

Public Comments Not Uploaded Submitting public comments

2 messages

susan gans <susangans@sbcglobal.net>
Reply-To: clerk.plumcommittee@lacity.org
To: "clerk.plumcommittee@lacity.org" <clerk.plumcommittee@lacity.org>

Mon, May 16, 2022 at 10:48 PM

Dear Ms. Rosales,

I just submitted comments on this case (which is on the agenda for TODAY's PLUM Committee meeting) and have several concerns:

1. The interested parties received only 72 hours' notice of the meeting (which includes the weekend), giving us VERY little time to prepare our comments, and when we submit them we receive a response that it may take 24 to 48 hours for the comments to be added to the public record (and presumably available to the PLUM Committee)??? That is untenable and outrageous. There are quite a few people trying to submit comments before 2:00 PM today. Will these comments be in the record and available to Committee members by then?

IF NOT, is there an alternative way to submit public comments so that they WILL be available to the PLUM Committee members before the meeting?

2. There is no mention until AFTER one tries to attach a photograph, that one can only attach PDF's. I have two photos that are very supportive of and help to illustrate our position (as described in my cover letter of comments), and I want them to be in the record. How can I do this? (I have attached to this e-mail a copy of my 5 page cover letter, which lists the 9 attachments, as well as the two photographs I was unable to submit online. Perhaps they can be manually added to the record?

3. It appears that one can only attach ONE pdf per post, which is also absurd. I had to submit a total of 7 separate posts, each with a different PDF attachment. I initially mentioned 9 posts, but when I discovered that I couldn't attach/upload two photographs, the number of posts changed from 9 to 7. I think I also sent one attachment twice by accident, because the process was so cumbersome.

4. I am reasonably computer-literate, but the process for submitting public comments online, which appears to be the only method for submitting written comments, is complicated, confusing, intimidating, easy to screw up, and beyond the capacity of the less computer literate (particularly the elderly). This is not acceptable, as it is a HUGE impediment for the public to participate in city government and to express their views - - the online process makes doing so almost impossible.

Please call me if you wish to discuss, but I hope that you can take this issue up with the appropriate people and have the necessary changes made to fix these issues. Thank you for your assistance in this matter.

best
Susan Gans
E: susangans@sbcglobal.net
M: (310) 383-5775

3 attachments



ID & Donor Sign at College of LSA @ U. Michigan (photo 1).jpg
11555K

Donor Wall INDOOR sign at CLSA U of Michigan (Photo 2).jpg
9979K



 **Ltr to PLUM Committee (5.16.22).pdf**
218K

Daniel Luna <daniel.luna@lacity.org>
To: Candy Rosales <candy.rosales@lacity.org>
Cc: Armando Bencomo <armando.bencomo@lacity.org>

Tue, May 17, 2022 at 9:16 AM

Uploaded to CFMS/PG.
[Quoted text hidden]

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SUSAN L. GANS
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Submitted online ([Public Comment Form \(lacity.org\)](https://publiccommentform.lacity.org))

May 16, 2022

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

Attention: PLUM Committee

RE: Council File 22-0505 / Motion by Councilmember Paul Koretz pursuant to Charter Section 245 to assert jurisdiction over April 13, 2022 (Letter of Determination dated April 28, 2022) of the West L.A. Area Planning Commission (“**WLA APC**”), with respect to Planning Dept. Case No. ZA-2019-5552-ZA-1A

Applicant: Yeshiva University of Los Angeles Boys High School (“**YULA**”)

Dear Honorable Members:

I am submitting concurrently with this letter the following documents and photographs, which are hereby incorporated herein, for purposes of including them in the public record:

