

Public Comments Not Uploaded Important re: Item 12 on Agenda for today's PLUM Committee meeting (Council Case No. 22-0505)

susan gans <susangans@sbcglobal.net>

Mon, May 16, 2022 at 11:30 PM

Reply-To: clerk.plumcommittee@lacity.org

To: "gilbert.cedillo@lacity.org" <gilbert.cedillo@lacity.org>, "debby.kim@lacity.org" <debby.kim@lacity.org>, "gerald.gubatan@lacity.org" <gerald.gubatan@lacity.org>, "Councilmember.Blumenfield@lacity.org" <Councilmember.Blumenfield@lacity.org>, "kidada.malloy@lacity.org" <kidada.malloy@lacity.org>, "solomon.rivera@lacity.org" <solomon.rivera@lacity.org>, "councilmember.lee@lacity.org" <councilmember.lee@lacity.org>, "hannah.lee@lacity.org" <hannah.lee@lacity.org>, "anissa.raja@lacity.org" <anissa.raja@lacity.org>, "christine.jerian@lacity.org" <christine.jerian@lacity.org>, "councilmember.rodriguez@lacity.org" <councilmember.rodriguez@lacity.org>, "clerk.plumcommittee@lacity.org" <clerk.plumcommittee@lacity.org>

Dear Sir / Madam,

I'm sending this e-mail (to PLUM Committee members and their respective Chiefs of Staff and Planning Deputies) in regards to Councilmember Paul Koretz's motion pursuant to Charter Section 245 to assert jurisdiction over the action of the West LA Area Planning Commission (**West LA APC**) to deny the variance requested by Yeshiva University of L.A. Boys High School ["YULA"], which is on the agenda (Item 12) for today's PLUM Committee meeting.

I apologize if this e-mail violates standard protocol, but I'm alarmed that the Interested Parties didn't receive Notice of the meeting until late Friday afternoon (May 13), so the 72 hours included a weekend when many people were unavailable, and the confirmation of receipt of public comments states that the comments may not be posted and available for 24 to 48 hours. This is a very unacceptable situation, as it makes it virtually impossible for the PLUM Committee members to have access to written comments before the meeting (and many people who would have liked to give comments at the meeting are unable to do so and have submitted written comments instead).

Therefore, since this case concerns such an important issue to many neighborhood residents and residents of CD5, I'm taking the liberty of attaching 4 of the documents I submitted online as public comments:

- 1) my letter dated May 16, 2022 to the PLUM Committee;
- 2) my letter dated April 4, 2022 to the West LA APC;
- 3) the FAQ's referenced in such April 4 letter; and
- 4) the article regarding this case which was published in [CityWatchLA](#) on May 16 (or see: [Wannabe Controller Paul Koretz Proves "Pay-to-Play" is Alive and Well in City Hall \(citywatchla.com\)](#)).

I respectfully request that you review the attached materials, if not ALL of the written public comments submitted regarding this case, before making any recommendations to the City Council (unless, of course, the Committee members elect to recommend that the decision of the West LA APC (to deny the variance) be upheld.

The sensitivity of this case, involving serious allegations of "pay-to-play" corruption on the part of Councilman Koretz (who has received, and stands to receive, substantial campaign contributions from people closely affiliated with YULA) is such that the credibility and reputation of the PLUM Committee and its members could be seriously compromised if the Committee acts in any manner that serves to advance Councilmember Koretz's desire to reverse the determination of the Area Planning Commission.

Again, I apologize if this direct e-mail is inappropriate, but I believe that the circumstances warrant it. Thank you for your consideration.

Respectfully,

Susan Gans

Acting President, Roxbury-Beverwil Homeowners Alliance

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4 attachments



Ltr to PLUM Committee (5.16.22).pdf
218K



Cover Ltr to West LA APC (04.04.22).pdf
241K



FAQ's re YULA Zone Variance-West LA APC (Revised 04.04.22).pdf
395K



SG article in CityWatchLA (published 5.16.22).pdf
312K

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

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VIA E-MAIL (apcWestLA@lacity.org)

April 4, 2022

West Los Angeles Area Planning Commission /
Commissioners Lisa Waltz Morocco, Alexis Laing
Esther Margulies and Adele Yellin

c/o Alice Inawat
Commission Executive Assistant
Los Angeles Department of City Planning
200 N. Spring Street, Room 272
Los Angeles, CA 90012

RE: Yeshiva University of Los Angeles Boys High School (“YULA”)
Request for Zone Variance / Public Hearing on April 13, 2022
Case No. ZA-2019-5552-ZV-1A (**Remand**)

Dear Commissioners Morocco, Laing, Margulies and Yellin:

I’m sending this letter and the attachments hereto as “Regular Submissions” in connection with the appeal filed by YULA of the determination, as set forth in the letter dated January 26, 2022 (the “**Determination Letter**”) from Theodore L. Irving, Associate Zoning Administrator (the “**AZA**” or “**Mr. Irving**”), to YULA and its attorney John M. Bowman, Esq. to DENY its requested zone variance (which would allow YULA to install 9 new signs which require relief from the city’s sign regulations [specifically, LAMC §§ 12.21.A.7(h), 14.4.8.A, 14.4.10.D.2, and 14.4.19]).

I am writing on behalf of the 51 people (including 46 neighborhood residents) who signed the attached letters in **opposition** to the requested variance (“**Opposition Letters**”) but do not have the time or desire to attend any public hearings. Although the Opposition Letters pertain to the signage program as originally proposed (*i.e.*, when the total sign surface area was 501 sq. ft. and three signs would have been visible from the street), the form is clearly drafted to provide for the Opposition Letters to be resubmitted in connection with future hearings, and the basic tenet that “approval of the Variance would create a very dangerous and unwarranted precedent” (as discussed below), continues to be a major concern.

The primary objectives of this letter are to refute the assertions made in the “Justification/Reason for Appeal” (the “**JRA**”) attached to YULA’s Appeal Application dated February 4, 2022, and to explain why the Determination Letter is 100% correct and why the changes YULA proposed at the initial West Los Angeles Area Planning Commission (“**WLA APC**”) hearing (held on September 16, 2020), which caused the WLA APC to remand the case to the AZA, do NOT justify or warrant the reversal of the AZA’s determination and the grant of the requested zone variance.

Flaws in YULA’s Justification/Reason for Appeal / Why the Changes in the Signage Program Should Not Change the Outcome

The following bullet points loosely correspond to the order of arguments made by YULA in the JRA.

- Although the AZA did make a few minor, non-substantive errors in the Determination Letter (which can be forgiven in light of his having to work remotely on an undoubtedly heavy caseload, during an unprecedented pandemic), **the AZA absolutely did NOT abuse his**

discretion, and his decision was well-reasoned and certainly NOT “arbitrary” (as YULA contends in Section II.B. on page 3 of the JRA). The Determination Letter contains a thoughtful, well-articulated analysis of the issues, and reflects Mr. Irving’s commitment to following the mandates of the LAMC and his integrity, professionalism, knowledge and understanding of the issues, and many years of experience. To accuse him of abusing his discretion in order to justify the appeal, as YULA’s attorney has done, is an *unjustified insult* to this dedicated and hardworking member of the Planning Department. **Reversing Mr. Irving’s determination (and granting the variance) would require the WLA APC to concur that he abused his discretion and would thereby ratify and compound the insult. Further, if the WLA APC votes to approve the appeal and grant the variance, such approval/grant would actually be an abuse of discretion by the WLA APC!**

YULA repeatedly accuses the AZA of failing to support his findings with substantial evidence (see, for example, Section II.B on page 3 of the JRA), but **it is not the AZA’s job to provide evidence that a requirement can’t be satisfied (even though in this case Mr. Irving *has* provided sufficient evidence in a well-articulated and well-reasoned determination letter); rather, it’s the applicant who has the burden of presenting substantial evidence to the AZA that all five of the required findings can be satisfied -** - and YULA has not presented any such evidence. It simply makes self-serving assertions with respect to each of the required findings, without providing any facts, evidence, or citation of any valid and applicable precedents, to support such assertions. For example, YULA asserts (in Section B.1 of the JRA on page 3, and elsewhere) that the signage is “customary and appropriate for a private school” and “necessary for the identification of the various buildings and facilities” - - but YULA provides no evidence to support these claims.

