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January 26, 2022

Yeshiva University Los Angeles
Boys School (A) (O)
6222 West Wilshire Boulevard
Los Angeles, CA 90048

John M. Bowman, Esq. (R)
Elkins Kalt Weintraub Reuben Gartside
LLP
10345 West Olympic Boulevard
Los Angeles, CA 90064

CASE NO. ZA-2019-5552-ZV(Remand)
Zone Variance
9760 West Pico Boulevard
West Los Angeles Community Plan Area
Zone: C4-1VL-O; R1V2-O
D. M.: 129B165
C. D.: 5
CEQA: ENV-2019-5553-CE
Legal Description: Lots 1 & 3, Tract
66414

Pursuant to California Environmental Quality Act (CEQA), I hereby DETERMINE:

that based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, 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 State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies; and,

Pursuant to Los Angeles City Charter Section 562 and Los Angeles Municipal Code (LAMC) Section 12.27, I hereby DENY a Zone Variance to allow:

- a) ~~Fourteen (14)~~ Twelve (12) on-site wall signs totaling ~~504~~ 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) ~~Five (5)~~ 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, and
- c) ~~Five (5)~~ Four (4) signs to be placed on an "awning" (canopy) that is not on the valence as prohibited pursuant LAMC Section 14.4.19, and

- b) ~~Five (5)~~ 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, and
- c) ~~Five (5)~~ Four (4) signs to be placed on an “awning” (canopy) that is not on the valence as prohibited pursuant 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.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on May 6, 2021, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a Zone Variance pursuant to Section 12.27 of the Municipal Code have NOT been established for the proposed project by the following facts:

BACKGROUND

The subject property is located in the West Los Angeles Community Plan area with a Neighborhood Commercial land use designation and a Low Residential land use designation. In addition to the property having split land use designations, it is split zoned C4-1VL-O and R1V2-O. The C4-1VL-O Zone extends from Pico Boulevard south to a depth of approximately 121 feet, while the R1V2-O Zone applies to the balance of the lot depth. The subject property is within the West Los Angeles Transportation and Mitigation Specific Plan. The West Los Angeles Community Plan was last updated July 27, 1999; a community plan update is actively underway.

Surrounding properties are generally characterized by level topography, improved streets, and developed with a variety of neighborhood serving institutional, commercial, retail, office, and residential uses. The property directly to the west has split land designations and split zoning C4-1VL-O and R1V2-O and is improved with the Museum of Tolerance. Properties to the north across Pico Boulevard are zoned C4-1VL-O and developed with a medical office building, a market, and a multi-family residential building. Properties located to the east across Castello Avenue are developed with office uses on lots zoned C4-1VL-O and single-family residential uses on lots zoned R1V2-O. The property directly adjacent to the south is zoned R1V2-O and improved with a single-family residence.

Pico Boulevard, adjoining the subject property to the north, is an Avenue I, with a designated right of way width of 100 feet and dedicated to a roadway width of 70 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Castello Avenue, adjoining the property to the east, is an Avenue Local Street-Standard, dedicated to a right of way width of 60 feet and a designated roadway width of 36 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

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 153.7-foot technical frontage along Pico Boulevard and an approximate depth of 317.1 feet along Castello Avenue, for a lot area of 59,300.7 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 59,300.7 square-foot site is improved with three buildings that comprise the Yeshiva University Los Angeles (YULA) Boys High School campus, which was authorized pursuant to Planning Case No. CPC-2009-1049-VCU-ZV-PAD. The conditional use grant 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 approval of Case No. CPC-2009-1049-VCU-ZV-PAD authorized the use and operation of the educational and religious programs on-site, but the grant did not authorize any signage installation. A number of conditions were imposed in connection with the Conditional Use grant; however, the only reference to signage in the decision maker's action was the imposition of Condition No. 42 which states the following:

42. Signage. Signage on the subject property shall be of a conservative identification or directional type, the design and location of which shall be submitted for approval to the Planning Department, after consultation with the Council Office.

