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planning.lacity.org

November 10, 2021

Rabbi Yosef Shaliach-Tzibur (A)(O)
Valley Community Kollel
5552 Reseda Boulevard
Tarzana, CA 91356

Stacey Brenner (R)
Brenner Consulting Group, Inc.
4774 Park Granada, #9379
Calabasas, CA 91372

CASE NO. ZA-2020-6784-CU
CONDITIONAL USE
5300 North Mecca Avenue
Encino-Tarzana Planning Area
Zone : R1-1
D. M. : 171B125
C. D. : 3
CEQA : ENV-2020-6786-CE
Legal Description: Lot PT 66, Arb 4,
Tract 5475

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332, Class 32 (Existing Facilities), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

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

a Conditional Use to permit a church use in the R1-1 Zone.

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the construction, use, and maintenance of a 3,580 square-foot, two-story building consisting of a 2,362 square-foot Mikveh for women located on the first floor with one 1,218 square-foot residential unit located on the second floor. The Mikveh shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 5:00 p.m. to 9:00 p.m. daily during the Winter Solstice months and 8:00 p.m. to 11:00 p.m. during the Daylight Savings months.
 - b. Exclusive of the on-site caretaker and security, there shall be a maximum of 10 patron visits at one given time, with a maximum of 20 patron visits per day.
 - c. The use of the Mikveh shall be by appointment only. The applicant shall maintain a log of all appointments detailing the (1) patrons name, (2) date, and (3) time allocated.
8. After hour use of the Mikveh shall be prohibited, except routine clean-up.
9. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering and No Excessive Noise" signs shall be posted in and outside of the subject facility.

10. The applicant shall be responsible for monitoring both patron conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
11. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
12. **Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be provided to the abutting property owners and residents and the local Neighborhood Council. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the reception area.

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.
13. The applicant/business operator shall be responsible for maintaining free of litter, the area and adjacent to the premises over which they have control.
14. Prior to issuance of a building permit, a parking area and driveway plan shall be submitted to the Department of Transportation for review and approval.
15. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
16. A minimum six-foot high block wall shall be constructed adjacent to neighboring residences, if no such wall already exists.
17. Outdoor lighting shall be designed and installed with shielding, such that the light source does not disrupt adjacent residential properties.
18. Barriers and/or fencing must be installed to secure construction equipment and to minimize trespassing, vandalism, short-cut attractions, and nuisances.

ADMINISTRATIVE CONDITIONS

19. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
20. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30 days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing floor plan, seating arrangement or number of seats of the new operation.
21. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
22. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- i. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- ii. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- iii. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- iv. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph(ii).
- v. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **NOVEMBER 29, 2021**, unless an appeal therefrom is filed with the City

Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

Downtown
Figueroa Plaza
201 North Figueroa Street,
Fourth Floor
Los Angeles, CA 90012
(213) 482-7077
planning.figcounter@lacity.org

San Fernando Valley
Marvin Braude San Fernando
Valley Constituent Service
Center
6262 Van Nuys Boulevard,
Room 251
Van Nuys, CA 91401
(818) 374-5050
planning.mbc2@lacity.org

West Los Angeles
West Los Angeles Development
Services Center
1828 Sawtelle Boulevard,
Second Floor
Los Angeles, CA 90025
(310) 231-2598
planning.westla@lacity.org

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

NOTICE

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

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on October 5, 2021 all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W have been established by the following facts:

BACKGROUND

The subject property is a flat, irregular-shaped, 7,962 square-foot lot with approximately 98 feet of frontage along Reseda Boulevard and 88 feet of frontage along Mecca. The property is developed with a vacant one-story, single-family residence with a detached garage. These improvements will be demolished and replaced with a 3,580 square-foot, two-story building with seven at grade-parking spaces. The first floor will include a 2,362 Mikveh (bath) for religious ritual practices and a lobby. The second floor will include a 1,218 square-foot single-family residence for the on-site caretaker.

