



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT



Los Angeles City Planning Commission

Date: May 14, 2009
Time: After 8:30 a.m.
Place: City Hall
200 N. Spring Street, 10th Floor
Los Angeles, CA. 90012

Limited Public

Hearing: May 14, 2009
Public Hearing: March 2, 2009
Appeal Status: To City Council
Expiration Date: August 12, 2009
Multiple Approval: General Plan Amendment and Zone change is appealable by the applicant to City Council if disapproved in whole or in part. Per LAMC Sec. 12.36 (Multiple Entitlements) Zone Variance and Conditional Use Permit are appealable to City Council.

Case No.: CPC-2008-1271-GPA-ZC-ZV-CU
CEQA No.: ENV-2008-1272-MND-REC
Related Cases:
Council No.: 5
Plan Area: Westwood
Specific Plan: Westwood Community Design Overlay, Westwood Community Plan Multiple Family Residential Standards, West Los Angeles Transportation and Mitigation
Certified NC: None
GPLU: Medium Density Residential
Zone: [Q] R3-1
Applicant: Sinai Temple, Howard Lesner
Representative: Dana Sayles, Sayles Consulting Group and Benjamin M. Reznik, Jeffer Mangles Butler and Marmaro, LLP

PROJECT LOCATION: 10400 Ashton Avenue; 1249, 1255-1259 S. Beverly Glen Boulevard; (Sinai Temple property); **And City included Add Area:** 1235 and 1241 S. Beverly Glen Boulevard

Note: The previously noticed actions requested for 10417, 10425-27 W. Ashton Avenue and 1220-1222 W. Holmby Avenue were withdrawn by the applicant on March 10, 2009.

PROPOSED PROJECT: The conversion of a portion of the property at 10400 W. Ashton Avenue, 1249, 1255-1259 S. Beverly Glen Boulevard (up to 17,500 square feet) from residential space to administrative office use associated with the Sinai Temple. The proposed project also includes three alternatives for total future development on the properties located at 10400 W. Ashton Avenue, and 1249-1259 S. Beverly Glen Boulevard including the following alternatives:

- A) 12,000 square feet of office space and 29 dwelling units,
- B) 12,000 square feet of office space and 58 senior housing dwelling units; or
- C) Any combination of the above so long as the maximum number of trips generated does not exceed that generated by the conversion of 17,500 sq. ft. of office use associated with the Sinai Temple.

The proposed project is located on multiple non-contiguous parcels of land as shown on the attached map.

REQUESTED ACTIONS:

- Pursuant to Section 11.5.6 of the Municipal Code, **General Plan Amendments** Periodic Plan Review for window 175, Geographic Area 3) to the Westwood Community Plan to all as follows:
 - From Medium Residential to High Medium Residential (see table below), and
 - Add a new plan footnote that would restrict future development to that of the R3 zone or to the R4 zone for senior housing purposes, or for religious institutional uses.
- Pursuant to Section 12.32 of the Municipal Code, Zone Changes as shown in the table below:

ADDRESS	CURRENT PLAN	PROPOSED PLAN	CURRENT ZONE	REQUESTED ZONE
10400 W. Ashton Ave.	Medium Residential	High Medium Residential	[Q] R3-1-O	[Q] R4-1-O
1249 S. Beverly Glen Blvd	Medium Residential	High Medium Residential	[Q] R3-1-O	[Q] R4-1-O
1255-1259 S. Beverly Glen Blvd	Medium Residential	High Medium Residential	[Q] R3-1-O	[Q] R4-1-O
CITY INCLUDED ADD AREAS				
1241 S. Beverly Glen Blvd	Medium Residential	High Medium Residential	[Q] R3-1-O	No Change
1235 S. Beverly Glen Blvd	Medium Residential	High Medium Residential	[Q] R3-1-O	No Change

- Pursuant to Section 12.24 W.9 a **Conditional Use** to permit ancillary administrative religious institutional (synagogue) uses in the [Q]R3-1 Zone for the properties located at 10400 W. Ashton Avenue and 1249, 1255-1259 S. Beverly Glen Boulevard.
- Pursuant to Section 12.27 of the Municipal Code, a **Variance** from Section 12.21.A 4 (d) to permit 16 parking spaces in lieu of the minimum required 19 parking spaces for the property located at 10400 W. Ashton Avenue.
- Pursuant to Section 2102.1(c)(3) of the California Public Resources Code, **Adoption** of a Mitigated Negative Declaration, ENV-2008-1272-MND-REC, and required findings for the above referenced project..

RECOMMENDED ACTIONS:

- Disapprove** the requested **General Plan Amendments** to the Westwood Community Plan to:
 - Change the land use designation from Medium Residential to High Medium Residential and
 - To add a footnote that would restrict future development to that of the R3 zone or to the R4 zone for senior housing purposes, or for religious institutional uses.
- Disapprove** the requested **Zone Change** from [Q]R3-1-O (Multiple Dwelling Zone - Oil Supplemental Use District) to [Q]R4-1-O (Multiple Dwelling Zone – Oil Supplemental Use District).
- Approve** a **Conditional Use Permit** to permit up 15,663 sq. ft. of Temple ancillary administrative office uses in the [Q]R3-1-O Zone for the properties located at 10400 W. Ashton Avenue and 1249, 1255-1259 S. Beverly Glen Boulevard.
- Approve** the requested **Variance** to permit 16 parking spaces in lieu of the minimum required 19 parking spaces for the property located at 10400 W. Ashton Avenue.

5. **Adopt** the Mitigated Negative Declaration No. ENV-2008-1272-MND-REC.
6. **Adopt** the attached Findings.
7. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that the mitigation conditions, identified as "(MM)" on the condition pages, are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
8. **Advise** the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game fee and / or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

S. GAIL GOLDBERG, AICP
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- A - Maps
 - A1 – Vicinity Map (required)
 - A2 – Radius Map (required)
 - A3 – Plan Map (required)
- B - Plans
 - Site Plan
- C - Others, photos and correspondence
- D - Environmental Clearance – Mitigated Negative Declaration No. ENV-2008-1272-MND-REC

PROJECT ANALYSIS

Project Summary

The following entitlement actions are requested to provide consistency in the General Plan Land Use Designation, and Zoning over the properties owned by the Applicant, and to permit ancillary administrative uses customarily associated with religious institution operations that are not permitted in the Medium Residential Land Use Designation and the R3 zone. The parcel-specific requests are as follows:

- A **General Plan Amendment (GPA)** pursuant to sections 11.5.6 from Medium Residential to High Medium Residential and **Zone Change (ZC)** pursuant to section 12.32 from [Q]R3-1-O to R4-1, at 10400 West Ashton Avenue; and
- A **GPA** pursuant to sections 11.5.6 from Medium Residential to High Medium Residential and **ZC** pursuant to section 12.32 from [Q]R3-1-O to R4-1, at 1249 South Beverly Glen Boulevard; and
- A **GPA** pursuant to sections 11.5.6 from Medium Residential to High Medium Residential and **ZC** pursuant to section 12.32 from [Q]R3-1-O to R4-1, 1255-59 South Beverly Glen Boulevard; and
- A **Zone Variance (“ZV”)** from Section 12.21.A.4 to permit 16 parking spaces in lieu of 19 required spaces at 10400 West Ashton Avenue; and
- A **Conditional Use Permit (“CU”)** pursuant to Section 12.24 W (9), to permit 17,500 square feet of ancillary administrative religious institutional uses in the R3 Zone at 10400 West Ashton Avenue, 1249 South Beverly Glen Boulevard, and 1255-59 South Beverly Glen Boulevard.