- **The proposed signage is NOT “customary, necessary, and appropriate” as YULA claims in the JRA, because:**

(a) The YULA campus is only 1.36 acres, has only 3 buildings, and has very few visitors who might be unfamiliar with the campus; on a typical day, the only persons present on campus are the students, faculty and employees, and on “game days” or during “Special Events” (when there would be more visitors), the gym entrance is obvious and directions could be provided at the front gate. YULA’s campus can’t be compared to vast campuses, hospital complexes, etc. which are spread out over many acres, with many buildings. In any event, there is always a guard present at the front gate during school hours, who can provide directions.

(b) The proposed signage is NOT necessary for identification or directional purposes. As explained at length in Par. 2.B. of the updated “FAQ’s” attached to this letter, I spoke directly to Senior Lead Officer Christopher Baker of the LAPD and Captain Samuel Galvan in the Schools, Churches and Institutions Division of the LAFD, and both were practically insulted at the suggestion / implication that their highly trained professionals would need signs to tell them where they need to go in an emergency. Both adamantly denied the necessity of the proposed signs, especially in such a small area.

(c) YULA can’t compare itself to other private schools or other institutions that are not on land zoned R1 and immediately adjacent to single-family residences, with respect to what is customary and appropriate. In this regard, YULA continues to refer to the 20-year old L.A. City Planning Department cases involving a zone variance granted with respect to signs at the Motion Picture & Television Fund Home (“**MPTF Home**”) (Case Nos. ZA 2001-4345(ZAI) and 2001-5976-CU-ZV-ZAD-SPR). These cases, however, involved a nearly

FORTY-FIVE ACRE (1,719,891 sq. ft) site comprising four different zones (RS-1XL, R3-1, RA-1 and RA-1XL), with numerous buildings, parking areas and uses (including a hospital, residential complex, administrative offices, hospice care and a fitness center), which attracts many daily visitors who are unfamiliar with the complex. In addition, the complex is completely screened from the view of all surrounding streets by very dense landscaping, and the variance granted was in connection with the *renovation* of the *existing* (previously approved) sign program, and the cases involved replacement of signs “with a *lesser* number of signs and a *lesser* square footage than previously existed.” Further, the City Planning Commission repeatedly emphasized the “*unique* size and scope” of the healthcare complex in support of its findings. Comparing the MPTF Home cases to this case is “apples and oranges”; while a few sentences in the MPTF cases, when taken out of context (as YULA has done), may appear to support YULA’s arguments, the fact is that the MPTF cases have no relevance whatsoever and do not establish any precedent.

(d) All signage of a “conservative identification or directional type” (as contemplated by Condition No. 42 of YULA’s Conditional Use Permit (“**CUP**”) can easily be made to fit within the maximum 30 sq. feet of surface area mandated by the LAMC, which is actually quite a lot of surface area. It is NOT necessary to exceed such maximum - - it is simply YULA’s *design preference* to have so many large signs, and the City’s sign regulations should not be circumvented via the extreme measure of a zone variance simply to accommodate an applicant’s design preferences. Several of the proposed “identification” type signs have less than 9 sq. ft. of surface area, and YULA could easily have one identification sign for each of the 3 buildings and be well within the 30 sq. ft. maximum and thus not need a variance. The signs which exceed 9 sq. ft. do not “simply identify the YULA campus or specific buildings” (JRA, page 2), since they are far larger than necessary for simple identification purposes.

Even if the signs are deemed to be “identification” type rather than donor recognition signs, and thus (arguably) “necessary” and “appropriate”, the large size is NOT a necessity, and the design/style of the signs (to the extent that it doesn’t conform to LAMC requirements) is simply a self-imposed choice / decision made by YULA. In short, YULA CAN have all the signage it NEEDS, without the extreme measure of seeking a zone variance.

As Mr. Irving stated at the September 16, 2020 hearing, “the [City’s] sign regulations have been around for many years. The zone variance [process] shouldn’t be used to correct a failed task of [the applicant’s] design team The applicant elected [to implement] a set of plans that called for a variance, *by the applicant’s own choice*. It didn’t present plans that complied with the Code. This is not the purpose of a zone variance.”

In this regard, LAMC §12.27.D. expressly provides: “The Zoning Administrator may deny a variance if the conditions creating the need for the variance were self-imposed.” That is exactly the situation here.

(e) Even though the total sign area of the 6 signs in the R1 zone has decreased to 108.96 sq. ft., that is still **3.6 times the maximum allowed** by the LAMC.

(f) The largest of the proposed signs (ST-31, the “Donor Wall” monument sign, comprising 208.83 sq. ft.) could and should be installed in an indoor location (such as the lobby/entrance area of one of the buildings), which is more respectful of the donors, since the sign would be protected from the elements and would not be bombarded with bird poop. Most donor walls I’ve seen ARE indoors (often in a lobby). There is NO necessity, *nor is it customary or even appropriate*, to install such a large donor wall sign outdoors, and a

variance isn't needed to install it indoors - - indeed, YULA could honor its donors indoors with as large a sign as they want *and* leave room to expand the sign area to add additional donors at a later date. This one sign - - which YULA acknowledges IS a "donor recognition sign" - - is almost *three times* the maximum size allowed under LAMC §14.4.8.A. We concur with the AZA that the zone variance process was not intended to be used to circumvent Code requirements, especially when other options are available to the applicant.

(g) With respect to its contention that the proposed signs are "appropriate", YULA hasn't provided a single example/precedent of another school that is *located in the R1 zone* and has signs similar in size, number and style to what YULA is proposing. It is NOT appropriate for YULA to compare itself to schools or other institutions that are not located in the R1 zone or on similarly dual-zoned property.

(h) Sign ST-02a ("YULA Boys High School / Nagel Family Campus") is NOT "a critically-needed identification sign", because there is already a very large, free-standing monument sign (ST-01, 23.24 sq.ft.) with almost identical text (i.e., "YULA / Nagel Family Campus") on Pico Blvd., and since all visitors driving to YULA must turn right or left from Pico Blvd. to access YULA's garage, all visitors will see that large sign. And those people who walk to YULA (and may access the campus from the south and not see the sign on Pico Blvd.) likewise do not need another sign to identify the entrance. The location of the school and its main entrance is **obvious**, since the entrance is readily visible from both Pico Blvd. and Castello Ave., and there are no other structures in this half-block which look anything like a school, so the additional sign is not necessary. If there is any confusion about YULA's location, the proper (and far less radical) thing to do is to change YULA's address from Pico Blvd. to Castello Avenue (where the entrance is situated).

(i) Sign ST-02b (monument sign, 32.60 sq. ft.) serves no identification or directional purpose whatsoever. It is located *inside* the campus and not visible from the street (so anyone who sees this sign already knows where they are), and contains text IDENTICAL to sign ST-02b and substantially identical to sign ST-02a. This large monument sign is clearly and solely a donor recognition sign.

