

# ATTACHMENT B

## PLAN APPROVAL FINDINGS

### CHABAD OF WOODLAND HILLS

5225 Kelvin Avenue  
Woodland Hills, CA 91364

#### PROJECT OVERVIEW/REQUEST

The Applicant, Rabbi Yossi Gordon for Chabad of Woodland Hills, requests Plan Approval for the continued use and maintenance of an approximately 1,492 square foot single-family dwelling with an approximately 446 square foot attached garage as: 1) a Place of Worship in the RA Zone with seven (7) on-site parking spaces and sixteen (16) off-site leased parking spaces located within 750 feet in lieu of 23 total on-site parking spaces otherwise required, located at 5225 Kelvin Avenue in the Woodland Hills community of the City of Los Angeles (CD-3, Blumenfield), pursuant to Case No. ZA-2012-161(CU)(ZV).

In order to implement the proposed Project Rabbi Gordon requests **PLAN APPROVAL**, pursuant to Condition No. 8 of the Letter of Determination (7/15/2013). Please note, the certificate of Occupancy for the approved use was issued on June 21, 2019. The Applicant also requests that no further Plan Approvals be required.

#### PLAN APPROVAL JUSTIFICATIONS / FINDINGS

The following information has been developed pursuant to the City of Los Angeles' *Instructions for Conditional Use/Zone Variance Plan Approval Application (CU) (ZV) Zone Code Sections 12.24 Conditional Uses and 12.27 Variances*, and form CP-2054 (revised 12/8/2017).

**1. That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region**

The Subject Property is a flat, rectangular-shaped, approximately 14,894.9 square-foot corner lot with an approximately 166-foot long frontage along N. Kelvin Avenue, an approximately 87-foot long frontage along Bascule Avenue with a depth of approximately 177 feet (from Bascule Avenue to the rear property line) and a width of approximately 85-feet (from Kelvin Avenue to the westerly-side property line. The property is developed with a one-story approximately 1,492 SF single-family dwelling with an approximately 446 SF attached garage, built in 1954 (Permit No. VN88988).

The applicant sought and received approval (Case No. ZA-2012-161(CU)(ZV) for a Conditional Use Permit authorizing conversion of a 1,492 square-foot single-family dwelling with attached garage into a religious facility on a 14,894 square-foot lot in the

RA-1 Zone; and a Zone Variance granting seven (7) on-site parking spaces in lieu of 23 spaces with 16 parking spaces provided off-site of the subject site by lease otherwise required.

In a 1954 Supreme Court case, Justice William O. Douglas opined, "the concept of public welfare is broad and inclusive. The values it represents are spiritual as well as physical and aesthetic as well as monetary.<sup>1</sup> This broad and inclusive concept of public welfare can also apply to a Place of Worship which transcends a narrow definition of public convenience and welfare as determined by physical, aesthetic, economic, or fiscal measurements.

More recently, Congress has confirmed the importance of freedom of religious practice by the year 2000 adoption of the Religious Land Use and Institutionalized Persons Act (RLIIPA). In the process leading to its adoption, it was said a Place of Worship provides "civic value" that reaffirms our society's desire to encourage and support that which is the foundation of our country.<sup>2</sup> RLUIPA is about the relationship between religious land users and local governance. It addresses the conflict that exists between religious advocates and communities as found in several reoccurring themes in litigation and dispute as summarized below:<sup>3</sup>

**Churches Seeking to Locate in Commercial Areas:** Churches will often attempt to locate in depressed commercial areas or even shopping centers where land values and rents are low.

**Churches Seeking to Expand in Residential Zone:** Existing churches in residential zones are often too small, but may wish to expand the scope and intensity of their activities, or expand their physical facilities to accommodate growth in membership. Many have active and varied ministries involving religious education and daycare, or feeding and housing the homeless, substance abuse rehabilitation, counseling, and shelter for abused persons.

