

GENERAL INFORMATION ABOUT THE CONTENTS OF THIS FILE

Submissions by the public in compliance with the Commission Rules and Operating Procedures (ROPs), Rule 4.3, are distributed to the Commission and uploaded online. Please note that “compliance” means that the submission complies with deadline, delivery method (hard copy and/or electronic) AND the number of copies. Please review the Commission ROPs to ensure that you meet the submission requirements. The ROPs can be accessed at <http://planning.lacity.org>, by selecting “Commissions & Hearings” and selecting the specific Commission.

All compliant submissions may be accessed as follows:

- **“Initial Submissions”**: Compliant submissions received no later than by end of day Monday of the week prior to the meeting, which are not integrated by reference or exhibit in the Staff Report, will be appended at the end of the Staff Report. The Staff Report is linked to the case number on the specific meeting agenda.
- **“Secondary Submissions”**: Submissions received after the Initial Submission deadline up to 48-hours prior to the Commission meeting are contained in this file and bookmarked by the case number.
- **“Day of Hearing Submissions”**: Submissions after the Secondary Submission deadline up to and including the day of the Commission meeting will be uploaded to this file within two business days after the Commission meeting.

Material which does not comply with the submission rules is not distributed to the Commission.

ENABLE BOOKMARS ONLINE:

**If you are using Explorer, you need will need to enable the Acrobat  toolbar to see the bookmarks on the left side of the screen.

If you are using Chrome, the bookmarks are on the upper right-side of the screen. If you do not want to use the bookmarks, simply scroll through the file.

If you have any questions, please contact the Commission Office at (213) 978-1300.

SECONDARY SUBMISSIONS

Peter Matiss
1389 Frackelton Place
Los Angeles, CA
90041

August 11th, 2022.

Planning Commissioner
C/o Mr. More Song
City Planning Associate,
200 N. Spring Street,
Los Angeles, CA 90012

Case #: ZA-2021-9842-ZV-ZAA

Case #: ENV-2021-9843-CE

RE: Reasonable Accommodation Request to Deny Land-Split and Variances

Approval of land-split will result in Eminent Danger to Julian Hatcher,
a minor with a **disability** and the **loss of his RSO Protections and Long-term housing.**

Land-split is a Violation of Julian Hatcher's rights under **42 U.S. Code § 3604, FHA, ADA,**
Los Angeles Municipal Code Section 12.22 A. 27, CP-7771.1
requirement for **affirmative action**
and **accommodation of a reasonable request.**

Dear Mr. Song,

On May 25th, 2022, the Los Angeles Planning committee was verbally apprised of the impact the lot split would have on Julian Hatcher, an RSO protected minor with a disability.

The Committee, Julia Tsao and Jeffrey Yee, the property owners/landlords were asked to cease and desist on the land-split as if the split is approved, it will undermine Julian's RSO tenant rights, jeopardize his housing and violate his rights, and the rights of other disabled persons to equal housing as granted by the Americans with Disabilities Act. The request was a reasonable accommodation as the property owners/landlords purchased 1389 Frackelton Place with Julian and his mother as long-term RSO tenants in place.

It is my understanding that LA Planning is inclined to agree to the land split and waive set-back, parking and CEQA requirements per the property owners/landlord's request. If this is allowed to happen, LA Planning will have clearly favored the property owners/landlord's brazen economic interest over Federal and California requirements for reasonable affirmative actions to preserve Julian's right to Equal Housing.

In requiring an ADU to be built on 1389 Frackelton Place, LA Planning is doubling down on a land-split fueled by the property owners/landlord's economic interests over the rights of the Disabled and adding accessibility, fire-risk and CEQA risks and hazards without consideration for the context of the site or Julian Hatcher.

Reasonable Accommodation: Deny the land-split and Requested Variances

Los Angeles Municipal Code Section 12.22 A. 27, CP-7771.1

We ask that LA Planning deny the land-split formally. The request is a **Reasonable Accommodation** for Julian and meets the three-part test as required to enforce Federal ADA, FHA and **Los Angeles Municipal Code Section 12.22 A. 27, CP-7771.1** of Los Angeles Planning's ordinances:

- 1) **Reasonable Test:** We are asking the LA Planning to deny the property/landlords request on the basis LA Planning is required to waive property off-set requirements, CEQA impact research and parking requirements that would otherwise result in a denial of the land-split. In other words, if LA Planning does nothing, Julian Hatcher's interest and rights will remain as they are, unchanged. If the land-split is approved, Julian is will be at risk of **Imminent Danger** from the loss of his long-term housing.
Title 22, 22.194.070
- 2) **Necessity Test:** We are asking LA Planning to deny property/landlord's request as the property split will result in a loss of Julian Hatcher's rights currently afforded to him by the [RSO](#). If Julian loses his RSO status, both he and his mother will be in eminent danger of displacement from their home of nearly fourteen years.
- 3) **Equal Opportunity Test:** If LA Planning approves property/landlord's financial interests and result in Julian Hatcher's denial of equal opportunity to enjoy that housing of his choice (1389 Frackelton Place.) as well as access

to his specialized educational needs currently provided in the community in Eagle Rock.

