

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part

Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: 5 (b)

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: *[Signature]*

Date: 3/29/2018

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$ 13,538.00</u>	Reviewed & Accepted by (DSC Planner): <u>Rick Torres</u>	Date: <u>3-27-18</u>
Receipt No: <u>0201506159</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

Office: Van Nuys
Applicant Copy
 Application Invoice No: 44929

City of Los Angeles
 Department of City Planning



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.

City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

Applicant: AGOURA OAKS, LLC - BEDNAR, JOE (B:818-9919898)
Representative: KATE BARTOLA & ASSOCIATES - BARTOLO, KATE (B:213-8968906)
Project Address: 916 S HILL ST, 90015

NOTES:

CPC-2014-2590-TDR-SPR-1A			
Item	Fee	%	Charged Fee
Appeal by Applicant-85% of the Application Fee (Enter application fee amount) *	\$20,741.25	100%	\$13,538.00
Case Total			\$13,538.00

Item	Charged Fee
*Fees Subject to Surcharges	\$13,538.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$13,538.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$406.14
City Planning Systems Development Surcharge (6%)	\$812.28
Operating Surcharge (7%)	\$947.66
General Plan Maintenance Surcharge (7%)	\$947.66
Grand Total	\$16,651.74
Total Invoice	\$16,651.74
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$16,651.74

Council District: 14
 Plan Area: Central City
 Processed by TORRES, RICARDO on 03/27/2018

LA Department of Building and Safety
 VN TONI 201126111 3/27/2018 4:27:32 PM

Signature: *Ricardo Torres*

DEV SERV CENTER SURCH-PLANNING \$406.14
 PLAN & LAND USE \$16,245.60

Sub Total: \$16,651.74

Receipt #: 0201506159

LA DBS BS

DEPARTMENT OF BUILDING AND SAFETY) SAFETY



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DEV SERV CENTER SURCH-PLANNING \$406.14
PLAN & LAND USE \$16,245.60

Sub Total: \$16,651.74

Receipt #: 0201506159

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Record the same full and impartial consideration to
vices of anyone to represent you.

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NOTES:
CPC-2014-25
Appeal by App
*Fees Subject
Fees Not Subj
Plan & Land U
Expediting Fe

VAN ACE/ROBERT
Reference No: 21384
EMV Receipt Section
Application Label: CHASE VISA
TC: D545E5E65ED0FF8
TVR: 0080008000
AID: A0000000031010

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	Fee	%	Charged Fee
	\$20,741.25	100%	\$13,538.00
Case Total			\$13,538.00

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	0.00
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	0.00
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Council District: 14
Plan Area: Central City
Processed by TORRES, RICARDO on 03/27/2018

Signature: *Ricardo Jones*

LA Department of Building and Safety
VN TONI 201128111 3/27/2018 4:27:32 PM

DEV SERV CENTER SURCH-PLANNING \$406.14
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KATE BARTOLO & ASSOCIATES

On behalf of the applicant, I am writing to provide the justification/reason for the appeal which details the key point at issue and the basis for which we believe that the decision-maker abused its discretion.

The Los Angeles Planning Commission in total on February 22, 2018 approved the project and the Applicant received the Letter of Determination March 12. The basis for the appeal is to appeal one section of the Letter, specifically, "Parking" section, number 5(b) titled "Electric Vehicle Parking. That section states that the project shall include at least 20% of the total provided parking spaces provide EV chargers within the parking areas.

Appellant seeks to revise one word in that section to substitute the parking standard from "provided" parking to "required" parking for installation of EV chargers. (See Line 2, second word in Section 5 (b).

Applicant instead requests imposition of the same requirement but that it be applied solely to the *required* parking, not all the *provided* parking. Applicant will, however, provide 5% of the provided parking with EV chargers, consistent with the code, and per the Green Ordinance. It just seeks relief from having to provide 20% of all parking with EV chargers.

The basis for the appeal is that it is simply not possible to provide additional parking that is not required by code and comply with the newly required EV higher standard. The size of the EV parking stalls are larger than even standard parking and much larger than compact spaces. All of the added non-code required parking are compact. Therefore, for that reason, applicant will be unable to provide needed additional parking.

To understand the hardship this poses, it is essential to understand the following facts: The project replaces an existing 167 space parking lot. Applicant wishes to add 68 spaces for future residents at the nearby historic building, at 939 S. Broadway. That building is under-construction to convert the structure to 151 live-work residential loft condo units and retail stores under the Adaptive Reuse Ordinance. The 939 Building has zero parking on site. The ownership of the 939 Building and the new 920 S. Hill project are the same. In fact, the parking lot was acquired by the Applicant with new development plans in part to be able to accommodate the added over code parking for the nearby 939 Broadway ARO building.

Therefore, the provision of the extra 68 spaces is essential to the ability of the owners of the 939 Broadway building to sell the units as condos. While Downtown residents are increasingly reducing car usage, it is not possible for most people to completely give up their car.

Overall, the required parking for the new high rise, the subject project has been kept to a minimum: Required parking for the 239 units is 227 spaces, representing just .94% per unit.

The project is not now capable of re-design to provide additional parking. The site is unusually small for a high-rise project, totaling approximately 23,000 square feet.

The substantial change required by Planning Commission occurred a full 3.7 years after the project was designed and original submitted.

Non-code required parking is explicitly allowed under the Downtown Design Guidelines, Section 7. -This project's non-code required parking is wholly consistent with Downtown Design Guidelines, #7: *"No more than the minimum required parking may be provided unless* provided for adjacent buildings that lack adequate parking. (*emphasis added)*

It provides that if over code parking is needed for nearby buildings which have little or no parking, such added parking can be provided. During the entire lengthy review process, Applicant was told it just needed to comply with the Green Ordinance code, i.e. provide 5% of the parking spaces for EV chargers.

Reductions in or elimination of non-code required parking may mean that existing residents of nearby buildings who now rely on the existing parking lot, will need to give up their car, change jobs (if their job is not in downtown) or move to a new apartment —at a potentially higher rent.

This project's added parking is consistent with the City's Adaptive Reuse Ordinance (ARO).

The non-code required parking count that the applicant has set aside for nearby ARO building resident's use, mirrors the current parking lot count; when based on the higher attendant parking count, coupled with 37 spaces now set aside for guest parking.

The architect cannot just eliminate a parking level. This is based on how the parking stalls are organized on each level. Therefore, if CPC bans or modifies non-code required parking, the spaces will still need to be built out inside the building footprint. So, while incurring the high cost of parking (hard-soft cost construction estimates are \$50,000 per space), the spaces would be built but remain empty and un-used.

3) EV PARKING:

The applicant is offering well beyond the Green Ordinance standards of 5% EV parking infrastructure. The applicant is offering 20 % of the code-required parking to be EV, fully installed. Respectfully, it is not possible to similarly provide EV parking spaces for the non-code

required parking for this reason: EV parking spaces are larger than even standard spaces. The applicant's ability to offer non-code required parking is solely possible by creating a tandem space for the building residents and compact spaces for the residents of nearby ARO buildings. For that reason, and however worthy the goal, it is simply not possible to convert rear tandem and compact spaces into the larger EV space.