The City Planning Department initiated a **General Plan Amendment** for the properties at 1235 and 1241 S. Beverly Glen Boulevard as an “Add Area” during the Environmental Review for the project, ENV-2008-1272-MND-REC. The zone change is not applicable to these properties.

The proposed project associated with this General Plan Amendment (GPA), Zone Change (ZC), Zone Variance (ZV), Conditional Use Permit (CU) request involves a current short-term development program as well as a long-term development vision for various properties owned and operated by Sinai Temple in Westwood, California. The requested GPA and ZC would permit Church uses by right as outlined in Sec. 12.11.A. The requested Conditional Use is to approve the Church uses, specifically for office use, in the R3 zone. Sinai Temple (the “Temple”) is an operating non-profit religious institution with approximately 2,100 members.

The short term development program is the conversion of up to 17,500 sq. ft. of residential use at 10400 W. Ashton Avenue, 1249 Beverly Glen Boulevard and 1255-1259 Beverly Glen Boulevard from residential space to administrative office use associated with the Sinai Temple. The short term development program does not require construction that would alter the exterior appearance of the existing residential buildings. The long range development vision could involve the following alternatives:

- A) 12,000 square feet of office space and 29 dwelling units; or
- B) 12,000 square feet of office space and 58 senior housing dwelling units; or
- C) Any combination of the above so long as the maximum number of trips generated does not exceed that generated by the 17,500 sq. ft. conversion to office use.

The project site is located within the area of the Westwood Community Plan; the West Los Angeles Transportation Improvement and Mitigation Specific Plan; the Westwood Multiple Family Residential Specific Plan; and the Westwood Community Design Review Board. The

three non-contiguous lots and the Add Areas are located along the western side of Beverly Glen Boulevard south of Ashton Avenue.

Alternative A with 29 dwelling units meets the density of the existing R3 zone. The office space proposals related to the Temple requires either the Conditional Use Permit if the R3 zone is retained or the General Plan Amendment and Zone Change to R4. Alternative B with 58 senior housing dwelling units and Temple office use requires the GPA and ZC to R4.

Although the current code would require additional spaces for new residential buildings, the existing supplies of parking spaces on all three properties are nonconforming rights for the existing apartment units under section 12.21-A.4(m). The existing multiple family buildings are to remain but interior modifications could be needed to provide better office operations for Sinai Temple. No exterior construction is proposed at this time. The site's location in the above Specific Plan would require the review of exterior modifications by the Westwood Community Design Review Board. Therefore, the existing residential character and appearance will be preserved.

Entitlements Requested

Under authority of Section 12.36.C of the Municipal Code for projects with multiple approvals, and because at least one quasi-judicial and one legislative approval is necessary, all of the applications are being considered by the City Planning Commission including those typically decided by a Zoning Administrator or the Director of Planning. Approvals before the City Planning Commission for the initial decision are for the following entitlements:

General Plan Amendments

The Westwood Community Plan was adopted July 27, 1999 and designates the site as Medium Residential with a corresponding zone of R3. The applicant has requested two Plan Amendments. The first is the re-designation of the applicant owned properties at 10400, 10417, 10425-27 W. Ashton Avenue; 1249, 1255-1259 S. Beverly Glen Boulevard; (Sinai Temple property) from Medium Residential to High Medium Residential. During the environmental review of the project, the City Planning Department recommended the inclusion of the "Add Area" with addresses of 1235 and 1241 S. Beverly Glen Boulevard for the General Plan Amendment to be considered. This was recommended because these two properties are located between the Sinai Temple properties that are the subject of the original application. The inclusion of the Add Area properties would produce a continuous High Medium Land Use Designation along the west side of Beverly Glen Boulevard.

The second Plan Amendment is to add a footnote that would restrict future development to that of the R3 zone or to the R4 zone for senior housing purposes, or for religious institutional uses. The applicant does not seek an increase in the existing densities except as specified above. The intent of the requested footnote is to ensure that any future market rate development is compatible with the densities and development patterns of the surrounding area.

Zone Change

The Zone Change request for the site is to change from [Q]R3-1 to R4-1. The requested zone is a corresponding zone for the requested High Medium Land Use Designation for the site. The primary reason for the request is to permit Church/Temple uses by right as allowed in the R4 zone. This would nullify the need to seek Conditional Use Permits as is required in the R3 zone. The permitted density in the existing R3 zone is 1 Dwelling Unit (DU) per 800 sq. ft. of buildable lot area while the Requested R4 zone permits 1 DU/400 sq. ft. of buildable area. The

Westwood Community Plan permits R4 densities in the High Medium Land Use designation. The requested R4 zone is necessary for the long range development alternative to build 12,000 square feet of office space with 58 senior housing dwelling units. As stated above, the applicant does not seek an increase in the existing densities for any future market rate residential development.

Conditional Use

Pursuant to LAMC Sec.12.24.W.9, the requested Conditional Use is to permit Church uses in the R3 zone. The applicant has provided a more detailed project description that states that the converted residential area will be used for administrative office use associated with Sinai Temple only. The Conditional Use requests the use of up to 17, 500 sq. ft of office use on the combined three lots. Most of the office floor area will be allocated to the 10400 Ashton Avenue site that is developed with a three story apartment building that has nine dwelling units.

Zone Variance

The Applicant is currently requesting a Zone Variance to permit sixteen (16) spaces in lieu of the nineteen (19) spaces that will be required for 10400 W. Ashton Avenue. The site is developed with a nine unit multiple family building with 16 parking spaces in compliance with the parking standards of 1959 and therefore has non conforming rights. The Applicant is proposing to convert six (6) apartments, to administrative office space related to Temple operations, while maintaining three apartment units. This use conversion of floor area does not require construction that alters the existing building footprint or exterior appearance. The applicant will be retaining the residential appearance of the building.

Background

Existing Uses

The proposed project associated with this Zone Change (ZC)/ General Plan Amendment (GPA)/ Conditional Use Permit (CUZ)/ Zone Variance (ZV) request involves a current short-term development program as well as a long-term development vision for various properties owned and operated by Sinai Temple. Sinai Temple (the "Temple") is an operating non-profit religious institution with approximately 2,100 members.