- YULA is twisting the AZA's words when it suggests that he proposed that YULA cover the courtyard. The AZA was simply making the point that the situation here is **self-imposed**. YULA can easily install the 3 identification signs it claims it needs (one sign outside the entrance of each of the 3 campus structures), within the 30 sq. ft. maximum and without a variance. YULA **elected** to have an open (roof-less) courtyard, which limited YULA's options regarding sign size and design. The AZA never suggested or intended to suggest that YULA cover the courtyard. Accordingly, the AZA's conclusions as to required Findings Nos. 1 and 3 are **NOT** "based on a false premise."
- In Section II.B of the JRA, YULA accuses the AZA of denying YULA's application "in its entirety" - - suggesting that the AZA decision to do so was "arbitrary" and he had the authority to issue the variance as to some signs but not others. This suggestion is false and misleading, since the applicant must present facts and evidence sufficient to support ALL FIVE of the required findings, and there is no provision in either LAMC §12.27 or Charter §562 for bifurcation so as to grant the variance as to some signs but not others. These code/charter provisions dictate an "all or nothing" result, and the AZA had no choice except to deny or grant the application in its entirety.
- YULA argues that "there is no evidence in the record that the proposed signs would be incompatible with the adjoining low density residential neighborhood." This is false, because

the type/size/style of the proposed signage is not *allowed* in the adjacent neighborhood, so it follows that the drafters of the City's sign regulations concluded that these signs are incompatible with a residential neighborhood.

- YULA asserts (JRA, page 3) that “all [of the required] findings are supported by substantial evidence” - - but it has provided ZERO “evidence” (e.g., facts, data, applicable precedents, supporting statements from the LAPD and LAFD, etc.) other than its self-serving assertions, to support the necessary findings. For example, YULA claims “substantial hardships” and “practical difficulties” arising from the lack of signage, but - - although the school has been operating in its new campus for well over 5 years - - it fails to mention a single instance of an actual hardship or practical difficulty of any kind arising from the lack of signs. On the other hand, we have interviewed officers of both the LAPD and LAFD, who support our position that the proposed signs are totally *unnecessary* for their purposes (e.g., responding to an emergency).
- The grant of the zone variance WILL be “materially detrimental” to the public welfare, because it will create a dangerous precedent to both the adjacent residential neighborhood and open the floodgates to a tide of future zone variance requests by YULA, and to other residential neighborhoods dealing with similar issues (particularly those abutting private schools). Just as YULA attempts to cite language in its own previous case (Case No. CPC-2009-1049-VCU-ZV-PAD) (the “**2009 Case**”) as evidence to support a finding of “special circumstances”, YULA will certainly use this case (IF the variance is granted) as precedent every time it needs a zone variance in the future. And there is a long history to support this prediction, as well as the neighborhood’s fears of future disturbances and incompatible uses by YULA) - - attached is another copy of the extremely long list of Planning Department cases involving YULA. This needs to stop, and the best way to discourage any further detriment to the public welfare is to deny this variance and require YULA to comply with the City’s sign regulations.

I suspect that one of the main reasons YULA is pursuing this appeal so aggressively is that it understands the enormous value that a victory here (*i.e.*, the grant of a zone variance) will have in any requests it may want to make for a variance in the future. Given the flimsiness of its case here (*i.e.*, the lack of evidence to support the required findings), it will be that much easier to obtain a variance in the future if it has this case to cite as a precedent.

As Commissioner Morocco warned at the September 16, 2020 hearing, “a variance [sets] a high bar to meet. The five findings *must* be met.” It would lower, or possibly remove, that bar if the WLA APC were to reverse the AZA’s determination and grant the variance, in the absence of substantial evidence to support all five of the required findings, and merely to accommodate the design preferences of the applicant and kowtow to the egos of its wealthy donors.

And for the record, YULA’s reference to language in the 2009 case as precedent for a finding of “special circumstances” (JRA, page 4) is misguided. It takes this language out of context, as the Commission in that case found numerous other factors besides the dual zoning and location to support its determination (see page F-5 of the 2009 Case).

- YULA claims that “the hardships associated with strict application of the relevant sign regulations . . . are inconsistent with the purposes and intent of the zoning regulations.” (JRA, Page 4). This completely misconstrues such purpose and intent, which is to protect the quality of life in residential neighborhoods. Further, the only “hardship” incurred by YULA in this instance would be the embarrassment of not being able to deliver on promises

made to its donors (and perhaps the breach of a contractual obligation to a donor, which is not the City's problem).

- The YULA campus is not "unique" (contrary to its statement on page 4 of the JRA), because the Museum of Tolerance (located next door to the west) has the exact same configuration of C4 and R1V2 dual zoning).
- YULA always refers to the signs as "non-illuminated", which clearly is preferable to an illuminated sign. However, the campus itself is already so brightly (and intrusively) lit up at night, with little to no effective screening, that sign illumination is just unnecessary overkill. The signs will be heavily illuminated by other, existing lighting that is already in place, so YULA's description of the lights as "non-illuminated" isn't all that meaningful in reality.
- YULA refers to the installation of signs as a "right" of property owners (JRA, Par. 3 on page 5), which is misleading. To the extent such a "right" exists in Los Angeles, it is always subject to the applicable requirements of the LAMC.
- Whether the proposed signage has an "aesthetically pleasing appearance" and will be "compatible with nearby residential uses" (JRA, Par. 4 on page 5) is entirely subjective and irrelevant. Some neighborhood residents like the appearance of YULA's architecture, while others think it's awful - - the same will apply to sign design.

As a final point, I'd like to reiterate that Councilman Paul Koretz's support, if provided, of YULA's request for a variance, should **not** be accorded any weight in the decision of the WLA APC. As discussed at length in Section 5 of the attached FAQ's, persons affiliated with YULA (including most of the donors whose names would be on the proposed signs) have contributed at least \$22,750 to Councilman Koretz's campaigns for City Council and (now) City Controller. This gives his support for the variance at least the appearance of impropriety, and his support for the variance will look very questionable and suspicious if it is followed by a flow of donations to his campaign coffers by the same such group who contributed heavily in the past or any other people currently affiliated with YULA.

Notwithstanding the overwhelming amount of information available to support the Z.A.'s findings and deny YULA's appeal, in the event that the WLA APC votes to reverse the Z.A.'s findings and grant the variance with respect to any or all of the signs, and to the extent that the WLA APC actually has the authority to grant a variance limited to only some of the proposed signs and/or to impose conditions on YULA in connection with such grant, we request that such grant include the following limitations and conditions:

1. Excluded Signs:

- (a) Sign ST-02b be eliminated from the signage program, since it is redundant and unnecessary and serves no purpose other than as a donor recognition sign; and
- (b) Sign ST-31 be re-located to an indoor location (and thus not require a zone variance)

2. Conditions of the Grant. We request that the WLA APC impose the following conditions, to be agreed to in writing and satisfied prior to the installation of any new signs:

(a) that YULA replace the bulbs/filaments in all exterior lights (including the lights under the awnings/canopies of Gelman Hall facing Castello Ave., and the lights embedded on the sides of the two stairwells exiting onto Castello Ave.) with the dimmest lights allowed by applicable codes and regulations (but still adequate for the “low level security lighting” purposes provided for in Condition No. 58 of YULA’s 2012 Conditional Use Permit [the “**C.U.P.**”]);

(b) that all interior lights in any campus building (which has lighting which would be visible from Castello Ave.) be turned off whenever such building is not in active use, and in no event will any such interior lights remain on after 10:15 PM (*i.e.*, the school “closing time” set forth in Condition No. 22 of the C.U.P.);

(c) that there shall be no flashing lights (regardless of the frequency of the flashing) or multi-colored lights (including lighting which changes color) of any kind at any time (including during Special Events), which would be visible from outside the YULA campus;

(d) that YULA fully comply with Condition No. 58 of the C.U.P., which requires all outdoor lighting to be “installed with shielding so that the light source cannot be seen from adjacent residential properties and so it does not create glare to those properties”;

(e) that the landscaping along the east side of campus (facing Castello Ave.) be substantially enhanced and improved (including, without limitation, planting two additional canopy trees (each being a minimum 36” [preferably 48”] size box) along the parkway on the west side of Castello Ave. (to supplement the two trees already located in such parkway), and/or up to five canopy trees [minimum 36” box], subject to the approval of the owners of the properties at 9751 Saturn St. and 9752 Alcott St., as applicable, along the parkway on the east side of Castello Ave., between Alcott St. and Saturn St.), so as to provide substantial screening of the view of Gelman Hall and of the driveway/entrance area from Castello Ave. (taking into account reasonable campus security requirements);

(f) that YULA add landscaping, in conjunction with new fencing (with sufficient foliage to conceal/screen the fence), along the east side of campus, so as to provide the “substantial buffer” and “screening” effect contemplated by the Environmental Impact Report (which was prepared in connection with YULA’s expansion), and to screen the east-facing building (*i.e.*, the Gelman Center) and electrical equipment from the view of the residential neighborhood; and

(g) that YULA takes appropriate and effective measures to prevent all traffic going to or from the YULA campus from driving in the alley behind the homes on the north side of Alcott St.

