

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

City of Los Angeles
Department of City Planning
Attn. Nashya Sadono-Jensen, Planning Assistant
200 N. Spring Sr. Room 621
Los Angeles, CA 90012
Email: nashya.sadono-jensen@lacity.org
(213) 978-1363

Dear Commissioners,

This letter constitutes my “Regular Submission” in support of my appeal of the Director of Planning’s determination to approve a Project Compliance Review for 790, 791, 781 and 780 Cynthia Ave.

Case No.: DIR-2018-2387-SPP
CEQA: ENV-2016-3955-MND
Related Case: AA-2016-3954-PMLA

In its Letter of Determination dated December 16, 2019, the City Planning Commission included Article 25. “Private Street”

- e. **[ADDED]** No gate shall be permitted to be installed across the Private Street

This contradicts Article 15 “Submit plot plans for Fire Department review and approval prior to recommendation of this Parcel Map Action...”

- r. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
- s. Private Streets and entry gates will be built to City Standards to the satisfaction of the City Engineer and the Fire Department.

The Director of Planning erred in approving this Letter of Determination. As this is a matter of Fire and Public Safety, the City should strike subsections (r) and (s) and any other contradictory reference to gates to be installed across this Private Street, and re-issue the Letter of Determination, for review by all stakeholders.

Appellant owns property affected by this development, yet the City, once again, has failed to mail notice of the Letter of Determination to appellant in violation of constitutional right to fair notice. Please see Affidavit of Mailing attached as EXHIBIT A. Appellant has not been included in the mailing list, despite the fact that they have been active in attending all hearings with respect to this development going back to the issuance of a proposed Mitigated Negative Declaration of December 18, 2018.

Appellant requests that this hearing, scheduled for December 9, 2020 be continued to January 2021.

Sincerely yours,



Peter T. Parrish
820 Cynthia Ave.
Los Angeles, CA 90065
peter.parrish@solargnosis.com
(323) 839-6108

EXHIBIT A Affidavit of Mailing September 09, 2020

**City of Los Angeles
Department of City Planning**

Affidavit of Mailing

Case Number: DIR-2018-2385-SPP

This Affidavit concerns (check one of the following):

- ☐ **Public Hearing**
- ☐ **Staff Report / Appeal Staff Report (Announcement)**
- ☒ **Letter of Decision (LOD)**
- ☐ **Termination Letter**
- ☐ **Hold Letter / Intent to Terminate**

I, Maria Reyes, certify that I am an employee of the City of Los Angeles,
on September 09, 2020, mailed, postage prepaid, to the applicant
(Date)

and all parties required by the Municipal Code, as indicated below, on the case
indicated above, a true copy of which is attached:

Public Hearing

Check Recipients Below:

- ☐ Owner, Applicant and Representative
- ☐ Abutting Property Owners
- ☐ Abutting Property Owners and Tenants
- ☐ 100-foot Radius
- ☐ 500-foot Radius
- ☐ Persons who signed in at the hearing
- ☐ Appellant(s)
- ☐ Council Office No. _____
- ☐ Certified Neighborhood Council
- ☐ _____
- ☐ 100-foot Coastal Notice
- ☐ Group Coastal Notice
- ☐ State Coastal Commission
- ☐ Adjacent City/ies
- ☐ Los Angeles Unified School District
- ☐ Caltrans
- ☐ Other _____

**Staff Report / Appeal /
Termination / Letter of Decision**

Check Recipients Below:

- ☐ Owner, Applicant and Representative
- ☐ Abutting Property Owners
- ☐ Abutting Property Owners and Tenants
- ☐ Persons who signed in at the hearing
- ☐ Persons who requested notice in writing
- ☒ Council Office No. 1
- ☒ Certified Neighborhood Council
Arroyo Seco
- ☐ Department of Building and Safety
- ☐ Department of Transportation
- ☒ Other Mt. Washington HA, Mark
Kenyon