The existing Temple has been operational at its current location since 1956. It occupies the entire block generally bounded by Wilshire Boulevard on the north, Beverly Glen Boulevard on the east Ashton Avenue on the south and Holmby Avenue on the west.. The campus occupies the following addresses: 10400 Wilshire Boulevard, 1220-1222 South Holmby Avenue/10425-10427 W. Ashton Avenue, and 10417 W. Ashton Avenue, collectively known as the "Temple Campus". These properties are zoned [Q]R5-3, R5-1D, and [Q]R3-1. These properties together total approximately 2.25 acres. The Temple campus currently operates in these zones under various conditional use permits to allow its religious institutional uses, as well as a private school, preschool, and child-care center. The latest Conditional Use Permit dated January 27, 1995 is ZA-94-0652 that approved the expansion of the facilities, added parking, private school, pre-school day care, and related religious activities in the [Q]R5-1 and [Q]R3-1 zones.

The Temple has acquired several properties along West Ashton Avenue and South Beverly Glen Boulevard south of the main Temple campus. In addition to the main Temple campus properties, the Temple owns properties located at 10400 W. Ashton Avenue, 1249 S. Beverly Glen Boulevard, and 1255-59 S. Beverly Glen Boulevard. The three parcels total 23,280 square feet of land area. The following is a summary of the existing unit mix and parking provided at each of these properties:

Address	Lot Area	Units	Building Floor Area	Existing Parking
10400 Ashton Ave.	7,772 sq. ft.	9	13,737	16 spaces
1249 Beverly Glen Blvd.	8,322 sq. ft.	4	2,975	4 spaces
1255-59 Beverly Glen Blvd.	7,186 sq. ft.	4	4,352	4 spaces
TOTAL	23,280 sq. ft.	17	21,064	24

The existing [Q]R3-1-O zone provides a density of one dwelling unit per 800 sq. ft. of lot area. The permanent [Q] condition requires that all new projects with two units or more shall be subject to design review by the Westwood Community Design Review Board. The "O" identifies the Oil Drilling Supplemental Use District. The Ashton Avenue property was built in 1959 while the Beverly Glen Boulevard properties were built in the early 1940's. There are several trees within the site's boundaries and along Beverly Glen Boulevard. A transit stop is within 500 feet of the project site that is served by seven bus routes provided by the MTA, the Santa Clarita Transit Line and the Department of Transportation Commuter Express.

The City initiated General Plan Amendment Add Area is comprised of two lots that are developed with multiple family buildings. These properties are not owned by the project applicant. 1235 Beverly Glen Boulevard has three dwelling units on a 7,580 sq. ft. lot and 1241 Beverly Glen Boulevard has four dwelling units on a 7,523 sq. ft. lot. The existing R3 zone on these properties would be retained.

Surrounding Zones and Uses

The surrounding area is highly urbanized consisting of residential uses at various densities. The lower densities, including single family R1 uses, are located on local streets; R3 Medium Density is along Beverly Glen and portions of Ashton Avenue; and High density R5 uses are along Wilshire Boulevard. Most of the surrounding area was developed more the 50 years ago but the Wilshire corridor has experienced significant residential redevelopment at higher densities. Significant public transit opportunities are available at Wilshire Boulevard and Beverly Glen Boulevard. MTA bus lines 20, 720, and 920 provide service with regular and Rapid Bus Service. Santa Clarita Bus lines 792 and 797 have stops at this intersection. LADOT also provides Commuter Bus Service during peak travel times. The area has a topography that gently rises with increasing elevation from the south to the north. Most of the older structures in the area are two and three stories in height while newer higher density structures are over three stories.

North: R3-1, R5-1D, R5-3, and R1. The main campus for the Sinai Temple is located north of the subject site. Conditional Use ZA-94-0652 (CUZ) was approved on January 27-1995 for the R3 portion of the site to operate a religious institution with 131 parking spaces and a private school. Both sides of Wilshire Boulevard have the High Density Residential Land Use Designation and are zoned R5-3. The Wilshire corridor is developed with high-rise residential uses over 4 stories in height. Further north are single family residential uses that are designated Low Residential and zoned R1-1

East: R3-1-O, RD1.5-1XL – Both sides of Beverly Glen Boulevard have a land use designation of Medium Residential and are zoned R3-1. Approximately half of the structures were built in the forties and fifties and are one and two stories. The remaining buildings were built more recently and are two and three stories and appear to be more massive. Further east on Devon Avenue the land use designation is Low Medium II with a corresponding zone of RD1.5-1XL. The one and two story development reflects the lower density multifamily designation and zone.

South: R1-1 and R3-1-O – Both sides of Beverly Glen Boulevard have a land use designation of Medium Residential and are zoned R3-1. Approximately half of the structures were built in the forties and fifties and are one and two stories. The remaining buildings were built more recently and are two and three stories and appear to be more massive. The single family dwellings in the R1-1 zone on Holmby Avenue were built more than 50 years ago and are mostly one story in height.

West: R1-1 – The single family dwellings in the R1-1 zone on Holmby Avenue and Woodruff Avenue were built more than 50 years ago and are mostly one story in height. The north side of Ashton Avenue is zoned R3-1 and is developed with multifamily buildings that are two stories in height

Streets and Circulation

Ashton Avenue: adjacent to the north side of the Project site is a designated Local Street with a width of 60 feet.

Beverly Glen Boulevard: adjacent to the east side of the Project site is a designated Major Highway Class II and is dedicated and improved to a width of 100 feet.

Holmby Avenue: approximately 135 feet west of the subject site is a designated Local Street and dedicated and improved to a width of 60 feet.

Wilshire Boulevard: approximately 300 feet north of the subject site is a designated Major Highway Class II that is dedicated and improved to a width of 125 feet. .

Issues

The most significant issues are those concerns that have been raised by the opponents to the project, many who reside in the immediate area. Specifically their issues are with the expansion of the Temple uses and some of the operating conditions. The following are some of the major concerns:

LAND USE DESIGNATION AND ZONE CHANGES

Testimony and communications from the Public Hearing indicated that the most significant concerns are the development rights conferred to the Temple by the approval of the High Medium Residential designation and corresponding R4 zone. The Temple's long term development plans have not been fully developed and this lack of information has heightened the community's concerns. The Public Hearing testimony identified a number of issues related to the current Temple operations including street parking impacts, traffic circulation, occasional noise from events, and the frequency of special events. The requested GPA and ZC that permits the Temple uses by right could result in compounding these impacts and may reduce the level of community review as the Temple expands. As described above, the site is located within the boundaries of a Specific Plan that require the review of the design but the Specific Plan does not address Church/Temple uses.

The Framework recognizes that In order to accommodate expected growth in a sustainable way, the City needs a strong, expanding economy, healthy neighborhoods, and a tax base that can support the basic public services necessary to maintain and improve the quality of life. The Framework does this by establishing 'conservation areas' and 'targeted growth areas' that, taken together, retain the City's stable residential neighborhoods and direct

growth toward neighborhood districts, commercial and mixed-use centers, along certain mixed use boulevards, and in proximity to transit.

