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December 1, 2022

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: Council Members

Dear Honorable Members:

**SUNSET WILCOX PROJECT, CF 22-1462, CPC-2020-1929-ZC-HD-MCUP-SPP-SPR-1A,
ENV-2020-1930-EIR**

At its meeting of October 27, 2022, the City Planning Commission (CPC) recommended approval of a Zone and Height District Change, and approved a Main Conditional Use permit for alcohol sales, a Project Permit Compliance review for signage in the Hollywood Signage Supplemental Use District, and a Site Plan Review (CPC-2020-1929-ZC-HD-MCUP-SPP-SPR) in connection with the Sunset Wilcox Project (Project) proposal. The Project involves the demolition of three existing commercial buildings that comprise approximately 26,261 square feet of office and retail uses and associated surface parking for the construction, use and maintenance of a 15-story commercial building with a total floor area of 443,418 square feet consisting of 431,032 square feet of office space and 14,186 square feet of restaurant space in the C4-2D-SN and C4-2D Zones. The Project also includes the construction of an 18-foot-tall, 3,550 square-foot building to house the Los Angeles Department of Water and Power (LADWP) equipment and an underground generator in the C2-1XL Zone. Upon completion, the Project would result in a floor area ratio (FAR) of 6:1. The Project would provide vehicular parking spaces within three below-grade levels, at grade, and three above-grade levels. The Project would also provide short-term and long-term bicycle parking. Four existing nonprotected on-site trees and 12 existing non-protected street trees would be removed as part of the Project. The Project would provide a minimum of 30 trees. The Project would also provide 61,449 square feet of private open space. Additionally, as proposed, the Project signage would comply with the Hollywood Signage Supplemental Use District regulations.

On November 22, 2022, an appeal was filed by David Carrera regarding all actions taken by the City Planning Commission at its October 27, 2022 meeting and as set forth in its November 3, 2022 Letter of Determination. This report serves to respond to the points raised in this appeal.

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Project Background

In its September 9, 2022 decision, the Advisory Agency adopted findings relating to the certification of the certification of the Environmental Impact Report (EIR) and approved a Vesting Tentative Tract Map for the merger and resubdivision of a 1.7 acre (73,903 square-foot) site into two ground lots and 12 airspace lots, including merging portions of Wilcox Avenue (2,275 square feet); waiver of five-foot dedications along the alley abutting the lots with APN 5546-014-014 and APN 5546-014-017; and a Haul Route for the export of up to 93,000 cubic yards of soil. An appeal was filed by David Carrera in a timely manner on September 19, 2022.

The Department of City Planning responded to the appeal (VTT-83088-1A) in an Appeal Response Recommendation Report to the CPC. The Report and associated documents were presented to the CPC at its meeting on October 27, 2022. On November 3, 2022, the CPC issued its determination to deny the appeal, thereby sustaining the actions of the Advisory Agency in certifying the EIR and approving the Vesting Tentative Tract Map. The CPC also issued its determination for the Case No. CPC-2020-1929-ZC-HD-MCUP-SPP-SPR, recommending that the City Council approve the Zone Change and Height District Change requests, and approving a Main Conditional Use permit for alcohol sales, a Project Permit Compliance with the Hollywood Signage Supplemental Use District and a Site Plan Review.

On November 22, 2022, an appeal was filed by David Carrera on the actions taken by the CPC relative to Case No. CPC-2020-1929-ZC-HD-MCUP-SPP-SPR. No second-levels appeals were filed against the Vesting Tentative Tract Map. The Project's Zone Change and Height District Change request (CF 1462-S1), and the appeal of the CPC's determination relative to CPC-2020-1929-ZC-HD-MCUP-SPP-SPR (CF 22-1462) will be heard by the City Council on December 6, 2022.