Willful actions counter to the rights provided by the Americans with Disabilities Act:

Property owners/Landlords were formally made aware that the land-split violated Julian's rights. This was communicated in the **letter dated May 24th, 2022** and in the **hearing May 25th** to your and all committee members. This letter serves as evidence of written formal communication requesting LA Planning deny the land-split. This letter will disallow, any future claims property owners/landlords or LA Planning were unaware of the impact of their actions on Julian Hatcher or other persons with disabilities.

Reluctant Remedy:

If LA Planning approves the land-split, we will be forced to seek either an injunction via the California Superior Court or file a complaint with the Department of Justice for violation of the Americans with Disabilities Act ("ADA") and Federal Fair Housing Act ("FFHA") and **Los Angeles Municipal Code Section 12.22 A. 27, CP-7771.1.**

The action could result in fines, restitution, injunction, mandatory training, and ongoing compliance monitoring.

Part II of the ADA prohibits discrimination against disabled persons, or denial of the benefits, services, and programs of local government on the basis of disability. (In essence, the requirements of the FFHA are the same as the ADA requirements). According to the regulations implementing the ADA:

"A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity."

Deleted: ¶

¶

¶

¶

Deleted: that

REQUESTED ACTION: DENY THE LOT SPLIT

We ask the Los Angeles Planning committee deny Julia Tsao and Jefferey Yue request for urban land split of 1389 Frackelton Place/5310 Mount Helena/5308 Mount Helena as an approval violates tenant Julian Hatcher's rights as granted by the Americans with Disabilities Act.

The ADA requires that Los Angeles demonstrate affirmative action in support of Julian Hatcher and his right to retain his right to equal housing, his RSO rights as well as protections from Mayor Garcetti's Covid Ordinance.

Further, in granting property off-set, parking and CEQA compliance, LA Planning will be undermining the rights of tenant Julian Hatcher as well as physically disabled who would be unable to enter/exit the property safely.

Approval of the land-split will demonstrate Los Angeles Planning's willful violation if its duty to conform to afforded by Federally by **ADA, FEHA, Section 4** and **Cal. Gov't. Code § 12927** to provide Julian Hatcher with Reasonable Accommodation that will otherwise place him in eminent danger.

See **Barden v. City of Sacramento - 292 F.3d 1073 (9th Cir. 2002)**

We appreciate the Committee's investigation into the matter and advocacy for low-income families, renters and the disabled. To this end, we ask that the Committee deny the land-split in the spirit "*primum non nocere*".

Nothing will change for property owners/landlords if LA Planning denies the split. They will continue to be paid rent and their property will continue to appreciate in value. There is no need to approve request. Let's save your time, energy where it can make a truly positive impact for Angelinos!

Sincerely,

A handwritten signature in black ink that reads "Peter Matiss". The signature is written in a cursive, flowing style with a long horizontal line extending from the bottom of the name.

Peter Matiss

Copy:

Emma Howard,
Steven Bautista,
Bracha Jade

*NOTE: For **California and Federal Legal Basis**, please see letter dated May 24th, 2022.*

EXHIBIT A:

Reasonable Accommodation Request: Deny Land-Split and Variances & Exceptions:

1. An Exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Class 1) and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies; and
2. Pursuant to Los Angeles Municipal Code (LAMC) Section 17.53, a Preliminary Parcel Map for the subdivision of one lot into two lots (Parcels A and B) in the R1-1 Zone.
3. **An Exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Class 1) and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;**
4. Pursuant to LAMC Section 12.28
, a Zoning Administrator's Adjustment to permit the following setbacks in lieu of the setbacks otherwise required by LAMC Section 12.21 C:
 - a. **A southerly side yard setback of 3.25 feet for Parcel A;**
 - b. **A westerly front yard setback of 12.75 feet for Parcel A (if street dedications are imposed);**
 - c. **An easterly side yard setback of 4.5 feet for Parcel B; and**
 - d. **A southerly front yard setback of 18.3 feet for Parcel B (if street dedications are imposed); and**
5. Pursuant to LAMC Section 12.27, a Zone Variance to permit zero vehicle parking spaces on Parcel B in lieu of the number of vehicle parking spaces otherwise required by LAMC Section 12.21 A.4.