Land use standards, designations, and densities are established in all parts of the city to carry out this vision in a way that reflects local conditions and creates a diversity and range in scale of the different types of districts. The Land Use element and the other Elements of the General Plan identify the infrastructure and service needs of the population anticipated in those areas designated for housing and as targeted growth areas. Thus, the General Plan's land use policies and designations and the EIR that analyzed the environmental impacts of them, are designed to accommodate the population's infrastructure and public service needs, minimize significant impacts, protect the City's important neighborhoods and districts, reduce vehicular trips and air emissions, and encourage economic opportunities, affordable housing, and an improved quality of life.

The existing Medium Residential designation with the corresponding R3 zone is more appropriate and serves as an adequate transition from the High Residential designation on Wilshire Boulevard to the Low Medium II and Low designations in the immediate area. The R3 zone requires the approval of Conditional Use permits for Temple uses. This is a discretionary authorization that requires public hearings and compliance with conditions to operate.

TRAFFIC and PARKING

Testimony and communications from the Public Hearing indicated that traffic circulation would be impacted by the proposed project. A Technical Memorandum on Potential Traffic Impacts dated October 2008 was prepared by Arthur Kassan, Registered Traffic Engineer No. 152, is part of the environmental and case files. This memorandum analyzed existing traffic conditions, the proposed project alternatives and their traffic impacts using the criteria established by the Los Angeles Department of Transportation (LADOT). The memorandum concluded that none of the alternatives would generate significant traffic impacts and that further traffic studies should not be required. The Mitigated Negative Declaration ENV-2008-1272-MND-REC dated December 31, 2008 and Reconsidered on April 10, 2009 considered this information and did not identify potential development traffic impacts that required mitigation measures. The Department of Public Works, Bureau of Engineering submitted a memorandum dated October 8, 2008 that requested street dedications and improvements to bring Beverly Glen Boulevard to the full standards of the Major Highway Class II designation.

The testimony and communications from the Public Hearing indicated that parking supplies on the street are exhausted when ever the Temple has services or other functions related to their operations. The testimony disclosed a lack of parking within a 2 block radius of the site. The primary cause for this impact is that much of the area was developed more than 50 years ago when parking standards were different for residential uses. .

Walkability Analysis: The site is 385 feet south of Wilshire Boulevard a major transit corridor that has MTA Rapid Bus, MTA regular bus, and DOT Commuter Express service. The streets in the area are characterized by a grid pattern and are fully developed with sidewalks, curb cutouts, and well delineated crosswalks. The proposed remaining residential units and the Temple related office space is intended to be used by staff of the Temple. The residential appearance of the existing building will not change because the project is the conversion of existing floor area. Changes to the exterior require review by the Design review board ensuring that this character will be retained. The access points of the converted areas will be ADA

compliant. However, ADA compliance standards are different for existing buildings as compared to new construction.

CONCLUSION

The proposed conversion of residential floor area to Temple related office use has created a significant amount of controversy in the neighborhood. At the public hearing, it appeared that the majority of those in attendance were residents in the immediate area that were opposed to the requests because they were the most impacted by the Temple and its operations. The General Plan Amendments and Zone Change were opposed due to the rights that are granted and reducing the review of future Temple expansion. Concerns were raised about what the vacated Temple spaces will be used for. The requested actions for the main campus of the Temple have been withdrawn. While these concerns are important, they have significantly less application to the subject sites. Supporters of the proposed project view the Temple and its service as a very worthwhile institution and fully support the endeavors to expand.

The proposed General Plan Amendment and Zone Change have been recommended for disapproval. The Applicant's rationale for requesting the change from medium residential to high medium residential and the R4 zone is that the requested entitlement actions will grant the Temple the necessary flexibility to operate certain ancillary administrative office uses of a Temple on the newly acquired properties. Such ancillary anticipated uses include, but are not limited to: clergy and staff housing, administrative office spaces, and senior independent living. Each of these potential uses will benefit the Temple and its membership. A major component of their rationale is that the requested High Medium Residential and corresponding R4 zone will serve as a transition between the higher densities on Wilshire Boulevard and the Medium Residential and R3 zone along Beverly Glen Boulevard. While this appears reasonable, the issue is that the existing designation and zone are the best transition between the higher density and zone on Wilshire Boulevard and the surrounding area that has lower densities. In addition the R3 zone requires the approval of Conditional Use permits for Church/Temple uses. This is a discretionary authorization that requires public hearings and compliance with conditions to operate. Changing the zone and designation jeopardizes the requirement of the Conditional Use permit thereby potentially eliminating the need for Conditional Use compliance.

The Planning Department is recommending the approval of the Conditional Use Permit that permits a slightly smaller floor area for Temple related office use but in keeping with the intent of the applicant's request. This will allow for some redistribution of the Temple's less active uses but address some of the community's identified concerns. The recommendation is based on the Temple's need to expand, but also in consideration of the adjacent community which will have to bear the day to day activities of the Temple. The Temple is surrounded by lower density residential uses that have been considered. As an alternative to the Applicant's 17,500 sq. ft. conversion request, the Department recommends a slight reduction in the amount of permitted office space for the 1249 and 1255-1259 S. Beverly Glen Boulevard sites. This was to done to preserve more of the residential uses of the existing buildings. The retention of more of the original use also is appropriate for these lots that are separated from the main Temple site. The Department recommends the proposed project as conditioned in this report.

CONDITIONAL USE PERMIT and ZONE VARIANCE CONDITIONS OF APPROVAL

A. Entitlement Conditions

1. **Use.** The conditional use of the property shall be limited to the use and maintenance of up to 15,663 square feet of floor area as Temple related administrative office use on the three properties as follows: 12,000 sq. ft. for 10400 Ashton Avenue; 1,487 sq. ft. for 1249 S. Beverly Glen Boulevard and 2,176 sq. ft. for 1255-1259 S. Beverly Glen Boulevard. The following uses are not permitted by this Conditional Use Permit:
 - a. Child Care, Daycare, and Elementary, Middle, or High-School Uses.
 - b. Banquets, conferences, and special events related to Sinai Temple.
 - c. Museum or library uses related to Sinai Temple, (except for administrative support for those uses).
 - d. Eldercare uses requiring congregate care and nursing services including Alzheimer's Care Facilities, Skilled Nursing Facilities, and Residential Care Facilities for the Elderly.
2. **Operating Hours.** The areas of Temple related administrative office use shall have operating hours between 7:00 am and 8:00 pm.
3. **Parking.** The parking areas shall not be used to supplement the parking supplies for any other use in the surrounding area.

