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Ref: 13462-0002

May 19, 2022

VIA EMAIL AND LACOUNCILCOMMENT.COM

Honorable Members of the
Planning and Land Use Management Committee
of the Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012
E-Mail: clerk.plumcommittee@lacity.org

Re: Yeshiva University Los Angeles Boys High School
9760 W. Pico Blvd.
Council File 22-0505
Case No. ZA-2019-5552-ZV-1A
Hearing Date: May 31, 2022

Dear Honorable Members of the Planning and Land Use Management Committee:

This letter is submitted on behalf of Yeshiva University Los Angeles Boys High School ("YULA"), the applicant and appellant in the above-referenced case.

In our letter to the Planning and Land Use Management ("PLUM") Committee dated May 13, 2022, we included proposed findings in support of the requested variance in this case. However, those findings were incomplete. Attached are revised proposed findings ("**Proposed Findings**"), which replace the proposed findings that were attached to our May 13, 2022 letter.

For all of the reasons set forth in our May 13, 2022 letter, we urge the PLUM Committee to recommend that the City Council **adopt the Proposed Findings, reverse the ZA Decision and grant the requested variances**. In summary:

- Of the nine (9) proposed signs that require a variance, eight (8) will be installed within the courtyard area of the YULA Campus and will **not be visibl**e from the surrounding residential neighborhood.

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- The only sign that requires a variance that will be visible from outside the YULA Campus is conservative, non-illuminated, and only 32.6 square feet in area. That sign, which is needed to identify the primary entrance to the YULA Campus on Castello Avenue, will **not** have an adverse impact on the character of the surrounding area.

- YULA has made substantial concessions in an effort to address the concerns some area residents, including the elimination of the "Gelman Hall" sign (Sign ST-07) and the "Sampson Center" sign (Sign ST-03) and the relocation of the "Kestenbaum Commons" sign (Sign ST-04).

- The proposed signs would benefit new students, faculty, and staff, as well as visitors and first responders, by identifying the various buildings and facilities on the YULA Campus.

- The proposed sign program has **strong community support**.

- All of the findings required to grant the requested variance in this case can and should be made.

Thank you for your consideration,

Very truly yours,

JOHN M. BOWMAN
Elkins Kalt Weintraub Reuben Gartside LLP

JMB

cc: Council Member Paul Koretz

Proposed Findings

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

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

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

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

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

Given the various uses, buildings, and institutions on the already-built campus, and the split zoning on the lot, the strict application of the zoning ordinance would result in practical difficulties inconsistent with the general purpose and intent of the zoning regulations, as described below. In order for YULA students, teachers, staff, and visitors to properly identify the buildings on the YULA Campus, identification signs are required. Additionally, identification of the YULA Campus' buildings is necessary for emergency personnel, such as emergency medical technicians, firefighters, and security or police officers to quickly identify the buildings during emergencies. As a school, there are particular necessities for having the name of the school above the entrance to the school and the name of particular

buildings above the entrances to said buildings for security purposes. The awnings and other architectural features of the buildings are now existing; logical sign placement is along the edge of such awnings to ensure visibility. It would create practical difficulties to require the applicant to demolish twelve inches of each awning so that signs placed on such awnings project only 24 inches from the building rather than 36 inches. It would create practical difficulties for the applicant to demolish and rearrange previously permitted and built buildings to place the building entrances on the C4 zoned portion of the lot rather than the R1 zoned portion of the lot to allow the use of different sign regulations. The school's student entrance was built along the side street, in the R1 zoned portion of the lot, and not Pico Boulevard to separate students from the fast and dangerous traffic along Pico Boulevard to increase safety; it would create practical difficulties and potentially dangerous loading and unloading practices if the school's entrance was moved from the R1 zoned portion of the lot along the side street to Pico Boulevard in order for the school to construct the sign over their entrance. The restrictions in the LAMC sign regulations would result in practical difficulties by not allowing the school to have adequate directional and information signage to address the operational demands of a busy campus.

Pursuant to LAMC Section 12.21.A.7(h), the total amount of signage on a residential zone is restricted to 30 square feet and any individual sign is limited to 20 square feet. Although these limitations are appropriate for residential uses, they impose a unique hardship on schools and similar uses that are allowed in residential zones by conditional use permit. The discretionary review and approval of these uses ensures that the character of the residential areas in the vicinity of the subject property is protected. Hence, the hardships associated with strict application of the LAMC Section 12.21.A.7(h) to the subject property is unnecessary and inconsistent with the purposes and intent of the zoning regulations.