Approval of land-split will result in Eminent Danger to Julian Hatcher,
a minor with a disability and the loss of his RSO Protections and Long-term housing.
Land-split is a Violation of Julian Hatcher's rights under 42 U.S. Code § 3604, FHA, ADA
and Title 22, 22.194.070 and requirement for affirmative action
and accommodation of a reasonable request.

From: Emma Garcia <emma.p.garcia@lacity.org>
Subject: Your inquiry about tenant rights
Date: May 20, 2022 at 12:53:22 PM PDT
To: brachalade@mac.com

Hello,

Unit 1389 Frankelton PI is subject to the City's Rent Stabilization Ordinance (RSO) because it was built prior to October 1, 1978. Unit 5310 Frackelton PI is not subject to the RSO because it was built in the 1980's and has a Certificate of Occupancy issued 10/14/1986. Units built after October 1, 1978 are not subject to the RSO.

A lot split would result in 1389 Frankelton PI losing the RSO status, therefore an Ellis Act withdrawal would be required for the RSO unit (1389 Frankelton PI) to ensure the tenant receives proper notification and relocation assistance payment. Should the tenant and landlord choose to continue renting the units after they have become single family dwellings on their own parcel and not subject to the RSO, then the tenant would not be protected by the City's RSO rules. Note that the non-RSO units at 5310 Frackelton PI does not require the Ellis Act forms because it is not regulated by the City's RSO rules. Also, after a lot split it is important to be aware that single family dwellings owned by natural persons do not have State law eviction protections under AB 1482.

Please note, that currently there is a temporary eviction moratorium in all residential units in the City of Los Angeles and a landlord cannot evict a tenant for a no-fault reason such as evictions under the Ellis Act during the local emergency period which is ongoing. If you receive a verbal or written notice to move out you may file a complaint with our Investigations and Enforcement Section online [here](#).

Emma Garcia, Senior Management Analyst II

Regulatory Code and Compliance Bureau, Rent Division
Los Angeles Housing Department
T: (213) 808-8519
E: emma.p.garcia@lacity.org



EXHIBIT B:

EXHIBIT B:

Formatted: Centered, Line spacing: single

Formatted: Font: (Default) Calibri, 11 pt, Bold, Not Italic



GLENDALE PEDIATRICS
A PROFESSIONAL CORPORATION
1500 E. CHEVY CHASE DR. SUITE 250
GLENDALE, CALIFORNIA 91206
TEL (818) 246-7260
FAX (818) 502-9247

RICHARD H. FEUILLE, M.D.
JENNIFER A. HARTSTEIN, M.D.
JAMES C. HENRY, M.D.
BRADLEY M. BURSCH, M.D.

NICOLE A. FABRIS-CARRAL, M.D.
SUJATA P. IYER, M. D.
AMELIA FAN, M.D.
VIVIAN SAAVEDRA, M.D.

Monday August 15th, 2022

RE: Julian Hatcher DOB 6/18/08

To Whom It May Concern:

This letter is in regards to Julian Hatcher DOB 6/18/2008 Julian has been my patient for many years. This letter is confirming that Julian has a disability recognized by the American Disabilities Association (ADA). He requires appropriate accommodations for this disability. Many of these accommodations are provided through his local school and it is medically necessary for him to continue with these accommodations. He should not be moved from this school or his current housing situation to appropriately care for him.

Sincerely,

Bradley Bursch MD



Fwd: Eagle Rock Neighborhood Council statements for items 6,7 & 8 for the 1/11/23 East LA APC hearing

Michael Sweeney <michael.sweeney@eaglerockcouncil.org>
To: apceastla@lacity.org
Cc: ERNC Executive Committee <Executive@eaglerockcouncil.org>

Thu, Jan 5, 2023 at 7:59 AM

I will be attending the East LA APC hearing next Wednesday on behalf of the ERNC and request time during agenda item 3 to discuss our adopted resolutions for items 6, 7 & 8.