**Religious Use of Single Family Residences.** Another common situation in residential zones involves religious groups or individuals seeking to use single-family homes in single-family neighborhoods for their religious activities. Neighbors of such uses often are concerned about loss of residential character that can accompany conversion from residential to religious use.

The Federal Government's adoption of RLUIPA sought to address the problem of discrimination against religious organizations and Places of Worship by local governments. The statute provided special protections for religious land use in that a regulation that substantially burdens religious exercise will not withstand legal challenge if it does not serve a compelling public interest and is the least restrictive means to serve a

---

<sup>1</sup> Berman v. Parker, 348 U.S. 26, 75 Sup. Ct. 98, 99 L. Ed 27(1954)

<sup>2</sup> Religious Land Use and Institutionalized Persons Act (2000)

<sup>3</sup> American Bar Association, Section of State and Local Government Law News, Vol. 26, No. 2, Winter 2003

governmental purpose. The first question in the analysis is if the proposed project is an exercise of religion?"

The applicant proposes to maintain the 1,492 square foot structure as a Place of Worship.

The applicant has stated the use is for the purpose of religious instruction including the following:

- Hours of daily operation are between 7:00 am and 11:00 pm, including morning and evening worship services, related celebrations, annual holiday celebrations, life-cycle events (12 per year) and guest lectures;
  - One exception to the hours of operation are for one service per year that is held indoors on Saturday night/Sunday morning 12:00-12:30 AM, for up to 15 people;
- All outdoor events are conducted in the backyard.
- Facility is never rented for non-congregation events;
- There is no weekday children's school;
- Maximum occupancy inside is up to 50 people;
- Outside occupancy levels, as approved, are:
  - During emergency pandemic periods, when health standards require, indoor congregations are relocated outside;
  - High Holidays (approximately 90 attendees);
  - Purim and major life cycle events (approximately 90-120 attendees)
  - Guest lecture and minor life cycle events (approximately 50 attendees)
- Jewish Holiday Events for High Holidays (five days), Purim (one day), Passover (one day), Shavuot (one day) and the High Holidays for Yom Kippur and Rosh Hashanah (five days) .

The continued use, operation and maintenance of the religious worship at this location is desirable to the public convenience and welfare because it serves the local community's need for a nearby synagogue and provides for religious gathering and community life.

**2. That the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

Pursuant to Section 12.24W.9 of the Los Angeles Municipal Code, a Place of Worship on a site zoned and planned for residential is appropriate by authorizing a Conditional Use Permit.<sup>4</sup> Such regulations in the Zoning and Planning Code are deemed necessary in order to encourage the most appropriate use of land; to conserve and stabilize the value of property; to provide adequate open spaces for light and air, and to prevent and

---

<sup>4</sup> Section 12.24-W,9. Churches (except rescue mission or temporary revival) in the A, RE, RS, R1, RU, RZ, RMP, RW1, R2, RD, RW2, R3, C1, C1.5, CM or M Zones.

fight fires; to prevent undue concentration of population; to lessen congestion on streets; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewerage, schools, parks and other public requirements; and to promote health, safety, and the general welfare all in accordance with the comprehensive plan. (Section 12.02, Purpose, Los Angeles Municipal Code)

The Conditional Use Permit (CUP) process recognizes Chabad of Woodland Hills (a religious institution) as a conditionally permitted use, subject to conditions of approval that would mitigate potential impacts in the neighborhood in which it is located.. In this instance, the project as designed and as conditioned has ensured it is proper in relation to adjacent uses or development of the community. The limitations imposed on the project are measures that balance the applicant's exercise of religion and reduced adverse land use impacts to the surrounding community.

**Site zoning and characteristics:** (The location is proper for a synagogue in relation to adjacent uses or the development of the community due to characteristics of the site including being: 1) a Residential Zone Classification; 2) a corner lot with dual frontages; and, 3) sufficient exterior and interior space for assembly of individuals while remaining a single-family dwelling in appearance.