Initially, the applicant sought to install 14 signs for the school's dual zone campus and as such, prepared an on-site signage program for wayfinding and identification purposes, for the three buildings and other structures on its 1.36-acre campus. No off-site signage was proposed. The Los Angeles Municipal restricts the amount of sign area permitted in the residential and commercial zones and restricts the placement of some signs.

Thus, the applicant requested permission to deviate from the Municipal Code to allow for an on-site signage program for wayfinding and identification of the three buildings on the 1.36-acre campus. A total of fourteen (14) on-site signs were being proposed, with two (2) located in the commercially zoned portion of the site and allowed by-right. Twelve (12) 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 wall projection or awning regulations.

On May 29, 2020, the Zoning Administrator denied the applicant's request for the Zone Variance to install 14 signs 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. The appellant body considered changes submitted by applicant's representative for 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 Area Planning Commission which was not made available to the Zoning Administrator at the time of its decision. The West Los Angeles Area Planning Commission voted to remand the matter back the Office of Zoning Administration to conduct another hearing to consider the information provided to the West Los Angeles Area Planning Commission.

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 second public hearing on the zone variance application for the YULA signs, as instructed by the West Los Angeles Area Planning Commission. Prior to the remand hearing, both parties agreed to limit the amount of interested parties who would provide testimony. As such, testimony was provided by the applicant's representative, officers of the high school in support of the requested variance. Testimony was provided by a representative of the neighboring home association and a few neighboring property owners.

Previous zoning related actions on the site include:

Case No. CPC-2009-1049-VCU-ZV-PAD: On January 31, 2012, the City Council, under Council File No. 11-1991, granted in part and denied in part an appeal of the City Planning Commission's decision in Case No. CPC-2009-1049-VCU-ZV-PAD, thereby approving a Vesting Conditional Use to permit the continued use, the new enrollment allocation and campus expansion of an existing high school, adult education and synagogue facility previously authorized by Conditional Use Permit ZA-1999-279-CU-ZV; a modification to permit a gymnasium to have a maximum height of 45 feet in lieu of 28 feet as otherwise permitted for a flat roof in the R1 Zone; a modification of the area regulations to permit a reduction of six feet instead of the required ten-foot institutional side yard along the shared property line with the Museum of Tolerance; and a variance to permit 100 parking spaces in lieu of the 265 parking spaces otherwise required by the LAMC. Also, the requested reduction of the Conditional Use site to remove approximately 7,153 square feet on the second and third floors of the existing building from the campus and site Plan Approval to review the effectiveness of, and the level of compliance with, the terms and conditions of a Conditional Use Permit ZA-1999-279-CU-ZV was dismissed.

Case No. ZA-1999-279-CU-ZV(PA1): On February 9, 2009, the Department of City Planning terminated Case No. ZA-1999-279-CU-ZV(PA1).

Letter of Clarification: On February 7, 2002, the Zoning Administrator issued a Letter of Clarification regarding Conditions No. 45 through 52 of Case No. ZA-1999-279-CU-ZV to clarify fixed seating in the proposed third floor or the art classroom space.

Case No. ZA-1999-279-CU-ZV: On December 23, 1999, the Zoning Administrator approved a conditional use to authorize the construction, use and maintenance of an

expansion to a private school; a conditional use to permit the subject school facility expansion to exceed the 33-foot height limit permitted in the R1 Zone to a maximum height of 40 feet for a proposed new gymnasium and to a maximum height of 45 feet for a third floor additional to the west wing of an existing building; and a variance to allow 85 parking spaces in lieu of the 215 spaces otherwise required under the LAMC.

Case No. ZA-1996-0705-CUZ-ZV: On June 5, 1998, the Zoning Administrator approved a conditional use to authorize the construction, use, and maintenance of an expansion to a private school; a conditional use to permit the school to exceed the 33-foot height limitation; and a variance to allow 165 parking spaces in lieu of the required 402 parking spaces.

Case No. ZA-1994-229-CUZ: On July 22, 1994, the Zoning Administrator approved a conditional use to construct a three story, 10,000 square foot addition to an existing private school for high school and university studies.

