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May 11, 2022

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

Attention: PLUM Committee

Dear Honorable Members:

RECOMMENDED CONDITIONS OF APPROVAL AND FINDINGS FOR ASSUMPTION OF JURISDICTION FOR CASE NO. ZA-2019-5552-ZV-1A, FOR A PROPERTY LOCATED AT 9760 WEST PICO BOULEVARD; CF 22-0505

On September 18, 2019, Yeshiva University Los Angeles (YULA) Boys School (applicant) submitted their application for various Zone Variances pursuant to Charter Section 562 and Los Angeles Municipal Code (LAMC) Section 12.27 associated with the installation of 14 signs for the on-site signage program on the buildings and other structures on its 1.36-acre campus. No off-site signage was proposed. The LAMC restricts the amount of sign area permitted in the residential and commercial zones and restricts the placement of some signs. A total of fourteen on-site signs were being proposed, with two located in the commercially zoned portion of the site and allowed by-right. Twelve of the remaining signs were located in the residentially zoned portion of the site and they were not allowed by-right, as proposed and designed as their total sign area exceeded the maximum allowable surface areas for walls and monuments, and the placement of some did not comply with wall projection or awning regulations.

On May 29, 2020, the Zoning Administrator denied the applicant's request for the Zone Variance and the applicant subsequently appealed the Zoning Administrator's decision.

On September 16, 2020, the appeal of the Zoning Administrator's decision was heard by the West Los Angeles Area Planning Commission (APC). The appellant body considered changes submitted by the applicant for the proposed sign program and also questioned the accuracy of the residential/commercial zone boundary line along a portion of the subject property. It was determined that additional information was made available to the APC which was not made available to the Zoning Administrator at the time of its decision. The APC voted to remand the matter back to the Zoning Administrator to conduct another hearing to consider the information provided to the APC. The revisions made prior to the APC hearing included a reduction in the number of signs from 14 to 12 (two removed from the program) and a relocation of some signs.

On May 6, 2021, the Zoning Administrator conducted a public hearing on the remanded zone variances for the revised YULA sign program with the additional information, as instructed by the APC. The revised project is for the installation of twelve (12) new on-site signs at the existing YULA High School, on a site zoned for commercial and residential uses; nine (9) of the proposed new signs are not allowed by-right as proposed and designed and would require a variance. Six (6) of the proposed signs are in the commercially zoned portion of the site; three (3) of the proposed signs in the commercially zoned portion of the site are allowed by-right and three (3) of the signs in the commercially zoned portion of the site (Signs ST-23, ST-24, and ST-31) are not allowed by-right as proposed and designed as they exceed the allowable maximum sign areas for monument signs, wall projections, and/or maximum awning or canopy placement. The six (6) proposed signs in the residentially zoned portion of the site are not allowed by-right as proposed and designed as they exceed the allowable maximum sign areas, wall projections, and/or maximum awning or canopy placement. Five (5) of the six (6) signs on the residentially zoned portion of the lot are internal to the campus and not visible from the public right-of-way (ST-02b, ST-04, ST-05, ST-06, and ST-11b). One (1) of the six (6) signs on the residentially zoned portion of the lot are visible from the public right-of-way (Sign ST-02a). Sign ST-02a is proposed to face east and be placed above the primary entrance to the campus from Castello Avenue. The proposed total combined sign area for the six (6) signs proposed within the residentially zoned portion of the lot is 108.96 square feet. On January 26, 2022, the Zoning Administrator denied the applicant's request for the zone variances and the applicant subsequently appealed the Zoning Administrator's decision.

On April 13, 2022, the appeal of the Zoning Administrator's remanded decision was heard by the APC. The appellant body considered the matter and voted to deny the requested zone variances. The Letter of Determination was issued on April 28, 2022.

On May 4, 2022, our office, Council District 5, introduced a motion via Rule 16 pursuant to Charter Section 245 to assert jurisdiction over this matter. On May 11, 2022, the City Council adopted the motion and referred the matter to the Planning and Land Use Management Committee for further review, expected to be scheduled for May 17, 2022.

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This communication includes our office's suggested Conditions of Approval and Findings for the project. These Findings are in addition to any Findings submitted by the applicant in support of their project.

Sincerely,

A handwritten signature in black ink that reads "Paul Koretz". The signature is written in a cursive, slightly slanted style.

