

ANALYSIS OF CASE NO. VTT – 66144
APPLICANTS: YESHIVA OF LOS ANGELES AND SIMON WIESENTHAL CENTER

CURRENT CUP CONDITIONS	PROPOSED MODIFICATIONS
<p>#5: Total floor area of the Museum (“MOT”) shall not exceed 81,000 square feet. (Reason: attempt to keep scale of building in reasonable proportion to the immediately adjacent residential community of single-story, single family homes; as noted in the 1999 CUP [on p. 35], and equally applicable to the immediately adjacent MOT: “. . . <u>this area has maintained a low-scale appearance which conditions of this grant seek to protect.</u>”)</p>	<p>Total floor area would be either 110,179 sq. ft. (if rooftop garden is not enclosed) or 110,839 sq. ft.(if rooftop garden is enclosed), i.e., 80,000 existing, plus 30,179 or 30,839 additional sq. ft., including the 7,800 sq. ft. being annexed from the “west wing” of the Yeshiva) and the 4,000 sq. ft. rooftop garden. The resulting structure would be totally out of proportion and scale to the adjacent community, and is <u>much</u> larger than the project which Zev Yaroslavsky <i>refused</i> to support in 1986.</p>
<p>#17: The memorial garden/patio, “located on the southerly approx. 100-foot setback portion of the site, shall be utilized primarily as a buffer and may not be used for additional seating capacity No food or drink service may be provided in the garden/patio, nor shall the area be used as a picnic or dining area.” (Reason: to keep noise and disturbances to a minimum and to prevent the massive size of the building from overwhelming the adjacent single-family homes; also, THIS SETBACK WAS SPECIFICALLY NEGOTIATED AS THE “QUID PRO QUO” FOR ALLOWING THE MUSEUM IN 1986 TO EXCEED THE 45 FOOT HEIGHT LIMITATION AND THUS HAVE A 4TH STORY.)</p>	<p>Memorial garden/patio/setback would be entirely eliminated by the new, 30,179 or 30,839 square foot, two-story, 48 foot high (or 60 feet high if the rooftop garden is enclosed) structure/addition, leaving only a 20 foot “setback”/courtyard along the southerly wall, and could be used for any types of outdoor events, whether or not museum-related (i.e., could be used by third parties renting the facilities). The 48 foot height consists of a 33 foot high building with a 15 foot wall around the rooftop garden.</p>
<p>#17: “This garden shall only provide a quiet area for individuals and shall act as a well landscaped buffer area, separating the museum building from residential areas to the south.” (Reason: self-explanatory).</p>	<p>There would be a rooftop garden, which could be used for an unlimited number of “events,” which could last until midnight, with no limit on the duration of such events. The latest proposal for the “open air” plan has a 15 foot high solid wall around the garden, on top of a 33 foot high building (for a total height of 48 feet), and the garden can hold 500 people for a reception. The SWC has not yet submitted any information about how it will be able to hold events outdoors on the roof without disturbing the neighborhood, and we do not believe it will be possible to do so; we believe that the noise will be audible for many blocks, especially to the south of the Museum, even if the rooftop garden is enclosed with a glass ceiling (the SWC’s alternative proposal).</p>

