



CENTRAL AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.lacity.org/PLN/index.htm

Determination mailing date: JUL 02 2012

Case No. **ZA 2011-1534-CU-ZAD-1A**
CEQA: ENV-2011-1535-MND

Location: 1019-1059 South La Cienega Boulevard
and 1036-1046 South Corning Street
Council District: 5 - Koretz
Plan Area: Wilshire
Zone: C2-1-O and [Q]R3-1-O
D.M.: 132B173

Applicant: Rabbi Mitchel, Temple Beth Am
Representative: Lauren Yang, Craig Lawson & Company, LLC

Appellant: Jill S. Mazur

At its meeting on June 12, 2012, the Central Area Planning Commission:

1. **Denied** the appeal;
2. **Sustained** the action of the Zoning Administrator in approving a Conditional Use to permit the continued use of an existing synagogue and school in the C2-1-O and [Q]R3-1-O Zones and the construction, use and maintenance of a new 33,628 square-foot school building with 27 parking spaces located within one subterranean parking level and an 8,500 square-foot outdoor play yard area in the [Q]R3-1-O Zone; to allow a 5-foot side yard setback in lieu of the 25 feet otherwise required for churches and educational facilities, and 5-foot side yard setbacks in lieu of the 8 feet otherwise required by the [Q] Condition; and permit an over-height fence with a maximum height of 8 feet in the required front yard setback in lieu of the 3-1/2 foot-height otherwise permitted in the [Q]R3-1-O zoned portion of the site;
3. **Adopted** the Findings; and
4. **Adopted** the recommendation of the lead agency in adopting Mitigated Negative Declaration No. ENV 2011-1535-MND as the environmental clearance for this action.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Motion: Commissioner Norton
Seconded: Commissioner Acevedo
Ayes: Commissioners Norton, Acevedo, Kim, Martorell and Suh
Vote: 5-0

Effective Date
Effective upon the mailing of this notice

Appeal Status
Not further appealable to City Council


Sheldred Alexander, Commission Executive Assistant
Central Los Angeles Area Planning Commission

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

Attachment: Zoning Administrator's Decision Letter dated March 29, 2012

cc: Notification List
Jim Tokunaga, Senior City Planner

LYNN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN
SUE CHANG
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FERNANDO TOVAR
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March 29, 2012

Rabbi Mitchel Malkus (A) (O)
Temple Beth Am
1055 South La Cienega Boulevard
Los Angeles, CA 90035

Lauren Yang (R)
Craig Lawson & Company, LLC
8758 Venice Boulevard, Suite 200
Los Angeles, CA 90034

CASE NO. ZA 2011-1534(CU)(ZAD)
CONDITIONAL USE, FENCE HEIGHT
1019-1059 South La Cienega Boulevard
and 1036-1046 South Corning Street

Wilshire Planning Area

Zone : C2-1-O and [Q]R3-1-O

D. M. : 132B173

C. D. : 5

CEQA : ENV-2011-1535-MND

Legal Description: Lots 106-111, Tract
7170; Lots 200-201 and 229-232,
Tract 7171.

Pursuant to Los Angeles Municipal Code Section 12.24-W.9, I hereby APPROVE:

a Conditional Use to permit the continued use of an existing, synagogue and school in the C2-1-O and [Q]R3-1-O and the construction, use, and maintenance of a new 33,628 square-foot school building with 27 parking spaces located within one subterranean parking level and an 8,500 square-foot outdoor play yard in the [Q]R3-1-O Zone; and

Pursuant to Los Angeles Municipal Code Section 12.24-F, I hereby APPROVE:

a determination to allow 5-foot side yard setbacks in lieu of the 25 feet otherwise required for churches and educational institutions, and

a determination to allow 5-foot side yard setbacks in lieu of the 8 feet otherwise required from the [Q] condition; and,

Pursuant to Los Angeles Municipal Code Section 12.24-X.7, I hereby APPROVE:

a Zoning Administrator's Determination to permit an over-in-height fence with a maximum height of 8 feet in the required front yard in lieu of the otherwise 3.5 foot high permitted in the [Q]R3-1-O zoned portion of the site.