B. Mitigated Negative Declaration Conditions (MM)

4. Aesthetics

- a. **Landscaping** - All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the decision maker. (MM)
 - b. **Light** - Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties. (MM)
5. **Air Pollution (Stationary) - RESIDENTIAL** - An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11, to the satisfaction of the Department of Building and Safety. (MM)

6. Tree Removal (Locally Protected Species)

- a. Prior to the issuance of a grading permit or building permit for new construction, the applicant shall submit a tree report and landscape plan prepared by a Municipal Code-designated tree expert as designated by LAMC Ordinance No. 153,478, for approval by the decision maker and the Urban Forestry Division of the Bureau of Street Services. (MM)

- b. A minimum of two trees (a minimum of 48 inch box in size if available) shall be planted for each one that is removed. The canopy of the oak trees planted shall be in proportion to the canopies of the oak trees removed per Ordinance No. 153,478, and to the satisfaction of the Urban Forestry Division of the Bureau of Street Services and the decision maker. (MM)
 - c. All protected tree and street tree removals shall be approved by the Board of Public Works. Contact: Urban Forestry Division at 213-847-3077. (MM)
- 7. Geology and Soils (Seismic Safety).** The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety. (MM)
- 8. Erosion/Grading/Short-Term Construction Impacts.**

AIR QUALITY (MM)

- All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. (MM)
- The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind. (MM)
- All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust. (MM)
- All materials transported off-site shall be either sufficiently watered or securely covered to prevent the generation of excessive amounts of dust. (MM)
- All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent the generation of excessive amounts of dust. (MM)
- General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. (MM)

NOISE

- The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible. (MM)
- Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday. (MM)
- Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously. (MM)
- The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. (MM)
- The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment. (MM)

GENERAL CONSTRUCTION

- All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable

materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site. (MM)

- Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains. (MM)
- Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible. (MM)
- Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting. (MM)
- Gravel approaches shall be used where truck traffic is frequent to reduce soil compaction and the tracking of sediment into streets shall be limited. (MM)
- All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills. (MM)

9. Explosion/Release (Methane Gas)

- a. All new commercial, industrial, and institutional buildings shall be provided with an approved Methane Control System, which shall include these minimum requirements; a vent system and gas-detection system which shall be installed in the basements or the lowest floor level on grade, and within underfloor space of buildings with raised foundations. The gas-detection system shall be designed to automatically activate the vent system when an action level equal to 25% of the Lower Explosive Limit (LEL) methane concentration is detected within those areas. (MM)
- b. All new multiple residential buildings shall have adequate ventilation as defined in Section 91.7102 of the Municipal Code of a gas-detection system installed in the basement or on the lowest floor level on grade, and within the underfloor space in buildings with raised foundations. (MM)

10. Explosion/Release (Asbestos Containing Materials)

- a. Prior to the issuance of any demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACM are present in the building. If ACM are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other State and Federal rules and regulations. (MM)
- b. Prior to issuance of any permit for demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations. (MM)

11. Single Family Dwelling (10+ Home Subdivision/Multi Family) - potential impacts will be mitigated to a level of insignificance by incorporating stormwater pollution control measures for all new construction and not tenant improvements. Ordinance No. 172,176 and Ordinance No. 173,494 specify Stormwater and Urban Runoff Pollution Control which requires the application of Best Management Practices (BMPs). Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles

Regional Water Quality Control Board, including the following: (A copy of the SUSMP can be downloaded at: <http://www.swrcb.ca.gov/rwqcb4/>).

- Project applicants are required to implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
- Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
- Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation. (MM)
- Reduce impervious surface area by using permeable pavement materials where appropriate, including: pervious concrete/asphalt; unit pavers, i.e. turf block; and granular materials, i.e. crushed aggregates, cobbles. (MM)
- Install Roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, can provide groundwater recharge and reduce excess runoff into storm drains. (MM)
- Paint messages that prohibit the dumping of improper materials into the storm drain system adjacent to storm drain inlets. Prefabricated stencils can be obtained from the Dept. of Public Works, Stormwater Management Division. (MM)
- All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping. (MM)
- All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping. (MM)
- Legibility of stencils and signs must be maintained. (MM)
- Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs. (MM)
- The storage area must be paved and sufficiently impervious to contain leaks and spills. (MM)
- The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area. (MM)
- Design an efficient irrigation system to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers. (MM)
- Runoff from hillside areas can be collected in a vegetative swale, wet pond, or extended detention basin, before it reaches the storm drain system. (MM)
- The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions. (MM)

12. Increased Noise Levels (Parking Structure Ramps)

- a. Concrete, not metal, shall be used for construction of parking ramps. (MM)
- a. The interior ramps shall be textured to prevent tire squeal at turning areas. (MM)
- b. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential. (MM)

13. Severe Noise Levels (New Residential Only)

- a. All exterior windows having a line of sight Beverly Glen Boulevard shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Class of 50 or greater as defined in UBC No. 35-1, 1979 edition or any amendment thereto. (MM)
- b. The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room. (MM)

14. Relocation – The applicant shall prepare and submit a relocation plan for the relocation of any occupant of the current dwelling units. The relocation plan shall be submitted to the Director of Planning for approval. The developer shall comply will all tenant relocation assistance requirements of the Municipal Code. (MM)

15. Public Services (Fire) - The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane. (MM)

16. Public Services (Police General) - The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, (213)485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits. (MM)

17. Public Services (Schools) - The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area. (MM)

18. Recreation (Increase Demand for Parks or Recreational Facilities) - Per Section 17. 12-A of the LA Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of condominiums. (MM)

19. General Plan Designation/Zoning - The applicant shall comply with mitigation measures required by this mitigated negative declaration (MND). (MM)

20. Utilities (Solid Waste).

- Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program. (MM)
- Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes. (MM)
- To facilitate onsite separation and recycling of demolition and construction-related wastes, the contractor(s) shall provide temporary waste separation bins onsite during demolition and construction. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program. (MM)

C. Other Conditions

21. Complaint Response and Community Relations. A 24-hour "hot line" phone number for the receipt of complaints from the community regarding the subject facility shall be posted at all entrances to the Offices. The Temple shall keep a log of complaints received, the date and time received and the deposition of the response. The log shall be retained for a minimum of one year and shall be made available on request to the Planning Department for review.

Thirty days after the final approval of the Conditional Use grant, the Temple shall appoint a community liaison. The Temple shall notify the Planning Department and the Department of Building and Safety the name and phone number of the community liaison. The Temple shall meet with local Homeowners Association or groups as necessary to discuss matters of concern.

22. Rooftop Screening. Any structure on the roof, such as air conditioning units, antennae, and other equipment, except solar panels, shall be fully screened from view from any existing adjacent residential uses as seen from grade.

D. Administrative Conditions

23. Approval, Verification and Submittals. Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.

24. Code Compliance. Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.

25. Covenant. Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be

- binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
- 26. Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
- 27. Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
- 28. Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
- 29. Project Plan Modifications.** Any correction and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yard or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission or Board.
- 30. Corrective Conditions.** 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 City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
- 31. Indemnification.** 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.