Case No. CPC-1987-415-CU: On September 15, 1987, the City Planning Commission approved with conditions a Conditional Use to allow the continued operation of a theological high school/university in the C4, R3, and R1 zones.

Surrounding Properties (within a 500-foot radius):

On February 8, 2007, the Zoning Administrator denied a zone variance to allow a building height of 41 feet in lieu of 36 feet for a project at 1314-1328 South Roxbury Avenue.

PUBLIC HEARING

A Notice of Public Hearing was sent to all property owners and occupants within 500 feet of the subject site. The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. All interested persons were invited to attend the public hearing where they could listen, ask questions or present testimony regarding the project. The hearing was held on May 6, 2021, at approximately 10:00a.m. via ZOOM in accordance with the Governor's Executive Order N-29-20. The decision maker considered all the testimony presented at the hearing, written communication received prior to or at the hearing, before issuing this Letter of Determination.

Representative: John Bowman

- The campus occupies a 1.4- acre site; it has been a private high school for over 40 years,
- The most recent approval granted in 2012, included a CUP for the continued use and expansion of the existing high school,
- The 2012 approval was subject to 88 conditions and mitigation measures,
- Condition No. 42 provided that the signage be of a conservative, identification directional type,

- YULA prepared a signage program, consulted with the Council Office and presented to the Planning Department,
- YULA was informed a zone variance was required, and filed an application in September 2019,
- The public hearing was held December 2019 and in May 2020, the Zoning Administrator denied the variance application,
- YULA appealed the determination to the West Los Angeles Area Planning Commission (WLA-APC), which heard the matter September 16, 2020,
- The WLA-APC concluded new information was not presented to the Zoning Administrator and remanded the case to the Zoning Administrator,
- New information concerned the site's unique split zoning,
- The northerly approximately 1/3 of the site is zoned for commercial purposes,
- The balance is zoned R1V2, which is a single-family residential zone,
- The boundary between the C4 and the R1 zones was incorrectly shown,
- The site plan showed the zone boundary line was too close to Pico Boulevard,
- More of the site is zoned commercial than was indicated on the site plan,
- Per Ordinance No. 149,411, the zone boundary is the southerly line Lot 1, of Tract 15313,
- The zone boundary was determined to be exactly 121.3 feet from the right-of-way along Pico Boulevard,
- The sign consultant was instructed to plot the zone boundary correctly,
- Two signs, in the original application, ST-22 and ST-23 previously identified in the R1 Zone, were in fact in the C4 Zone,
- ST-23 still requires a variance for other reasons,
- ST-22 is permitted by right and no longer part of the variance request,
- Other changes were made since the APC hearing,
- The location of sign ST-04, (Kestenbaum Commons sign) was a concern,
- The sign was located a little further east; it had some visibility from residences to the east; sign ST-04 is no longer visible from any residence,
- The initial application showed sign ST-07 (Gelman Hall) in a different location; this sign was situated along the east facing wall facing residential neighbors,
- The Gelman Hall sign will be relocated as shown on the revised site plan,
- The sign will face north rather than east' it will have significantly less visibility,
- The relocated Gelman Sign was presented to the APC which determined it was new information not presented to the Zoning Administrator,
- The Samson Center sign also had visibility from residences,
- YULA agreed removed both the visible Gelman Center sign (ST-07) and the visible Samson Center sign (ST-03) from the sign program,
- The removal of these signs reduces the total sign area by over 104 square feet,
- The 95 square feet Sampson sign was the largest and most visible
- YULA agreed to beef-up its landscaping to provide a more substantial buffer,
- The conceptual landscape plan shows the type of landscape that is to be installed as a condition of approval,
- Decorative gates were requested to enclose two emergency exist stairwells,

