



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: APCNV-2017-4684-VZC-BL-WDI

Project Address: 8317 Etiwanda Avenue, Northridge, CA 91325

Final Date to Appeal: _____

- 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): Daniel Kashani

Company: TriStar Realty Group, LLC

Mailing Address: 17027 Ventura Blvd., 2nd Floor

City: Tarzana State: CA Zip: 91316

Telephone: 818-748-4800 E-mail: danny@tristargroup.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): Dave Rand / Alix Wisner

Company: Armbruster Goldsmith & Delvac LLP

Mailing Address: 12100 Wilshire Boulevard, Suite 1600

City: Los Angeles State: CA Zip: 90025

Telephone: (310) 209-8800 E-mail: dave@agd-landuse.com / alix@agd-landuse.com

*6 pages for the Appeal Application
Including Notary & Justifications
X [Signature]*

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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

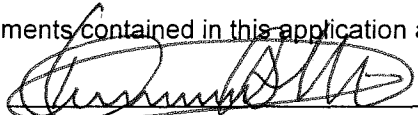
If Yes, list the condition number(s) here: Temporary Classification (T)1

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:  Date: 4/26/19

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>Hermingildo L. Agustin</u>	Date: <u>5/2/2019</u>
Receipt No: <u>0202628173</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified	<input checked="" type="checkbox"/> Original receipt and BTC receipt (if original applicant)	

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

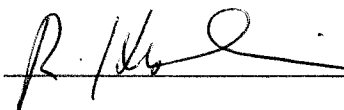
State of California
County of Los Angeles)

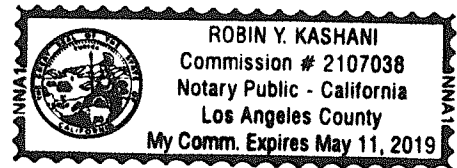
On April 26, 2019 before me, Robin Y. Kashani, Notary Public
(insert name and title of the officer)

personally appeared Daniel Kashani
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



Attachment to Form CP-7769: Appeal Application
8317 Etiwanda Avenue
Case No. APCNV-2017-4684-VZC-BL-WDI

Background

TriStar Reality Group, LLC (the “Applicant”) has submitted an application to develop a new commercial medical office/clinic project on an approximately 25,924 square foot site located at 8317 Etiwanda Avenue (the “Project Site”).¹ The Project includes a 9,402 square foot medical building and associated surface parking and accessory structures (the “Project”). The Project Site is zoned RS-IVL with a General Plan Land Use Designation of Neighborhood Commercial. In order to construct the Project, the Applicant has requested a Vesting Zone Change from RS-IVL to C2-IVL, a Building Line Removal, and a Waiver of Dedications and/or Improvements.

At its meeting on March 21, 2019, the North Valley Area Planning Commission (NVAPC) disapproved, pursuant to LAMC Section 12.37.I, a Waiver of Street Dedication and Improvement (WDI) to allow relief from the required five-foot dedication required under the Mobility Plan 2035 Boulevard II street designation along Roscoe Boulevard and the three-foot dedication required under the Mobility Plan 2035 Collector street designation along Etiwanda Avenue. The Applicant’s appeal is to request that the Planning and Land Use Management Committee (PLUM) and City Council reverse the decision of the NVAPC on the WDI and grant the Applicant’s request to waive the otherwise required dedication and sidewalk widening and to remove (T) Tentative Classification I.a and I.b.

Pursuant to LAMC Section 12.37.I, the decision-maker may waive, reduce, or modify the required dedication or improvement as appropriate after making any of the following findings, in writing, based on substantial evidence in the record.

1. The dedication or improvement requirement does not bear a reasonable relationship to any project impact;
2. The dedication or improvement is not necessary to meet the City’s mobility needs for the next 20 years, based on guidelines the Streets Standards Committee has established; or
3. The dedication or improvement requirement is physically impractical.

As described in the application submitted to the Planning Department, the Applicant has provided substantial support for the WDI request.

Summary

- Etiwanda Avenue
 - The existing half right-of-way is 30 feet with an approximately 13-foot sidewalk.

¹ Assessor Parcel Numbers 2786-015-008 and 2786-015-016.