According to the application, the Mikveh is a ritual bath for the Jewish rite of purification. The observance of this ritual is an important element in the ritual practice of many Jewish women. The Mikveh would start at sundown, approximately 5:00 p.m. to 9:00 p.m. during winter solstice; and 8:00 p.m. to approximately 11:00 p.m. during daylight saving months. There will be eight individual bathrooms for washing off and preparing for the pool/spa and two pool/spas for the Mikveh ritual purposes. Security and a caretaker will be on-site. Married women between the ages of 18 and approximately 60 will be the primary occupants. Over the course of the evening, a maximum of 20 women could use the facility, with not more than 10 women maximum at the same time. The average time a woman will spend at the Mikveh is approximately one hour. The Mishkan Torah Valley Community Kollel, located at 5552 Reseda Boulevard, is their main location and is approximately 0.4 miles and an eight-minute walk from the subject site.

The subject site is zoned R1-1 and is located within the Encino-Tarzana Community Plan with a General Plan Land Use Designation of Low II Commercial. The site is further located within an Urban Agricultural Incentive Zone, Special Grading Area and is within 11.56 kilometers of the nearest known fault (Hollywood Fault).

The applicant is seeking a Conditional Use to permit a church in the R1-1 Zone.

Surrounding Properties

Surrounding properties are zoned for single-family residential and are developed with residential uses. The northern adjoining property, the property to the east across Reseda Boulevard and to the west across Mecca Avenue are zoned R1-1 and improved with single-family residences. The property to the south and adjoining the subject property is zoned R1-1 and improved with a public park (Mecca Park).

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

There are no related cases on the project site.

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

No similar cases were filed within a 500-foot radius of the property.

Streets

Reseda Boulevard, abutting the property to the east is a designated Avenue II, dedicated to a width of 86 feet and improved with asphalt roadway and concrete curb, gutter and sidewalk.

Mecca Avenue, abutting the subject property to the west, is a Local Street-Standard, dedicated to a width of 60 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

PUBLIC CORRESPONDENCE

Opposition

A correspondence was received from the Tarzana Neighborhood Council, dated September 10, 2021, stating opposition due to: increased vehicular and pedestrian traffic, Mecca Ave is a short street dominated by single-family residences, appropriate for commercial location, and precedence.

17 correspondence in opposition was received, stating concerns with the following:

- Mikveh should not be allowed in a residential neighborhood
- This will drive home prices down
- This will drive rental prices down
- Create/increase traffic in neighborhood
- Impacts on street parking
- Already have sober facilities and don't need any more issues
- Already have transients living on the streets with graffiti, and filth
- This will cause precedence to allow other businesses in the residential area
- Oppose rezone
- This will destroy neighborhood
- Many people will come in and out
- Quality of life has diminished by the homeless encampments and drug rehab facilities in Tarzana
- Already have people parking on our street walk to Ventura Boulevard
- Attended the Mikveh at Chabad for a wedding party which was noisy and defiantly not discrete
- Should be on Ventura or in a commercial zone
- There are vacant stores that have parking in the back which will be discrete
- People who support this project do not live on the street
- The rehab homes are federally mandated
- There should not be a religious establishment in the R1 Zone
- There will be employees on-site; insured like a business
- Eight bathrooms indicate larger groups
- Live across a CUP lot 5225 Avenida Oriente; they are violating their CUP; hard time enforcing; community does not want issue with enforcing violated CUP
- Just by number of callers shows how busy this location will be
- There are 10 baths and only 7 parking spots, where will people park?
- No parking on Reseda, people will park on Mecca; parking and traffic concerns

- 10 baths, security, living accommodations on site; need at least 19 parking spaces
- Cause a danger to safety
- Unfair practice if other business were denied encroachment into other residential areas

A letter of opposition, dated October 16, 2021 was received from the Coalition of Mecca Ave Tarzana Neighbors, stating concerns with the following: ZOOM meeting was flawed due to the passcode was given to people not in the neighborhood; neighborhood is completely a residential area; this is a business and they charge people who attend; with 10 pools and 10 women they need 10 parking spaces; employees need parking; for the ritual they bring a few people to celebrate and will need more parking; going to residential area due to cost; there are other Mikvehs – Chabad at Burbank Boulevard and Lindley and it was a parking problem; going to conduct services on other days and holidays; gathering and walking outside; and want to keep street as a quiet living area.