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<p>#s 4 & 7: The property shall be used solely for museum uses. It may not be used for private use, rental or non-rental (i.e., no parties, weddings, bar-mitzvahs, receptions, etc.) (<u>Reason</u>: to minimize noise, traffic and disturbance to the residential community, and because there is insufficient on-site parking to accommodate such non-museum uses. The Zoning Administrator expressly stated in the 1999 CUP: “. . . <i>allowing these types of activities represents a use of the facility which is akin to a banquet hall facility and a more commercial use that is inappropriate to the location and requested use of the property.</i>” While this statement applied at the time to the the Yeshiva property, the same applies <u>equally</u> to the immediately adjacent MOT property).</p>	<p>The property could be rented out to anyone for any purpose, including entirely commercial uses, with NO increase in the already-inadequate amount of on-site parking. (Note: the SWC’s architect said at a meeting in Councilman Weiss’ office on 11/26/07 that the new space is being designed to accommodate “just under” 500 people at a sit-down dinner and 500 people on the rooftop garden (and possibly another 300 people in the auditorium), even though the building will have only the 198 parking spaces that are there now. WHERE will all these people park? And when the events end at midnight, they will crowd the neighborhood streets on foot and in cars.</p>
<p>#6: Hours of operation shall be from 10 am to 5 pm, M – F, and 11 am to 5 pm on Sunday, closed Saturdays. (<u>Reason</u>: to minimize traffic and disturbance to the residential community).</p>	<p>Hours of operation would be from 7 am to midnight, six days a week, (i.e., MOT would potentially be open for a <u>minimum</u> of 102 hrs. per week).</p>
<p>#6: All evening classes and events must conclude by 10 pm, with no classes on Friday, Saturday or Sunday, and no more than 10 per month. (<u>Reason</u>: to minimize noise and disturbance to neighboring residential community)</p>	<p>There would be an unlimited number of evening classes and events, every night of the week except Friday, which could run until midnight.</p>
<p>#18: No food service may be provided for the general public (i.e., no restaurant or cafeteria, only a food prep/service area for staff). (<u>Reason</u>: extreme concern regarding cooking odors, ventilation, fire hazards, excessive amounts of trash, problems associated with restaurant operations and additional trash collection [e.g., noise, odors, rodents and insect infestations, truck traffic for food deliveries], and attracting members of the public for dining rather than museum purposes, without sufficient on-site parking). Note: MOT is already in violation of this condition by operating a public cafeteria on the current 4th Level.</p>	<p>2,340 sq. foot café to be located on the second floor of the addition, with a 1,645 sq. foot additional kitchen area at the most southerly portion of the addition, <i>closest</i> to the adjacent single-family residences on Roxbury Drive, with either 1,570 sq. ft. or 2,230 sq. ft. of “usable outdoor space,” including a dining patio positioned directly across the street from two single-family residences on Roxbury Drive.</p>

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<p>#9: Required to have one parking space for each 5 auditorium seats (i.e., 65 spaces), plus one space per 440 sq. ft of floor space (i.e., 184 spaces), for a total of 247 spaces. (<u>Reason</u>: to have a sufficient amount of on-site parking. However, this was already a major reduction from the parking required by code, but it was believed that many visitors would arrive in a tour group by bus or walk to the museum). (Note: MOT is already in violation, with only 209 spaces - and the Crain & Associates study says the MOT has only 198 spaces).</p>	<p>No increase in on-site parking of 209 (or 198?) spaces, despite an increase of 30,179 - 30,839 sq. ft. and despite the fact that the MOT could be rented out for totally social, <u>non</u>-museum related purposes (with more people likely to drive), and despite the addition of a restaurant and retail gift shop/book store open to the public, which require additional parking spaces. (<u>Note</u>: based on the current L.A.M.C. requirements of one space per 500 sq. ft., one per 5 auditorium seats, plus cumulative LAMC requirements of one space per 100 sq. ft. of restaurant floor area and 4 spaces per 1,000 sq. ft. of retail store area, <u>at least 300 parking spaces are required</u>).</p>
<p>#11: During construction, there will be no parking or storage of construction equipment on local residential streets (<u>Reason</u>: to minimize noise, traffic and disturbance to the adjacent residential community).</p>	<p>Oddly, the Applicant has not requested any modification in the wording in Condition #11, but does seek to delete the language in Condition #12 prohibiting parking of trucks and equipment on residential streets (perhaps it does not consider the northerly part of Roxbury Street, alongside the MOT property, as a “local residential street”?) In any event, there is <u>currently</u> an enormous construction trailer and other construction equipment parked on Roxbury Drive. Also, although the Applicant requests <u>permission</u> to put a dumpster on Roxbury Drive, it has already done so!</p>
<p>#11: All construction shall take place between 8 am and 6 pm, M – F (<u>Reason</u>: to enable neighborhood residents to sleep peacefully and not be awakened every weekday morning by loud construction noise).</p>	<p>Construction would commence at 6 am (meaning workers and construction equipment and vehicles would start arriving on Roxbury Drive between 5 am and 6 am) and end at 6 pm, M – F. NOTE: the MOT has withdrawn this grossly inconsiderate request, and actually had the audacity to call the requested 6 am start time a “typo” – even though this was very <u>clearly</u> set forth in the applicant’s Project Description & Findings as a requested modification to the 1986 CUP, in order to accelerate construction.</p>

