhu Kumar, 213-878-1162	C.D. No. 13
Related Case No(s). VTT-66997-2A	Last Day to Appeal February 27, 2008	

Location of Project (Include project titles, if any.)
5663-5647 W. Melrose and 5742-5766 W. Camerford Avenue

Applicant(s) and Representative(s) Name(s) and Contact Information, if available.
**Watt Genton (310)314-2521
Michael Gonzalez, (213) 856-5678 (Representative)**

Appellant(s) and Representative(s) Name(s) and Contact Information, including phone numbers, if available.
Same as applicant


Final Project Description
At its meeting on December 13, 2007, the following action was taken by the City Planning Commission:

Approved and Recommended that the City Council adopt a Zone and Height District Change from C4-1D (Commercial Zone with development limitation of a FAR of 1:1) to (T)(Q)RAS3-1 with a height limit of 45 feet (on the Melrose parcels only).
Denied a Variance, pursuant to Section 12.27 of the Municipal Code, to permit 54 residential units on the R3-1XL zoned portion of the project fronting Camerford Avenue in lieu of the otherwise permitted 33 units; (or one unit per 500 square feet of lot area in lieu of the otherwise permitted one unit per 800 square feet of lot area) in order to provide an equal distribution of all 98 units over the entire site.
Denied a Variance, pursuant to Section 12.27 of the Municipal Code to permit the lot area used in calculating residential density on the recommended RAS3-1 zoned portion of the project fronting Melrose Avenue to include the area required for a 15 foot street dedication resulting in 33 units in lieu of 29 units.
Approved a Variance, pursuant to Section 12.27 of the Municipal Code to permit a maximum building height of 45 feet in lieu of the maximum permitted height of 30 feet for the R3-1XL zoned portion of the project fronting Camerford Avenue.
Approved an Adjustment, pursuant to Section 12.27 of the Municipal Code to permit the R3-1XL zoned portion of the project fronting Camerford Avenue to observe a reduced rear yard of zero feet in lieu of the minimum 15 feet required.
Denied an Adjustment pursuant to Section 12.27 of the Municipal Code to permit the R3-1XL zoned portion of the project fronting Camerford Avenue to observe a reduced front yard of 10 feet in lieu of the minimum 15 feet required.
Approved an Adjustment, pursuant to Section 12.27 of the Municipal Code, (a) to permit the recommended RAS3-1 zoned portion of project fronting Melrose Avenue to observe a reduced front yard of zero feet in lieu of the minimum required five feet, and (b) a reduced rear yard of zero feet in lieu of the required minimum five feet.
Denied the requested Site Plan Review without prejudice.
Adopted Mitigated Negative Declaration No. ENV 2008-8620- MND.
Adopted Findings.

Items Appealable to Council: **Zone Change Conditions, Variances and Site Plan Review.**

Fiscal Impact Statement <small>"If determination states administrative costs are recovered through fees, indicate "Yes."</small> Yes	Env. No. 2008-8620-MND	Commission Vote: 7-0
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- In addition to this transmittal sheet, City Clerk needs:
- (1) Appeal package. Original & (1) copy plus; (2) true copies of Commission Determination or Orig & (1) copy of Determin for legislative actions;
 - (2) Staff Recommendation Report (1);
 - (3) Environmental document used to approve the project, if applicable (1);
 - (4) Public hearing notice (1);
 - (5) Commission determination mailing labels (1) note: Condo projects & Appeals only require a copy of the list(s), not the labels.
 - (6) Condo projects only: (1) copy of Commission Determination mailing list (includes project's tenants; and 500 foot radius mailing lists)

 Gabrielle Williams, Commission Executive Assistant II City Planning Commission	MAR 08 2008 Date
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**MAR 04 2008
PLANNING & LAND
USE MANAGEMENT**

zone. Therefore, the Applicant's requested 96 residential dwelling units is consistent with the Property's currently permissible residential density. Rather than develop the Melrose Parcels and the Camerford Parcels independently, the Applicant's project would develop the Property in a unified fashion, with approximately equal distributions of density spread over the Property. The Applicant's proposal would create a balanced and aesthetically pleasing unified project on a site which is currently designated to support that type of residential density. The project would nevertheless respect the more residential Camerford Avenue by reducing height to approximately 35 feet along Camerford and concentrating height closer to the more commercial Melrose Avenue. The Applicant's requested entitlements as proposed by the Applicant would create a unified project which would reinvigorate a portion of the City desperate for redevelopment. The Commission's decisions and recommendations relative to this case would force the Applicant to develop a disjointed and unsightly project, which does not capture a smart growth opportunity. Accordingly, the Commission's punitive decision is not good planning practice

APPEAL OF THE COMMISSION'S DECISION

The Applicant appeals the following Commission decisions and requests that this Honorable Committee approve the project as set forth in the Project application, which is attached hereto as Exhibit "A":

1) Denial of a variance pursuant to Los Angeles Municipal Code ("LAMC") Section 12.27 to permit 54 residential units on the R3-1XL zoned Camerford Parcels in lieu of the allowed 33 in order to provide an equal distribution of density over the Property. This request only moves permitted density from the Melrose Parcels to the Camerford Parcels. As noted above, the Property's gross lot area supports a residential density of 99 units, with 66 of those units within the Melrose Parcels. In order to create a unified project that captures the Property's smart growth potential, moving density from the Melrose Parcels to the Camerford Parcels is necessary. As proposed, the project would develop approximately 42 units on the Melrose Parcels, approximately 12 units straddling the alley, and approximately 42 units on the Camerford Parcels. If each portion were developed independent of the other, resultant development would be disjointed and unbalanced. Accordingly, denial of this variance would result in an aesthetically unpleasing project and would waste a smart transit oriented growth opportunity.

2) Denial of a variance pursuant to LAMC Section 12.27 to allow the Melrose Portion's density to be calculated on that portions lot area before the required 15 foot dedication. [TEAM: WE DON'T NEED THIS TO ACHIEVE 42 UNITS ON THE MELROSE PARCELS.] ←

3) Approval of a variance pursuant to LAMC Section 12.27 to permit a height of 45 feet on the Camerford Parcels. The Applicant requests approximately 60' of height to permit the development of a unified project across the Property. Such height would be concentrated closer to Melrose Avenue, thus respecting Camerford Avenue's residential character. Furthermore, the project's proposed townhouses along Camerford Avenue would not exceed approximately 35 feet in height.

4) Denial of an adjustment pursuant to LAMC Section 12.28 to permit a 10 foot rear yard within the R3-1XL zoned Camerford Parcels in lieu of the minimum 15 foot requirement.