In conclusion, while we appreciate the fact that YULA has revised its proposed signage program by deleting two of the signs that would have been visible from the street, as well as moving one sign so that it will no longer be visible from the street, the FACT is that YULA has still not provided the evidence sufficient for the AZA or WLA APC to make ALL FIVE of the findings that must be made in order for a variance to be granted. Accordingly, the AZA’s determination should stand, YULA’s appeal should be denied, and the variance should not be granted.

As Commissioner Morocco has already noted, “The bar [for a variance] is high.” We urge the West Los Angeles Area Planning Commission not to lower it by granting this variance.

Thank you.

Sincerely,

// *Susan L. Gans*

Susan L. Gans
President, Roxbury-Beverwil Homeowners Alliance

cc: Connie Chauv (via e-mail: Connie.Chauv@lacity.org)

Attachments/Enclosures:

1. Opposition Letters and Cover Sheet/Summary
2. FAQ's
3. List of Planning Department Cases regarding YULA (9760 W. Pico Blvd.)

FAQ's

RE: YULA'S APPLICATION FOR A ZONE VARIANCE

Case No. ZA-2019-5552-ZV (Remand)

1. WHY DOES THIS MATTER / WHY SHOULD ANYONE CARE ABOUT 9 SIGNS?

Zoning laws are the primary means on which homeowners rely to protect and preserve the quality of life in their neighborhoods, as well as the value of their property. Zoning laws prevent commercial and other dense development that is incompatible with single-family homes, as well as the noise, pollution, traffic, visual blight (e.g., resulting from construction of overly large buildings, the installation of commercial/institutional type signage, etc.), and other nuisances which usually follow from allowing non-residential uses among or adjacent to single-family homes.

A zone variance, as requested by YULA in this case, provides an exception to the zoning laws, and should not be easy to obtain - - if they were, the zoning laws would be meaningless. L.A. Charter §562 (see: https://codelibrary.amlegal.com/codes/los_angeles/latest/laac/0-0-0-2563#JD_Ch562.) and L.A. Municipal Code ("LAMC") §12.27 (see: https://codelibrary.amlegal.com/codes/los_angeles/latest/lapz/0-0-0-9165) list the **FIVE** findings of fact that the Zoning Administrator must make in order to grant a variance, and expressly provide that **ALL** five findings must be made, and all five findings must be supported by evidence.

The City also has sign regulations which provide very specific limitations regarding the size and other features of all signs that are allowed on land zoned R1 (*i.e.*, for residential use), which protect residential neighborhoods from the blight of inappropriate and/or unnecessary signs (see: LAMC §12.21.A.7 at https://codelibrary.amlegal.com/codes/los_angeles/latest/lapz/0-0-0-5183 and LAMC Art. 4.4. at https://codelibrary.amlegal.com/codes/los_angeles/latest/lapz/0-0-0-23603). Without the zone variance, the proposed YULA signage would violate several of these important regulations.

It is totally **IRRELEVANT** that some people (most of whom are affiliated with YULA, such as parents of current or former YULA students and/or members of the YULA synagogue), and even a few neighborhood residents, may think the signs are tasteful, attractive and/or helpful to visitors and emergency personnel, or that YULA is a good school and provides an important benefit to the local Orthodox Jewish community. **These people are not informed about zoning laws** or the requirements for the grant of a zone variance, and they have not spoken to the experts within the LAPD and LAFD (as we have done) about whether there's a real need for the signs. **The only RELEVANT concern in this case is whether YULA has provided evidence to substantiate all five findings that the Zoning Administrator is required to make in order to grant a variance.**

In this case, Associate Zoning Administrator Theodore L. Irving (the "**Zoning Administrator**") concluded, after conducting a lengthy public hearing, and after his very thorough review of the substantial amount of information and documents submitted to him for the record, that **NONE** of the five required findings are supported by evidence. Accordingly, the Zoning Administrator **correctly** denied the zone variance and did not err or abuse his discretion in any way.

Further (and "hypothetically-speaking"), if the West Los Angeles Area Planning Commission ("**West LA APC**") were to decide that the Zoning Administrator erred and that YULA does somehow meet all five requirements for the grant of a variance, then YULA could rely on this case as establishing a precedent that it meets such requirements. YULA could then - - each time it seeks to do something on its campus that is prohibited in an R1 zone - - apply for (and probably be able to obtain) a zone variance, thereby chipping away piecemeal many or all of the protections afforded the immediately adjacent residential community by the City's zoning (and other) laws and regulations,

until the YULA property is basically functioning as though its entire property were zoned C4. YULA should **not** have the same privileges on the R1 zoned portion of its property (which fronts Castello Ave., a 36 foot wide residential street) that it has on the C4 zoned portion (which fronts Pico Blvd., a 100 foot wide major roadway).

The outcome of this case MATTERS - - not only to homeowners in the adjacent neighborhood but also to ALL residents of Los Angeles - - because *denial* of the zone variance will preserve the integrity of both the City's sign regulations AND the City's zoning laws, regulations and processes, which are essential for the protection of quality of life in the City's residential neighborhoods. On the other hand, the *grant* of the variance would make a mockery of these laws, regulations and processes and would create a dangerous precedent, clearing the way for the proliferation of signage (and other special privileges or inconsistent uses) on land zoned for single-family homes.

2. WHAT ARE YULA'S ARGUMENTS AS TO WHY THE VARIANCE SHOULD BE GRANTED, AND WHY ARE THESE ARGUMENTS FALSE?

To sum up the nature of YULA's arguments to justify its appeal of the Zoning Administrator's denial of the zone variance (the "**Variance Denial**"), they are based on a combination of circular and/or convoluted logic and totally unsubstantiated, self-serving statements.

These are some of YULA's main arguments, followed by our response:

- A. **YULA**: The Zoning Administrator abused his discretion and erred when issuing the Variance Denial.

RESPONSE: The Zoning Administrator is a highly experienced employee of the City Planning Department, who has no reason to be biased in favor of or against either side. He did an excellent job conducting the hearing with complete objectivity and in accordance with department policy and all applicable rules and regulations, and in reviewing the large volume of information and documents submitted for the record, as well as in researching the zoning and land use restrictions of other properties in the vicinity. He provided a detailed and well-reasoned explanation (in the Determination Letter) for each of his findings. It is an insult to the Zoning Administrator's integrity, knowledge, professionalism, experience and hard work to allege that he abused his discretion and/or erred in his decision. Accordingly, in the absence of any evidence of an abuse of discretion or error in issuing the Variance Denial, the Zoning Administrator's decision must be upheld and YULA's appeal must be denied.