The Subject Property is zoned RA-1 which permits one-family dwellings<sup>5</sup> and Conditional uses enumerated in Sec. 12.24, including churches (LAMC 12.24W.9) when the location is approved pursuant to the provisions of said section

The property is an ideal location for Chabad as it is central to the neighborhood that it serves. It's a corner lot at the intersection of Kelvin and Bascule Avenues. Chabad of Woodland Hills' intent is to continue to provide enrichment to the community while also respecting the established single-family nature of the neighborhood along the local street. There are a number of mitigation measures currently imposed and adhered to, including, limiting access to the property by congregants and visitors to Kelvin Avenue and prohibiting parking on Bascule Avenue. In practice the synagogue use of the property is interior to the structure and the backyard area that is adjacent to commercial property to the north and east and a single-family residence to the west. The Subject Property is separated from the adjacent residence on the west by a 6-foot high concrete wall and landscaping that buffers outside noise. Therefore, the use of the Subject Property for worship and related services is well buffered from the adjoining residential neighborhood.

The property is developed with a one-story 1,492 square-foot single-family dwelling with an approximately 446 SF attached garage, built in 1954-1955. The structure provides sufficient indoor and outdoor space for a Place of Worship allowing for the assembly of individuals. In regard to indoor space as a Place of Worship for the assembly

---

<sup>5</sup> Other permitted uses in the RA-1 Zone are: parks, playgrounds or community centers, owned and operated by a government agency, golf courses, except driving tees or ranges, miniature and pitch and putt courses having an average fairway length per hole of less than 125 yards, courses illuminated for nighttime play and similar uses operated for commercial purposes, truck gardening and nurseries, the keeping of equines, bovines, goats or other domestic livestock<sup>5</sup> (other than swine), poultry, fowl, rabbits, chinchillas and other small animals, in conjunction with the residential use of the lot, and two-family dwellings, on lots having a side lot line adjoining a lot in a commercial or industrial Zone with limitations.

of individuals, the 2010 California Building Code "Maximum Floor Area Allowance per Occupant" for assembly without fixed seats ranges between 7-15 net square feet. The area of assembly/synagogue is 753 square feet permitting a range of 50 -107 occupants with the existing Conditional Use Permit limiting occupancy to a maximum of 50.

With regard to outdoor space, the backyard is approved for outdoor use without the use of outdoor public address systems or loudspeakers.

**Surrounding characteristics:** The location is proper for a synagogue in relation to adjacent uses or the development of the community since the subject site is transitional in character<sup>6</sup> between commercial and residential uses.

Properties to the north and east (across Kelvin Avenue) are zoned (Q)C1 and (Q)C1.5 and are improved with a two-story Wells Fargo Bank building and across Kelvin Avenue a four-story office building. One property each to the south and west are in the RA-1 zone and improved with one-story single-family homes on approximately 0.4 acre lots.

As a corner lot there are two frontages. The primary frontage on Kelvin Avenue (a collector street) provides the driveway access to the Subject Property while the secondary frontage along Bascule Avenue (a local street) may not be utilized by congregants for parking or drop-off. adjoining the property on the north.

**Nature of the Use and its Operation:** The location is proper for a synagogue in relation to adjacent uses or the development of the community due to factors cited above and given that the City supports this type of use in or close to residential.

Not only have legal opinions determined a Place of Worship is proper in low density residential areas, but the City supports uses such as schools, religious institutions and day care in or close to residential. It is also noted that current planning policies encourage a mix of uses within our communities and on a single site.

As evidenced by other similar approvals in the City, a Place of Worship can exist in or near residential areas, if properly designed and conditioned. In this regard, the project proponent is not proposing to alter the dwellings design and it will continue to appear and function like any residential property.