1. My letter to the members of the WLA APC dated April 4, 2022 (the “**April 4 Letter**”);
2. The “FAQ’s” that were attached to the April 4 Letter, which provide an overview of the issues in this case and explain why the zone variance requested by YULA (“**Variance**”) must be denied;
3. A list (current as of April 4, 2022) of contributors to Councilmember Koretz’s campaigns who are affiliated with YULA, including the 24 contributions from people whose names or surnames would be on the signs which require the Variance;
4. A photograph (taken today) of a beautiful INTERIOR sign which identifies both the building (the College of Literature, Science and the Arts) AND the donor (the Okun Bomba Family), at the University of Michigan. (In this regard, please note that although the University campus is enormous - - the size of a small city - - there is almost NO exterior signage to identify ANY of the buildings on campus or any donors, evidencing that such signage is neither necessary nor customary;
5. A photograph (also taken today) of an enormous donor sign which is located in the INTERIOR entrance to the College of Literature, Science and the Arts at the University of Michigan - - likewise evidencing the MORE CUSTOMARY AND TYPICAL placement of donor wall signage (*i.e.*, INSIDE of buildings, rather than on an exterior wall, where YULA is insisting on installing its 275 sq. ft. “donor wall”);

6. List of people who have signed letters in opposition to the Variance (there are 51 such letters, of which 48 are signed by homeowners in the neighborhood adjacent to the YULA campus);
7. Letters opposing the Variance (Part 1);
8. Letters opposing the Variance (Part 2); and
9. Article entitled: "Wannabe Controller Paul Koretz Proves "Pay-to-Play" is Alive and Well in City Hall", as published in CityWatchLA.com on May 16, 2022.

The facts supporting the DENIAL of the Variance are summarized in the two documents described in items 1 and 2 above, and **I hope that you will take the time to read them.** I also recommend that the PLUM Committee members LISTEN to the audio of the very thorough hearing conducted by the WLA APC on April 13, 2022. It will be readily apparent from listening to such hearing that the WLA APC members did an exemplary job, had read all of the documents submitted, asked excellent questions, and should be COMMENDED for their excellent work (instead of having the results of their efforts nullified with this attempt to overturn their decision).

The purpose of this letter is to respond to the motion made by Councilmember Paul Koretz pursuant to City Charter Section 245 (the "**245 Motion**") to assert jurisdiction over the April 13, 2022 action (and Letter of Determination dated April 28, 2022) of the WLA APC to deny YULA's appeal and sustain the determination of the Associate Zoning Administrator (Theodore Irving) (the "**ZA**") to deny the Variance.

A. Writing on behalf of the 51 homeowners who signed the letters described in item nos. 7 and 8 above, we **strongly oppose the 245 Motion** and urge the PLUM Committee to submit the case to the City Council with a strong recommendation to UPHOLD the action of the WLA APC and the ZA (and DENY the Variance) or remand the case to the ZA with instructions to deny the Variance, as appropriate.

I'd like to note that we had **NO notice** of the 245 Motion - - which was filed by Councilmember Koretz as a highly unethical "sneak attack" on opponents of the Variance - - which is the ONLY reason why no one made public comments to object to the 245 Motion before it was voted on by the City Council at its May 11, 2022 meeting. This is **inherently unfair** and totally lacking in transparency, especially in light of the fact that 21 days' advance notice was required with respect to all previous significant events in connection with the disposition of this case.

B. **If the PLUM Committee votes to support the 245 Motion (and the grant of the Variance) and the City Council then votes to reverse the unanimous decision of the WLA APC, the PLUM Committee members and other City Council members will be active participants in yet another "pay-to-play" corruption scheme, since Councilmember Koretz has received substantial campaign contributions, and stands to receive substantial additional contributions if the Variance is granted, from persons and companies affiliated with YULA. Councilmember Koretz has already received at least \$22,750 in campaign contributions from people or companies directly affiliated with YULA, including 24 separate contributions from people whose names or family names would be on the "donor recognition" / "vanity" signs for which YULA needs the Variance.** This information is all detailed in the list described in item 3 above. The \$22,750 is a conservative estimate, because it's

very difficult to trace contributions made by people who are affiliated with YULA but have other surnames (e.g., a different “married name”), and it doesn’t include any contributions that Councilmember Koretz undoubtedly expects to receive if his 245 Motion is successful. The signs are for the benefit of a group of very wealthy donors to YULA, who will be very appreciative of the Councilmember’s efforts on their behalf, and the logical way to reward him for such efforts is to contribute generously to his current campaign for City Controller.