- Also, a request was made to install fencing in front of a DWP transformer, visible from Costello Avenue,
- The fences and gates cannot be lawfully installed at these locations,
- YULA is not opposed to doing so,
- The sign program currently proposed factors in the removal of Gelman Hall sign, the Samson Center sign and corrected zone boundary,
- The proposed sign program now includes 12 signs,
- Three of the signs will be installed in the commercial zone portion of the site, and permitted by right and not part of the variance application,
- Of the 9 signs requiring a variance, 8 will be oriented towards the interior courtyard and not be visible from any residence,
- If the courtyard area was under a roof, rather than an open air, none of the signs would be regulated by the City's sign code,
- Only one sign proposed in the R Zone will be visible from any residence,
- A critically needed identification sign will be installed above the primary entrance, along Costello Avenue,
- All signs will be non-illuminated, conservative identification directional type as required by Condition No. 42,
- All signs will be constructed of high-quality stainless steel, with channel letters, and logos for an aesthetically pleasing appearance,
- Only one is proposed in the R1 Zone area that has any visibility from any residence; that sign area is 36.2 square feet,
- The combined sign area of all signs proposed in the R1 Zone area is now down to 108.96 square feet,
- Five of the 6 signs in the courtyard area, will not have any visibility from the residences,
- The combined total sign area of all signs, including the permitted by right, and the existing sign, is 487.24 square feet,
- The City's sign regulations in the R1 Zone are very restrictive,
- The restrictions are appropriate for residential uses, but were never intended to apply to schools,
- The signage is necessary for the identification of the various buildings and facilities on the YULA campus,
- Strict application of the limitations would result in practical difficulties and unnecessary hardships,
- It would preclude YULA from installing the types of signage we believe are customary and appropriate for a private school,
- We believe all the required findings can be made.
- Requiring an existing private school on a 1.4-acre site to strictly comply with the same sign regulations that applies to a single-family home, would result in practical difficulties and unnecessary hardships to YULA,
- Special circumstances are applicable to the subject property including the large size of the site in relation to the typical R1 zone lot,
- The long-standing use as a private school, and the site unique split zoning,
- In 2012, the City Council found there were special circumstances applicable to this site, including its dual zoning and existing development as a private school,

- Eight of the nine proposed signs requiring a variance will be installed in a courtyard area and will not be visible to any residence; this is also a special circumstance,
- All of the other required findings can be made as well,
- Keep in mind that private schools are allowed in residential zones by a discretionary conditional use permit,
- Private schools should not be treated like a single-family home or other uses permitted by right in the R1 Zone,
- The City Planning Commission granted a variance to permit up to 1,000 square feet of signage for institutional residential buildings associated with an existing hospital facility in a residential zone,
- The CPC found the 30 square foot limitation was not meant to strictly apply to projects that are subject a conditional use permit; this rationale applies here,
- YULA worked with its neighbors in a good faith effort to address their concerns,
- YULA agreed to eliminate two signs and relocate another sign,
- YULA is also prepared to accept conditions requiring additional landscaping be provided
- YULA's sign program was supported by persons within a 2-3 blocks radius,
- This support was evidenced by the testimony in the first Zoning Administrator's hearing and the APC hearing, and written communications,
- In her letter dated April 27, 2021, Susan Gans requested that you acknowledge that comments from YULA supporters at today's public hearing would be a waste of everyone's time,
- YULA did not ask any of its supporting neighbors to participate in today's hearing,
- Everyone who testified in support of the application previously, continues to support the application,
- Their support should be taken into consideration, regardless of the lack of attendance,

David Nagel – President and Chairman of the Board of YULA Boys

- This private school is attended by 215-220 students.
- More than 60% of the students are on financial aid,
- The school can only exist with support from lay leaders, neighbors and community leaders, that support religious Jewish education,
- The school campus cannot open its doors without benefactors,
- Not enough people can pay the tuition,
- It's my job to raise the millions of dollars each year,
- It is the only way the campus can be expanded; it needed a gym to enclose the students, and athletic activities,
- It needed additional classrooms, needed a robotics lab, a film lab, and an art lab,
- Donors need to be recognized in some ways or in some fashion,
- We are doing it this way putting in signs in an interior courtyard,
- We heard input from neighbors along Costello,
- We removed the exterior signs - Samson Center and Gelman Center,

- You have a completely revised application showing interior courtyard signs and one front entry sign,
- We appeal to the powers that a variance is granted so that these donors can get some level of recognition once inside the campus,
- As stated, if there was a roof over the courtyard, we would not be in this process,
- We are going through this process in the right way; get the permit, get the permission to do it in the right way,
- We think the right way is to get the permit, the right way is to be sensitive to your neighbors and listen to what they have to say,
- Neighbors felt the landscaping did not provide the intended substantial buffer,
- We upgraded the landscaping; we are willing to add in gates and fences,
- Most importantly, all the exterior signs facing along Costello is removed
- We ask for your consideration in light of the use being such good, in light of the importance of being able to recognize benefactors.