Through the initial environmental review procedure (i.e., Mitigated Negative Declaration ENV-2012-160-MND), it was determined that the Project can be mitigated to a "Level of Less Than Significant" impact. In practice it has been shown that the continued use, operation and maintenance of the use has not nor would it in the future have an adverse impact on the environment. Mitigation measures include Aesthetics (Landscape Plan and buffer, surface parking, signage and lighting), Objectionable Odors (location of trash

---

<sup>6</sup> Transitional on the basis that the Subject Property is adjacent to C1.5 Zoned properties: to the north that is improved and operated as the Wells Fargo Bank; and across Kelvin Avenue to the east that is improved as the Carlton Plaza, a four-story office building with a three-level parking structure.

receptacles); Increased Noise Levels (mitigated by landscape buffer); and Safety Hazards. All mitigation measures are incorporated into the conditions of approval and have been implemented by the Applicant.

In processing the original Conditional Use and Variance request, a public hearing was conducted, comments received, and the Zoning Administrator imposed specific conditions to this use, including the following operational conditions:

- **Authorization/Use:**
  - Hours of operation shall not exceed 7:00 a.m. – 11:00 p.m. daily
  - Worship services, related celebrations, and annual holidays including total occupancy on the site shall not exceed that shown in Exhibit “B”, (*Applicant volunteered*) In no circumstance shall occupancy exceed that permitted by California Building Code which shall be posted in the Assembly/synagogue room.
  - Any outdoor activity is restricted to the rear yard (*Applicant volunteered*)
  - No renting of the site for non-congregation events (*Applicant volunteered*)
  - No weekday children’s religious school. (*Applicant volunteered*)
- **Complaint Response/Community Relations:**
  - Monitoring of complaints. The property owner/operator shall establish an appropriate monitoring of community complaints concerning activities associated with the subject facility and to ensure security of the property.
  - Complaint monitoring. A 24-hour “hot line” phone number shall be provided for the receipt of complaints from the community regarding the subject facility and shall be:
    - Posted at the entry.
    - Mailed to abutting property owners and tenants.
    - Provided to the Office of Zoning Administration, schools, Certified Neighborhood Council, and local neighborhood homeowner/renter associations, if any.
  - Log. The property owner/operator shall keep a log of complaints received, the date and time received and the disposition of the response. The log shall be retained for consideration by the Zoning Administrator at the Approval of Plans Review, if required.
- **Lighting.**
  - Exterior low-level lighting if installed shall illuminate the site in order to make easily discernible the appearance and conduct of all persons on or about the property.
  - All lighting shall be shielded and directed onto the site and no floodlighting shall be located so as to shine directly onto any adjacent property.
- **Noise.**
  - All worship activities shall be conducted inside the building.
  - Regulating noise shall comply with the City of Los Angeles Noise Regulations Section Nos. 111.00 – 111.05.
  - Notwithstanding the above, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standard which may be considered in determining whether a violation of the provisions of this section occurs may include, but not limited to, the following:

The level of noise;