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. This approval is tied to Mitigated Negative Declaration No. ENV 2011-1535-MND. The applicant shall comply with the mitigation measure(s) identified in that case, as modified by this action.
8. Granted herein is the continued use of an existing 56,164 square foot synagogue building, a 42,250 square foot school building, and two temporary portable/modular structures located at 1039 South La Cienega Boulevard to be used during the phasing of the project with 96 parking spaces all in the C2-1-O zone; and expansion of accessory school uses for the addition of a new 33,628 square-foot Early Childhood Center (ECC) building (including the basement floor

area), a 2,600 square foot of ministry services office, and 27 parking spaces in a subterranean garage in the [Q]R3-1-O Zone; and. A maximum of 10 classrooms shall be permitted in the new ECC Building.

9. The maximum number of children shall not exceed 175 pre-school age children in the ECC Building located in the [Q]R3-1 Zone.
10. The pre-school/ECC hours of operations are Monday to Thursday, 8:00 a.m. to 4:00 p.m., Friday 8:00 a.m. to 3:00 pm. The synagogue operates a Religious School on Sundays from 9:00 a.m. to 12:00 p.m. and Tuesday from 4:00 pm to 6:00 pm.
11. The grant herein authorizes a minimum 5-foot setback along the north and south side property lines for the new ECC Building located.
12. A maximum 8-foot high fence shall be permitted along the front property line (west) and on the side property lines (north and south) within the required front yard on the portion of the site zoned [Q]R3-1-O along Corning Avenue.
13. All parents/guardians transporting children to and from the subject facility shall be instructed to load/unload children in accordance with a child drop-off/pick-up plan on La Cienega Boulevard as approved by the Departments of Transportation and City Planning.
14. A minimum of 123 parking spaces shall be provided, as shown on Site Plan (Exhibit "A") to the satisfaction of the Department of Building and Safety.
15. No loudspeaker shall be installed or used in the playground or any open areas of the subject facility, nor shall any recorded or radio music be used in conjunction with any outdoor activities of the children.
16. All open areas not used for buildings, driveways, parking areas, walk, or outdoor playing areas shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, to the satisfaction of the Department of City Planning.
17. Any proposed sign shall comply with Section 12.21-A,7 of the Los Angeles Municipal Code.
18. The owners shall maintain the subject property clean and free of debris and rubbish.
19. Any expansion of the subject pre-school facility in the [Q]R3-1 Zone is prohibited and shall require a review and authorization by the Department of City Planning.
20. Prior to the issuance of a building permit, if warranted, based upon a noise study

prepared by an acoustical engineer and approved by the City Planning Department, the applicant shall construct walls along the side property lines and an 8-foot high fence with foliage at the front property line to mitigate noise impacts.

21. A solid wall shall be erected along the subject site's southerly and northerly property lines that abut existing residences. The applicant shall consult with the abutting property owners directly affected by the proposed wall to discuss wall height, wall materials, and wall design prior to any submittal of elevation plans. Within 90 days of the effective date of this action, elevation plans for said walls shall be submitted to the Council Office for review and input by the community. Said walls shall be completed prior to the initiation of any construction or remodeling work.
22. At any time during the period of this grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the applicant to file for a plan approval application together with the associated fees, to hold a public hearing to review the applicant's compliance with and the effectiveness of the conditions of the grant. The applicant shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
23. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
24. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

All terms and Conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A

carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after April 13, 2012, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.**

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

NOTICE

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

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Department of City Planning Staff thereon, and the statements made at the public hearing on January 4, 2012, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W have not been established by the following facts:

BACKGROUND

The project site lot area is approximately 77,857 square feet and is comprised of 12 lots. The westerly portion of the site is zoned [Q]R3-1-O and has a Medium Residential land use designation while the easterly portion of the site is zoned C2-1-O and has a General Commercial land use designation. The project site is currently developed with the Temple Beth Am Synagogue, the Pressman Day School and Religious School, and the existing Pressman Academy Early Childhood Center. The project site currently has 106 on-site parking spaces are located within a subterranean garage. The applicant also maintains 25 off-street parking spaces in the City of Beverly Hills Tennis Courts parking structure and 10 off-street parking spaces at Beth Am Manor by covenant (AF-92-144928-PA) while an existing surface parking lot is being used to house two temporary modular trailers.