Rabbi Arye Sufrin (Head of School)

- I fully agree with the chair and president,
- YULA plays an important part in our community,
- Met with the neighbors multiple times; we worked to facilitate a positive relationship,
- Susan [Gans] has acknowledged that to the zoning administrator,
- We're committed to co-exist and blossom together,
- Many compromises came from the productive conversations,
- We asked that [the zoning administrator] recognize the steps forward,
- We are giants leaps from where we were,
- Committed to continuing to act in good faith, keeping communication open,
- We are listening to the neighbors,
- We want to be able to focus on educating and inspiring our students,
- We both agree this is major step forward, with our compromises
- We are fully committed to being an outstanding neighbor,

Rita Grantmiller – Neighboring Resident

- Been dealing with Ms. Gans for 40 years, and with the property that belongs to YULA and the Simon Wiesenthal center,
- I'm very familiar with what's going on; it took 40 years to discover the boundary lines,
- I want salute YULA for being so conciliatory,
- YULA is a beautiful looking school; I hate to see all the signs go up
- The fact is, YULA does not meet the variance requirements of the R1 Zone,
- So, I'm opposed to it,

Susan Gans – Costello Avenue

- We have been working together; I've provided substantial comments in writing.
- I speak on behalf of many neighbors; many rely on me because of my legal background, knowledge of the law and the particulars of the campus,

- City Charter Section 562 and Municipal Code Section 12.27 set a very high bar for the grant of a variance,
- Removing two signs does help with respect to the last two of the five required findings,
- YULA has not submitted any new evidence since the last hearing to support the other three findings,
- The Zoning Administrator must make all five findings to grant the variance,
- As to the community support, YULA supporters have not read the code sections,
- They did not provide any actual facts or evidence to support the findings,
- Their opinions about the school or the sign program are irrelevant,
- YULA claims Condition No. 42 of the CUP supports the sign program,
- Condition No. 42 states "Signage on the subject property shall be of a conservative identification or directional type"
- The sign label ST-2b, which is the 3rd monument sign located inside the campus, just says YULA Boys High School Nagel Family Campus,
- If you are inside the campus, you already know where they are and don't need identification or direction,
- The other sign is a donor wall monument sign, ST-31, neither serves the purpose of identification or direction,
- Both signs, per Condition No. 42 must be eliminated,
- The campus is over illuminated, both with the use of flashing colors lights and extremely high unscreened security lights,
- One conditions we proposed is further restrictions on the campus lighting,
- The Motion Picture and Television case that YULA cites has no relevance to this case,
- It's total apples and oranges comparison,
- We are concern if this is granted, it will set a new and very bad precedent,
- Both in granting a variance in the absence of strong evidence to support the required findings, and in making it easier to circumvent the city's sign regulations,
- It will also make it easier for YULA to get other variances in the future,
- We are sick and tired of going through this process, to preserve the quality of life in this neighborhood,
- As to the landscaping, we appreciate YULA making an effort to install landscaping that they should have installed many years ago.
- The proposed landscaping is still woefully inadequate and not acceptable,
- I'm opened to working with YULA on the possibility of gates and fencing,
- Councilmember Koretz has supported YULA; the Councilmember's support should not influence the decision, because he has no authority to override the legal requirements set forth in the City Charter and municipal code,
- His involvement is tainted with the appearance of impropriety with his acceptance of campaign contributions from people affiliated with YULA,
- Unless the Zoning Administrator can grant a limited variance, eliminating the non-directional or identifying signs, or some other limitations, and make such limited variance subject to YULA's compliance with the additional conditions, including curtailing the traffic in the alley directly behind the single-family homes, I'm oppose,

- People exist the YULA garage and go directly into the alley,
- They use the alley to cut through from Beverlwill Drive to get to the school,
- I ask for a limitation on the lighting and a 5-year moratorium on any further variances or zone changes,
- So, unless the Zoning Administrator can make the limited variance, subject to compliance with those conditions, then we respectfully request that the Zoning Administrator again deny the variance requests.

