

RE: Appeal of CPC-2020-1929-ZC-HD-MCUP-SPP-SPR
6450 West Sunset Boulevard

November 19, 2022

The CPC erred in its determination of CPC-2020-1929-ZC-HD-MCUP-SPP-SPR in the following:

The applicant has proposed several commitments that the city has relied on to make a finding that the project serves a public purpose and objective. These commitments are either misleading, unenforceable, or without certainty:

- Condition #17: Electrification. The 15-story office tower shall be an all-electric office building excluding the commercial food uses for cooking purposes in the three ground floor restaurants, as stated in the Applicant's October 14, 2022, letter to Los Angeles City Planning.

The applicant's letter states that the project "will be voluntarily and fully consistent with the draft DBS recommendations..."

The DBS recommendation (see attached) only speaks in broad terms and includes no actionable measures. And the recommendation report says, "in cases where electrical distribution for a new building construction project does not exist, or when the existing electrical distribution to the site is not sufficient to provide the necessary electrical service required by a new development, the cost of providing electrical distribution or upgrading existing distribution infrastructure is charged by LADWP to the developer, which can be a significant cost."

So the commitment made by the applicant, and the condition imposed by the city has no standards which can be enforced. How can the applicant commit to going "all-electric" without knowing the cost and feasibility of building "all-electric", especially without the consultation of DWP.

Plus, by the time this project is built, all-electric buildings will probably be required by law, thereby relegating this "benefit for the community" as nothing more than a standard obligation.

- Condition #41: Public Benches. The Project shall provide public benches along Sunset Boulevard, Wilcox Avenue, and Cole Place in substantial conformance with Exhibit A, subject to the approval of the Bureau of Street Services of the Bureau of Public Works.

Where in Exhibit A are the public benches? They aren't shown in any of the plans. They do appear in the elevations, although not called out, or in any way defined. These benches are subject to the approval of Street Services, and nothing in Exhibit A allows you to make an informed decision on whether these benches would be approved by Street Services. Either way, if installed, they'll be great for attracting homeless, especially on the blank wall down Cole Pl.

In full disclosure, what *is* known, per the tract map, is the sidewalk along Cole is about 9'2" and along Wilcox is 10'. Would the proposed benches comply with street standards?

- LEED Gold certification equivalent design.

Part of the city's finding that the project serves a public purpose and objective is that the project will be built to a LEED Gold certification equivalent design. There is no condition that ties the LEED Gold equivalent design to the city's finding of a public purpose and objective. It is a project design feature in the EIR, but then if found not to be necessary for environmental reasons, could go away.

If the LEED Gold equivalent design is a basis for finding the project serves a public purpose and objective, it should be a condition.

But even then, who in the city is qualified to determine if the project meets the LEED Gold "equivalent design"? Do the six design features outlined in the project design features suffice? Only LEED certified raters can be relied upon. Without a qualified and responsible third party to ensure implementation of a LEED Gold equivalence, project's public purpose is dubious and without certainty.

The entitlements requested do not permit the project as proposed:

- Redevelopment Plan Project Compliance.

On 3/19/20, the planning department originally issued an Administrative Review and Referral form (attached) indicating that the project would be required to file for a Redevelopment Plan Project Compliance to permit an FAR of 6:1, to pay the fee, and to add the RDP suffix.

Then, on 12/9/20, the department issued a revised and redacted referral form (attached) indicating that the project was in compliance with the Redevelopment Plan and would only be subject to an Administrative Review.

The revised referral is not consistent with the LAMC or the Redevelopment Plan.

Per LAMC Section 11.5.14-C - Definitions:

"Redevelopment Plan Project Administrative Review" shall mean the issuance of a ministerial approval by the Director for a Redevelopment Plan Project that complies with the applicable Redevelopment Regulations, and ***does not require the imposition of conditions or the making of findings.***

"Redevelopment Plan Project Compliance" shall mean a decision by the Director that a Redevelopment Plan Project complies with the applicable Redevelopment Regulations, either as submitted or with conditions imposed to achieve compliance with the Redevelopment Regulations.

Per Redevelopment Plan Section 506.2.3 - Regional Center Commercial Density:

“The Agency ***may permit*** development in excess of 4.5:1 F.A.R. up to but not to exceed 6:1 F.A.R. or such other density as may be permitted by future amendments to the Community Plan, ***only if the Agency makes the following findings*** and determinations...”

“No development in excess of 4.5:1 shall be permitted without a binding written agreement with the Agency which ensures that the proposed development will occur in conformity to the Redevelopment Plan and this Section by ***providing for***, among other things, Agency review and approval of all plans and specifications, ***the compliance with all conditions applicable to development in excess of a 4.5:1 site F.A.R.*** and the provision of adequate assurances and considerations for the purpose of effectuating the objectives of this Plan.”

Per the Redevelopment Plan, the Agency (now the City of Los Angeles) must make findings and impose conditions to allow an FAR above 4.5:1. In fact, even the revised referral form indicates that, per Section 506.2.3, “findings will be provided for 6:1 FAR.” (see page 3 of referral form) Therefore, per the LAMC, the project, at 6:1, does not qualify for the Administrative Review process. Instead, the project needs to file for, and get approval of a Redevelopment Plan Project Compliance, and City must impose conditions and make the required findings, as stated in Section 506.2.3.

A hotel project directly across the street (CPC-2020-5407-ZVC-HD-CUP-ZAA-RDP-SPR , 6545 Sunset Blvd.) at the October 13, 2022 CPC, filed for a Redevelopment Plan Project Compliance, had the RDP suffix, and was required to provide \$150K in extra linkage in order to increase the FAR to from 4.5 to 6:1. DCP had recommended denying that request of FAR over 4.5 based on the lack of Community Benefits. The Community Benefits offered in this project are inadequate in satisfying the needed finding for increased FAR above 4.5.

-Unified Development Permit.

The project is located on two properties, separated by an alley. The project is then using the floor area from the smaller property for the building on the larger property. This is called a Unified Development Permit and is an entitlement required pursuant Section 12.24-W,19.

They did include a condition requiring a covenant to be recorded to guarantee the continued “operation and maintenance of the development as ***a unified development***; shall indicate the floor area and, if applicable, density used on each parcel and the floor area, and, if applicable, density potential (if any) that would remain; shall guarantee the continued maintenance of the any ***unifying*** design elements.”

They alluded to the word “unified” twice. The correct entitlement should be required since they have accurately identified it thus.