Scope of CPC Case Appeals

Pursuant to the Los Angeles Municipal Code (LAMC) Section 12.32 C, the City Planning Commission makes recommendations to the City Council on the requested Zone and Height District change. The CPC's action is a recommendation and does not constitute a decision on the Zone and Height District change. Rather, the City Council considers the CPC's recommendation, together with public testimony, including any testimony related to the proposed conditions of approval, and then issues a decision on the Zone and Height District change requests. Pursuant to LAMC 12.32 D, the CPC's recommendation is only appealable by the Applicant, and only if the CPC recommends disapproval of the application in whole or in part. In this instance, the CPC has recommended approval of the Project. Therefore, the CPC's recommendation on the Zone and Height District change is not appealable by the Appellant.

Regarding the Main Conditional Use permit, the Project Permit Compliance, and the Site Plan review, any interested person aggrieved by the decision may file an appeal. Therefore, the only actions of the CPC which are appealable by this party under case CPC-2020-1929-ZC-HD-MCUP-SPP-SPR are the Main Conditional Use permit for alcohol sales, the Project Permit Compliance with the Hollywood Signage Supplemental Use District, and the Site Plan Review.

The following represents a summary and responses to the appeal filed on November 22, 2022.

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APPELLANT: DAVID CARRERA

The Appellant states in their application that they are appealing all actions taken by the City Planning Commission at its October 27, 2022, hearing described in the November 3, 2022, LOD. However, as stated above, the Zone and Height District change are not appealable by the Appellant, as only the applicant may appeal a zone and height district change recommendation by the City Planning Commission, and then, only if the recommendation was for denial in whole or in part.

The appellant raised issues regarding the Site Plan Review Conditions of Approval enforceability of an electrified building and the location of public benches, and the Site Plan Review Findings regarding compliance with the Hollywood Redevelopment Plan. The appellant also raised the issue regarding the approval of the project as a unified development.

Summary of issues raised in appeal documentation:

- *Condition of Approval Number 29 requiring the office building to be all-electric is not enforceable and not a benefit to the community*
- *The location and feasibility of the public benches required in Condition of Approval Number 43 are not defined*
- *The Site Plan Review Finding of a LEED Gold equivalent design should be a Condition of Approval*
- *Project Compliance with the Hollywood Redevelopment Plan should be an additional entitlement request with the -RDP suffix*
- *A Conditional Use as a unified development should be required for floor area ratio averaging pursuant to LAMC Section 12.24 W.19*

Appeal Point 1:

The Appellant asserts that the Commission erred in conditioning the Project as an all-electric office building, Site Plan Review Condition of Approval Number 29¹. The Appellant asserts that Applicant's commitment and the City's condition cannot be enforced. Furthermore, the Appellant states that all-electric buildings will probably be required of all new buildings by the time this Project is built negating the community benefit.

Response to Appeal Point 1:

The Project is subject to a Condition of Approval (Condition 29) that requires the Project to be all-electric with the exception of cooking equipment in conformance with Applicant's letter to the City submitted on October 14, 2022. Compliance with this condition is reviewed and enforced by the Los Angeles Department of City Planning, as well as the Department of Building and Safety (LADBS) prior to the issuance of building permits. No building permits shall be issued until adequate documentation has been provided by the Applicant to the satisfaction of all relevant City agencies. While it is possible that in the future, State and/or local building codes may require building electrification as a regulatory requirement, that is not the case at this time. Therefore, to

¹ Condition #29. Electrification. The 15-story office tower shall be an all-electric office building excluding the commercial food uses for cooking purposes, as stated in the Applicant's October 14, 2022, letter to Los Angeles City Planning.

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ensure implementation and enforceability of this component of the Project, it is appropriately set forth as a condition of approval as required by the CPC's determination.

Therefore, this condition is indeed enforceable, and the appeal point should be denied.

Appeal Point 2:

The Appellant asserts that the Commission erred in conditioning the Project to include public benches, Site Plan Review Condition of Approval Number 43². The Appellant claims that the benches are not defined, that Exhibit A does not call out the locations, and that the sidewalks are not wide enough for benches per the street standards. Furthermore, if installed, the benches would be an attraction for homeless persons especially along Cole Place.