In light of such financial motives for Councilmember’s 245 Motion, **IT IS CLEARLY AN ABUSE OF AUTHORITY for Councilmember Koretz to make such motion and for the PLUM Committee and City Council to support his efforts and to take any action that results in the grant of the Variance. *The credibility and reputation of the PLUM Committee and its members will be seriously compromised if the Committee acts in any manner that serves to advance Councilmember Koretz’s pay-to-play scheme.*** In this regard, please be advised that neighborhood residents have already contacted the F.B.I. and L.A. City Ethics Commission to request an investigation into this matter.

C. The potential for abuse of a Section 245 motion is simply too great (as this case proves). The process of making a motion pursuant to Section 245 should **only** be undertaken in truly egregious situations in which the Area Planning Commission and Zoning Administrator have *clearly* abused their discretion. That is definitely NOT the case here. Both the ZA and the WLA APC did a very thorough review of the hundreds of pages of documents submitted by both YULA and opponents of the Variance, and they listened carefully to both sides at FOUR very long hearings. The ZA carefully analyzed each of the five findings he is required to make, found the evidence lacking as to each of such findings, and thus upheld the very high bar established for the grant of a zone variance under LAMC Sec. 12.27 and City Charter Sec. 562. ***The ZA and WLA APC members absolutely did not abuse their discretion or authority,*** and the decision of the WLA APC was UNANIMOUS and CORRECT. Theodore Irving is an outstanding and exemplary public servant whose hard work, knowledge of the zoning regulations, and analytical abilities should be commended.

Conversely, the members of the PLUM Committee and City Council would be abusing *their* discretion and authority if they vote to overturn and reverse the determination of the WLA APC in this case and grant the Variance.

D. As all of the members of the WLA APC stated at the April 13 hearing, YULA’s insistence on a particular sign size and design/style and its refusal to comply with the City’s sign regulations (of which they were or should have been aware) created a **SELF-IMPOSED HARDSHIP** - - exactly the situation for which City Charter Sec. 562 and LAMC Sec. 12.27.D. expressly authorize the Zoning Administrator to deny a zone variance: “*The Zoning Administrator may deny a variance if the conditions creating the need for the variance were self-imposed.*” In this regard, Chair Lisa Morocco referenced the following sentence contained in a letter opposing the Variance: “The zone variance process is not intended to accommodate an applicant’s design preferences.” If YULA’s true objective is to identify buildings, the 30 square feet of sign area to which it is entitled *without* a variance is more than enough to serve that purpose.

E. **It is completely irrelevant that only one of the six signs in the R-1 zoned portion of YULA’s campus will be visible from the street,** because this completely misses the point that the five requirements for a Variance (under City Charter Sec. 562 and LAMC Sec. 12.27) have not been met, the need for a Variance arises from a self-imposed hardship, and the grant of the Variance will establish a bad precedent (regarding signs in the R-1 zone) which can be used in

the future not only by YULA but also by other institutions and businesses located on R-1 or multi-zoned property.

In this regard, please note that there is a case almost directly “on point”, which involved an illegal “third dwelling unit” (“**TDU**”) that was in violation of the zoning regulations. The Zoning Administrator and Central L.A. Area Planning Commission in that case likewise denied the requested zone variance to “legalize” the violation. As is the case here, Councilmember Koretz intervened with a motion pursuant to Section 245, claiming that the TDU that violated the zoning laws “wasn’t visible from the street” so that an exception should be made (see: <https://www.latimes.com/local/lanow/la-xpm-2014-mar-04-la-me-ln-bel-air-home-protest-20140304-story.html>). The City Council approved the motion and ultimately granted the variance. A lawsuit was filed (see Donna Chazanov et al vs. City of Los Angeles et al, Los Angeles Superior Court Case No. BS135382, January 17, 2013) (the “**Chazanov Case**”), and Judge Luis Lavin ruled in favor of the plaintiffs, finding that “**the City Council abused its discretion by failing to follow the requirements of the City Charter and the Municipal Code**” and ordered the City and City Council to set aside their decision. Judge Lavin also noted that even though some City Council members based their vote on “laudable public policy goals” (*i.e.*, increasing the City’s housing stock), such “laudable public policy goals . . . may not be used by the City Council to dismantle the City’s zoning scheme in a piecemeal fashion.”