Maria Reyes
Staff Signature

BTC

BETTER TECHNOLOGY CORPORATION

201 N LOS ANGELES ST., STE 13A
LOS ANGELES, CA 90012
213-617-9600
FAX: 213-617-9643

DETERMINATION
LETTER

14540 SYLVAN ST.
VAN NUYS, CA 91411
818-779-8866
FAX: 818-779-8870

MAILING AFFIDAVIT

City Planning Commission
Case No. _____

Deputy Advisory Agency
Tentative Tract No. _____

CF No. _____

Parcel Map No. _____

Zoning Administrator
Case No. _____

Private Street No. _____

Coastal Permit
Case No. _____

Area Planning Commission
Case No. _____

Design Review Board
Case No. _____

Other DIR Cases
Case No. DIR-2018-2385-SPP

SITE ADDRESS: 780 N. Cynthia Ave

I, Riva Martin certify that I am an employee of BTC, a contractor to the City of Los Angeles, Department of City Planning, State of California, and I did, on the 9th day of September, 2020, Mail, postage prepaid, to the applicant and all parties required by the Municipal Code, as detailed on the official ownership list, a notice of hearing, a true copy of which is attached.

- ☐ 500-foot radius
- ☒ Abutting the subject site
- ☒ Owners and ~~Occupants~~
- ☒ Tenant Notice
- ☐ 100-foot Coastal Notice
- ☐ State Coastal Commission
- ☐ Adjacent Cities
- ☒ Applicant and Representative
- ☐ City Newspaper Notice
- ☐ L.A. Unified School District, L.A. County
- ☐ Regional Planning
- ☐ Caltrans
- ☐ Metropolitan Transit Authority
- ☒ Certified Neighborhood Council
- ☒ Council Office and Council District Offices
- ☐ Homeowner's Association
- ☒ Department of Neighborhood Empowerment

- ☒ City of Los Angeles Department Building and Safety
- ☐ City Administrative Officer
- ☐ Community Redevelopment Agency
- ☒ City of Los Angeles Department of Transportation
- ☒ Bureau of Engineering
- ☐ Appellant
- ☐ Interested Parties List (attached)
- ☐ Other

There is a regular daily communication by email between the City of Los Angeles and each of the addresses to which notices were mailed.