PAUL KORETZ

Councilmember, Fifth District

Conditions of Approval

1. All other use, height, and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs, or assigns. The agreement with the conditions attached must be submitted to the Development Services Center or the Condition Compliance Unit for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center or Condition Compliance Unit for inclusion in the case file.
7. Approved herein is the installation, use, and maintenance of:
 - a. Twelve (12) on-site wall signs totaling 487.24 square feet of surface area in the R1 zone in lieu of the maximum 30 square feet of surface area, and six (6) signs in the R1 Zone that individually exceed the maximum 20 square feet of surface area pursuant LAMC Section 12.21-A.7(h),
 - b. Four (4) wall signs that project more than 24 inches from the face of the building, pursuant to LAMC Section 14.4.10-D.2,
 - c. Four (4) signs to be placed on an "awning" (canopy) that is not on the valence as prohibited pursuant to LAMC Section 14.4.19, and
 - d. Three (3) monument signs totaling 275 square feet in lieu of the maximum area of 75 square feet pursuant to LAMC Section 14.4.8-A.
8. Indemnification and Reimbursement of Litigation Costs. The applicant shall do all of the following:
 - a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
 - b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

- c. Submit an initial deposit for the City's litigation costs to the City within 10 days notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from the responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from the responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state, or local law.

Nothing in the definitions included in this paragraph is intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.

Findings

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and LAMC Section 12.27 must be made in the affirmative. Following is a delineation of the findings and the application of the relevant facts of the case to the same.

- 1. That the strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The subject property is located in the West Los Angeles Community Plan area with Neighborhood Commercial and Low Residential land use designations. The subject property consists of one rectangular-shaped lot located at the southwest corner of the intersection of Pico Boulevard and Castello Avenue. The subject property has an approximately 153-foot frontage along Pico Boulevard and an approximate depth of 317 feet along Castello Avenue, for an area of approximately 59,300 square feet. The dual zone site is C4-1VL-O from the Pico Boulevard property line extending south for approximately 121 feet; the remaining portion of the site's depth is 193 feet and is zoned R1V2-O.

The approximately 59,300 square-foot site was most recently renovated pursuant to Case No. CPC-2009-1049-VCU-ZV-PAD which authorized the expansion of the institutional campus to include: (a) YULA; (b) the adult-education Jewish Studies Institute of Yeshiva of Los Angeles; (c) the adult-education Yeshiva of Los Angeles University; and (d) the Yeshiva of Los Angeles synagogue.

The proposed project is for the installation of twelve new on-site signs, on a site zoned for commercial and residential uses; nine of the proposed new signs are not allowed by-right as proposed and designed and would require a zone variance. Six (6) of the proposed signs are in the commercially zoned portion of the site; three (3) of the proposed signs in the commercially zoned portion of the site are allowed by-right and three (3) of the signs in the commercially zoned portion of the site (Signs ST-23, ST-24, and ST-31) are not allowed by-right as proposed and designed as they exceed the allowable maximum sign areas for monument signs, wall projections, and/or maximum awning or canopy placement. The six (6) proposed signs in the residentially zoned portion of the site are not allowed by-right as proposed and designed as they exceed the allowable maximum sign areas, wall projections, and/or maximum awning or canopy placement. Five (5) of the six (6) signs on the residentially zoned portion of the lot are internal to the campus and not visible from the public right-of-way (ST-02b, ST-04, ST-05, ST-06, and ST-11b). One (1) of the six (6) signs on the residentially zoned portion of the lot is visible from the public right-of-way (Sign ST-02a). Sign ST-02a is proposed to face east and be placed above the primary entrance to the campus from Castello Avenue. The proposed total combined sign area for the six (6) signs proposed within the residentially zoned portion of the lot is 108.96 square feet. The signage is illustrated in the plans contained in the case file. The signage will consist solely of signs and images pertaining to the permitted school use and will be constructed with high-quality brushed stainless steel sign letters and images and will not illuminate.

Given the various uses, buildings, and institutions on the already-built campus, and the split zoning on the lot, the strict application of the zoning ordinance would result in practical difficulties inconsistent with the general purpose and intent of the zoning regulations, as described below. In order for YULA students, teachers, staff, and visitors to properly identify the buildings on the YULA Campus, identification signs are required. Additionally, identification of the YULA Campus' buildings is necessary for emergency personnel, such as emergency medical technicians, firefighters, and security or police officers to quickly identify the buildings during emergencies. As a school, there are particular necessities for having the name of the school above the entrance to the school and the name of particular buildings above the entrances to said buildings for security purposes. The awnings and other architectural features of the buildings are now existing; logical sign placement is along the edge of such awnings to ensure visibility. It would create practical difficulties to require the applicant to demolish twelve inches of each awning so that signs placed on such awnings project only 24 inches from the building rather than 36 inches. It would create practical difficulties for the applicant to demolish and rearrange previously permitted and built buildings to place the building entrances on the C4 zoned portion of the lot rather than the R1 zoned portion of the lot to allow the use of different sign regulations. The school's student entrance was built along the side street, in the R1 zoned portion of the lot, and not Pico Boulevard to separate students from the fast and dangerous traffic along Pico Boulevard to