Effective November 15, 1991, Ordinance No. 167,335 established the "Q" Condition that currently exists on a portion of the subject site zoned [Q]R3-1-O. The following "Q" Conditions were placed on the area bounded by Pico Boulevard to the south, Gregory Way to the north, properties fronting on Corning Street to the east and properties fronting on Wooster Street to the west (south of Olympic), and Le Doux Road to the east and properties fronting on Shenandoah Street to the west (north of Olympic). The "Q" Condition includes requirements for landscaping, open space, parking, building articulation, yards, and trees.

The applicant is requesting approval of a Conditional Use, Fence, and Mitigated Negative Declaration to allow the continued use and operation of an existing synagogue and school (The Pressman Academy Early Childhood Center) on property in the C2-1-O and [Q]R3-1-O Zones including the expansion of the site under a three phase program. Phase 1: demolition of existing Pressman Early Childhood Center and residential buildings on the site and the construction of a new two-story, 33,628 square-foot building with 8 classrooms and one level of subterranean parking with 27 parking spaces and an 8,500 square-foot outdoor play area; Phase 2: the construction of two additional classrooms in a two-story building, to be connected to the two-story building under Phase 1; and, Phase 3: construction of a 2,820 square-foot, two-story building for office/administrative uses. The applicant is also seeking relief from the LAMC to allow a reduced 5-foot side yard setback in lieu of the required 25 feet for churches and educational institutions and a 5-foot side yard setback in lieu of the required 8 feet for developments exceeding 99 feet of street frontage. In addition, the applicant is requesting an over-in-height fence of 8 feet in the front yard in the [Q]R3-1-O zoned portion of the property in lieu of the maximum permitted 3.5 feet otherwise allowed. Temporary/modular structures will be used during construction. A single family dwelling (used as the existing ECC building), a 4-unit apartment building, and a 7-unit apartment building will be demolished.

The surrounding properties to the north, south and west of the project site have a General Plan Land Use designation of Medium Residential. Adjacent lots to the west, across Corning Street, are improved with 2-story and 3-story multi-family residential buildings and a few single-family residential homes and are zoned [Q]R3-1-O. The properties immediately adjacent to the south of the project site are developed with 2-story multi-family apartment buildings as well as some commercial retail uses and are zoned [Q]R3-1-O and C2-1-O. Adjoining the project site to the east is the existing Temple Beth Am Synagogue and Pressman Academy Ganzberg Building. Properties to the east of the project site across La Cienega Boulevard are developed with commercial uses and zoned C2-1-O as well. The city of Beverly Hills boundary is located north of the project site, across Olympic Boulevard.

Currently, vehicular access to the project site is provided via four driveways located off La Cienega Boulevard. The northernmost ingress only and egress only driveways access the surface parking lot which provides parking for the synagogue. Automatic security gates are located at these two driveways with a security guard station situated between both gates in order to monitor all entry and exit activities. The entry gate is monitored through a call box, with an automatic exit gate. The ingress only and egress

only driveways located at the southern end of the property site, provides access to the subterranean parking for the school. There is currently a comprehensive drop-off and pick-up program for the school which utilizes both driveways. There is currently no vehicular access off of Corning Street.

The project proposes to add an additional 27 parking spaces in a subterranean parking structure, connecting to the existing subterranean parking under the Ganzberg building. After implementation of the proposed project, all vehicular access points for the synagogue and the school will remain unchanged with access continuing to be provided from the driveways on La Cienega Boulevard with a separate emergency exit only gated vehicular access point will provided on Corning Street. However, according to the Traffic Impact Analysis Report prepared in June 2011 by Hirsch/Green Transportation Consulting, Inc., the proposed subterranean parking garage, which will be connected to and expand the existing on-site subterranean garage, is expected to reduce the number of cars currently queuing on La Cienega Boulevard.