Riva Martin
BTC Hearing Notice Mailing Clerk

QMS 18-172A
OWNERSHIP LIST
JUNE 23 2020
PAGE 1

1)
RED HAWK CANYON LLC
11740 WILSHIRE BLVD #A1908
LOS ANGELES CA 90025

4)
ZABAT MICHAEL
416 BOLINGER ST
ROCHESTER HILLS MI 48307

7)
STERLING MARCELLA M
4675 SAN ANDREAS AVE
LOS ANGELES CA 90065

10)
GONZALEZ SERGIO (TE) & DEBBIE
4249 SAN RAFAEL AVE
LOS ANGELES CA 90042

13)
CHANG WAYNE
800 CYNTHIA AVE
LOS ANGELES CA 90065

16)
BIEDA JAROSTLAW J
4261 SAN RAFAEL AVE
LOS ANGELES CA 90042

ARROYO SECO
NEIGHBORHOOD COUNCIL
PO BOX 42254
LOS ANGELES CA 90042

BUREAU OF
ENGINEERING
201 N FIGUEROA STREET, 2ND FLR
LOS ANGELES CA 90012

APPLICANT
RED HAWK CANYON LLC
410 N ROSSMORE AVE #410
LOS ANGELES CA 90004

2)
LAKICH LILIANA D
805 CYNTHIA AVE
LOS ANGELES CA 90065

5)
ALVAREZ CARLOS
4663 SAN ANDREAS AVE
LOS ANGELES CA 90065

8)
COOLEY DENNIS J
4679 SAN ANDREAS AVE
LOS ANGELES CA 90065

11)
HART DIANE L
750 MOON AVE
LOS ANGELES CA 90065

14)
VELARDE ELENA L
4315 SAN RAFAEL AVE
LOS ANGELES CA 90042

17)
NASIBULLIN BULAT
4255 SAN RAFAEL AVE
LOS ANGELES CA 90042

DEPARTMENT OF
NEIGHBORHOOD EMPOWERMENT
200 N SPRING ST, #2005
LOS ANGELES CA 90012

DEPARTMENT OF
TRANSPORTATION
100 S MAIN ST, #10TH FLOOR
LOS ANGELES CA 90012

18-172A
QUALITY MAPPING SERVICE
14549 ARCHWOOD ST #301
VAN NUYS CA 91405

3)
DICKINSON KYLE
4653 SAN ANDREAS AVE
LOS ANGELES CA 90065

6)
D AMICO STEVEN J (TE)
4669 SAN ANDREAS AVE
LOS ANGELES CA 90065

9)
BONTEMS BRADLEY J
4148 SEA VIEW DR
LOS ANGELES CA 90065

12)
HARTER KEVIN M
4698 SAN ANDREAS AVE
LOS ANGELES CA 90065

15)
HILDEBRAND CHARLOTTE TRUST
4267 SAN RAFAEL AVE
LOS ANGELES CA 90042

GILBERT CEDILLO, CD 1
CITY HALL
200 N SPRING ST #460
LOS ANGELES CA 90012

DEPT OF BUILDING AND SAFETY
MAIL STOP 115
201 N FIGUEROA ST, FLOOR 10
LOS ANGELES CA 90012

LOS ANGELES UNIFIED SCHOOL DISTRICT
333 S GRAND AVENUE, FLR 6
LOS ANGELES CA 90071

ARROYO SECO N.C.
P.O. BOX 42254
LOS ANGELES, CA 90042

C.D.1
COUNCILPERSON: GILBERT CEDILLO
200 N. Spring Street, Room 450
Los Angeles, CA 90012

C.D.1
GLASSELL PARK FIELD OFFICE
3750 VERDUGO RD
LOS ANGELES, CA 90065

C.D.1
HIGHLAND PARK FIELD OFFICE
5577 N. FIGUEROA ST
LOS ANGELES, CA 90042



Planning APC East LA <apceastla@lacity.org>

Support for TERA Appeal of ZA 2020-981-CUB (Vidiots Foundation)

Allison de Fren <defren@oxy.edu>

Sun, Dec 6, 2020 at 3:17 PM

To: apceastla@lacity.org

Dear Honorable East Los Angeles Area Planning Commissioners,

I am a professor in and the chair of the Media Arts & Culture department at Occidental College in Eagle Rock. We have eagerly been awaiting the opening of Vidiots, which we view as a future community partner and invaluable film and arts resource for our students.

Critical to their financial sustainability is the ability to serve alcoholic beverages and to have extended weekend hours. I therefore support TERA's appeal and urge you to remove any costly, unnecessary, and beyond-code required conditions that will prevent Vidiots from fulfilling its goals of creating an accessible, inclusive, equitable, cultural hub for the communities of Northeast Los Angeles.

Vidiots Foundation is a beloved and widely respected Los Angeles arts organization dedicated to celebrating and building community around film. Considering the significance of Vidiots Foundation's work, its long history in L.A., and devotion to bringing much-needed inclusive arts and education programs to Eagle Rock, I urge the City of Los Angeles to remove roadblocks and costly conditions that threaten the success of Vidiots Foundation at the Eagle Theatre.

Sincerely,

Allison de Fren
Media Arts & Culture
Occidental College

**EAGLE ROCK
NEIGHBORHOOD COUNCIL**

Executive Committee

Jesse Saucedo, President
Richard Loew, Vice President
Sylvia Denlinger, Treasurer
Andrew Jacobs, Communications
Lisa Karahalios, Secretary

**CITY OF
LOS ANGELES
CALIFORNIA**



P.O. Box 41652
Los Angeles, CA 90041

WWW.ERNC.LA
INFO@ERNC.LA

**STATEMENT OF OBJECTION TO THE ONEROUS CONDITIONS OF APPROVAL
FOR CASE# ZA-2020-981-CUB (VIDIOTS)**

October 7, 2020

Lisa Webber, AICP
Deputy Director of Project Planning
City of Los Angeles Department of City Planning
200 N. Spring Street, Ste. 525
Los Angeles, CA 90012