Further, the fact that the Zoning Administrator did **not** err or abuse his discretion is supported by the clear language of both LAMC §12.27.D and L.A. Charter §562, which gives the Zoning Administrator **the right** to deny a variance in precisely the current situation, *i.e.*, where the conditions creating YULA's need for the variance were self-imposed.

YULA's officers and directors **knew** (or certainly should have known), when they *elected* to expand the campus in the R1 zone, that construction in such zone would come with certain limitations and restrictions that wouldn't apply to the C4 zoned portion. At the time they elected to expand the school, they had other options available, such as limiting the scope of the expansion, or acquiring or leasing other property more suitable for the proposed expansion, or seeking a zone change for the R1 portion. However, they rejected all other options and *elected* to expand in the same location and apply for a Conditional Use Permit

instead of a zone change, probably because they knew it would be too difficult to try to change the zoning.

In addition to electing to expand its campus in the R-1 zone - - *knowingly* trying to force “a square peg into a round hole” - - the conditions creating the need for the variance are also “self-imposed” because **YULA entered into agreements** with six major donors (*i.e.*, the Samson, Gelman, Robin, Sassoon, Nagel, Kestenbaum and Arnall families / foundations), to install large donor-recognition signs on the outside of the campus buildings (and/or other areas) which would be named after them, in exchange for / recognition of their donations. Whether YULA did so in ignorance of the city’s sign regulations and the need for a zone variance, or just assumed that they could get a variance, is completely irrelevant. Ignorance of the law is not a defense. **The City of Los Angeles has no obligation to - - and should not - - bail YULA out of its potential “default” under agreements that YULA should not have made.** Further, assuming that these agreements are in writing - - or even if they are oral agreements - - the terms and conditions of *all* contracts are subject to and governed by all applicable laws and regulations. Two parties can’t enter into a contract which provides for doing something that is prohibited by law; such a contract would be unenforceable.

In short, **it is abundantly clear that the conditions creating YULA’s need for the variance it is seeking were self-imposed** - - and both LAMC §12.27.D. and L.A. Charter §562 provide that: **“The Zoning Administrator may deny a variance if the conditions creating the need for the variance were self-imposed.”** Since the laws governing zone variances expressly grant the Zoning Administrator the right to deny a variance in the instant situation, the West LA APC cannot possibly conclude that the Zoning Administrator erred or abused his discretion.”

- B. **YULA:** The 9 signs at issue are necessary to identify the various buildings on YULA’s campus, avoid unnecessary confusion among students, employees and visitors, and avoid the “hardship” of delaying emergency personnel in locating the specific building where emergency services are needed.

RESPONSE: These claims are absurd on their face, and unsubstantiated by any facts, as evidenced by the following *actual* facts:

(1) The physical layout of the YULA campus is such that there is one main entrance (which is on Castello Avenue), with a security guard who is stationed in a booth at the entrance during all hours of operation, and usually at least one other security guard on duty. Either of these guards can give verbal directions (and/or a campus map hand-out) to both the rare first-time visitor and any emergency personnel in need of directional assistance. Both the pedestrian entrance and the entrance from the underground parking open into only ONE central open area / courtyard (although there may arguably be “west” and “east” sections of the courtyard, it is a single open area without any barriers), with the main entrance to each campus building accessible from such courtyard. The location of this courtyard / plaza is obvious, so there is no need to identify it with the sign that says “ROBIN FAMILY PLAZA” (labeled ST-11b in YULA’s application). The sole reason for such sign is to recognize the Robin family, who undoubtedly made a major donation to YULA. **The promises YULA may have made (and even the contractual obligations it may have), to install signs to recognize the financial contributions made by YULA’s major donors, do not justify or warrant the grant of the zone variance YULA needs in order to be able to fulfill such promises and/or obligations.** While the analogy may be extreme, if Party A is dumb enough to enter into a written murder-for-hire agreement with Party B, and promises that Party B will receive a substantial benefit after he successfully

completes the deed, such agreement doesn't give Party B any *right* to commit murder, because murder is against the law.

Private agreements can't circumvent or change the law (or, in this case, the LAMC and L.A. Charter), and presumably, if YULA has written agreements with its donors (pursuant to which YULA commits to name a building after the donor and to install signage which includes the donor's name, in recognition of a substantial donation), these contracts include the standard / "boilerplate" clause that all of YULA's obligations thereunder are subject to all applicable laws and regulations, and the agreement itself is governed by California law. Further, YULA's promises and obligations to its major donors can be satisfied by other means, as explained below.

(2) The campus is very small, with the area that is zoned R1V2-O occupying slightly less than one acre (the total campus is 1.36 acres). New students, faculty and employees will easily learn the location and names of all of the buildings (there are only 3 distinct buildings on the entire campus) within their first day on campus, so no one will be confused unless he is hit on the head and has amnesia. With respect to the few other first-time visitors to campus, there are several very viable options available to help them (if necessary - - which it probably isn't) to identify the various buildings and locate their entrances, which don't require a zone variance, including: (a) providing a paper map/handout to visitors (these can be provided by the security guard who checks in all visitors at the guard gate and/or available in several waterproof boxes located in the courtyard; (b) posting a single campus map (enclosed in glass or plastic, similar to the maps one sees at every large shopping mall) in a central location; or (c) reducing the total number of signs by eliminating some or all of the signs that are redundant (YULA proposes two "YULA Boys High School/Nagel Family Campus" signs (in addition to the enormous existing monument sign with identical text (located in front of the campus on Pico Blvd.), and two nearly-identical signs for the Roland Arnall Pavilion" and keeping the remaining signs (which would be located at the *entrance* to the applicable building, since that is the *only* place where identification may be helpful) at a size and style that complies with the sign regulations in effect for the R1V2-O zone. Given the small size of the campus, the signs can likewise be small (and in compliance with the City's sign regulations) but still be sufficiently visible. A sign which is affixed to the outside of a building and visible from the street, but is not located near the entrance to that building, serves no useful purpose - - its sole purpose being a grand gesture to acknowledge and reward a substantial charitable donation made by the person after whom the building is named, an act which is actually anathema to the foundational Jewish values of modesty ("*tziniut*"), humility ("*anavah*"), and charity ("*tzedakah*") (see FAQ No. 4 below).

Moreover, YULA students, faculty and other are just as likely to refer to at least two of the three buildings by their generic names as they are to refer to them by the donor name attributed to the building - - *i.e.*, the "Samson Center" will likely be called simply "the gym", and "Gelman Hall" will likely be called the "science center" or the "STEM Center". There is no reason or need to put a donor's name on a building other than as an acknowledgment of that person's substantial donation. The names "Gelman Hall" and "Samson Center" certainly don't identify the purpose or use of the buildings, and may not even be the names typically used to refer to the buildings - - which might actually *result* in confusion!

(3) The fact is that **the LAPD and LAFD DO NOT NEED SIGNS** to help them locate the specific building in which their services are needed. YULA has not provided ANY evidence or facts to support their assertion that the proposed signs will aid police officers, firemen or paramedics. If there is an emergency on campus, it's extremely likely that there will be one or more YULA security guards (and/or whoever witnessed the emergency) on-site to tell emergency personnel where to go. In any event, we interviewed Senior Lead

Officer Christopher Baker of the West L.A. office of the LAPD, who oversees all LAPD operations in the area, is very familiar with the YULA campus, and personally knows several members of YULA's security force. Officer Baker said: "*We do not need lettering above any door to tell us where to go . . . **[signage] doesn't help us in any way***", and added that: "*There are plenty of schools in L.A. that do not have lettering and we have to go in there . . . **[Campus security]** will meet us at the door and they tell us where to go. And if there is no one there [to tell us where we need to go], we'll figure it out - - we're police officers!*"

Officer Baker also explained that in any situation where the police are called to a school, they "will take control and lock down the school" and that they have a map of all school campuses in the region they cover, including a map of YULA's campus. If there is an incident on a campus, Officer Baker explained, "ultimately we'd have to sweep the entire campus anyway."