Daniel Skolnick – Council District 5

- We ask that this facility be treated as any other in the City of Los Angeles,
- We have granted other interior signs for commercial and institutional uses,
- This school deserves to be treated as any other applicant,
- We hope that you grant an approval based on that and the evidence in the record,

Daniel Fink - Saturn Street Property Owner

- My remarks are in addition to my submitted letter,
- YULA is a fine institution: most if not all the supporters live more than 500 feet from the school,
- Susan Gans lives immediately across from the school,
- I live on Saturn Street; I can see YULA from my front window,
- We can't ignore it; it's the elephant in our neighborhood,
- The conditional use permit did not say YULA shall be allowed to install large visible ostentation signs as necessary for donor recognition to raise funds,
- It says conservative signs of directional nature,
- Donor recognition is not a legitimate zoning issue,
- The restrictions of R1 signage are appropriate for all residential zone areas,
- The imaginary practical difficulties or unnecessary hardships are not reality based,
- Anyone entering the campus has to pass a security guard who could direct them to the correct building,
- A directory sign as seen other campus, would certainly suffice rather than large signs proposed as three feet high,
- The large size of YULA lots compared to the adjoining residential lots does not mean that YULA can do more,
- Actually, it means that YULA has to do less to reduce its impact on its neighbors,
- I continue to oppose this propose because it does not follow the law and ignores the five statutory requirements for granting a zone variance.

Correspondence

John M. Bowman submitted a letter, dated October 16, 2020, describing the corrections to the exhibits showing the zone boundary lines and the changes in the proposed signage program. The letter was a follow up to the West Los Angeles Area Planning Commission's October 8, 2020, determination letter, which to remand the applicant's request back to the Office of Zoning Administration.

Susan Gans submitted a letter dated May 5, 2021, in response to the PowerPoint

presentation prepared by the applicant's representative ahead of the May 6, 2021, Zoning Administrator's hearing.

Susan Gans submitted an email May 4, 2021, that including a video showing a glimpse of the glare from the present light fixtures on the buildings facing Castello Avenue, which she believes are in violation of LAMC Section 93.0117: Outdoor Lighting Affecting Residential Property and/or other code sections.

Susan Gans submitted an email April 27, 2021, which was a letter to YULA Boys High School's Head of School and Director of Development & Operations, which memorializes the agreements, concessions and compromises between the applicant and nearby neighbors.

Susan Gans submitted a letter dated April 29, 2021, which summarizes her April 27, 2021, letter to YULA Boys High School's Head of School and Director of Development & Operations.

Daniel Fink submitted a letter on May 3, 2021, expressing opposition to the proposed zone variance requested by YULA for inappropriately large signage on commercial and residentially zone property at 9760 West Pico Boulevard. ... If YULA made promises to donors for such signage, that is not a legitimate reason for the City of Los Angeles to allow such signage to be installed. The signage allowed on land zoned for residential use is very limited, for obvious reasons: to protect and preserve the residential character of a peaceful neighborhood of quiet homes... No approval of anything should be allowed until YULA is in full compliance with the provisions of its Conditional Use Permit, specifically those pertaining to lighting and landscaping.

Coalition of Homeowners Association - Council District 5 submitted a letter dated May 5, 2021, opposing "YULA's request for a zoning variance and opposes its revised plan." The sign program will result in signage that "out of scale, negatively [affect] homeowners and inconsistent with the rules of the City of Los Angeles. "... "[Given] the short-coming of YULA's revised plan and the insufficient level of engagement by YULA with affected homeowners, it is hoped you will deny YULA's request for a zone variance."