A letter of opposition, dated September 27, 2021, was signed by 15 neighbors, stating this is a residential area, traffic and parking concerns.

Support

A correspondence was received from a Member of Congress, dated October 1, 2021, stating support due to: closest Mikveh of the Mishkan Torah Valley Community Kollel is over twelve miles away in Valley Village; place for women to walk; quiet and discreet practice; benefit to the community; no residential loss; and compatible with surrounding neighborhood.

A correspondence was received from the Assemblymember, 45th District, dated September 30, 2021, stating support due to: closest Mikveh of the Mishkan Torah Valley Community Kollel is over twelve miles away in Valley Village; place for women to walk; quiet and discreet practice; benefit to the community; no residential loss; and compatible with surrounding neighborhood.

A correspondence was received from the California State Senator, 27th District, dated September 3, 2021, stating support due to: closest Mikveh of the Mishkan Torah Valley Community Kollel is over twelve miles away in Valley Village; place for women to walk; quiet and discreet practice; benefit to the community; no residential loss; and compatible with surrounding neighborhood.

134 correspondence in support was received, stating the following:

- Sanctuary for women and vital to the community
- Ritual bath; fulfilling religious commandment
- Women visit in private without noise or commotion; want privacy
- Will not disrupt the neighborhood
- Women arrive by appointment only, during limited hours
- There will never be women gathering or speaking to each other, or a large number of women there at once
- Never be more women than the number of parking spots
- Will not interfere with parking

- No other in the area
- Not for profit
- This is a religious purpose; vital for women
- Will have sufficient on-site parking
- Current Mikveh is 45 minutes away
- There will be no nuisance to the neighborhood due to the quiet nature of the Mikveh process
- There will be only a limited amount of people who can use the facility at one time
- Will respect neighbors
- This is a women's rights issue, as well as a religious rights issue
- There is no mikvah in our neighborhood; overwhelming need in our community for a new facility
- No men or children near the site, ritual meant to be discrete
- Need this in community due to holy days, including the Sabbath and holidays, will need to drive; location is walking distance within the community and important for Sabbath observing Jews
- Not a nuisance to nearby residences or businesses
- Location is convenient, need to be within walking distance due to the nature of the religious observance
- Only limited hours during the evening/sundown; no traffic concerns
- Does not necessarily need a parking area because most members will walk
- Under existing Federal Law (RLUPA) there is a high "substantial burden" standard need to preclude this Mikveh from existing; standard has been litigated and upheld in numerous court cases
- Enhance quality of life for the growing community
- Orthodox Jewish population in the Encino-Tarzana has increased at a steady rate, but no additional Mikveh facilities have been made within the past 20 years
- Location is ideal and assessable from several nearby neighborhoods in the Valley
- Will no cause additional traffic
- Will not cause decrease in property value, it will actually add property value
- People who oppose should fight homelessness, filming in the neighborhood, loud parties, street racing
- Not a retail business; donation based
- One of the quietest aspects of religious observance, no noise
- Building will be beautiful, upgrade from the current on-site building
- Map submitted with supporters
- Only young married ladies use the Mikveh and only once a month
- It is closed during the day
- Cannot accept more than 2 or 3 ladies at the time
- Shouldn't take more than 15 to 20 minutes
- Seven parking spots at the location and six spots at the entrance of Reseda

An article was submitted titled Religious Value Halos: The Effect of a Jewish Orthodox Campus on Residential Property Values, by Robert A. Simons and Youngme Seo.

PUBLIC HEARING

The hearing was held on October 5, 2021 at approximately 9:30 a.m. In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the Office of Zoning Administration Public Hearing was conducted entirely remotely.