Response to Appeal Point 2:

The location and number of public benches are subject to the Revocable Permit (R-Permit) process that are issued by the Department of Public Works Bureau of Engineering (BOE) with approval from the Department of Public Works Bureau of Street Services (BSS). In addition, guidelines for public seating are provided within the City's Complete Streets Design Guide Section 4.4, that include benefits, applications, considerations and guidance, and other discussions of public seating.

Specific locations of the benches are not shown on the Exhibit A Plan Set due to the required approvals from BSS. The benches are however shown on the Elevation Drawings of Exhibit A Plan Set.

Therefore, the appeal point should be denied.

Appeal Point 3:

The Appellant asserts that since the Site Plan Review Finding states the Project will be built to LEED Gold certification equivalent design there should be a condition of approval to require a LEED Gold certification equivalent design. Additionally, the Appellant questions who in the City could determine if the Project meets a LEED Gold equivalent design, and that only third-party LEED certified raters are qualified to ensure implementation of a LEED Gold equivalence. Without the LEED Gold certification equivalent design, the Project's public purpose is dubious.

Response to Appeal Point 3:

The Leadership in Energy and Environmental Design (LEED) Gold certification or equivalent is required as a Project Design Feature (PDF) within the Mitigation Monitoring Plan (MMP) of the Project. The MMP was adopted by the lead agency in conjunction with the certification of the Project's Environmental Impact Report (EIR). The EIR was certified by the CPC in conjunction with denying the appeal of the Project's Vesting Tentative Tract Map (VTT-83088-1A) in its determination dated November 3, 2022. The Vesting Tentative Tract Map and certification of the EIR have not been further appealed, and are not before the City Council for its consideration.

² Condition #43. 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.

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The LEED Gold PDF is GHG-PDF-1 and is required to be met as a condition of the Project. Specifically, Condition of Approval #55 of the determination for Case No. CPC-2020-1929-ZC-HD-MCUP-SPP-SPR requires that the MMP be enforced throughout all phases of the Project. The PDF is enforced and monitored by Department of City Planning and LADBS staff during the pre-construction plan check phase in order for the Project to receive construction permits. GHG-PDF-1 requires the Project to meet LEED Gold or equivalent. The term 'equivalent' denotes that while a LEED status certification does not need to be formally obtained from the US Green Building Council, if such certification is not attained, equivalent sustainability features in order to achieve the LEED Gold score must be provided and verified to the satisfaction of relevant City departments, inclusive of City Planning and Building and Safety, prior to the issuance of building permits.

Therefore, the appeal point should be denied.

Appeal Point 4:

The Appellant asserts that compliance with the Hollywood Redevelopment Plan is not administrative and that the Redevelopment Project Area – Hollywood Administrative Review and Referral Form is not consistent with the LAMC or the Hollywood Redevelopment Plan. The Appellant states that Hollywood Redevelopment Plan findings and conditions must be made to allow the floor area ratio (FAR) to exceed 4.5:1. Additionally, another recently approved project located directly north of the Project Site across Sunset Boulevard did file for a Redevelopment Plan Project Compliance (the -RDP suffix) and was required to provide \$150,000 in extra linkage fee as a community benefit in order to exceed the 4.5:1 FAR.

Response to Appeal Point 4:

The Appellant references another project located at 6437-6445 Sunset Boulevard north of the Project Site, case number CPC-2020-5407-VZC-HD-CUB-ZAA-RDP-SPR, that was recommended and approved by the City Planning Commission on October 13, 2022. This project also requested to exceed the 4.5 FAR and incorporated the -RDP suffix as an entitlement and provided \$150,000 in extra linkage fee as a community benefit.

