



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission
- City Planning Commission
- City Council
- Director of Planning

Regarding Case Number: CPC-2014-2906-TDR-SPR

Project Address: 601 S. Main, 601-641 S. Main, 108-114 W. 6th Street

Final Date to Appeal: 6/21/2018

- Type of Appeal:
- Appeal by Applicant/Owner
 - Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
 - Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Sixth and Main, LLC

Company: SB Lofts

Mailing Address: 600 S. Spring Street

City: Los Angeles State: CA Zip: 90014

Telephone: (213) 891-1954 E-mail: yaniv@sblofts.com

• Is the appeal being filed on your behalf or on behalf of another party, organization or company?

- Self
- Other: _____

• Is the appeal being filed to support the original applicant's position? Yes No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Kate Bartolo

Company: Kate Bartolo & Associates

Mailing Address: 645 W. 9th Street, Suite 110

City: Los Angeles State: CA Zip: 90015

Telephone: (213) 896-8906 E-mail: Kate@katebartolo.com

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TDR-SPR-1A**

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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: Condition 7 (d)

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: Bary CM

Date: 6/11/18

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>Steven Wechsler</u>	Date: <u>6-14-18</u>
Receipt No: <u>0203531372</u>	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input checked="" type="checkbox"/> Original receipt and BTC receipt (if original applicant)

KATE BARTOLO & ASSOCIATES

Appeal Justification of 601 S. Main, CPC-2014-3906-TDR-SPR

Prepared by Kate Bartolo, Kate Bartolo & Associates, Representative for the applicant/appellant

On behalf of the appellant of the afore-referenced project, I am writing to provide the justification for the appeal which details the basis for which we believe that the appellant has been aggrieved and the decision-maker abused its discretion.

In connection with the Los Angeles Planning Commission's final approval of the afore-referenced project on May 10, 2016, Appellant is respectfully appealing a portion of the June 6, 2018-issued Letter of Determination. The basis for the appeal is that the Planning Commission (CPC) imposed a Condition (Condition 7 (d) relating to Electric Vehicle Parking which materially impedes and aggrieves the Appellant's ability to provide crucial replacement parking for the project, which site is presently improved with a surface parking lot.

Briefly, the Condition imposed a 20% requirement that all parking have EV parking infrastructure. The Green Ordinance which regulates electric vehicle parking imposes only a 5% EV standard. The entire basis for the appeal is that, the size and dimensions required by the City for an EV parking space are larger than a standard parking stall. By contrast, all the over-code parking provided in the project are (materially smaller) compact stalls. The necessity of re-drawing the code provided parking to reflect the larger EV parking dimensions would therefore sharply reduce the amount of parking the Appellant needs to provide for its adjacent ARO building residents.

Appeal Background: the appellant, who purchased the property approximately ten years ago, did so with the specific intention of providing parking to the residents of four nearby adaptive reuse (ARO) historic buildings. Of those four buildings, there are a total of 804 units, but only 26 on-site parking spaces. Therefore, when the Appellant commenced plans in 2013 for re-development of the parking lot into a 38-story mixed use high rise project, he incorporated 314 parking spaces of over-code parking into the project.

The appellant had the express right to provide such over-code parking; consistent with code standard set forth in the Downtown Neighborhood Guidelines, Section 7. It provides that, "*No more than the minimum required parking may be provided unless* provided for adjacent buildings that lack adequate parking. (*emphasis added).*" In addition, and at the request of the Planning Staff, the appellant further provided a detailed report justifying the addition of over-code parking. At no time did staff discuss with the Appellant that the imposition of the Electric Vehicle Parking Condition (which imposed a 20% standard on all provided parking) would

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increase beyond the applicable Green Ordinance's existing 5% EV requirement. Prior to the CPC's final hearing, the project has been under Planning Dept. review since mid-2014.

Despite Appellant's advising the CPC that this standard was extremely problematic, the CPC nonetheless imposed the higher 20% standard on all provided parking (code-required and non-code required). Appellant additionally agreed to further reduce the added parking by 37 spaces, after a CPC Commissioner expressed a strong desire for the project to add guest parking for the new residential.

The need for parking in the Historic Core District of downtown has become urgent and palpable. A quick survey of the existing surface lots in the district reveals that nearly all the lots are in various stages of re-development. Few are offering replacement parking. This, coupled with the fact that the vast preponderance of buildings in the Historic Core were originally built without parking, means that residents will either need to move to a new apartment with a potentially higher rent or eliminate a car. The MTA's plans to provide sufficient mass transit to downtown to enable a car-free environment have been only partly realized and remain aspirational. Further, informal surveys by some of the larger Historic Core landlords reveals that, while Historic Core residents are willing to eliminate one car in a two-person household, they are often unable to eliminate all car usage.

In an effort to comply with the CPC Condition 7 (d), the appellant is willing to provide the higher (20%) standard for the *required* parking. The appellant is also willing to try to meet the 20% EV parking standard for the *non-code* required parking if, the EV charging station can be accommodated in a compact parking space; and with the proviso that it does not then generate *additional entitlement or permitting review*. The project architect believes that, with EV charging station's new, more streamlined design, it may well be possible to use a compact parking space for EV use. However, as of this writing, the EV (larger) parking specifications as implemented by Los Angeles Dept. of Building Safety, remain in full force and effect.

Should the appeal be granted, the appellant has taken the liberty of delineating its recommended revisions requested to the afore-referenced Condition 7 (d), as follows:

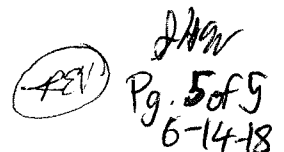
Condition 7. Parking (as amended)

7 d: Electric Vehicle Parking The project shall include at least twenty (20%) of the total ~~provided~~ **required** parking spaces provided for all types of parking facilities, but in no case less than one location, shall be capable of supporting electric vehicle supply equipment (EVSE) and installed with EV chargers to immediately accommodate electric vehicles within the parking areas. ***If it is determined to the satisfaction of the applicant and LADBS, that it is practically feasible to***

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install and utilize an EV station in the project's non-code provided compact stalls; and assuming no additional entitlements are required, the project may also provide the below referenced EV infrastructure in 20% of the provided parking. Plans shall indicated the type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designed EV charging locations at their full rated amperage, Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity, When the application of the 20% results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

Please Note: Strike out indicates a revision to the existing Condition
Bolded and italicized language contains the recommended new provisions to the Condition.

Handwritten signature "JAW" and date "Pg. 5 of 5 6-14-18". There is a circled mark next to the signature.