Stacey Brenner, the project representative, introduced the project and stated the following:

- This is a through lot
- Improved with a vacant single-family dwelling and detached garage built in 1944
- Located 450 feet from Ventura Boulevard
- Large Orthodox Jewish community
- Reseda Boulevard is an Avenue II street
- During off peak hours
- Meets all yard setbacks
- Height will be 28 feet
- Meets all parking requirements; parked at 1/500; verified with Victor Cuevas from LADBS and from Department of City Planning
- This is part of the synagogue at 5552 Reseda Boulevard, approximately .4 miles away and an eight-minute walk, however Mikveh does not fit there
- Designed as a two-story to blend in with the community
- FAR is 45%
- Low impact, off peak, no traffic
- There will be eight bathrooms, and two pools
- Women walk here
- An on-site caretaker
- 20 patron visits maximum a day, 10 patron visits at a time by appointment only
- 200 supporters and 85 direct letters were sent
- Received Congressman and State Assembly support letters
- This is not a business
- Meets all zoning requirements
- Blends in with the community and will serve the residences
- Modified site plan to look like a single-family dwelling
- Encroachment plane
- Reached out to homeowners association and Tarzana Neighborhood Council in 2020; was not present at Neighborhood council meeting
- Reached out to council office; not opposed

Zhila Ross, representing the Council District 3, stated the following:

- Here to listen in to testimony
- Council Office has not formed an opinion

14 members of the public spoke in opposition of the project, stating the following:

- Lives next door
- People who support the project do not live nearby
- This is a women's spa

- People will park on Mecca Avenue
- The hours proposed is when traffic starts
- There are other Mikvehs nearby
- Quality of life
- There will be 20 people at a time and where will they park
- There is a Mikveh .9 miles from the synagogue and it's a 10-minute walk and there are facilities there
- This is a developer and not religion
- This can hold a wedding party there will be 20-25 people; can happen a few times
- This will set a precedence in residential areas
- Concerned that this will lower the value of the homes in the neighborhood
- This is a quiet neighborhood
- This is a commercial use; they should look for a commercial zone for the Mikveh
- This is a change of zoning
- All the neighbors on Mecca Avenue oppose the project
- Familiar with Mikvehs
- Traffic impacts
- People gather
- Mecca Avenue is a short street; people park on street since there is a Walgreens nearby
- The people who are going to be affected are those who live on Mecca Avenue
- There are a lot of commercial buildings/lots available for rent
- During Jewish holidays, people park on the street for a few days
- There is a lot of crime and homelessness
- People who support the project do not live on Mecca Avenue
- Received a threatening letter
- This is a double occupancy use with the dwelling and the Mikveh
- There is no crosswalk
- This is not a non-profit; there is a charge for the use
- There will be 10 baths and someone who lives upstairs
- Safety concerns
- The amount of callers for the hearing just shows the amount of people using the Mikveh
- Would like a gym in neighborhood since its convenient but doesn't belong in neighborhood, Mikveh is the same
- Parking impacts on the street

59 member of the public spoke in favor of the project and stated the following:

- This is essential to the community
- Daughters, wives, and family will use this
- Orthodox Jewish in Tarzana is increasing at a steady rate
- Wife comes home late when going to other Mikveh
- This will not add traffic
- Will not decrease property value; property values will increase
- Will add value to the properties in the area
- This is not a commercial use; this is not a business; non-profit
- This is not a spa

- This is to fulfill religious purposes
- Does not believe everyone opposes the project who live on the street
- There is a Mikveh that is close but the community has grown and it is small and does not meet demands
- The community needs this; vital/essential to community
- Provides a safe place to walk at night
- The ladies who use this want modesty; be discreet; don't want to see other people; want privacy; do not hang out there; do not stay long; no socializing; goal is to go in and out
- By appointments only
- A bride may be accompanied by 1-2 others; not a party; no one will notice
- There is a sober home on Amigo Avenue and people are not concerned/opposed with that; there are many sober living homes in the area
- The closest Mikveh is more than a 25-30 minute walk
- There are homeless encampments/crime and it is dangerous to walk; have to walk wife at night
- There is a Walgreens at the corner of Mecca Avenue and Ventura Boulevard and there are parking issues already from it
- There is parking available onsite; no parking issue
- The outside of the building looks like a residential building
- The site is currently a dump
- This is a spiritual thing to do; essential to religion
- During the holiday they will walk to the location and will not use the parking
- Not all ages use the facility; not all 500 families will use; only married to around 65 years old
- Parking on Reseda Boulevard
- There will only be a maximum of 20 people on an evening, but will not have 10 people every night
- This will increase safety and lower crime
- There is available parking on the street
- Has lived next to another Mikveh and do not know, it is discreet
- If people don't support this, SB9 and SB10 and a developer can build a 10-unit apartment building instead
- They are respectful patrons
- There is always parking on Mecca Avenue
- Many of the lots on Mecca Avenue are large and can accommodate on-site parking
- This is not like a church or synagogue where people gather
- It will not be open during the day
- People who oppose this do not know what a Mikveh is
- Would rather have this than a 10-unit apartment building
- Entrance is Reseda Boulevard
- Been to another Mikveh for 10 years and only seen one wedding
- Professionalism; courteous
- There is a 2011 article to support that values will increase
- Opposes the threatening letter to the neighbor
- A lot of misinformation was stated
- Does not require a payment