Previous Cases, Affidavits, Permits, and Orders On the Applicant's Property:

Case No. ZA 2007-5961(ZAD) - On August 14, 2008, the Zoning Administrator approved a Zoning Administrator Determination to permit an over-in-height fence in the front yard in the [Q]R3-1-O Zone.

AF 06-2319400: Recorded October 18, 2006, Covenant and Agreement to hold properties as one parcel for property located at 1046 South Corning Street and 1049, 1051 and 1053 South La Cienega Boulevard.

AF 05-2038474: Recorded August 24, 2005, for property located at 1039 & 1055 South La Cienega Boulevard, Covenant and Agreement regarding maintenance of off-site parking to allow the issuance of two building permits for the installation of two temporary commercial coaches and agree to 1) maintain 25 off-street parking spaces in the City of Beverly Hills tennis courts parking structure located on La Cienega Boulevard and 2) maintain 10 off-street parking spaces at Beth Am Manor, located at 1071 South La Cienega Boulevard, during all times when the two commercial coaches are located on the property located at 1039-1055 South La Cienega Boulevard. In the event that any or all of the 35 off-street parking spaces are no longer available for use in association with the two commercial coaches located at 1039-1055 South La Cienega Boulevard, agreement is to immediately remove the coaches from the property.

Previous Cases, Affidavits, Permits, and Orders on Surrounding Properties:

No relevant cases exist.

The Wilshire Community plan designates the property for Medium Residential and General Commercial land use with the corresponding zones of [Q]R3-1-O and C2-1-O. The project site is not located within any specific plan or interim control ordinance areas.

La Cienega Boulevard is a Major Highway Class II dedicated to a 100-foot width at the project's street frontage.

Corning Street is a Local street dedicated to a 60-foot width at the project's street frontage.

Public Hearing:

The public hearing was held on Wednesday, January 4, 2012 in Los Angeles City Hall. The hearing was attended by approximately 30 people. Not including the applicant there were 17 speakers at the public hearing, 11 spoke in opposition and six spoke in support, the Council Office spoke in support of the application. A summary of the main points are as follows:

Applicant:

- The synagogue and school have been in the community for many years.
- The project was designed to be as least unobtrusive to the neighborhood with parking access from La Cienega.
- Had several meetings with the neighborhood to respond to concerns.
- Schools are often in residential neighborhoods.
- The Temple does many community benefits.
- Current demand exceeds capacity.

Opposition:

- School use is inappropriate for this residential neighborhood and is a commercial use.
- Noise will impact adjacent residents.
- Fence height is inappropriate and too high for residential area.
- Height of building will be tallest in the area.
- Existing synagogue and school have not been "good neighbors" ignoring neighborhood complaints and not complying with existing conditions.
- Conglomeration of three lots will occupy 25% of street frontage.
- Discretionary process is not correct.
- Parking has been a past problem.

Support:

- Well respected synagogue and school with much demand for expansion.
- High quality education at this school.
- Many children live in the neighborhood.
- Voluntary measures to congregants will include carpooling, not parking on Corning Street, and have a complaint liaison with residential community.

Written submittals

Opposition: 11 letters were received with similar concern regarding the inadequacy of the Mitigated Negative Declaration and lack of ability comment on the MND, reasons for opposition were similar to the spoken testimony. At the public hearing, 25 form letters in opposition to the project were submitted.

Support: 23 letters were received with majority of the letters as form letters signed by current congregants of the synagogue or parents of existing/former students. At the public hearing the applicant's representative submitted 77 signed form letters in support of the project.

MANDATED FINDINGS

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

- 1. The proposed location will be desirable to the public convenience or welfare.**

The project site is approximately 77,857 square feet and is comprised of 12 lots. The easterly portion of the site fronting La Cienega Boulevard is zoned C2-1-O and comprised of 9 lots and the westerly portion of the site consists of three lots that front on Corning Street and is zoned [Q]R3-1-O. The synagogue use has been located at this site since 1937 when the original temple was erected. The current Temple Beth Am synagogue was completed in 1958. The original school building on the property was completed in 1948 with subsequent school building dedicated in 1966. Other building programs for the school were completed in 1984 and 1996. In 2008 the Pressman Academy ECC opened classes in the building located at 1046 South Corning Street. The applicant is seeking conditional use approval under Section 12.24-W,9 to expand the synagogue's school use in the R3 Zone as an incidental accessory use in the R3 Zone.