Dear Ms. Webber,

We declare that on October 6, 2020, a Brown Act noticed public meeting was held by the Eagle Rock Neighborhood Council (ERNC) at which a quorum was present. The following motion passed unanimously:

The Eagle Rock Neighborhood Council reiterates its wholehearted support for the reuse of the Eagle Theater by the Vidiots Foundation and requests that City Planning immediately rescind the onerous conditions of approval applied to the Project by the Zoning Administrator for Case # ZA-2020-981-CUB. This property has always been a theater and there is no rational basis for applying these conditions especially in light of the virtually uniformly positive reception of the proposed project by the neighborhood as is noted in the LOD (pp. 11-12). The project does not constitute a change-of-use, it instead is the reimagining and reuse of a long-term, and long-loved neighborhood asset that will be a regional attraction.

Specifically, we request the following conditions of approval to be modified thusly:

- ***7.a--revise to allow for the applicant's originally-requested hours of operation.***
- ***7.b--eliminate completely. The proposed project remains a theater and is not a change-of-use to a restaurant.***
- ***7.c--eliminate completely. It is unacceptable to remove the option for exterior seating and service given the ongoing Covid pandemic and need for social distancing as implemented by the City's Al Fresco program.***

- **17--eliminate completely. Full-time, state-licensed security guards are an expense that will kill the project and no justification is proffered by the ZA as to why this is warranted**
- **32--revise to make clear that this is not a change-of-use and there is no added floor-area so as such, the currently permitted parking is sufficient per LAMC 12.21.A.4.m.**
- **33--eliminate completely. Leasing offsite parking is completely unacceptable to the neighborhood and also counter to the City's ongoing policy efforts to reduce vehicular traffic and promote transit, bicycling, and shared-ride services.**
- **34, 35, 36, 37 & 39--eliminate all valet requirements since no additional parking is required since this is not a change of use.**
- **45--modify condition to make explicitly clear that this prohibition does not apply to unrated, X-rated, or NC-17 films with bona fide artistic or historical merit (eg. Midnight Cowboy, Last Tango In Paris, etc.)**

Based on the plain language of the Letter of Determination (LOD), the ZA did not afford equal weight to the ERNC and TERA's letters regarding this case. Vidiots spent months soliciting comments, presenting this project to both groups on multiple occasions, and working to proactively respond to concerns. That is why both groups wholeheartedly supported this project **in advance of the hearing**.

This is exactly the type of peremptory effort that Planning requests applicants to make--and also the type of peremptory fair-review and comment that they also ask NCs to conduct. As such, all parties have an expectation that the resulting comment letters will be given fair weight. This is critically important not just to actually make applicants engage with the neighborhood, but also to ensure basic equity. Very few people have the ability to attend ZA hearings at 9:30 on a workday morning so it is vital that other mechanisms for public comment (like NC comment letters) are provided by the City, and that the ZAs are appropriately trained to weigh them equivalently in the decision-making process. If the ZA did not weigh them equally (as is clear from the LOD that they were not), then it is incumbent on Planning to proactively correct the decision in order to maintain the public's trust in the fairness of their decision-making systems.

In closing, film is the lifeblood of Los Angeles. Many members of our Eagle Rock community work in the industry and Vidiots is exactly the type of institution that contributes to the ongoing success of the entertainment economy which makes it doubly important that Planning make sure that arbitrary and capricious implementation of their own rules do not snuff-out these types of non-profits that make Los Angeles a world-leader. City Planning should be going out of its way to ensure flexibility for our cultural institutions--not applying rigid and outdated parking requirements that will kill them.

Please place this letter in the case file, and acknowledge its receipt via email to: **executive@ernc.la**. Thank you.