- To meet minimum street standards for Collector Street (33-foot half roadway), BOE has requested a three-foot dedication with sidewalk improvement. No street widening is required.
- Roscoe Boulevard
 - The existing half right-of-way is 50 feet with an approximately 13-foot sidewalk.
 - To meet minimum street standards for Boulevard II (55-foot half roadway), BOE has requested a five-foot dedication with sidewalk improvement. No street widening is required.
- The Applicant has requested Waivers of Dedication and Improvement (WDI) for the reasons outlined below.

Justification

LAMC Section 12.37.I provides that the City decision-maker may grant a WDI if he or she can make one of three possible findings.

- The dedication or improvement requirement does not bear a reasonable relationship to any project impact.
 - The Project does not include any driveways along Roscoe Boulevard that would result in pedestrian/vehicle conflicts that might otherwise require widened sidewalks. The Project would enhance the pedestrian experience on Roscoe Boulevard and Etiwanda Avenue by improving current conditions with repaired and replaced sidewalks and Division of Street Services required landscape improvements. In addition, the Project includes the required five-foot landscaped setback pursuant to LAMC Section 12.22.A.23 for Commercial Corner developments along all street frontages.
 - The Project has been determined to have no significant impacts in the Project's Mitigated Negative Declaration (ENV-2017-4685-MND). Therefore, the dedication bears no reasonable relationship to any Project impacts.
- The additional dedication is not necessary to meet the City's mobility needs for the next 20 years.
 - BOE has not requested any roadway widening improvements in connection with the dedication requests; therefore, the dedication does not provide for street widening and would not improve vehicular circulation in the area.
 - For several blocks east and west of the Project Site, the existing sidewalks have a width of 13 feet.
 - The sidewalk adjacent to Project Site is already at 13 feet and is consistent with the existing sidewalks in the area. In addition, the Project includes a five-foot landscaped setback in order to meet the Commercial Corner Standards in LAMC Section 12.22.A.23.
 - The predominant zoning for the properties surrounding the Project Site (with the exception of the medical office building on the east side of Etiwanda Avenue) is RS. The redevelopment of properties in the RS zone, which is more restrictive

than the R3 zone, would not be subject to dedications or improvements permitted to be requested by the City under LAMC Section 12.37.I. As such, these properties will not be improved to meet the Mobility Plan 2035 street standards for the foreseeable future.

- The property to the south across Roscoe Boulevard is improved with the Northridge Hospital Medical Center which is a major medical facility serving the West San Fernando Valley and is not likely to be removed or replaced in the foreseeable future. Therefore, Roscoe Boulevard will not be improved to meet the full Mobility Plan 2035 standards.
- The Project Site itself is currently zoned RS and it is only as a function of the Zone Change request to allow the Medical Office use, which is consistent with existing uses in the area, that the Project Site becomes subject to any dedication or improvement requirements.
- The dedication requirement is physically impractical.
 - The Project Site is a vacant lot surrounded by existing improved properties; the majority of which are single-family homes on lots zoned RS, which, as noted above, is more restrictive than the R3 zone and would not be subject to any dedication or improvement requirements under LAMC Section 12.37.I.
 - The property to the south across Roscoe Boulevard is improved with the Northridge Hospital Medical Center which is a major medical facility serving the West San Fernando Valley and is not likely to be removed or replaced in the foreseeable future. Therefore, Roscoe Boulevard will not be improved to meet the full Mobility Plan 2035 standard.
 - The immediately adjacent property to the west, with an address of 8302 Rathburn Avenue, has its side yard along Roscoe Boulevard with a block wall right on the property line.
 - The Project includes a five-foot landscaped setback in order to meet the Commercial Corner Standards in LAMC Section 12.22.A.23; therefore, requiring an additional dedication of three or five feet would further reduce the lot area and set the building further back from the existing buildings, disrupting the continuity of the appearance of the street wall on Roscoe Boulevard.

Conclusion

As described above, all the required findings can be made; therefore, the CPC erred and abused its discretion by denying the request for the WDI. We respectfully request that the PLUM Committee approve the Appeal and allow the Project to proceed as originally proposed