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<p>#13: There shall be a setback of 15 ft. from the property line on Pico, and 30 ft. from the property line on Roxbury, for any portion of the building exceeding 45 ft. in height (<u>Reason</u>: aesthetics, to keep the scale of building in some reasonable proportion to the immediately adjacent residential community of single-story, single family homes, and lessen the impact of the physical bulk of the building). Note: the SWC/MOT ignored the CUP and actually commenced construction of the museum building <i>without</i> the required setbacks, but was then ordered by the City to start over, in order to conform the building plans to the 1986 CUP, to include the setbacks.</p>	<p>The community is concerned that the current terrace spaces facing Pico and Roxbury, which can be accessed from the museum’s interior, could eventually be enclosed, just as MOT is proposing to enclose the existing memorial garden, further increasing the sq. footage of museum space by 2,205 sq. ft. [the aggregate floor area of the three smaller terraces], without any additional parking).</p>
<p>#23: Strict prohibition against parking and loading/unloading of buses and vans on residential streets. (<u>Reason</u>: school buses are heavy and damage roadways; they are noisy; the diesel exhaust poses a health hazard and pollutes the environment; the buses obstruct the line of sight of other drivers attempting to turn; loading and unloading of buses and vans increases noise levels (from both the vehicle and the students’ talking and shouting), and idling engines release unhealthy diesel exhaust fumes).</p>	<p>MOT would only be required to “discourage” parking and loading/unloading of buses and vans on residential streets, and to “encourage” access only from Pico. This standard is meaningless and <u>ensures</u> that school buses and tour buses will regularly park and load/unload passengers on the adjacent residential streets, especially on Roxbury Drive, which is <u>already</u> jammed with northbound traffic in the morning rush hour. <u>NOTE</u>: If the Mayor’s plan (announced 11/26/07) to make Pico Blvd. primarily for east-bound traffic is implemented, ALL parking on Pico Blvd. will be prohibited from 7 AM – 10 AM and from 3 PM – 7 PM. Where will the 20 or so buses coming to the Museum every day load and unload passengers if they can’t do so on Pico? This must be figured out before any expansion can be approved, and the neighborhood residents will NOT agree to have buses load/unload on any residential streets.</p>
<p>#25: Trash pickup and deliveries to be made in a manner designed not to interrupt traffic on residential streets or cause excessive noise, disturbance or parking problems. (<u>Reason</u>: self-explanatory).</p>	<p>The SWC claims that trash can be picked up in the underground parking area. We find it hard to believe that any garbage truck would be able to enter the Museum’s underground parking garage. There is simply not enough clearance.</p>
<p>Yeshiva of Los Angeles (“YOLA”) CUP #25: MOT parking spaces could be used by YOLA visitors for events at YOLA for which YOLA lacked sufficient on-site parking. (<u>Reason</u>: to provide much-needed overflow parking for YOLA events, when MOT garage not being used to capacity).</p>	<p>Yeshiva visitors would not be able to park in the MOT. This would be a big problem for Yeshiva events, because the Yeshiva has only 65 parking spaces (or 85 to 100 spaces if the Yeshiva’s “Phase II” construction is completed - - and Phase II would so vastly increase the size and operations of the Yeshiva that far more than 85 to 100 spaces will be needed, just for the Yeshiva’s use alone).</p>