The existing ECC located at 1046 South Corning Street currently serves up to a maximum of 20 children, as permitted in the R Zone. The proposed construction of a two-story building with 10 pre-school classrooms, 2,820 square feet of office space, an 8,500 square foot play yard and 27 parking spaces in a subterranean parking level will be compatible in regards to intensity or use, size and design with the adjacent uses. The ECC will be operating during daytime work hours, when existing noise from commercial activities currently operate during the daytime hours. The ECC will not operate on evenings and weekends, when most residents of the nearby apartment units are likely to be at home. The proposed two-story building will fit in with the development of the community as it will be the same height as the surrounding buildings and is within the permitted height limit. Furthermore, the ECC building also has been designed to complement the character of the surrounding residential community, having a residential façade

and frontage on Corning Street. Additionally, no part of the proposed subterranean parking garage will be visible from Corning Street.

There will be no access from Corning Street to the proposed ECC building. Temple Beth Am will maintain the existing vehicular access to the project site, provided via four driveways located off La Cienega Boulevard. Currently, the existing garage is utilized as a student drop-off and pick-up locations for the existing Pressman Academy (along with the existing surface parking lot located at the northern end of the Temple Beth Am site). However, current on-site vehicular queuing for the student drop-off/pick-up activities is limited, creating queuing beyond the limits of the garage onto La Cienega Boulevard. The proposed expanded garage area will allow the rerouting of vehicles, providing additional on-site queuing to accommodate both the existing and anticipated additional vehicles. The new garage is expected to more than double the amount of on-site queuing within the subterranean garage, with an expected increase in the total on-site vehicular queuing (combination of the subterranean garage and the surface parking lot) by nearly 70 percent. Since this additional on-site vehicle queuing space is expected to more than accommodate the anticipated increase in site-related trips due to the proposed project, the effects on the intersection of Olympic Boulevard and La Cienega Boulevard will be minimized.

In addition to improving the on-site student drop-off/pick-up operations, Temple Beth Am will institute a student carpool/rideshare program in order to reduce the number of existing and anticipated student-related vehicles accessing the subject site. Currently, Temple Beth Am does not have a formal or required trip-reduction program for students. The proposed program is expected to reduce the total number of trips, thereby providing a project which will not have any significant traffic impacts. As conditioned, these mitigation measures will provide a development which will be proper in relation to the adjacent uses.

Side Yard Setback

The proposed side yard will vary from 11 feet near the frontage of the building on Corning Street to 5 feet at the rear of the building. The rear portion of the building encroaches 6 feet on the first floor only. Permitting the building to encroach into the required side yards will allow the proposed project to provide the 27 parking spaces in a subterranean level. Extending the stairs into the side yard by 6 feet, not only offers additional parking space, but also is necessary in order to accommodate the garage entry location which connects the existing and proposed subterranean parking structures. The location of the stairs in the corner, as it is currently designed, also allows the parking driveway and parking stalls to meet building requirements and maximizes the available area on the lot. Consequently, these encroachments will allow the proposed project to be developed properly in relation to adjacent uses and the development of the community by properly fitting the lot.

Without the requested 5-foot side yards, the proposed project would not be developed in as beneficial a manner as it is currently designed and would not be proper in relation to adjacent uses and the development of the community. According to the LAMC, for side yard setbacks in the R3 and R5 Zones, a 5-foot side yard is required for a main building not more than two stories in height, with one foot added to the width of the side yard per each additional story above the second story. If this project did not have the institutional side yard requirement of 25 feet, the proposed two-story project would have a southerly side yard setback requirement of 5 feet. Thus, providing a 5-foot side yard setback, would still allow the proposed project to be considered proper in its development.

2. The location is proper in relation to adjacent uses or the development of the community.

The new ECC Building proposed for the [Q]R3-1 zoned portion of the site is approximately 33,628 square feet in size. The properties to the north, west and south of the site are zoned [Q]R3-1-O and are developed with multi-family residential uses. Adjoining the project site to the east is the existing Temple Beth Am Synagogue and Pressman Academy Ganzberg Building, which is affiliated with the proposed project. Properties to the east of the project site across S. La Cienega Boulevard are zoned C2-1-O and developed with commercial uses.