Respectfully,



Jesse Saucedo

President, Eagle Rock Neighborhood Council

cc: Council District 14 Office
Councilmember-Elect Kevin de Leon



Planning APC East LA <apceastla@lacity.org>

Support for TERA Appeal of ZA 2020-981-CUB (Vidiots Foundation)

Peter Brinson <brinson@usc.edu>

Mon, Dec 7, 2020 at 2:42 PM

To: apceastla@lacity.org

Honorable East Los Angeles Area Planning Commissioners,

It would be a wonderful honor to have an organization as wonderful as Vidiots on our side of town. When lock-downs lift, we will be so very eager to share in the wonders of cinema culture with other folks.

Sincerely,
Peter Brinson



Planning APC East LA <apceastla@lacity.org>

Support for TERA Appeal of ZA 2020-981-CUB (Vidiots Foundation)

Susie Tang <gumdropgirl@geocities.com>

Mon, Dec 7, 2020 at 2:06 PM

To: apceastla@lacity.org

Honorable East Los Angeles Area Planning Commissioners,

As an Eagle Rock resident and cinephile, I have greatly anticipated the Vidiots restoration of the Eagle Theater INCLUDING ALCOHOL. To be quite honest, as a member of a religious minority, I can do with fewer tax-exempt, dilapidated evangelical churches in this community. Give us something we can all enjoy. Please move forward with this project.

+110 CONSTITUENTS SUBMITTED THE FOLLOWING STATEMENT FOR YOUR CONSIDERATION:

Honorable East Los Angeles Area Planning Commissioners,

I write as an LA resident in support of TERA's appeal, and in support of Vidiots Foundation and its plans to restore the historic Eagle Theatre as a movie theater, and to bring Vidiots' unique video store collection to the Eagle's attached retail space. I support Vidiots Foundation's application to serve alcoholic beverages and to have extended weekend hours, which are vital to this non-profit organization's financial sustainability. I urge you to remove costly, unnecessary, and beyond-code required conditions in order to ensure that Vidiots Foundation will remain in Eagle Rock and fulfill its mission to create an accessible, inclusive, equitable, cultural hub for the communities of Northeast Los Angeles.

I believe the Project will be a welcome and necessary addition to the neighborhood and that it will help revitalize an important stretch of Eagle Rock Boulevard through its commercial and entertainment value, and the addition of an equitable art space for the community. This project will also bring deeply-needed revenue streams and employment opportunities for the area and residents, now so negatively impacted by the COVID 19 pandemic.

Vidiots Foundation is a beloved and widely respected Los Angeles arts organization dedicated to celebrating and building community around film. Considering the significance of Vidiots Foundation's work, its long history in L.A., and devotion to bringing much-needed inclusive arts and education programs to Eagle Rock, I urge the City of Los Angeles to remove roadblocks and costly conditions that threaten the success of Vidiots Foundation at the Eagle Theatre.

DAY OF HEARING SUBMISSIONS

City of Los Angeles
Department of City Planning
City Hall
200 North Spring Street
Los Angeles, CA 90012

East Los Angeles Area Planning Commission
Case# DIR-2018-2385-SPP-1A
CEQA No. ENV-2016-3955-MND
Related Cases: DIR-2018-2385-SPP
PROJECT SITE: 780, 781, 790, 791 North Cynthia Ave.

I reside at 4675 San Andreas Ave, 90065 – directly to the west above the proposed site as of October 2020. I object to the planned development of Red Hawk Canyon for the following reasons.

Inadequate Infrastructure + Drainage Burden

Even in our short time at the premises, it's become clear that Red Hawk Canyon acts as a drainage basin for the surrounding acreage. For those of us familiar with Los Angeles during the rainy season, it's always been clear that the city was not built with proper drainage in mind. This is clearly the case for Red Hawk Canyon, as it supports a substantial number of homes / land, with the nearest city drain being over a ½ mile away. This presents concerns surrounding not only inadequate infrastructure, but also a safety concern. We've been informed of several landslides suffered by homes on San Rafael, and given the grading proposed, this will continue to be an issue.

Initial Study Checklist shows innumerable incorrect statements, both subjectively & objectively, including the below examples. These assertions should be further vetted and confirmed.