For item 6 (ZA-2020-981-CUB-1A / [4878 – 4884 North Eagle Rock Boulevard](#); 2156 West Yosemite Drive), the Eagle Rock Neighborhood Council has supported this project from its inception and has adopted two separate statements of support for the project:

- Our original support letter prior to the public hearing: https://drive.google.com/file/d/1tBocWt0ueNfVf4NE2rxezPxzbctVcxuz/view?usp=share_link
- Our letter of objection sent after the LOD and prior to the appeal regarding the excessive conditioning of the CUB as well as the hearing officer's unacceptable dismissal of the voluminous community input: https://drive.google.com/file/d/1HZlvxhWe78muCPUbSGEdEsVETwqxllUQ/view?usp=share_link

For items 7 & 8 (AA-2021-9841-PMLA-HCA-1A / ZA-2021-9842-ZV-ZAA-1A / [5308 – 5310 Mount Helena Avenue](#); 1389 Frackelton Place), the ERNC originally sent a letter of support for the project, however this was adopted without the applicant revealing that one of the units on-site was subject to the Rent Stabilization Ordinance (it was also not flagged as an RSO property in ZIMAS): https://drive.google.com/file/d/1P10XeFs9b1quoWYn752IVSJxUs7OMjF_/view?usp=sharing

Due to the timeline for reconsiderations outlined in our bylaws, we are not able to retract the original letter of support despite the material omissions during the original presentation and discussion.

The ERNC subsequently has adopted a more general position regarding RSO unit protections which would have covered this property had it been in effect at that time. Our letter also outlines specific, low and no-cost changes the City can make to eliminate this type of confusion in the future; we would greatly appreciate the APC's support in pushing the City to make these changes in order to protect our housing stock: https://drive.google.com/file/d/12Kria7GWu4MhXNTDPFZ6xjC9qtX_4aIB/view?usp=sharing

thank you

MPS

Michael P. Sweeney, AIA
Vice-President
Subdistrict 2 Representative
Land Use Committee Co-Chair

DAY OF HEARING SUBMISSIONS



January 11, 2023

East Los Angeles Area Planning Commission
Attn.: Etta Armstrong, Commission Executive Assistant
Via Email: apceastla@lacity.org

Re.: Case No. ZA-2020-981-CUB-1A / 4884 N Eagle Rock Boulevard

Dear Honorable Commissioners of the East Los Angeles Area Planning Commission,

Vidiots Foundation, L.A.'s landmark non-profit video store and hub for film lovers, filmmakers, and everyone curious about cinema, will operate its new home, the Eagle Theatre, as an all-ages venue for movie screenings, special and community events, arts education programs, and our one-of-a-kind video store. From its opening in 1929 until closing in 2000, the Eagle operated as an estimated 900-seat movie theater. Vidiots has adapted the Eagle to accommodate 250 seats (with wheelchair seating), four new ADA restrooms, and extensive fire safety systems, among other major upgrades.

In an effort to provide clarity regarding Vidiots' anticipated operations at the Eagle Theatre, Vidiots previously provided the following in materials originally submitted to case file No. ZA-2020-981-CUB-1A, in August 2020.

As a non-profit independent cinema, Vidiots anticipates hosting two to four screenings a day on weekdays, and four to six screenings a day on weekends. Typical occupancy rates for independent cinemas in the U.S. range from 15-30%, with sold-out shows occurring less frequently; a typical screening at Vidiots might sell 15% - 30% of its available seats. Weekend screenings typically sell more tickets than weekday screenings; evening screenings typically sell more tickets than daytime events.

VIDIOTS ANTICIPATED SCHEDULE FOR REGULAR EVENING OPERATIONS SUNDAY – WEDNESDAY:

- 7:00pm: Evening Screening 1 start time
- 9:00pm: Evening Screening 2 start time
- 9:30pm: *Beer/Wine Sales close (30 minutes after the start of final screening)*
- 10:00pm: Video store closes
- 10:30pm-11:00pm: Screening/Q+A end time
- 11:00pm-11:30pm: Venue load-out / Doors close to public
- 11:00pm - 12:00am: Cleaning and Closing procedures (3-6 staff onsite)

VIDIOTS ANTICIPATED SCHEDULE FOR REGULAR EVENING OPERATIONS THURSDAY – SATURDAY:

- 5:00pm: Evening Screening 1 start time
- 7:00pm: Evening Screening 2 start time
- 9:30pm: Evening Screening 3 start time



- 10:30pm: Video store closes
- 10:00pm: Beer/Wine Sales close (30 minutes after the start of the final screening)
- 11:00pm-11:30pm: Screening/Q+A end time
- 11:30pm -12:00am: Venue load-out / Doors close to public
- 12:00am - 1:00am: Cleaning and Closing procedures (4-6 staff onsite)