- Whether the nature of the noise is usual or unusual;
- Whether the origin of the noise is natural or unnatural;
- The level and intensity of the background noise, if any;
- The proximity of the noise to residential sleeping facilities;
- The nature and zoning of the area within which the noise emanates;
- The density of the inhabitation of the area within which the noise emanates;
- The time of the day and night the noise occurs;
- The duration of the noise;
- Whether the noise is recurrent, intermittent, or constant; and
- Whether the noise is produced by a commercial or noncommercial activity.
- Outdoor public address systems and loudspeakers are prohibited. Any phonograph radio or other electric equipment used shall be sufficiently modulated so as not to be disturbing to neighbors residing in the immediate vicinity.
- **Parking/Circulation**
  - Parking.
    - A Variance is granted permitting seven (7) on-site parking spaces in lieu of 23 spaces with 16 parking spaces provided off-site within 1,500 feet of the subject site by lease.
    - Prior to temporary or permanent occupancy permit, the owner/operator shall submit the location of off-site parking and lease agreements. Off-site parking locations to the greatest extent feasible must use Kevin Avenue and Venture Boulevard as a crossing.
  - Parking. Parking on Bascule Avenue is not permitted for non-residential use.
  - Parking Overflow. A parking plan/valet plan shall be submitted indicating how overflow parking would be managed at peak use times.
  - Drop off/Pick up. To the greatest extent feasible all drop off and pick up shall occur on-site or within a drop off and pickup zone on Kevin Avenue. Bascule Avenue shall not be used for drop off and pickup for non-residential use.
  - Transportation Demand Management. Include information in brochures programs, flyers, text messages, emails, or other means, advertising activities to encourage alternative transportation as well as offer incentives to users who use alternative means of transportation other than single occupancy vehicles.
  - Use due diligence in seeking additional sites for parking, if mitigation measures are found deficient. Use of a residential lot may require review and approval of City Planning Department.
- **Signs.**
  - Any “Church Bulletin” sign shall comply with Section 12.21-A.7(i) and not exceed 18 square feet. Prior to the issuance of a building permit, a master sign plan shall be submitted WAS THIS DONE? indicating the general type, size, and location of any identification sign, parking signs, directional sites, or new signs. The sign shall be in easy to read lettering and shall be sensitive to the residential nature of the area.

- **Walls Trash/Storage.**

- Open areas devoted to trash storage or other storage shall be as far as feasible from adjoining residentially zoned property and buffered so as not to result in noise, odor, or debris impacts.

Based on the synagogue’s location, size, height, ongoing operation and other significant features the use has been demonstrated as being compatible with and does not adversely affect or degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

3. **That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

The property is located within the Canoga Park-Winnetka-Woodland Hills-West Hills Planning Area which designates the property for Very Low Residential land uses with corresponding zones of RE20, RA, R1, RE15 and RE11. The property is not located within any Specific Plan.

The continued use, operation and maintenance of the synagogue is consistent with the intent of the Plan which seeks to promote the economic well-being of the community by designating and implementing appropriate planning standards that enhance, the quality of life of citizens of the City. It has always been an overall goal of the General Plan to provide for the location of services to address the needs of the population in a fashion where such services are readily accessible to the population they serve. As such, the project is in compliance with the objectives of the General Plan and will contribute to its implementation. The CUP process has been used to balance the property owner's exercise of religious practice with the interest of the City to protect the character of single-family neighborhoods.

Consistent with the ongoing operation of the synagogue, it has been demonstrated that the use substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

**ADDITIONAL QUESTIONS:**

1. **Explain why this application is being filed at this time.**

As per Condition #8 of Case No. ZA-2012-161(CU)(ZV), we are required to apply for a Plan Approval review. Also, we respectfully request that upon this Plan Approval, there be no further Plan Approvals required.

2. **Is the application for a deemed-to-be approved conditional use permit or a conditional use plan approval? Check one.**

- Deemed to be Approved                       Plan Approval



3. **What is the current zoning on the property?** RA-1  
**What was the zoning when the building was built?** RA-1
4. Subject property is: level  sloping  rectangular  irregular-shaped
5. **Describe how the site is presently developed, including details such as square footage of buildings, occupancy loads, stories, number of seats, etc. If the site has been destroyed, provide detail of what was destroyed and what remains.**

The Subject Property is a flat, rectangular-shaped, approximately 14,894.9 square-foot corner lot with an approximately 166-foot frontage along N. Kelvin Avenue, an approximately 87-foot frontage along Bascule Avenue with a depth of approximately 177 feet (from Bascule Avenue to the rear property line) and a width of approximately 85-feet (from Kelvin Avenue to the westerly-side property line). The property is developed with a one-story approximately 1,492 square-foot single-family dwelling with an approximately 453 square foot attached garage, built in 1954 (Permit No. VN88988).

The synagogue use of the structure includes: assembly/synagogue (753 SF), play room (404 SF), office (166 SF), a conference room (176 SF) and a studio unit.