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

The Zoning Decision does not dispute the applicant's contention that strict application of the relevant provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships. Instead, Zoning Administrator found that the requested variance would not be "consistent with maintaining the character of the surrounding Low Residential neighborhood" and for this reason would be "inconsistent with the intent and purpose of the residential zoning for the subject site." However, there is no evidence to support this finding. In fact, only one of the six (6) signs proposed in the residentially-zone portion of the subject site would be visible from any residence. The only sign that would be visible from any residence (Sign ST-02a) is proposed to be installed above the main gate to the campus and is needed for identification purposes. Sign ST-02a will not detract from the character of the surrounding

neighborhood inasmuch as it will not be illuminated and will have an aesthetically-pleasing design. For these reasons, the Zoning Administrator erred and abused its discretion.

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

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

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

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

The subject property is developed with a private school and related uses pursuant to a conditional use permit and other discretionary approvals previously granted by the City. The buildings that comprise the school's campus are oriented around a central courtyard area that is not visible from outside the campus. Of the nine (9) proposed signs that require a variance, eight (8) will be installed within this courtyard area and will not be visible from the street or any residence. Thus, the use of the subject property and the configuration of the existing buildings on the site are special circumstances that do not apply to other properties in the same zone and vicinity.

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

The Zoning Administrator's decision concludes that there are no special circumstances applicable to the subject property because there are two other lots in the vicinity of the subject property that have dual zoning. However, neither of those lots is developed with a private school comprised of multiple buildings oriented around a central courtyard. Furthermore, as stated above, there are special circumstances applicable to the subject property, including its size, location, and the existing layout of the campus. For these reasons, the Zoning Administrator erred and abused its discretion.

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

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

The Zoning Administrator's decision states that this finding cannot be made because (1) there are no "special circumstances" applicable to the subject property, and (2) the applicant is seeking a "privilege" to install "donor" signs. However, there are special circumstances applicable to the subject property for the reasons stated under Finding No. 2 above. Furthermore, none of the six (6) signs proposed in the R1 zone are "donor" signs. Rather, each of these signs simply identify the YULA campus or identify specific buildings on the YULA campus by name, and therefore constitute identification signs as allowed by Condition No. 42 of the Conditional Use Permit in Case No. CPC-2009-1049-VCU-ZV-PAD. For these reasons, the Zoning Administrator erred and abused its discretion.

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

Six (6) of the proposed signs are in the commercially zoned portion of the site; three (3) of the proposed signs in the commercially zoned portion of the site are allowed by-right and three (3) of the signs in the commercially zoned portion of the site (Signs ST-23, ST-24, and ST-31) are not allowed by-right as proposed and designed as they exceed the allowable maximum sign areas for monument signs, wall projections, and/or maximum awning or canopy placement. The three (3) signs in the commercially-zoned portion of the site that are not allowed by right are internal to the campus and not visible from the public right-of-way.

Five (5) of the six (6) signs on the residentially zoned portion of the lot are internal to the campus and not visible from the public right-of-way (ST-02b, ST-04, ST-05, ST-06, and ST-11b). One (1) of the six (6) signs on the residentially zoned portion of the lot is visible from the public right-of-way (Sign ST-02a). Sign ST-02a is proposed to face east and be placed above the primary entrance to the campus from Castello Avenue.

Overall, the proposed sign program will provide a unique identity for the YULA campus as well as

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

The Zoning Administrator's decision states that the proposed signage would be "materially detrimental" to the public welfare or injurious to the property or improvements in the same zone or vicinity because the signs would "intensify the residentially zoned portion of the subject property and introduce an element to the surrounding residential neighborhood that is not anticipated." However, this conclusion is not supported by any evidence in the record. Only one of the proposed signs that require a variance would be visible from any residence, and the only sign that would be visible to any residence has been designed to be compatible with the character of the residential area. Furthermore, the statement that the signs would introduce an "element" to the surrounding neighborhood that is "unanticipated" is not supported by any evidence and irrelevant to any of the required findings. Given the existence of the YULA campus, and in the light of Condition No. 42 of the Conditional Use Permit in Case No. CPC-2009-1049-VCU-ZV-PAD, conservative identification signs of the type proposed by the applicant were clearly anticipated. For these reasons, the Zoning Administrator erred and abused its discretion.

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

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

Private schools are allowed by right in the C4 zone (which corresponds to the "Neighborhood Commercial" land use designation) and are allowed by conditional use permit in the R1 zone (which corresponds to the "Low Residential" land use designation). Therefore, the existing private school on the

subject property, and by extension the proposed identification signs that would be accessory to the school, is consistent with the City's General Plan.

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

The Zoning Administrator's decision states that the proposed signage is "not in keeping with the intent of the existing low residential land use designation" for a portion of the subject property, that granting the variance would "adversely affect the West Los Angeles Community Plan," and that denial of the variance is necessary to prevent the "encroachment of incompatible uses." However, there is no evidence in the record to support these conclusions. Only one of the proposed signs that require a variance would be visible from any residence, and the only sign that would be visible to any residence has been designed to be compatible with the character of the residential area. For these reasons, the Zoning Administrator erred and abused its discretion.

ADDITIONAL MANDATORY FINDINGS

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

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