- Has to be located in residential area, commercial areas are too public
- People are not there at the same time
- There have been double callers who oppose the project

A member of the Neighborhood Council, spoke in opposition of the project and stated the following:

- Representative did make presentation to the Land Use Committee on January 19, 2021
- Representative invited to the April 19th and May 17th meetings
- 500 families will create heavy traffic
- Commercial use
- There is one on Burbank; charges fees and its at a commercial location

In response to questions raised by the Zoning Administrator and concerns raised during the hearing, Stacey Brenner clarified the following:

- There are eight bathrooms and two spas
- Parking is provided per Code and used the commercial parking requirements as a conservative approach, will submit to the case file
- The majority of the people who use the facility will walk
- Access is on Reseda Boulevard for five parking spaces; there will be two spaces off Mecca Avenue
- This is for religious purposes
- Increase in traffic is during off-peak traffic time
- The synagogue is part of the community
- There will be no daytime hours and the usage is during sundown

The Zoning Administrator closed the public hearing and stated that the remaining handful of callers could not be heard as the Zoom hearing ends at 12:00 noon. The case will be held under advisement for a period of two weeks to allow any additional public correspondence/comments to be submitted and to allow the Zoning Administrator to review the 85 correspondence received just prior to the hearing. The Zoning Administrator clarified that the project is not requesting a deviation for parking, this request is not a Variance to allow the use, and clarified that the use is allowed in the zone with a Conditional Use if the findings could be made.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24 of the Los Angeles Municipal Code. In order for the operation of a church to be authorized, certain designated findings have to be made.

FINDINGS

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

1. **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, irregular-shaped, 7,962 square-foot lot with approximately 98 feet of frontage along Reseda Boulevard and 88 feet of frontage along Mecca. The property is developed with a vacant one-story, single-family residence with a detached garage. These improvements will be demolished and replaced with a 3,580 square-foot, two-story building with seven at grade-parking spaces. The first floor will include a 2,362 Mikveh (bath) for religious ritual practices and a lobby. The second floor will include a 1,218 square-foot single-family residence for the on-site caretaker.

The applicant is requesting a Conditional Use to allow a Mikveh in the R1-1 Zone. The Mikveh is a ritual bath for the Jewish rite of purification. The observance of this ritual is an important element in the ritual practice of many Jewish women. The Mikveh would start at sundown, approximately 5:00 p.m. to 9:00 p.m. during winter solstice; and 8:00 p.m. to approximately 11:00 p.m. during daylight saving months. There will eight individual bathrooms for washing off and preparing for the pool/spa and two pool/spas for the Mikveh ritual purposes. On Friday, Rosh Hoshana, Yom Kippur, Sukkot, Simchat Torah, Passover and Shavuot women must walk. Security and a caretaker will be on-site. Married women between the ages of 18 and approximately 60 will be the primary occupants. Over the course of the evening, a maximum of 20 women could use the facility, with not more than 10 women maximum at the same time. The average time a women will spend at the Mikveh is approximately one hour. The Mishkan Torah Valley Community Kollel, located at 5552 Reseda Boulevard, is their main location and is approximately 0.4 miles and an eight-minute walk from the subject site.

The proposed project will have a maximum height of 28 feet, and will provide two on-site vehicular parking spaces accessed by Mecca Avenue and five on-site vehicular parking spaces accessed by Reseda Boulevard. All required parking will be provided on-site.