increase safety; it would create practical difficulties and potentially dangerous loading and unloading practices if the school's entrance was moved from the R1 zoned portion of the lot along the side street to Pico Boulevard in order for the school to construct the sign over their entrance. The restrictions in the LAMC sign regulations would result in practical difficulties by not allowing the school to have adequate directional and information signage to address the operational demands of a busy campus.

The provisions of the Zoning Code, with respect to signage, are intended to promote orderly signs, discourage clutter or the proliferation of overly obtrusive signs, and limit the potential impacts of retail signage on traditional residential neighborhoods; however, such regulations are general and do not take into consideration the character of each distinct neighborhood and each distinct use. In this case, in particular, the degree to which YULA is integrated into the surrounding community is of substantial importance, as well as the number of buildings on the campus, and the unique street frontage arrangements. The proposed sign program, while necessitating zone variance requests, would help to create an orderly sign program on the school while meeting the operational needs of a duly permitted campus in a split R1 and C4 zone. Importantly, the lot's split zoning was last affirmed during the 1997 adoption of the West Los Angeles Community Plan -- well before the site's 2009 conditional use permit authorizing the current mix of uses -- therefore it is unclear if the intent of the split zoning accurately reflects the needs and desires of the community today, in 2022. Nonetheless, the proposed signs will not adversely affect surrounding residential uses. While the proposed signs do not conform to the strict application of the zoning ordinance, the proposed signs are consistent with the spirit and intent of the zoning regulations by providing a comprehensive and cohesive sign package. In view of the foregoing, strict application of the sign regulations would result in practical difficulties that would preclude a creative design that fits in with the institutional character of the area.

2. That there are special circumstances applicable to the subject property such as size, topography, location, or surroundings that do not apply generally to other property in the same zone and vicinity.

The subject property is located in the West Los Angeles Community Plan area with Neighborhood Commercial and Low Residential land use designations. The subject property consists of one rectangular-shaped lot located at the southwest corner of the intersection of Pico Boulevard and Castello Avenue. The subject property has an approximately 153-foot frontage along Pico Boulevard and an approximate depth of 317 feet along Castello Avenue, for a lot area of approximately 59,300 square feet. The dual zone site is C4-1VL-O from the Pico Boulevard property line extending south for approximately 121 feet; the remaining portion of the site's depth is 193 feet and is zoned R1V2-O.

The size of the subject lot is substantially larger than the surrounding lots. The subject lot is approximately 59,300 square feet, this is an order of magnitude larger than the adjacent commercial lots along Pico Boulevard, which roughly average 6,000 square feet, and the adjacent residential lots which roughly average 7,000 square feet. While some adjacent residential and commercial lots have been acquired by the same owners over time, this lot stands out for its large size as an individual lot amongst both C4 and R1 zoned lots.

The neighborhood has a slight slope and, as discussed in the previous paragraph, the subject site's large size combines with this slight slope to result in a larger than average elevation differential between various portions of the subject site, creating unique topographical challenges associated with the site and not the surrounding lots.

The site is located at the intersection of a vibrant commercial corridor, with Citywide prominence, and a quiet, single-family residential neighborhood. The site is adjacent to the venerable Museum of Tolerance. The school's student entrance was built along the side street, in the R1 zoned portion of the lot, and not in the C4 zoned portion of the site along Pico Boulevard to separate students from the fast and dangerous traffic along Pico Boulevard to increase safety. While most other sites in the same vicinity can more clearly identify as part of the commercial corridor or the single-family residential neighborhood, this particular site, due to its size, unique split zoning, and main entrance location, must balance a special position and must function in both contexts due to its location.

These unique site features contribute to the unique arrangement of buildings on the site and the request for a zone variance to property identify and provide wayfinding between those buildings. Therefore, in view of the foregoing, there are special circumstances applicable to the subject property such as size, topography, location, or surroundings that do not apply generally to other property in the same zone and vicinity.