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<p>YOLA CUP #12: YOLA facilities may <u>not</u> be used by the MOT/SWC or for any other non-YOLA purposes or activities. (<u>Reason</u>: YOLA claimed that it desperately needed more space for YOLA activities, including an art workshop for its students. This condition was included to address the homeowners' and Council Office's concerns that the SWC/MOT would attempt to circumvent the conditions of the 1986 CUP and get additional museum space, in excess of the 81,000 sq. ft. limit imposed by the CUP). The Findings on pp.33-34 of the 1999 CUP stated: "Information on the goals and objectives of the proposed Fine Arts Program [of YOLA] and the ability to craft operational conditions which maintain the use of space for the intended goals were deciding factors in the determination of the Office of Zoning Admin'n that the subject case filing was appropriate. . . . The permitted hours have been purposefully established so as to not correspond with all the hours when the museum is open, <i>thus diminishing the ability for the school space to evolve into a museum annex.</i> . . . Access to and use of the space have been further conditioned under this grant <i>to insure that the original [YOLA] curriculum-driven purpose for the space is protected and preserved.</i>"</p>	<p>The 2nd and 3rd floors of the Yeshiva's west wing (totaling 7,800 sq.ft.) would be taken over and, in essence, deeded to the MOT as a conveyance of "airspace." It is the MOT's intention to use this space as "exhibit and conference room space," but it could also be rented out to third parties and be subject to the hours and other conditions applicable to the MOT (e.g., able to remain open until midnight for events, six nights per week) - - i.e., <i>exactly</i> what Condition #12 was intended to prevent and what the Findings in the 1999 CUP expressly state was intended to be <i>prohibited</i>.</p>
<p><u>OTHER</u>: The museum entrance is currently on Pico Blvd., where the applicant previously agreed to place the entrance, during the negotiations with then-Councilman Yaroslavyk and the homeowners, leading up to the 1986 CUP. (<u>Reason</u>: to minimize museum-related pedestrian and vehicular traffic, especially buses, on residential streets. If the entrance is on Pico Blvd., that is where buses are more likely to load/unload). Since <i>this was the very clear understanding of all of the parties</i> and not subject to any disagreement, the Planning Department apparently felt it was unnecessary to confirm in a specific condition that the entrance would be and remain only on Pico Blvd.</p>	<p>The most-recent architectural drawings show several very large, ground-level "windows" facing out onto Roxbury Drive, which look suspiciously like large glass doors. Although the MOT's representatives have denied that these would ever be transformed into an entrance, we have very little reason to trust them, based on the MOT's track record of violations of the CUP. (NOTE: the MOT's original expansion plan did show the entrance as being moved to Roxbury Drive, but the MOT quickly backed away from that plan as a result of neighborhood protests).</p>

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<p>OTHER: Applicant states that “Phase II development [of the YOLA property] is planned to begin in the near future” (p. 38 of Applicant’s “Project Description & Findings”) pursuant to the 1999 CUP. NOTE, however, that Condition #75 of the 1999 CUP states: “IN NO EVENT shall a temporary or a permanent Certificate of Occupancy be issued for any of the proposed additions identified under Phase II prior to the completion of [a traffic diverter on Castello Avenue]. The ZA’s findings further state (p. 36): “. . . one of the most particularly significant improvements that is required to be implemented as part of Phase II is the <u>construction of a traffic diverter (cul-de-sac) along Castello Avenue</u>, just northerly of Alcott Avenue. The significance of this improvement is most compelling in the ability to mitigate potential impacts associated with the project and to safeguard the surrounding uses so that the location is indeed proper in relation to the area. . . . <u>Another improvement which is required also as part of Phase II is the construction of a partial closure of Roxbury Drive</u> southerly of the alley south of Pico Boulevard. <u>This improvement seeks to mitigate impacts which currently exist and which are also more directly associated with the activities of the Museum of Tolerance but which nevertheless cumulatively impact the surrounding residential streets.</u>”</p>	<p>Applicant doesn’t mention the REQUIRED Roxbury Drive partial closure and the Castello Ave. traffic diverter, which are absolute <u>conditions</u> to the development of Phase II of the Yeshiva. In fact, shortly after the 1999 CUP was issued, a representative for then-Councilman Michael Feuer informed all parties that the L.A. Fire Department and other city agencies had advised that a traffic diverter could NOT be installed on Castello Ave. because the street was too narrow for emergency vehicles to make turns. Moreover, the substantial increase in traffic on Roxbury Drive (due largely to the “no left turn” signs on Beverwil, creating more thru-traffic on Cashio and onto Roxbury) make it extremely unlikely that a partial closure would now be allowed on Roxbury Drive.</p> <p>Accordingly, without the traffic diverter on Castello Avenue and the partial closure of Roxbury Drive, the Phase II construction of the Yeshiva CANNOT PROCEED. This issue, while not mentioned by Applicant (for obvious reasons), <u>must</u> be addressed in the context of Case No. VTT-66144, so that the <u>cumulative</u> effects of the increase in traffic and in the number of visitors to both entities, due to the <u>major</u> expansions in size and scope of operations proposed by both the Yeshiva (in its “Phase II”) and the adjoining Museum, coupled with the failure to provide the number of parking stalls required by the L.A.M.C. and/or the Applicant’s respective CUP’s, can be evaluated properly.</p>