Daniel Fink – submitted a letter dated May 6 opposing the zone variance request, stating the supporters live more than 500 feet from the school, and that the condition use did not say YULA is allowed to installed large visible ostentation sigs as necessary for donor recognition, and that there are no practical difficulties or unnecessary hardships.

VARIANCE FINDINGS

The City's Charter Section 562 states that a variance shall neither be used to grant a special privilege nor to permit a use substantially inconsistent with the limitation on other properties. A variance is an appropriate means to seek relief from a condition that is not self-imposed and to remedy a disparity of privileges.

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

Monument Sign Findings

1. **The strict application of the provisions of the Zoning Ordinance would NOT result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

In addition to the dual land use designations, the strict application of the subject property's zoning re-enforces the intent or will of the West Los Angeles community to preserve the subject property for limited neighborhood commercial and residential uses, and to protect the immediate surrounding residential properties. The residential portion of the dual zone site acts as a buffer between the less restrictive commercial uses along the northerly portion of the site and the low-density residential use along the southerly property line. Uses consistent with the low-density residential designation and R1 zone contribute to accomplishing the goal of the dual zoning. Conversely, allowing uses that deviate from the site's residential zone will not achieve the neighborhood's goal preserving neighborhood residential and commercial uses. In this instance, allowing the volume of signs, surface area and placement is not consistent with maintaining the character of the surrounding Low Residential neighborhood.

Granting a zone variance request to allow the proposed 4412 signs on three structures, and by extension an expansion of the allowed sign area, intensifies the use of the land beyond the approved use on the residentially designated and zoned property. Also, granting the variance would intensify an aspect of the conditionally approved use, which will be inconsistent with the intent and purpose of the residential zoning for the subject site.

In denying the request to allow 504 487 square feet of sign area in lieu of the maximum 30 square feet sign area for identification, the alternate placement of signs and additional monument signs, the intent to limit the use of the dual property to uses that are compatible with the adjoining low density residential neighborhoods is preserved. Therefore, it cannot be said that the strict application of the zoning ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the zoning regulations.

After reviewing the additional information following the remand as instructed by the West Los Angeles Area Planning Commission, the Zoning Administrator's position remains unchanged. The position supported by the fact the applicant is seeking a privilege to install donor signs rather than seeking a right to install signs for directional purposes three buildings on the 1.4-acre site. The right to install signs designed as plaques, directories, directional symbols, etc.... remains available to the applicant as is the right to cover the courtyard as alluded to in the testimony. Such signs would be in keeping with Condition No. 42 of the 2012 conditional use grant.

2. **There are NO special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

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 153.7-foot technical frontage along Pico Boulevard and an approximate depth of 317.1 feet along Castello Avenue, for a lot area of 59,300.7 square feet. The dual zone site is C4-1VL-O from the 153.7-foot northerly 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 property adjacent to the west of the subject is similarly zoned with C4-1VL-O and R1V2-O zoning and improved with an institutional use along the northerly portion of the site and low intensity uses within the southerly portion of the site near low density residential uses. The neighboring use also obtained a conditional use permit to operate. East of the subject property, approximately ¼ mile, is a multi-family use on a dual zone site that maintains a high density use along the commercial zone and lower density use along the residential portion of the site. In both instances, the dual zoning remained consistent with the Community Plan land use designation while the actual uses changed.

Hence, it cannot be said that there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply general to other property in the same zone and vicinity.

After reviewing the additional information following the remand as instructed by the West Los Angeles Area Planning Commission, the Zoning Administrator's position remains unchanged.

3. **That such variance is NOT 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 the property in question.**

Strict compliance with the sign regulations for the residentially zoned portion of a dual zone site has always limited the volume of sign area and the number of signs in order to protect the adjacent and surrounding low density residential uses. In its 2009 approval of the museum on the adjacent property, the City Planning Commission denied requests to change the land use designation and zoning of the residential portion of the dual zone site. In doing so, the action preserve intent to protect the low-density residential uses in the adjacent neighborhood from encroachment of less restrictive uses.