The project will enhance the built environment by activating an underutilized and vacant residentially zoned site with a new building. The Mikveh use will provide a beneficial and much needed service to the community. On Friday, Rosh Hoshana, Yom Kippur, Sukkot, Simchat Torah, Passover and Shavuot, women must walk. The project will allow to serve the community from this location. The Zoning Administrator has imposed a number of conditions to ensure that the operation of the Mikveh will not be disruptive to the community. Conditions include limiting the hours, limiting the number of patrons, appointment system, loitering, and requiring a compliant log that will assure that the Mikveh will not be disruptive to the surrounding residents. A Mikveh use at this location 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.

2. **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.**

The subject site is a through-lot between Mecca Avenue and Reseda Boulevard. The site has 98 feet of frontage along Reseda Boulevard and 88 feet of frontage along Mecca. The site is developed with a vacant single-family residence with a detached garage that is proposed to be demolished. The applicant is requesting a conditional use to permit the operations of a church use (Mikveh) within the R1 Zone

Adjacent properties to the north are zoned R1-1 zone are improved with single-family residences, the properties to the west across Mecca Avenue are zoned R1-1 and improved with single-family residences, the properties to the east across Reseda Boulevard are zoned R-1 and improved with single-family residences, and the property to the south is zoned R1-1 and improved with a public park (Mecca Park).

Public testimony from the public hearing and correspondence received have indicated concerns of the traffic, parking and noise, as described in the Public Correspondence and Public Hearing Section of this determination letter. The Zoning Code allows the proposed use to be operated with the approval of a Conditional Use. All required parking will be provided on-site. The project has been designed as a two-story building, with a maximum height of 28 feet, compatible with the surrounding development of one and two-story structures. The second story of the proposed structure has been designed to be set at the southerly portion of the property closer to the Mecca Park and away from the abutting single-family residence to the north. Parking associated with proposed project as well as the entry to the Mikveh will be located towards the south of the property and away from the immediately abutting neighbor to the north. Furthermore, conditions have been imposed limiting the hours, number of patrons, property use, loitering, noise, and requiring a compliant log that will assure that the Mikveh's operations will not be disruptive to the surrounding residents. Compliance with these conditions will ensure that its operations will allow it to be compatible to co-exist with its neighbors. Therefore, the proposed building will be compatible with the location, size, height, and other significant features of the surrounding neighborhood. There is no evidence that the proposed Mikvah at this location will create any danger to motorists or pedestrians, or any sound level beyond those otherwise permitted at the location, or otherwise negatively impact health or safety.

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

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of Los

Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Encino-Tarzana Community Plan Map designates the property for Low II Residential land uses with corresponding zones of R1, RS and RD6. The Encino-Tarzana Community Plan text is silent with regards to church uses adjacent to residential uses or zones. In such cases, the Zoning Administrator must interpret the intent of the Plan. The proposed project meets a number of objectives and policies that are outlined in the Encino-Tarzana Community Plan area including:

Policy 1-1.2: Project existing single-family residential neighborhoods from new, out-of-scale development

The project would reactivate an underutilized residential site with a new two-story building that is designed in scale with the adjacent properties and surrounding neighborhood. The basic use of the property as a religious institution and a residential unit within a residential zone is consistent with the Land Use Element of the General Plan. The proposed use of a Mikveh is conducted entirely within the enclosed building. Required parking is provided on-site and the with parking proposed and entrance are located closest to the southern portion of the subject property or farthest away from the northerly neighbor. Pedestrian entrance similarly located away from the northerly neighbor and oriented towards Reseda Boulevard. Given the numerous conditions of approval, the proposed Conditional Use can be deemed to be in harmony with the General Plan.

FLOOD HAZARD FINDING

4. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is not located in a flood zone.

Inquiries regarding this matter should be directed to Alex Truong, Planning Staff for the Department of City Planning at 213-978-3308 or alexander.truong@lacity.org.



CHRISTINA TOY LEE
Associate Zoning Administrator

CTL:AT:bk

cc: Councilmember Bob Blumenfield
Third Council District
Adjoining Property Owners
Interested Parties