In short, the **fact** is that **THE POLICE DEPARTMENT DOES NOT NEED THE PROPOSED SIGNS.**

If YULA is *truly* concerned about the safety and security of its campus, it should spend its money on creating an unbreachable, landscaped barrier or wall around the campus (making it less accessible), like most (if not all) other private high schools in L.A. have done (see examples in the photo binder previously submitted to the West L.A. Area Planning Commission, on September 4, 2020) - - instead of wasting money on totally unnecessary signs and the substantial legal fees it is incurring in pursuit of a zone variance.

Likewise, **THE FIRE DEPARTMENT DOES NOT NEED THE PROPOSED SIGNS.** We spoke to LAFD Captain Samuel Galvan, who oversees the Schools, Churches and Institutions division of the Fire Prevention Bureau. Captain Galvan said: "***No, we don't need signs. All we care about is [having] an address [on the] front of the building***" and "there is a standard for that" (referring to the city's requirements for address information on school buildings).

Captain Galvan further explained that if an alarm goes off "after hours" (when no one is on a campus), the firemen "will go to the alarm panel, which will tell them exactly where the alarm went off" (*i.e.*, where the fire or medical emergency is and where they need to go). If LAFD is called during school hours, Captain Galvan explained, "the security guards will meet us out front and they'll give us directions," adding that "there's always someone there who will walk you through it, usually a building engineer or head maintenance guy" and "we get an escort [to the location]." And like the LAPD, the LAFD (in this case, Fire Station 58 on Robertson Blvd.) also will have a map of each school in its area, including YULA.

In summary, the proposed signs are NOT needed by YULA's students, employees or visitors and are NOT needed by emergency personnel. Rather, the signs are "vanity" signs intended to recognize YULA's major donors (after whom the buildings, prayer halls [Beit Midrash] and plaza/courtyard are named) and serve NO public safety or necessary informational/directional purpose, and the lack of such signage does NOT pose any hardship for YULA or others. If YULA has promised some form of name recognition to its donors, it can instead install beautiful and substantial dedication plaques inside the school buildings, where they will not be subject to the City's sign regulations or require a zone variance.

However, **if** more and larger signage **is** in fact necessary to improve emergency response time on school campuses, than the *appropriate*, logical and sensible course of action for YULA (instead of trying to get a zone variance) is to lobby for the necessary amendments to the City's sign regulations, in order to provide greater latitude with respect to the size, design and installation of signage on school buildings which are located on land zoned R1. If the LAFD and LAPD could be convinced that having more signs and/or larger signs to identify individual buildings would be helpful to them in emergencies, then the City Council should approve such changes, and Councilmember Koretz could initiate the process for amending the sign regulations.

- C. **YULA:** YULA claims that the sign that reads "YULA BOYS HIGH SCHOOL NAGEL FAMILY CAMPUS" (labeled ST-02a in YULA's application), and which is visible from the adjacent residential uses, is necessary to identify the main entrance, because it's confusing to visitors and emergency personnel that the street address of the campus is 9760 West Pico Boulevard, while the actual entrance is on Castello Avenue.

RESPONSE: This is totally ridiculous, for several reasons:

- (1) There is already an enormous monument sign with *identical* text, in front of the YULA building at the southwest corner of Pico and Castello, and anyone standing at or driving by that sign would easily see the main entrance from that vantage point;
- (2) If this is a legitimate concern, the logical and easy thing for YULA to do is to apply to the Los Angeles Bureau of Engineering for an address modification, to change the school address to Castello Avenue (the address would fall somewhere in the range of 1415 – 1433 S. Castello Avenue). (Although such address change would necessitate ordering new stationery and business cards for YULA employees, that cost would be much less than what YULA is paying in legal and other fees and expenses to pursue this appeal and fabricate the sign, and the community would have no objection to such address change);
- (3) We have interviewed authorized representatives of both the L.A. Police Dept. and L.A. Fire Dept., who assured us that ALL emergency personnel who provide services to YULA are very familiar with the location of the entrance and do not need more signs to direct them;
- (4) We note that there is a second (or third, if you include the monument sign on the corner) large sign (labeled ST-02b in YULA's application) which also has the identical text and thus is totally superfluous and unnecessary, especially given its location in the internal courtyard - - since anyone who has gone through security to enter the YULA campus and to access its courtyard would know where he is; and
- (5) There is already a sign on the only door on the Pico Blvd. side of the YULA campus, which reads: "Deliveries to School Entrance on Castello St." - - and this appears to be working quite well to direct the uninformed to the main entrance.

- D. **YULA:** YULA claims that the LAMC sign regulations "were not meant to strictly apply to projects which are subject to the review of a conditional use permit through which a use not specifically and uniquely residential may be allowed."

RESPONSE: Besides being almost incomprehensible, this is simply a self-serving statement, as YULA provides no evidence as to the drafters' intentions or any history or background relating to the sign regulations to support YULA's opinion regarding what these regulations were *intended* to do. Accordingly, the sign regulations must be applied as written, *verbatim*, without reading any "hidden meaning" or intentions into them, and

(absent the grant of a zone variance) the proposed signage is prohibited by such regulations.

- E. **YULA**: “The YULA campus is unique as compared to development on nearby properties” and its design is complex; “special circumstances exist that do not apply generally to other properties in the same zone or vicinity.”

RESPONSE: As the Zoning Administrator points out in his Determination Letter, YULA’s next-door neighbor, the Museum of Tolerance (likewise an educational institution, although regarded primarily as a museum) also occupies dual-zoned property (also zoned C4-1VL-O and R1V2-O), so YULA’s circumstances are not unique in that regard. The Zoning Administrator also found other dual-zoned properties in the vicinity, as described in the Determination Letter. Further, the campus design is no more complex - - and arguably far *less* complex - - than the design of many other private high schools in Los Angeles. For example, the the K – 5 school building of The Brentwood School, located at the corner of Sunset Blvd. and Bundy and directly adjacent to a residential neighborhood, has NO visible signs of any kind to identify the property as The Brentwood School.

Accordingly, as the Zoning Administrator found, there are NO special circumstances applicable to the YULA property that do not apply generally to other property in the same zone or vicinity.

- F. **YULA**: YULA asserts that “schools require signage to properly operate”.

RESPONSE: This assertion is total nonsense, as explained in Paragraph 2.B. above, and as evidenced by the fact that at least 20 other (and several very exclusive and prestigious) private high schools function just fine without comparable (or even any) signage.

- G. **YULA**: YULA refers to Condition No. 42 of the Conditional Use Permit (Case No. CPC-2009-1049-VCU) (the “**2009 CUP**”), which governs campus design and operational matters, as support for its claim that the 2009 CUP anticipated and/or somehow provided a foundation for its proposed signage program.

RESPONSE: Condition No. 42 states in full:

“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.”

Although YULA is of the opinion - - which is totally subjective - - that the signage is “conservative” (despite the facts that it gave as an example of its proposed signage a photograph of a sign for a dental office located in a shopping center, and that the signs don’t comply with the City’s sign regulations in several material respects), Condition No. 42 does nothing more than acknowledge that YULA must obtain the approval of the Planning Department. YULA is attempting to do so, but its signage program cannot be implemented without a Zone Variance - - and it has failed to satisfy the requirements for *any* (let alone all five) of the findings that the Zoning Administrator must make in order to be granted the Zone Variance.