In the YULA case before the PLUM Committee, there aren’t even any “laudable public policy goals” to cite, as the variance is to allow unnecessary donor recognition / vanity signs that could easily be either moved to an interior location or be re-designed to conform to code requirements. In this case, **the 245 Motion is being used to effectuate a *de facto* amendment, without taking any of the normal and necessary legal and administrative procedural steps required to amend the Municipal Code, and creating a new exception for signs that violate the regulations but are just not “visible from the street” - - thus dismantling “the City’s zoning scheme in a piecemeal fashion” as condemned by Judge Lavin in his opinion in the Chazanov Case.**

F. **The grant of the Variance would set a bad precedent with respect to eroding the protections against excessive signage for all R-1 neighborhoods.** YULA’s attorney has been unable to find a single previous Planning Department case where a variance has been granted in anything remotely close to a similar situation.

G. The list of Conditions of Approval and Findings which Councilmember Koretz has asked the PLUM Committee to adopt were clearly **written by YULA’s attorney** (since they are virtually identical to the proposed Conditions and (ridiculous) Findings previously submitted by YULA to the Planning Department); they directly contradict the Findings made by the ZA and contain many false and/or unsubstantiated, self-serving statements, which are NOT supported by ANY evidence or facts (despite the requirement that findings of fact be “based upon evidence”, as set forth in Charter Section 562 and LAMC Section 12.27.D.). Moreover, such specious, unsupported findings would certainly be cited by YULA in future requests for zone variances and be used to erode the protections afforded to YULA’s residential neighbors by L.A.’s zoning (and other) laws.

Councilmember Koretz is behaving like a marionette, with YULA’s land use attorney pulling all the strings and doing all the work behind-the-scenes, furnishing him with the so-called “Findings of Fact” for the Councilmember to submit to the PLUM Committee. This practice may not be uncommon, but it is still an abhorrent practice for an elected official to kowtow so obsequiously to an applicant’s counsel in this manner. I seriously question whether Councilmember Koretz has

even read any of the Conditions of Approval and Findings that YULA's attorney gave to him to submit (and which are attached to the letter dated May 11, 2022 from Councilmember Koretz to the Los Angeles City Council, attention: PLUM Committee).

H. We are well aware of the unwritten "rule of reciprocity" that too often governs the decisions of City Council members, whereby Councilmembers exchange political favors and usually vote to support a matter of concern to a Councilmember involving a project located in that Councilmember's district. **Such unwritten "rule of reciprocity" should not be honored in this case**, however, because (1) as discussed above, other Councilmembers should not do anything to facilitate a "pay-to-play" transaction; (2) any efforts to reverse the decisions of the ZA and WLA APC would constitute an abuse of authority by the PLUM Committee and City Council, as discussed above; and (3) Councilmember Koretz has only a few months remaining to his term, is very disliked in his own district (a voter base which could well tip the election) and failed to get the endorsement of the L.A. Times despite his many years in politics, and thus is not likely to succeed in his campaign for City Controller and soon will not be in any position to participate in the "quid pro quos" contemplated by this "unwritten rule".

For all of these reasons, we respectfully request that the members of the PLUM Committee vote to submit the case to the City Council with a strong recommendation to UPHOLD the action of the WLA APC and the ZA (and DENY the Variance) or remand the case to the ZA with instructions to (again) deny the Variance, as appropriate - - so that the determination of the WLA APC and the ZA is upheld, ratified and affirmed, and the Variance is DENIED.

Respectfully,

// Susan L. Gans //

Susan L. Gans

M

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