Temple Beth Am has been located at the existing site on La Cienega Boulevard since the 1930s. The first temple building was erected in 1937, known as the Brotherhood Hall, with the current Temple Beth Am synagogue building completed in 1958. The original school building on the property was completed in 1948, with the subsequent existing Pressman Academy School building ("Ganzberg Building"), completed and dedicated in 1966. The applicant proposes to build a new preschool, including accessory office uses to the school and remodel the interior of the existing synagogue. The proposed project is designed to reflect the character of development in the immediate neighborhood and reduce impacts to nearby property owners. The project site is located in the [Q]R3-1-O Zone, within the Wilshire Community Plan Area. The location of the proposed project is proper in relation to the adjacent uses because it will expand an already existing synagogue and school use to the community. As conditioned the preschool will provide a proper use in relation to the adjacent uses and the development of the community. Religious institutions and schools are often located in residentially zoned properties and may be permitted in the R3 Zone provided a conditional use approval is granted.

Side Yard Setback

The encroachment of the building into the side yards is to allow the building to utilize the underground columns of the parking structure. In order to sustain the vertical force of the building, it is preferable to have the columns for the building set on top of the columns for the parking structure. If the columns do not align, the

project would face a significant redesign that would create a loss of parking spaces. Although not required by Code, these additional parking spaces are desirable to the public convenience and welfare by ensuring adequate parking is provided on-site to meet parking demand.

The portions of the building located in the side yard setbacks are not detrimental to public convenience and welfare. Only the rear portion of the ECC Building will require the reduced 5 foot side yard, the front portion will be as wide as 11 feet wide in some areas. For side yard setbacks in the R3 and R5 Zones, a 5-foot side yard is required for a main building not more than two stories in height, with 1-foot added to the width of the side yard per each additional story above the second story. If this project did not have the institutional side yard requirement of 25 feet, the proposed two-story ECC would have a side yard setback requirement of 5 feet. In addition, a 25-foot setback on both side yards would drastically cut into the building footprint leaving only 97 feet of the lot width developable (the three lots total approximately a 147-foot lot width). Providing a minimum a 5-foot side yard setback will still allow the proposed project to be considered proper in its development and therefore desirable to the public convenience and welfare.

3. The use will not be materially detrimental to the character of the development in the immediate neighborhood.

The proposed project will not be detrimental to the character of development in the immediate neighborhood as it has been a part of the neighborhood since the 1930s. The proposed new construction of a two-story building with 10 pre-school classrooms, 2,820 square feet of office space, an 8,500 square-foot play yard and 27 parking spaces in a subterranean parking level will be compatible in regards to intensity or use, size and design with the adjacent uses. The intensity of the use is compatible to the character of development in the immediate neighborhood which is characterized by multi-family residential. The buildings square footage and height are permitted within the existing residential zone. The ECC will operate during daytime work hours, and thus will not have an impact on the surrounding neighbors as surrounding neighbors are at their workplaces and not at home. Thus, the proposed project will not be detrimental to the character of development in the immediate neighborhood.

4. The proposed location will be in harmony with the various elements and objectives of the General Plan.

The proposed project will be in harmony with the various elements and objectives of the General Plan as it meets goals and objectives of the Wilshire Community Plan. The proposed project site is designated Medium Residential in the Wilshire Community Plan. Although religious institutional and school uses are not permitted by right in the Medium Residential designation, they may be approved through the conditional use process provided findings for approval are made.

The General Plan also encourages educational facilities in the area. The Wilshire Community Plan promotes articulates the following goal and policy objective:

- *GOAL 6: FACILITATE THE PROVISION OF PUBLIC SCHOOLS AND ADEQUATE SCHOOL FACILITIES TO SERVE EVERY NEIGHBORHOOD IN THE WILSHIRE COMMUNITY PLAN AREA.*
- *Objective 6-1: Locate schools in areas complimentary to existing surrounding land uses with buffering, convenient to local neighborhoods, and with access to recreational opportunities.*

The subject site provides a preschool, elementary school and middle school in a neighborhood which is mostly characterized by multi-family uses, including apartment and condominium buildings. The existing preschool and elementary school is consistent with the surrounding uses and is compatible with the multi-family uses nearby.