The foregoing Paragraphs 2.A – 3.G. are by no means a comprehensive analysis and response to all of YULA’s arguments and assertions, but since YULA must provide evidence to support *all five* of the findings that the Zoning Administrator is required to make in order to grant a zone variance, **the foregoing analysis is more than adequate to make it abundantly clear that the requirements for authorizing a zone variance pursuant to LAMC §12.27 and L.A. Charter §562 have NOT been**

established, the Zoning Administrator's decision must be upheld, and YULA's appeal must be denied.

3. WHY CAN'T WE COMPROMISE BY ALLOWING YULA TO INSTALL THE EIGHT SIGNS IN THE COURTYARD, WHICH WON'T BE VISIBLE FROM THE RESIDENTIAL STREET?

It would appear to be a "Solomonic" decision (sometimes referred to as a "split the baby" compromise) to allow YULA to install the 8 signs in the inner courtyard, because they won't be visible from the adjacent residential neighborhood, but prohibit the 4 exterior signs which *would* be visible. Indeed, we acknowledge that some neighborhood residents would be fine with such a compromise.

However, the insurmountable *problem* with this approach is that the LAMC and L.A. Charter do not allow for such "bifurcation". If the surface area of any one sign in the R1 zone exceeds 20 square feet, or the aggregate surface area of all 8 remaining signs exceeds 30 square feet, or if the proposed signs fail to comply in any other way with the restrictions applicable in the R1 zone, then a zone variance is still required - - and all five requirements for such variance must still be satisfied. YULA either satisfies all such requirements or it doesn't - - and the Zoning Administrator has determined that it doesn't. The LAMC doesn't provide for a determination that YULA satisfies the five requirements for a variance with respect to eight of the signs but not for the remaining four. Unfortunately, it's "all or nothing".

Moreover, we are concerned that if YULA's appeal is successful (and it is determined that YULA satisfies all of the requirements for the grant of a zone variance, at least in connection with the eight "interior" signs), YULA could use that determination as the basis for applying for more zone variances in the future, until the YULA campus enjoys all of the privileges and uses allowed on land zoned C4, even though it remains "technically" designated R1.

4. WHY ARE THESE SIGNS OFFENSIVE?

In addition to the reasons set forth in FAQ No. 1 above, there is something inherently anathema and offensive about the fact that the signage program at issue is proposed for a school which serves the Orthodox Jewish community and is located in a neighborhood where the residents (many of whom would see the four exterior signs on a daily basis) are predominantly Jewish. We don't purport to be Jewish scholars, but most Jews who received a basic religious education preparing for a bar mitzvah or bat mitzvah would know by the time they are 13 years old that three fundamental tenets of Judaism, whether one is Reform, Conservative or Orthodox, are: modesty, humility and charity (or in Hebrew: *tziniut*, *anavah* and *tzedakah*, respectively).

"The value of *anavah*, or humility, often is described as one of the most important values within Jewish tradition One who is humble understands the importance of placing other's needs before his or her own. Our own contributions, talents and gifts are essential to our roles within the community, but ***one who truly possesses the quality of anavah needs no recognition, aims for any attention to be drawn away from him or herself***, and lives without concern of what others think of them." <https://www.jewishlearningmatters.com/Lesson2-Humility-and-its-importance-within-Judaism-and-the-Community-1731.aspx> (*emphasis added*). "In the Jewish tradition, humility is among the greatest of the virtues, as its opposite, pride, is among the worst of the vices." <https://www.myjewishlearning.com/article/humility-in-judaism> .

"In Torah, 'modesty', inwardness, is a prime spiritual value in contrast to prevailing norms of contemporary culture, where self-advertisement and public recognition are emphasized." "As Rabbi Simon Jacobson so eloquently writes: 'A true leader . . . inspires by love, not by coercion. ***When it comes time to take credit, he makes himself invisible . . .*** In other words, he is humble and modest.'" <https://www.echronicon.com/ecpp/pdf/ECPP-04->

There is **nothing** humble or modest about having your name (and especially *demanding* that your name be) prominently featured in a sign on a building that you helped to pay for. Rather, such donor-name recognition is likely to be viewed as indicative of the *opposite* traits - - pride, arrogance, ostentatiousness, and self-advertisement / self-aggrandizement - - which are disdained and seen as vices in Judaism.

Regarding the principle of charity (or in Hebrew, *tzedakah*), according to the Jewish Virtual Library, "Maimonides defines eight levels in giving charity (*tzedakah*), each one higher than the preceding one", with the third highest level being "donations where the donor is aware to whom the charity is being given, but the recipient is unaware of the source." (<https://jewishvirtuallibrary.org/eight-levels-of-charitable-giving>)

Just think of what a wonderful example the Kestenbaum, Samson, Arnall, Gelman, Robin, Sassoon and Nagel families would set if they were to agree *not* to have their names on signs, or at least to lower their expectations enough to allow for a single, far more modest sign to be placed at the entrance to the applicable building, and designed and installed in compliance with L.A.'s sign regulations** - - or to the substitution of a dedication plaque inside the building in lieu of large exterior signs. It would be an example of *tziniut* and *anavah*, and a lesson to all current and future YULA students and their families as to the *true* meaning of *tzedakah* in Judaism.

[** In this regard, note that "the law of the land is also G-d's law" [Dina de-Malkhuta Dina - Jewish Virtual Librarywww.jewishvirtuallibrary.org > dina-de-malkhuta-dina](http://www.jewishvirtuallibrary.org/dina-de-malkhuta-dina)]

Further, while we appreciate that one of the great freedoms we enjoy in this country is the right of free speech (which includes the right to put a person's name on a building to recognize and honor such person), there is something particularly offensive about installing large signs containing the name "Ambassador Roland E. Arnall" in two locations on the YULA campus. Although we can't do anything to prevent the installation of the 46.70 square foot wall sign that is prominently visible from Pico Blvd. (since it is allowed in the C4-1VL-0 zone), we would like to explain why many people would be upset by seeing Ambassador Arnall recognized in this manner.

Arnall was one of the top 10 donors to the Republican Party in 2003-2005, raised more than \$12 million for George W. Bush, and contributed nearly \$1 million to help pay for President Bush's second inauguration celebration; in return, President Bush nominated Arnall to the largely honorary position of U.S. Ambassador to The Netherlands. However, the way in which Arnall became a billionaire, enabling him to donate large sums to many conservative / pro-Israel politicians and to Jewish organizations, is far *less than honorable*.

Anyone who recalls (or suffered major financial losses in) the 2008 recession will know that Arnall made his fortune as the owner of AOC Capitol Holdings Corp., the parent company of Ameriquest, which was once the largest sub-prime mortgage lender in the United States, funding almost \$75 *billion* in subprime loans and thus playing an enormous role in one of the biggest financial crises of this century. Indeed, Arnall has been called one of the "**Godfathers of subprime**" (see: "*How subprime lending all started in O.C.*" by John Gittelsohn, <https://www.ocregister.com/2007/12/30/how-subprime-lending-all-started-in-oc/>). In 2006, AOC Capitol Holdings Corp. / Ameriquest agreed to a \$325 million settlement with state attorneys general, law enforcement agencies and financial regulators in 49 states and the District of Columbia, who "had accused Ameriquest of misrepresenting and failing to disclose loan terms, charging excessive loan origination fees and inflating appraisals to qualify borrowers for loans." (https://en.wikipedia.org/wiki/Roland_Arnall ; see also "*Roland Arnall, Mortgage Innovator, Dies at 68*", by Dennis Hevesi, [New York Times](https://www.nytimes.com/2008/03/19/us/19arnall.html), March 19, 2008).

In addition, Arnall's biography in Wikipedia states that: "In order *to circumvent campaign finance laws*, Arnall mandated that Ameriquest staffers, on company time, solicit campaign contributions from vendors and directed to selected candidates, including Antonio Villaraigosa". Since then, many campaign finance laws have been tightened to make such conduct illegal.