The existing educational campus has occupied the project site under the same sign regulations since 1979. The dual zoning and existing school use that's been authorized by previous entitlements creates no special circumstance that supports a waiver of the sign regulations. Each prior approval recognized the intent and purpose of the dual zone was to prevent less restrictive uses and activities from encroaching unto low density residential uses.

The most recent planning action allowed the education institution to be expanded on the premises, and also sought to contain and curtail the institution's activities with respect to the immediate neighborhood. In particular, the City Council 2012 approval provided clear direction in its Condition No. 42 relative to signage in suggesting special consideration be given to its quality and purpose.

Therefore, it can be said that the requested variance is not 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 the special circumstances and practical difficulties or unnecessary hardship is denied the property in question.

After reviewing the additional information following the remand as instructed by the West Los Angeles Area Planning Commission, the Zoning Administrator's position remains unchanged. The position supported by the fact the applicant is seeking a privilege to install donor signs rather than seeking a right to install signs for directional purposes three buildings on the 1.4-acre site. The right to install signs designed as plaques, directories, directional symbols, etc.... remains available to the applicant as is the right to cover the courtyard as alluded to in the testimony. Such signs would be in keeping with Condition No. 42 of the 2012 conditional use grant.

4. **The granting of such variance will 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.**

Granting the variance will allow an amount of sign area that far exceeds the maximum amount permitted in a residential zone. As stated previously, six signs exceed the individual maximum limit of 20 square feet and the total amount of signs far exceed the maximum limit of 30 square feet. Granting a zone variance

would also allow the encroachment of less restrictive uses into the residential zone area abutting the low residential uses.

The granting of the variance also bestows a right to intensify the subject property that the adjoining property in the same zone and vicinity is denied. Therefore, granting the requested variance would be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the subject property is located as it would intensify the residentially zoned portion of the subject property and introduce an element to the surrounding residential neighborhood that is not anticipated.

After reviewing the additional information following the remand as instructed by the West Los Angeles Area Planning Commission, the Zoning Administrator's position remains unchanged.

5. The granting of the variance will 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 is comprised of 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 Community Plan does not expressly contain design guidelines or recommendations regarding signage on a site-specific basis. The Plan does contain policies for identified corridors or districts only and encourages signage along major entryways within the community.

The West Los Angeles Community Plan was adopted as an update on July 27, 1999. The Community Plan is currently being reviewed under the Planning Department's Community Plan Update process, that is also reviewing Venice, Westchester-Playa Del Rey, and Palms-Mar Vista-Del Rey community plans.

The West Los Angeles Community Plan contains the following language pertaining to development on residential designated and zoned properties.

Goal 1 A safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the community.

Objective 1-1 To provide for the preservation of existing housing and for

physical needs of the existing residents and projected population of the Plan area for the year 2010.

Policy 1-1.1 Protect existing single family residential neighborhoods from new out of scale development and other incompatible uses.

The proposal to provide greater sign area, alternative sign placement and projection is not in keeping with the intent of the existing low residential land use designation and residential zone. Although the approved school use is not a residential use, maintaining the integrity of the Low Residential land designation and zone protects the surrounding single family residential properties from encroachment of incompatible uses. Thus, the granting of the variance will adversely affect the West Los Angeles Community Plan, an 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 not located in a Flood Zone.

APPEAL PERIOD - EFFECTIVE DATE

The Zoning Administrator's determination in this matter will become effective after February 10, 2022, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

Downtown
 Figueroa Plaza
 201 North Figueroa Street,
 4th Floor
 Los Angeles, CA 90012
(213) 482-7077

San Fernando Valley
 Marvin Braude San Fernando
 Valley Constituent Service
 Center
 6262 Van Nuys Boulevard,
 Room 251
 Van Nuys, CA 91401
(818) 374-5050

West Los Angeles
 West Los Angeles
 Development Services Center
 1828 Sawtelle Boulevard, 2nd
 Floor
 Los Angeles, CA 90025
(310) 231-2598

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

be other time limits which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.



THEODORE L. IRVING, AICP
Associate Zoning Administrator

cc: Councilmember Paul Koretz
Fifth District
Adjoining Property Owners