The proposed project will also fulfill this goal by providing adequate school facilities to Jewish neighborhood in the Wilshire Community Plan Area. In order to "serve every neighborhood in the Wilshire Community Plan Area," it is necessary for a diversity of adequate school facilities to be provided. Considering the need of the synagogue congregation as well as the Jewish population in the vicinity, the proposed project will meet this goal. Thus, the proposed request is not detrimental to the character of development in the immediate neighborhood, but rather is in harmony with the various elements and objectives of the General Plan.

5. **The proposed fence will be in conformity with the public necessity, convenience, general welfare and good zoning practice.**

Synagogues and other Jewish institutions are especially sensitive to security issues and thus proper security measures must be provided. In the wake of the shootings at the Jewish Community Center in Granada Hills on August 10, 1999, and the terrorist activities in New York and Washington DC on September 11, 2001, providing additional security measures at the Temple Beth Am campus has been mandatory. The Temple has instituted on-site security measures including security guards, at expense to the Temple membership. While there have been no specific security threats to the day care center at this location, every Jewish Institution in Los Angeles has been advised by the U.S. Department of Homeland Security as well as the Los Angeles Police Department to take special precautions to protect its members and its facilities from terrorist activities. Additionally, as with any facility that serves young children, safety and security is a prime concern. The children are supervised, but if they are playing in the front yard area, there needs to be protection so that an intruder cannot reach over a low fence and grab one of the children.

The existing wrought iron fence was approved on August 14, 2008, under Case No. ZA 2007-5961(ZAD). The Zoning Administrator noted that the zoning

regulations require a maximum of 42-inches in height for a fence in the front yard setback area and 6 feet in the side yard area to provide compatibility between the respective properties. However, these regulations are written on a Citywide basis and do not take into account the unique circumstances of specific properties and uses. Thus, the Zoning Administrator found that granting the request for the 6-foot high over-in-height fence would allow the applicant to provide the necessary security and protection of the children at the Early Childhood Center.

The fence is proposed as wrought iron to match the architecture of the building, and will be no more than 8 feet in height at any given point. The existing driveway entrance along the front property line enclosed by a wrought iron gate will be maintained for emergency access only.

Additionally, installation of the proposed front yard wrought iron fence is consistent with other fences and landscaping elements in the front yards of other adjoining properties in the area as well. There are a few examples of over-in-height fences in the immediate area, including:

- 1069 South Corning Street: At the corner of Whitworth Drive and Corning Street (six lots to the south across the street from the subject property), an over-in-height wood fence is located in the front yard and southerly side yard property line.
- 1021 South Corning Street: Approximately 5 lots to the north across Corning Street, is a wrought iron fence with two points reaching approximately 6 feet in height. This fence spans the entire easterly portion of the front property line completely enclosing this portion. The fence (wall) contains shrubbery along the brick.

There is also an enclosed front yard located at 1055 South Corning Street, immediately to the south of the subject property. When developed, the fence will enhance the privacy and security for the children at the Early Childhood Center while maintaining the neighborhood aesthetic. In combination with the development of an existing synagogue and school, a well-planned and complimentary architectural design, the proposed project will be proper in relation to adjacent uses and the development of the community.

6. The proposed fence will be in substantial conformance with the various elements and objectives of the General Plan.

The Wilshire Community Plan does not specifically address over-in-height fences. However, the Community Plan sets forth policies and objectives to promote public safety and general welfare. The approval of the fence does not conflict with the objectives or policies of the Community Plan and will serve to promote security and safety for the occupants of the existing pre-school. The proposed fence will prevent any potential nuisance or threat to the surrounding properties and neighborhood by properly enclosing the front yard. The permitted 3-foot 6 inch

fence height would not sufficiently provide the necessary safety for the children at the child care center. Children could potentially be kidnapped or climb over the fence and run out into the street with a fence of the permitted height. Thus, the children at the ECC will be properly protected by the proposed wrought iron fence. The fence height will not create excessive shade or shadow on the subject site. The requested adjustment is thus consistent with the General Plan and all of its applicable elements.