FINDINGS

General Plan Findings

- 1. General Plan Amendment.** *Pursuant to Section 11.5.6 of the Los Angeles Municipal Code, the proposed General Plan Amendment DOES NOT comply with Los Angeles City Charter Section 556 and Section 558 in that it is NOT in substantial conformance with the purposes, intent and provisions of the General Plan and all of its Elements and NOT in conformity with public necessity, convenience, general welfare and good zoning practice.*

The Applicant has requested two General Plan Amendments to change the current land use designation for three non contiguous lots in the Westwood Community Plan from Medium Density Residential (corresponding zone of R3) to High Medium Density Residential (corresponding zone of R4) and to add a site specific footnote that would restrict future development to that of the R3 zone or to the R4 zone for senior housing purposes or for religious institutional uses. During the Environmental review for the project (ENV-2008-1272-MND-REC) the City Planning Department recommended that two lots (1235 and 1241 S. Beverly Glen Boulevard) located between the properties owned by applicant be considered for the General Plan Amendments only. This City initiated "Add Area" was recommended to provide a continuity of the requested High Medium Density designation on the west side of Beverly Glen Boulevard.

The applicant's contention in support of their project is that the requested High Medium Density designation will provide a transition between the higher density R5 zone to the north along Wilshire Boulevard, and lower density R3 zone to the south along Beverly Glen Boulevard. A review of the surrounding land uses south of Wilshire Boulevard shows that most of the uses are at lower residential densities. Holmby Avenue and Woodruff Avenue are designated Low Residential and developed with single family dwellings. Properties on Devon Avenue and Ashton Avenue east of Beverly Glen Boulevard are Low Medium II and developed to RD1.5 standards. The north side of Ashton Avenue West of Holmby Avenue and both sides of Beverly Glen Boulevard south of Ashton Avenue are designated Medium Residential that are developed to the R3 standards. Expanding the radius of review, High Medium Residential uses are located approximately one-half mile west of the subject site at Wilshire Boulevard and Westholm Avenue.

Maintaining the Medium Residential land use designation prevents a zone change to the R4 zone thereby continuing the requirement for the Temple to establish related office uses under a Conditional Use Permit. A Plan Amendment and Zone Change to the High Medium designation with the R4 zone could potentially expand the Temple uses by right and negate the need for the Conditional Use. Granting the requested Plan Amendment and Zone Change would allow a less restrictive by-right use of the properties for Temple office uses currently not permitted in the Medium Residential designation with the R3 Zone. The Applicants have requested a concurrent Conditional Use Permit Approval to establish the Temple administrative uses in the existing R3 zone. This procedure provides a review of the requested use while maintaining the appropriate and existing Medium Residential designation and R3 zone.

Considering these factors, the existing Medium Residential designation is more appropriate and serves as an adequate transition from the High Residential designation to the Low Medium II and Low residential designations in the immediate area.

General Plan Framework was originally adopted in 1996 and re-adopted by the City Council in 2001. The General Plan Framework is a strategy for long term growth in the City of Los

Angeles and sets a citywide context to guide development of the community plans and the citywide elements. Implementation of the General Plan Framework is achieved through the various updates of the community plans, ordinances, standards and guidelines, as well as through development review procedures for projects submitted by a private property owner or developer. Based on the following objectives and policies, the Planning Department finds that the proposed project does not meet the objectives and policies of the City's adopted General Plan Framework:

GOAL 3C - Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.

Objective 3.7 - Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

Policy 3.7.2 - Consider decreasing the permitted densities, by amendments to the community plan, of areas designated for multi-family residential where there is a mix of existing unit types and density and/or built densities are below the maximum permitted. When determining whether to reduce these densities, consider the following criteria:

- c. The neighborhood is physically and functionally stable; Existing housing units are structurally sound or can be upgraded without undue costs;
- d. There is a desire of the residents to preserve existing housing and neighborhood qualities;

Westwood Community Plan was adopted as an update in 1999. Along with the General Plan Framework, the Community Plan's are used to guide development on all properties located within the city. The Westwood Community Plan contains the following language pertaining to development on residentially designated properties:

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

Objective 1-1 To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.

Policy 1-1.2 Protect the quality of residential environment and promote the maintenance and enhancement of the visual and aesthetic environment of the community.

The proposed Plan Amendment to High Medium Residential land use and adding a Plan Footnote to restrict development potential on these properties is not in keeping with the intent of the existing Medium Residential designation. Maintaining the Medium Residential designation provides a more effective buffer between the surrounding single family and Low Medium II residential properties and higher density residential uses and requires the approval of a Conditional Use Permit for Temple uses. Surrounding properties to the east, south, and west, are designated for Low, Low Medium II and Medium Residential uses and are zoned as R1, RD1.5 and R3.

The second request is for a Footnote Amendment to add a new site specific, plan footnote for the High Medium Residential designation that would restrict future development to that of the R3 zone or to the R4 zone for senior housing purposes, or for religious institutional uses.

This amendment will not be necessary following the recommendation to disapprove the High Medium Residential designation and therefore not in keeping with good zoning practice.

2. **Zone Change** from [Q]R31-1-O to R4-1 for lots located at 10400 Ashton Avenue, 1249 and 1255-1259 S. Beverly Glen Boulevard . *Pursuant to Section 12.32 of the Los Angeles Municipal Code, the proposed Vesting Zone and Height District Change IS NOT in conformity with public necessity, convenience, general welfare and good zoning practice.*

The requested R4-1 is not a permitted zone in the Medium Residential land use designation and therefore does not conform to the General Plan. Although a concurrent General Plan Amendment has been requested as part of the Applicant's application, the Planning Department is recommending disapproval of the Plan Amendment to High Medium Residential as set forth in the previous Finding 1.

The requested R4-1 Zone would establish the High Medium zone in an area of Low, Low Medium II and Medium Residential properties. The existing pattern of the R3 Zone is located along both sides of Beverly Glen Boulevard and there are no properties in the immediate vicinity where the R4 residential zone has been established. A zone change to the R4 Zone allows for Church/Temple uses that currently are not allowed in the R3 Zone. Although the Temple is requesting a Conditional Use permit to allow office uses related to a Church/Temple use, the R4 Zone may allow for future expansions or uses not currently regulated by the Conditional Use or the restrictions of the R3 Zone and negatively impact the immediately adjacent residential properties unless reviewed by discretionary review. It is not good zoning practice to permit a zone change to convert a use when a remedy is available such as the Conditional Use to permit the use. The Temple is requesting a concurrent Conditional Use Permit to convert a portion of the residential uses to Temple related office use and is the more appropriate means to achieve the expansion.

3. **Conditional Use Findings Pursuant to Section 12.24 of the Municipal Code**

- A. *The location of the project will be desirable to the public convenience or welfare.*

The Temple Campus has operated in its current location to the north of the subject site for the past 50 years and is an established religious institution within the community. During this time, the Temple has been granted permission, under various use permits, to expand its operations to include increased assembly space, school, preschool, and childcare operations. These entitlements acknowledge the compatibility of a religious institution use within the surrounding neighborhood. The proposed Conditional Use promotes the general welfare by allowing the continued use and maintenance of Temple facilities, and will allow those beneficial activities and upgrades that are necessary to ensure that the Temple and its school facilities continue as thriving parts of the community.