**6. Surrounding properties. Fill in the following matrix:**

	<b>Zones</b>	<b>Uses</b>
<b>Northerly</b>	(Q)C-1.5-1VLD/R5-1VLD	Two-story Wells Fargo Bank Building
<b>Southerly</b>	RA-1	Single-family residence
<b>Westerly</b>	RA-1	Single-family residence
<b>Easterly</b>	(Q)C-1-1VLD/RA-1LD and (Q)C-1.5-1VLD/RA-1LD	Four-story office building and a three-level parking structure

7. **If you are rebuilding, is it on the same foundation? Yes/No** N/A **Are you adding floor area? Yes/No** No **If yes, how much?** N/A **Sq. Ft.** N/A **%**
8. **Is a conditional use permit now on the property? Yes/No** Yes **If yes, what type?** Religious institution. **What section of the Municipal Code permits this uses(s)?** Section 12.24 W.9 **Attach a copy of all prior conditions use cases to the application.**
9. **Is the use site the same size it was when it was established? Yes/No** Yes **If the site has changed in size please explain.**  
 The site has not changed in size.
10. **Was the use discontinued for a year or more? Yes/No** No **If yes, please explain.**  
 The use has been in continuous use with no lapses.

11. **How many parking spaces are now on the site? 7 How many parking spaces were on the site on the date the use became established? 7 How many spaces will be required by Code for the proposed additions? No addition is proposed What will be the total number of parking spaces required by Code for this site, if the Plan is approved?**

23 parking spaces are required by Code. Per the Variance approval, the Applicant maintains a lease for 16 off-site parking spaces.

12. **Improvements were originally permitted on 11/15/1954 Building Permit Number VN 88988 and Certificate of Occupancy issued on 6/30/1955 .**

**The Office of Zoning Administrative Research will primarily be based on business licenses, field check, prior cases and building permits. If you will provide business license history, copies of building permits, certificates of occupancy and photographs, it will help the staff process this request.**

**Please provide a list of all prior cases and plan approvals.**

- **ZA-2012-161(CU)(ZV):** On July 15, 2013 the Zoning Administrator approved a Conditional Use Permit authorizing conversion of a 1,492 square-foot single-family dwelling into a religious facility on a 14,894 square-foot lot in the RA-1 Zone; and a Zone Variance granting seven (7) on-site parking spaces in lieu of 23 spaces with 16 parking spaces provided off-site within 1,500 feet of the subject site by lease otherwise required, with 18 conditions of approval.
- **CPC-2019-1742-CPU:** A community plan update is in process for the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan.

13. **How may retail uses did you have originally? None, not applicable How many are you proposing? None Parking spaces to be provided? Not applicable.**

Pursuant to Form CP-2054, the following questions apply to applications for churches or other religious institutions.

- 1. What are the number of fixed seats (if no fixed seats, then the amount of square footage) for sanctuary (or auditorium or gymnasium if applicable).**

The 753 square foot sanctuary has no fixed seats.

- 2. Is there to be religious instruction, e.g. Sunday School? If so, where on the site, number of children, ages, etc.?**

There is no religious school and there are no plans for religious school.

- 3. Is there to be a nursery school, preschool, child day care, elementary, junior high or high school?**

There is no school of any type.

- 4. What are the number of on-site parking spaces (must show on plot plan)?**

There are seven (7) on-site parking spaces and 16 off-site parking spaces per Variance and with an approved lease.

**5. Are there to be any buildings/structures demolished/remodeled?**

No buildings/structures are to be demolished or remodeled.

**6. Is there to be special events or activities both indoor and outdoor likely to attract large numbers of people, additional noise or other activities not normally associated with day-to-day operation of the synagogue? If so, what?**

As approved in the Case No. ZA-2012-161(CU)(ZV), there are holiday events and a few life cycle celebrations.

###