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Bel Air-Beverly Crest Neighborhood Council  
Brentwood Community Council  
Del Rey Neighborhood Council  
Mar Vista Community Council  
Neighborhood Council of Westchester-Playa  
Pacific Palisades Community Council  
North Westwood Neighborhood Council

Palms Neighborhood Council  
South Robertson Neighborhoods Council  
Venice Neighborhood Council  
West LA-Sawtelle Neighborhood Council  
Westside Neighborhood Council  
Westwood Community Council  
Westwood Neighborhood Council

August 14<sup>th</sup>, 2022

Eric Garcetti, Mayor  
Mike Feuer, City Attorney  
Paul Koretz, Councilmember, District 5  
Mike Bonin, Councilmember, District 11

***Re: Adopted WRAC motion regarding developer conflicts***

Dear City officials,

The Westside Regional Alliance of Councils (WRAC) is an alliance of fourteen Neighborhood and Community Councils on the Westside of Angeles, located in CDs 5 and 11 and portions of CDs 4 and 10.

In connection with applications for Adjustments, Los Angeles Municipal Code Sec. 12.28.C.4(a) (Finding #1) requires a Finding that the project design must be "impractical or infeasible" unless the Adjustment is granted.

At an April 7, 2021 hearing before the West LA Area Planning Commission, the Commissioners asked the Planning Dept. to clarify what "impractical or infeasible" project design means.

The City Attorney at the hearing stated that the Findings are "silent" on this issue, and he concluded that considering financial impact on the developer is not prohibited – and thus allowed even though the Code does not explicitly state this. Does this also mean that other financial impacts like campaign contributions can be considered (even if they are reported to the Ethics Commission)?

One Commissioner also stated that extra time and money to redesign plans and re-submit to plancheck is considered "project design." Most development professionals and planners disagree on this. Development and architecture professionals consider "design" to be engineered plans and graphics drafted and printed on paper. "Project design" is different from "project plancheck processing," which is what the Commissioner stated.

Conversely, the City would have specifically included "plancheck process processing" in the list of required Findings in LAMC Sec. 12.28.C.4, if they meant for the financial impact of additional re-design and plancheck processing to be considered, but they chose to exclude it. Considering this exclusion to be the legal standard of "silent" is doubtful and questionable.

It appears that in the context of variance applications, under California law financial impact is only considered if the applicant can clearly show that he/she was deprived of all economic benefit as a result of a unique hardship to the property in question, not because of a self-created hardship (e.g., a claim that the project doesn't "pencil out" for the developer unless the exception is granted).



Westside  
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In light of apparent confusion at the April 7th WLA APC hearing as to whether consideration of financial impact is allowed, the City Attorney should be directed to provide an opinion on whether or not the financial interest of the developer can legally be considered, including what is meant by financial impact, under what circumstances can financial impact be considered, and for what types of entitlement applications.

Therefore, the following position has been adopted by eight member councils and is therefore an official position of WRAC:

*The Westside Regional Alliance of Councils requests that the City Council direct City Attorney Mike Feuer to provide a legal opinion as to whether or not the City Planning Department and commissions have the legal right under State and City laws and ordinances to consider the financial interest of the developer when considering entitlements.*

The language of the above motion has been approved by the following WRAC member Councils: Bel Air-Beverly Crest Neighborhood Council (modified version), Mar Vista Community Council, Palms Neighborhood Council, South Robertson Neighborhoods Council, Venice Neighborhood Council, West LA-Sawtelle Neighborhood Council, Westside Neighborhood Council, and the Westwood Neighborhood Council.

No member Councils have opposed this measure or submitted a minority letter to accompany this position.

Please contact me with any questions regarding the above motion.

Sincerely,

Matt Wersinger, Chair  
Westside Regional Alliance of Councils  
C 310.721.2980