As to the subject Sunset Wilcox Project, the increase in FAR has been appropriately requested via the Zone and Height District Change. Adding the RDP suffix would be duplicative and redundant of the substantive request associated with the Zone and Height District Change in exceeding 4.5 FAR for the Project Site. However, because the Project is located within the Hollywood Redevelopment Plan Area, it is indeed required to make findings as stated in the redevelopment plan. The Sunset Wilcox Project made all relevant findings to the Hollywood Redevelopment Plan as part of the General Plan Consistency Findings for the Zone and Height District Change request.

Pursuant to the Hollywood Redevelopment Plan Section 506.2.3, the City may permit development in excess of 4.5 FAR if the development serves a public purpose objective. Findings were made in the City Planning Commission Letter of Determination to support the development in excess of 4.5 FAR up to 6.0 FAR. The Project is providing a public benefit by committing to be constructed and operated as the first all-electric office building in the greater Los Angeles and one of the largest such structures to be built in the United States. The Project modeled the

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construction and operation electrification on the Los Angeles Department of Building and Safety's (LADBS) report to City Council on September 30, 2022 (Council File No. 22-0151) for the Implementation of Building Decarbonization Strategies in New Buildings to achieve zero-carbon emissions. LADBS recommended that all new non-residential buildings be fully electrified as of April 2023, with the exception of cooking equipment. Though not currently required by the City, the Project is proposed and conditioned to be all electric with the exception of cooking equipment. This will save 6,000,000 cubic feet of gas per year, resulting in reduced NO_x and CO emissions and reducing greenhouse gas emissions by 205 metric tons of CO₂ annually, thus providing a substantial public benefit that is not otherwise required.

Additionally, the Project will provide new streetscape for pedestrians to enjoy such as new and additional street trees and public benches.

The Project is subject to Conditions of Approval that require the Project to be all-electric and to provide street trees and public benches (Condition Numbers 29, 41, 42, and 43, and T Condition number 10). Compliance with these conditions is reviewed and cleared by the Department of City Planning, LADBS and the Department of Public Works Bureau of Street Services (BSS) Urban Forestry Division prior to the issuance of building permits.

Therefore, the Project is serving a public purpose, and the appeal point should be denied.

Appeal Point 5:

Lastly, the Appellant asserts that the Project should be required to file for a Conditional Use as a Unified Development in order to utilize floor area averaging across the entire Project Site pursuant to LAMC 12.24 W.19.

Response to Appeal Point 5:

The Project is a unified development as guaranteed by the Conditions of Approval and the Development Limitations (D Limitations). The Project's entitlement request includes a Height District Change that would provide for a uniform new Height District No. 2 across the whole of the Project Site. The amended D Limitation, as recommended for approval by the CPC, would establish that the floor area over the entire site shall not exceed 6:1 FAR. Additionally, the D Limitation restricts each of the building heights to 275 feet six inches and to 18 feet consistent with Exhibit A. Pursuant to the Conditions of Approval, Condition 3 establishes the FAR be averaged across the entire project site, and Condition 4 requires a covenant with LADBS assuring the development as a unified development. The unified development is consistent with the Zone and Height District Change General Plan Consistency Findings. The Project's approach to FAR is appropriately established via the legislative action in the Zone and Height District Change, and as further guaranteed through the amended D Limitation and conditions of approval, and as a result, the Project is not additionally required to seek a conditional use entitlement as suggested by the Appellant.

Therefore, the appeal point should be denied.

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Conclusion

The appeal addresses specific concerns regarding the adequacy of the entitlement conditions and findings. However, upon careful consideration of the appellants' points, the appellant has failed to adequately disclose how the City erred or abused its discretion. In addition, no substantial evidence has been presented that the City has erred in its actions relative to the EIR and the associated entitlements. Therefore, the appeal should be denied, and the actions of the City Planning Commission should be sustained.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

A handwritten signature in cursive script that reads "James Harris".

James Harris
City Planner

VPB:MZ:WL:JH

c: Craig Bullock, Planning Director, Council District 13