RELEVANT SIGNAGE + MESSAGING:

- "Quiet Exit" directives/signage will be permanently posted inside and outside
- Patrons will be reminded of Quiet Exit policies at point-of-ticket-purchase and upon exit

EXITING PROCEDURES: Staff will always be on site to assist with smooth and quiet load-out of events. Every evening screening's closing announcements will remind audience members of exit protocols:

- Audience reminded to exit quietly
- Audience reminded that exit is on Eagle Rock Boulevard only
- Audience reminded to request and await ride shares exclusively outside storefront on Eagle Rock Blvd, *never on Yosemite or Addison Way*

ADDITIONAL NOTES ON OPERATIONS:

- Language about ride-share instructions and quiet exits will be included on:
 - Website and ticket confirmations
 - At box office and in video store
 - In related marketing materials (flyers/newsletters/social media)
 - Ticket buyers will be encouraged to use ride-shares at point of purchase. Information on parking along Eagle Rock Blvd and in available lots will be provided and encouraged at point of purchase, on website, and in communications related to events (i.e. newsletters, social media etc.)
 - Residents within walking distance will be extended "neighbor discounts" and special membership plans, thus encouraging an active audience within walking distance
- Valet and security services may be contracted for private, special, high-profile events

Vidiots has been a beloved, upstanding, and successful Los Angeles small business since 1985, with brick-and-mortar operations in Santa Monica for over 30 years. As a non-profit since 2012, Vidiots has served countless film lovers of all ages, uplifted a global film community, and brought together its diverse community with low-cost and free access to film events and education programs. We are thrilled to continue building our community and expand our mission at our new home in Eagle Rock.

Thank you,

Vidiots Foundation



Fwd: Vidiots/ hours of operation/ sale of alcohol

2 messages

Michelle Carter <michelle.carter@lacity.org>
To: Planning APC East LA <apceastla@lacity.org>

Wed, Jan 11, 2023 at 1:49 PM

Good Afternoon,

Please add to the record for this project.

Thank you.



LOS ANGELES
CITY PLANNING

Michelle Carter

City Planner

Los Angeles City Planning

200 N. Spring St., Room 763

Los Angeles, CA 90012

T: (213) 978-1262 | Planning4LA.org



*Please note: I am out of the office every other
Friday*

----- Forwarded message -----

From: **tony Alvarez** <tony Alvarez459@gmail.com>
Date: Tue, Jan 10, 2023 at 5:36 PM
Subject: Vidiots/ hours of operation/ sale of alcohol
To: <michelle.carter@lacity.org>
Cc: <tony Alvarez459@gmail.com>, Gladys Baclagan <gladysbaclagan@gmail.com>

To: Michelle Carter

From: Tony Alvarez

Regarding : Vidiots
Case number ZA-2020-981-CUB-1A

ENVIRONMENTAL CASE NUMBER
ENV-2020-982-CE

ZONE- [Q] C4-1XL

HELLO

Michelle Carter

I was unable to connect via zoom, I have many concerns about Vidiots.
My house is caddy corner of this new establishment.
I can not express how upset I am about the hours of operation.
I get up at 4am everyday. This block is extremely peaceful.
All the existing business close early.

I am located at [2155 Addison way.](#)
[Los Angeles California 90041](#)

First I would like to express the parking issue. We already have issues with the existing businesses in place now, my wife and I have been blocked from entering our driveway countless times.
We have called parking enforcement countless times. This new Vidiots establishment will bring HAVOC to our community as we know it.

I am requesting that this business close as early as possible 10- PM

I am requesting that alcohol not be allowed to be sold at this VIDIOTS establishment.

This VIDIOTS Establishment does not have adequate parking for their patrons or customers.
Once again I will reiterate this will bring HAVOC, to our quite community as we know it.

I am also requesting no live bands or loud music.

No one has reached out to the community to get a consensus if this would be acceptable.
Please reach out to me with a follow up.

Thank You
Tony Alvarez
January/10/2023
5:33 PM

Sent from my Boost Samsung Galaxy A03s

Planning APC East LA <apceastla@lacity.org>
To: tonyalvarez459@gmail.com
Bcc: Michelle Carter <michelle.carter@lacity.org>

Wed, Jan 11, 2023 at 3:20 PM

Good afternoon,
Thank you for your email. Your Day of Submission will be distributed to the East Los Angeles Area Planning Commission for their consideration at the East Los Angeles Area Planning Commission meeting of January 11, 2023.

Regards,

Eva Bencomo, Commission Executive Assistant
[Quoted text hidden]