- 3. That the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.**

There are few other properties in the vicinity with a similar split zone situation between R1 and C4. The adjacent property to the west is not split zoned, but multiple lots with different zoning have been acquired by a single owner. This appears to be the only other example in the vicinity with somewhat similar zoning. The adjacent property is occupied by a museum in a single building. The subject site contains a school with multiple buildings. Adjacent commercial buildings consist only of one building or one storefront and do not require the same number of directional and information signs to function properly. Other schools in the City have the ability to provide adequate directional and information signage to address the operational demands of a busy campus. Denial of the zone variance would deny the property the right of clear directional and informational signage, a right that is generally possessed by other properties in the vicinity, as there are few other properties with similar zoning. The right to identification, informational, and directional signage is a right that has been affirmed to other school campuses via zone variances throughout the city. As previously described, there are special circumstances and practical difficulties associated with the subject property and project. Thus, the granting of the variance is necessary for the preservation and enjoyment of a substantial property right generally possessed by other property in the same zone and vicinity.

- 4. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

Six (6) of the proposed signs are in the commercially zoned portion of the site; three (3) of the proposed signs in the commercially zoned portion of the site are allowed by-right and three (3) of the signs in the commercially zoned portion of the site (Signs ST-23, ST-24, and ST-31) are not allowed by-right as proposed and designed as they exceed the allowable maximum sign areas for monument signs, wall projections, and/or maximum awning or canopy placement. Five (5) of the six (6) signs on the residentially zoned portion of the lot are internal to the campus and not visible from the public right-of-way (ST-02b, ST-04, ST-05, ST-06, and ST-11b). One (1) of the six (6) signs on the residentially zoned portion of the lot is visible from the public right-of-way (Sign ST-02a). Sign ST-02a is proposed to face east and be placed above the primary entrance to the campus from Castello Avenue.

Overall, the proposed sign program will provide a unique identity for the YULA campus as well as vital directions and information to students, faculty, campus visitors, and emergency personnel. The signs on the commercially zoned portion of the lot that require zone variances are integrated into the architecture of the existing buildings and serve vital identification functions to help facilitate the school's operations. The zone variance requests are related to relatively minor technical deviations and are not related to visual deviations that would be noticeable to the common observer along Pico Boulevard. The signs on the residentially zoned portion of the lot are mostly not visible from the public right of way, the only sign that will be visible from the street is the sign with the name of the school placed over the entrance to the school, this sign will serve a vital role in identifying the main entrance onto the school's campus. Signs that are not visible by the public cannot be materially detrimental to the public. All of the proposed signs are not illuminated, they are not billboards, and they are not moving mechanical displays. The proposed signage is proportionate, compatible, and complementary with the existing buildings on the campus. Additionally, it is anticipated that the signage will contribute to the ongoing success of the school, which in turn will be beneficial to the local community by providing needed educational services. The installation of signs is not tied to an intensification of the use of the site; instead, the installation of signs will help with the orderly operation of the site. Generally, the installation of on-site directional and informational signs does not negatively impact the public welfare and is not injurious to the property or improvements in the vicinity (there are few similarly zoned sites) and, in this instance, there is no evidence of potential impacts to public welfare or surrounding improvements. Therefore, the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.

5. That the granting of the variance will not adversely affect any element of the General Plan.

The General Plan sets forth goals, objectives, and programs that serve as the foundation for all land use decisions. The City of Los Angeles' General Plan consists of the Framework Element, seven State-mandated Elements, including Land Use, Mobility, Housing, Conservation, Noise, Safety, Open Space, and optional Elements including Plan for a Healthy Los Angeles, Air Quality and Service Systems. The Land Use Element comprises 35 Community Plans that establish parameters for land use decisions within those subareas of the City. The subject property is located within the West Los Angeles Community Plan and is designated for Neighborhood Commercial and Low Residential land uses that reflect its split zoning. The site is not located within a Specific Plan, design overlay, or sign district that could contain specific sign regulations. The General Plan and Community Plan do not expressly contain design policies, guidelines, or recommendations regarding signage on a site-specific basis.

The signage requested is for a recently approved school use that is integrated into the community. The signage will help the school campus with orderly function by providing directions and information. Since there are no relevant elements of the General Plan, this finding can be made in the affirmative and the granting of the variance will not adversely affect any element of the General Plan.

ADDITIONAL MANDATORY FINDINGS

6. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, outside of flood zone areas.

7. Based on the whole of the administrative record, the project is exempt from the CEQA pursuant to CEQA Guidelines Section 15311 (Accessory Structures, Class 11), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.