The newly acquired properties at 10400 W. Ashton Ave., 1249 S. Beverly Glen Blvd., and 1255-1259 S. Beverly Glen Blvd. will be used by the Temple to accommodate ancillary administrative religious institutional uses that already occur on the main campus. Pursuant to this request, the properties may be utilized for clergy, intern, and staff housing, and for administrative office space. Currently the Temple has limited space dedicated for accounting and other back office uses. Many employees work part-time and therefore share office space. It will be beneficial to the Temple's operations to utilize the properties south of Ashton Avenue for these administrative uses.

Under this request, the Temple is not proposing any physical expansion of the buildings. Any future new construction by the Temple will accommodate the required parking for 15,663 square feet of administrative uses. Therefore, there will be no disruption to the existing quality of life from construction or traffic impacts. As a result, granting this Conditional Use to permit ancillary administrative religious institutional uses will be proper in relation to adjacent uses, will not be materially detrimental to the public welfare, and will not adversely impact the surrounding neighborhood.

B. The proposed project will be proper in relation to adjacent uses or the development of the community.

The 10400 Ashton Ave. building is located directly across the street, south, from the main Temple campus. The buildings at 1249 S. Beverly Glen Blvd. and 1255-1259 S. Beverly Glen Blvd. are only another one hundred feet (approx.) south. These are logical and appropriate locations for new, non-impactful uses of Sinai Temple. Uses in these buildings will accommodate only clergy and staff housing, and administrative uses of the Temple. These administrative uses have already demonstrated their compatibility with the local neighborhood in the main Temple building. However, in order to ensure compatibility with the local residential neighborhood, the Applicant has agreed that the sites will not be used for the following:

- a. Child Care, Daycare, and Elementary, Middle, or High-School Uses.
- b. Banquets, conferences, and special events related to Sinai Temple.
- c. Museum or library uses related to Sinai Temple, (except for administrative support for those uses).
- d. Eldercare uses requiring congregate care and nursing services including Alzheimer's Care Facilities, Skilled Nursing Facilities, and Residential Care Facilities for the Elderly.

Under this request, the Temple is not proposing any physical expansion of the buildings. This approval is slightly smaller (15,663 sq. ft.) than the applicant requested because 1249 and 1255-59 S. Beverly Glen Boulevard are further south and separated from the main Temple campus. This reduced amount allows the conversion of one-half of the residential floor area at these two addresses. The separation should reduce the activities at these sites and therefore reduces the need for greater floor area. Any future new construction by the Temple will accommodate the required parking for 15,663 square feet of administrative uses. In such a circumstance, plans shall be submitted for approval by the Westwood Design Review Board to ensure compatibility with the surrounding neighborhood.

Therefore, there will be no disruption to the existing quality of life caused by construction or traffic impacts. As a result, granting this Conditional Use to permit ancillary administrative religious institutional uses will not be materially detrimental to the public welfare and will not adversely impact the surrounding neighborhood.

C. The proposed project will not be materially detrimental to the character of development in the immediate neighborhood and will be in harmony with the various elements and objectives of the General Plan.

The proposed Conditional Use will not be materially detrimental to the character of development in the immediate neighborhood or injurious to surrounding property. The Temple is proposing an interior change of use to allow a shift of administrative uses to the Ashton Avenue and Beverly Glen buildings. Most of these uses already operate at

the main Temple campus property and have demonstrated their compatibility with the immediate neighborhood. Some of the users are part time employees, staff, or volunteers who will only utilize the space sporadically. Because these part-time workers will not have overlapping hours, they will be able to share parking spaces.

Under this request, the Temple is not proposing any physical expansion of the buildings. This approval is slightly smaller (15,663 sq. ft.) than the applicant requested because 1249 and 1255-59 S. Beverly Glen Boulevard are further south and separated from the main Temple campus. This reduced amount allows the conversion of one-half of the residential floor area at these two addresses. The separation should reduce the activities at these sites and therefore reduces the need for greater floor area. Therefore, there will be no disruption to the existing quality of life caused by construction or traffic impacts.

The project is harmonious with the General plan by promoting work opportunities close to a high-density residential neighborhood. Conversion of the properties without new construction promotes the retention of the existing development that is compatible with adjacent properties in terms of the distinctive community character and scale. Therefore, the proposed project will be in harmony with the various elements and objectives of the General Plan.

4. Zone Variance Findings – Pursuant to 12.27 of the Municipal Code

- A. 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 building at 10400 W. Ashton Ave. currently has sixteen (16) existing parking spaces for use by nine (9) on-site apartments. Although the current code would require additional spaces for new residential buildings, the existing parking spaces are "grandfathered" for the existing apartment units under section 12.21-A.4(m). If the Applicant were to convert up to the maximum of 12,000 square feet to the proposed administrative use, the current code would require twenty-four (24) parking spaces.

Under the current variance request, the Applicant is proposing to convert 12,000 square feet, or six (6) apartments, to administrative office space related to Temple operations, while maintaining two apartment units. Therefore, the Applicant is seeking a variance to provide sixteen (16) spaces, in lieu of the nineteen (19) required spaces at 10400 W. Ashton Ave.

Strict application of the parking provisions of the zoning ordinance would result in practical difficulties for these uses. The building currently has legal, non-conforming parking rights. The proposed action is essentially the reuse of an existing structure. Requiring strict compliance with the zoning ordinance for the requested uses would result in practical, physical difficulties, given the limited space within the existing building. As a result, it is both impractical and infeasible for these existing buildings to comply with current parking standards for non-residential uses.

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

The physical limitations of the property prevent strict application of the zoning ordinance, and therefore necessitate a variance for reduced parking. The corner parcel at 10400

W. Ashton Avenue is 7,772 square feet and is between an existing apartment building to the south, and a single family home to the west.

The current parking configuration, with sixteen (16) on site spaces at 10400 W. Ashton Avenue is the most efficient layout for this existing building. It would be physically challenging and economically prohibitive to provide additional spaces to meet current zoning code requirements. The physical size of the property makes the addition of multiple levels of subterranean parking physically infeasible because the entire garage area would be dedicated to ramping and circulation, and would eliminate the possibility of additional parking. The reconstruction of a new building requires the review under the provisions of the Westwood Community Plan and the Design Review Board.

- C. *That such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other properties 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.*

The existing Ashton Avenue parcel is 7,772 square feet with one level of existing subterranean parking. The small size of this site and its limited access points make it physically infeasible and impractical to provide additional on-site parking beyond the existing grandfathered spaces. As a result, the requested variance is necessary for the preservation of property rights at the subject property that because of limited physical circumstances create practical difficulties complying with the strict intent of the Zoning Code.

- D. *That the granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvement in the same zone or vicinity in which the property is located.*

The Temple is proposing to convert a portion of an existing apartment building to Temple related administrative office use. These uses operate within the existing Temple campus property across the street, north, of the subject property and have been permitted in the vicinity demonstrating compatibility with the local neighborhood.