We realize that there is certainly precedent for the families of people who became very wealthy from doing "bad things", which may even have caused grievous harm to a lot of people, to attempt to create a positive legacy by donating money to good causes (such as schools) - - although this practice may strike many as hypocrisy. We also realize that it's not easy to raise money to build a school, but this doesn't make YULA's decision to install two large signs bearing Roland Arnall's name a *wise* decision. Many people suffered enormous financial losses as a result of the market crash and massive foreclosures precipitated by the lending practices on which Roland Arnall's fortune was built. To have two large signs bearing this name on a Jewish high school campus (where boys presumably learn about morality and ethics, and how to be good, kind and honorable) is arguably in very bad taste, and the association of Roland Arnall's name with YULA is embarrassing and offensive to many - - including many of the residents of the adjacent neighborhood who will see the larger of these two signs (the one facing Pico Blvd.) every time they walk or drive by the school on Pico Blvd."

5. WHAT IS COUNCILMAN KORETZ'S POSITION ON THIS CASE - - AND SHOULD IT AFFECT THE OUTCOME?

Under normal circumstances, City Planning Department officers, administrators and commission members will usually defer to the opinion of the Councilmember who represents the applicable Council District. In this case, however, the Zoning Administrator has already conducted a comprehensive hearing and reviewed many documents, and he has reached the very well-reasoned conclusion that YULA has not met, and cannot meet, the requirements for the grant of a zone variance. That decision should prevail over the opinion of Councilman Koretz and his staff.

Moreover, in this era of intense public scrutiny of the actions and motivations of City Council members and other City employees (as evidenced by the indictments of former L.A. Councilmember José Huizar and others on charges of bribery and corruption in connection with zoning and planning decisions), we feel it's important to note that persons affiliated with YULA (including members of the Nagel family [who are major donors to YULA, and whose name would be prominently featured on two of the proposed signs], the Kestenbaum family [of the "Kestenbaum Commons" sign], Lee and Daniel Samson [of the "Samson Center" sign], Sunny Sassoon [of the "Sassoon Beit Midrash" sign], past and present members of YULA's Board of Directors, etc.) have donated a total of *at least* \$22,750 to Councilmember Koretz's past campaigns for the City Council and current campaign for City Controller. The acceptance of these campaign contributions gives Councilmember Koretz's support for the variance at least the appearance of impropriety - - and possibly worse. Accordingly, under these circumstances, in the event that Councilmember Koretz elects to support YULA's appeal of the Zoning Administrator's decision, such opinion and support for YULA should not be given any deference and should not affect the outcome of this case.

#

Wannabe Controller Paul Koretz Proves “Pay-to-Play” is Alive and Well in City Hall

SUSAN GANS

16 MAY 2022



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GUEST COMMENTARY - In yet another shocking abuse of the City Council’s veto power over decisions of Area Planning Commissions, Councilmember -

and desperate candidate for City Controller - Paul Koretz recently introduced a motion under City Charter Sec. 245 (the “245 Motion”) to assert jurisdiction over (and potentially veto) the decision of the West L.A. Area Planning Commission (APC) to deny a zone variance to Yeshiva University of Los Angeles Boys High School (YULA).

Opponents of the zone variance didn't receive any notice of the 245 Motion or of the City Council meeting at which such motion was approved - - so there was no opportunity to oppose it - - and the 245 Motion is set for review at the City Council's Planning and Land Use Management (PLUM) Committee meeting on May 17, 2022. Moreover, Koretz has submitted to the PLUM Committee, for it to rubber-stamp, a list of Conditions of Approval and Findings which were clearly written by YULA's attorney and contain many false and/or unsubstantiated statements which contradict the Findings made by the Zoning Administrator (ZA) and which could 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 laws.

The requested zone variance has been the subject of FOUR very long and comprehensive hearings, two held by the ZA and two held by the APC. Hundreds of pages of documents were submitted by both sides to, and carefully reviewed by, the ZA and APC, concluding in the APC's unanimous vote to DENY the zone variance. YULA needs the variance to install nine large exterior signs - - which YULA representatives have acknowledged are primarily "donor recognition signs" - - on campus structures, because the signs don't comply with the size limitations and design requirements of the City's zoning and signage regulations.

But the BIG problem is that approximately two-thirds of the YULA campus is on land zoned R1 for residential use, and the grant of a variance would create a **terrible precedent** regarding signs in the R1 zone - - and there is simply **no legal basis for the grant**. The City Charter (Sec. 562) and LAMC (Sec. 12.27) require that an applicant for a zone variance satisfy all five of the requirements for the grant of a variance. The ZA concluded that YULA's application failed to meet ANY of the five requirements, and the APC upheld the ZA's determination. In particular, the President of the APC noted that the requirements for a zone variance "set a very high bar" to meet, and she quoted from a letter sent by Marcia Selz, President of the Coalition of CD5 Homeowner Associations, that "**The zone variance process is not intended to accommodate an applicant's design preferences.**" The Commissioners all noted that YULA could have all the signs it needs, **without** a variance, if it modifies the sign design to reduce the size, moves the 275 square foot "donor wall" sign indoors (or instead displays donors' names in decorative floor tiles) and makes other minor changes. In short, all the Commissioners recognized that 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 variance.

Koretz claims that the signs in the R-1 zone shouldn't be a concern because only one of the signs will be visible from the street (the other 5 signs in the R-1 zone are visible only from the interior courtyard). But this completely misses the point that the requirements for a variance 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 which can be used in the future not only by YULA but also by other institutions and businesses located on R-1 or multiple-zoned property. Moreover, in a 2013 L.A. Superior Court case (Donna Chazanov et al vs. City of Los Angeles et al), Judge Luis Lavan ordered the City Council to set aside its decision to veto the Area Planning Commission's denial of a zone variance (likewise pursuant to a 245 Motion made by Paul Koretz); with respect to that strikingly similar case, Koretz also stated that the disputed project shouldn't matter because "it wasn't visible from the street" (see: **Taller Bel-Air home opposed;**

residents say hillside rules being eroded - Los Angeles Times (latimes.com)), but clearly Judge Lavan didn't agree.

So WHY is Paul Koretz so determined to reverse the unanimous decision of both the ZA and the APC, by taking the extreme measure of making a 245 Motion?

The answer is simple and two-fold: first, he (mistakenly) thinks that his support for YULA will garner support in the Orthodox Jewish community in the race for City Controller; and second is the classic "pay-to-play" scheme that remains rampant in L.A. City Hall. Koretz has (according to records kept by the L.A. Ethics Commission) received at least \$22,750 in campaign contributions from people affiliated with YULA, including 24 separate contributions from people whose names or surnames would be on the disputed donor recognition signs - - and that amount is probably a conservative estimate, because it's very difficult to spot contributions made by people related to such "YULA affiliates" but who have a different surname. Moreover, if Koretz is successful in overturning the APC's action and the variance is granted, no doubt Koretz expects to receive a bounty of much-needed campaign contributions so he can clutter our mailboxes and airspace with political ads. Indeed, neighborhood residents who oppose the variance are asking the F.B.I. (whose investigations led to the indictment of Jose Huizar for his "alleged" pay-to-play dealings) and L.A. Ethics Commission to look into Councilmember Koretz's actions in the YULA case.

But the ultimate question is - - do we really want someone like this, who subverts the rule of law for his own gain, to be the City's next Controller???

(Susan Gans is an attorney and longtime community activist, Acting President of the Roxbury-Beverwil Homeowners Alliance, and an active member of the Coalition of CD5 Homeowner Associations. She is also very proud of her Jewish heritage and agrees that YULA is a fine educational institution (but that doesn't give it the right to a zone variance to accommodate its design preferences). Please send questions and comments to RoxBevHOA@gmail.com. The opinions expressed by Susan Gans are solely hers and not the opinions of CityWatch.)