7. **The proposed fence will not be materially detrimental to the public's welfare or injurious to the properties or improvements in the same zone and vicinity in which the property is located.**

The over-in-height fence in the front yard will provide security and protection to the children while also benefiting the surrounding community. As previously mentioned, an institution serving young children, safety and security is a prime concern. The proposed 8-foot high fence, compared to the 3½-foot permitted height, is desirable to the public welfare by providing a safer environment for the preschool children of the proposed project. The proposed project will replace the existing 6-foot high wrought iron fence located along Corning Street (approved by Case No. ZA 2007-5961ZAD) with an 8-foot high fence with a lineal distance of 146 feet. Thus, the proposed 8-foot fence will not only provide necessary protection of the students, but also is desirable to the public convenience and welfare.

The lot is rectangular in shape with the front yard functioning as the property's westerly border. The proposed 8-foot high fence will span the entire length of the front yard, as well as the northerly and southerly side yard borders, in order to provide the property with adequate security. The proposed wrought iron fence will connect to a wrought iron gate, which stands at the driveway entry. The proposed fence is a necessary safety measure, given the preschool use on the subject property and will further provide the requisite security by enclosing the entire front yard of the property, yet will be developed to complement the surrounding community. Considering the general purpose and intent of the zoning regulations to provide for logical development patterns as well as guaranteeing the safety and well-being of the City's residents, the proposed fence will be desirable to the public convenience and welfare.

ADDITIONAL MANDATORY FINDINGS

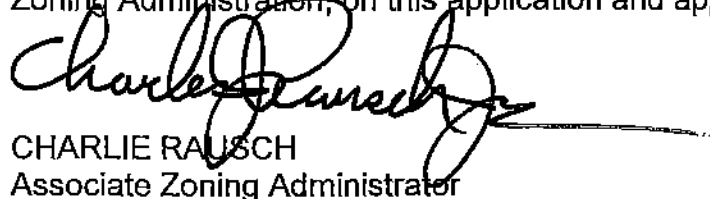
8. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
9. On October 26, 2011, the Department of City Planning issued Mitigated Negative Declaration No. ENV-2011-1909-MND.

At the public hearing, the representative for the school requested that certain modifications and amendments be made mitigation measures in the proposed MND. Specifically the request is to delete the first two bullets in mitigation measure VIII-20. This mitigation measure requires a methane control system such as a gas detection or mechanical vent system be installed in the basement and first floor levels. However, this system is applicable only to a Level V design for mitigation in the Methane Zone. A study by Terra-Petra (a methane gas environmental engineering consultant) conducted in July of 2011 identified the project site as being in a Level II Zone which does not require a gas detection or mechanical vent system that would otherwise be required if the site were in Level V, and therefore the condition shall be deleted.

The applicant also requests the mitigation measure XIV-70 be deleted. The Bureau of Engineering is requiring a two-foot dedication along the front property line of Lots 109 to 111 of Tract 7170 and improvements on La Cienega Boulevard. However, since there is no new construction to the existing buildings or development on La Cienega Boulevard, the highway dedication and improvements required based upon the standard street dimensions defined in the General Plan are not applicable for this project. Widening the street for just this location will not reduce traffic impacts and instead create an illogical jog along La Cienega Boulevard and therefore the mitigation measure shall be deleted.

This Mitigated Negative Declaration reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts are mitigated to a less than significant level. I hereby adopt that action, as modified herein. The custodian of the documents or other material which constitute the record of proceedings upon which the decision is based are located with the City of Los Angeles, Planning Department located at 200 North Spring Street, Room 750, Los Angeles, California 90012.

I concur with the report prepared by Jim Tokunaga, Planning Staff for the Office of Zoning Administration, on this application and approve same.



CHARLIE RAUSCH
Associate Zoning Administrator

CR:JT:jq

cc: Councilmember Paul Koretz
Fifth District
Adjacent Property Owners