Most of the users of this space are currently utilizing space within the main Temple buildings. Some of the users are part-time employees, staff or volunteers, who will not utilize the space consistently. These part-time workers will share parking spaces as some of the users may not have overlapping hours often. As, a result, granting the variance for reduced parking will not be detrimental to the public welfare, and will produce an insignificant impact to the local neighborhood.

- E. *The granting of the variance will not adversely affect any element of the General Plan.*

The granting of the variance to permit a reduction in the number of parking spaces for the Temple to convert portions of residential floor area to Temple related office use will enable the Temple to function more efficiently while maintaining the historic residential use. The current building footprint and residential exterior appearance will be retained. The retention of the residential appearance will not adversely affect the General Plan.

5. The **Transportation Element** of the General Plan will not be affected by the recommended action herein. Beverly Glen Boulevard is designated as a Major Highway Class II that has a dedicated width of 100 feet. The Bureau of Engineering requested additional dedication and improvements on Beverly Glen Boulevard to increase the dedicated 100-foot roadway to 104 feet with an 80-foot improved roadway. These dedications and improvements are

waived for the following reasons. Beverly Glen Boulevard has traffic that appears to have a number of drivers that exceed the posted speed limits. Driver patterns are not addressed in the Westwood Community Plan. The area is developed to the densities permitted in the Low, Low Medium II and Medium Residential Land Use designation. The proposed widening may encourage higher speed by a few on this street that serves the residential neighborhood. The required dedications and improvements would result in the removal of several mature evergreen trees and mature landscaping. The trees mitigate sound impacts from Beverly Glen Boulevard and are examples of mature shade trees in the area. The remaining 385 feet South of the subject is likely to remain at the current dedicated width because these structures were built more recently reducing the opportunity to gain additional dedications.

12. Environmental Findings (CEQA) For the reasons set forth in the Proposed Mitigated Negative Declaration number ENV-2008-1272-MND-REC, the project will not have a significant effect on the environment.

PUBLIC HEARING AND COMMUNICATIONS

Summary of Public Hearing Testimony and Communications Received

The Public Hearing on this matter was held at the West Los Angeles Municipal Building, 1645 Corinth Avenue, 2nd Floor Hearing Room, Los Angeles, CA 90025 on Monday, March 2, 2009, at 11:30 AM.

1. Present: Approximately 60 people attended.
2. Speakers: 25 in total; 7 in support; 16 in opposition; and 2 with general comments.
3. A representative of Councilmember Jack Weis, Council District 5, was present and provided testimony in support of the project.

Public Hearing Testimony Notes

Representative from CD 5

- The Applicant is working with Home Owner's Associations in the community.
- Future development should not exceed the R3 zone standards unless it is for Age Restricted (Senior) Housing.
- Any exterior changes must go to the Design Review Board and be sympathetic to the surrounding residential character.
- The Council Office requests that the more intensive uses (Child Care, School, large meetings) or activities that generate significant noise be prohibited on these properties.

SPEAKERS COMMENTS SUPPORTING THE PROJECT:

- The applicants have meet with several groups in the neighborhood.
- No construction will be done without Review by the Design Review Board.
- The Temple has worked with a Home Owner's Association.
- The Temple has volunteered conditions so that the building will look like apartment buildings.

SPEAKERS COMMENTS OPPOSING THE PROJECT:

- The Long term development of all of the Temple's sites is not disclosed and can not be reviewed. Concerns were raised about what the vacated Temple spaces will be used for.
- The project is not harmonious with the surrounding residential neighborhood.
- The R4 zone is not compatible with the surrounding uses and removes a buffer between the single family zone and the multi-family zones
- The mitigation measures are not adequate therefore an Environmental Impact Report (EIR) is needed.
- The project will add traffic to the neighborhood that has circulation problems.
- Traffic problems include speeding and recklessness.
- The applicants purchased the lots understanding they were residential buildings. This does not create a genuine hardship.
- Public Services including Fire, Police, Park and School facilities are impacted. Mitigation measures do not fully address these impacts.
- Parking in the area is taken up by those going to the Temple.

- The Temple has too many events including a speakers series that attracts too many people to the area using the limited amounts of street parking
- The Temple has not worked with the neighborhood.
- The Temple should look for another site that can accommodate its expansion plans.
- This project is precedent setting and will degrade is surrounding neighborhood reducing property values.

SPEAKERS WITH GENERAL COMMENTS:

- The School should be relocated to another site
- Religious uses seem to cause many problems in neighborhoods all over the City.
- Off site parking should be required.
- The Architectural style should be compatible with the surrounding residential area.

Communications Received

LETTERS SUPPORTING THE PROJECT

The Planning Department has received 782 letters in support of the project.

- The Temple is a vital asset for the entire community that provides religious, educational and social service for all people.
- The long term development program serve an important role by providing much needed senior housing.
- The synagogue has demonstrated a reasonable need for expanded office uses to continue their community service.
- There will not be any construction for some time.
- Any changes will need Design Review by a board.

LETTERS OPPOSING THE PROJECT

57 letters were received after the Public Hearing. Two of the letters are in the form of petitions on with 58 signatures and one with 37 signatures. The opposition letters identified the following issues:

- The General Plan Amendments, Zone Change, and Variance are not in conformance with the intent of the Westwood Community Plan. This would set a very dangerous precedent in the Westwood Community and should be denied.
- A more extensive environmental review (EIR) should be required for the project. Some question the notification/publication of the environmental document.
- All of the hardships listed in the application are really self imposed. The Temple should be searching for more appropriate locations for the ever expanding uses.
- The neighborhood has significant traffic impacts and the project will add significantly to the circulation problems. There are many reckless drivers on the streets in the area.
- All the available street parking is exhausted whenever the Temple has services, or any other event including weddings, concerts, speaker's series and the like. There are many people going the Temple that block driveways. The most active times are Sunday and Saturday mornings and Wednesday Thursday and many Friday nights.
- Many of the events create noise that can be heard for some distance in the neighborhood.
- The plan amendment and zone change puts too many strains on public services.
- The project will degrade property values.

- Delivery drivers going to the temple often block red zone creating hazards. This must be fully addressed.
- Catering and other services impact the surrounding area with noise and trash.
- The filing of the application seems premature. The full development potential is not disclosed.
- Construction will cause the release of many pollutants and these emissions must be controlled.
- The Variance for reduced parking should not be granted.
- Adequate public participation has not happened.
- The Temple is not following the Conditions of their current permits.
- The “Add Areas” should not be a part of the actions because they are not wanted by the owner or residents.
- The Temple creates a safety hazard for the neighborhood. The Temple hires extra security or the Police department to patrol the area for some events.
- Future development right of the R4 zone is not in keeping with the surrounding neighborhood.
- Temple always seems to be expanding its facilities. The Temple should find a more appropriate site to accommodate their future needs.