Aesthetics

Development will undoubtedly have a substantial adverse effect on a scenic vista, damage scenic resources, and degrade the existing visual character & quality of the site and its surroundings. You can easily reference the sale listings of homes on San Rafael, Sea View, and San Andreas to demonstrate the value assigned to the view of the canyon – which this project decisively degrades.

Additionally, these proposed houses would be massive concrete structures, each over 3000 sq. ft., and approaching 45 feet in height. Such buildings would be an undeniable blemish on the natural features of the area.

Geology & Soils

This project will result in substantial erosion & loss of topsoil. The assertion of the applicant that less than 60% of the area will be graded is erroneous. The necessary retaining walls will also affect aesthetics.

Land Use & Planning

This project will physically divide an established community, particularly given the 'private' nature of the development. Proposing a 'private park' is insulting to this community, particularly given the upheaval that will result in its building.

Noise

Significant exposure to excess noise levels due to topography of the land – both during construction & with homes in the future.

Public Services

With all the above said, I believe one of the biggest issues being exemplified here is the greed of the city's current administration, without concern for the community and its residents. It's been made abundantly clear that [Mayor Garcetti has been a faithful public servant to wealthy developers](#), even invoking a mayoral prerogative to push through a development with a reduced number of council votes in past years. It's of considerable interest that developing this area has been attempted for decades and consistently declined - given the concerns listed above, and more – with mitigation proposals not being considered sufficient, but is now being approved with current leadership.

Los Angeles has a housing problem, in addition to massive inequality across its residents. This project is the epitome of the problem, in that we're prioritizing expensive housing, inaccessible to the mass majority of Angelenos. This project, in promoting its private street and park, is demonstrating the very principles that continue to contribute to this inequality. As we continue to build multi-million-dollar housing in communities historically known to house black and brown populations, we push those communities even further to the margins, irreparably damaging the fabric of this city. It's even more insulting during this time, wherein Covid-19 is disproportionately hurting BIPOC communities. Particularly as massive homes in the immediate area sit unfinished for extended periods of time.

My proposal is to instead consider how we can leverage this land to build community – as I've seen it do just in the short time I've been here. If the residents of this community were enabled to purchase this land from the applicant, or if the city purchased this land to fall under a conservancy, we could better protect our community, allowing for essential outdoor enjoyment - critical now and undoubtedly in the future as we navigate the impact of Covid-19. It is in the best interest of Los Angeles residents to focus on outdoor space and the mental health of our community – something this development would categorically damage.

I appreciate your consideration.

Sincerely,
Bella Simon

Los Angeles General Plan Consistency Coalition

438 Crane Blvd.
Los Angeles, CA 90065

December 9, 2020

East Los Angeles Area Planning Commission
Los Angeles City Hall
200 N. Spring Street, Rm. 525
Los Angeles, CA 90012

Land Use Appeal for 4 Houses at Red Hawk Canyon: DIR-2018-2385-SPP-1A, DIR-2018-2386-SPP-1A, DIR-2018-2387-SPP-1A, DIR-2018-2388-SPP-1A

Dear Commission Members:

THE SPECIFIC PLAN REQUIRES APPLICATION OF THE MOST RESTRICTIVE FAR REGULATIONS AND THOSE MAY HAVE NOT BEEN APPLIED BY THE CITY TO EACH HOUSE PROJECT BECAUSE THE CITY FAILED TO PERFORM THE REQUIRED COMPARISON CALCULATIONS.

Section 2 of the Mount Washington/Glassell Park Specific Plan sets forth how the LAMC and Specific Plan provisions shall be applied:

"A. The regulations set forth in this Specific Plan are in addition to those set forth in the Los Angeles Municipal Code (LAMC), as amended, and do not convey any rights or privileges not otherwise granted under the provisions and procedures contained therein, except as specifically provided herein.

B. Wherever this Specific Plan contains provisions which require more or less restrictive front yards, less restrictive height, more restrictive Floor Area Ratios, more restrictive landscaping requirements or other greater restrictions or limitations on development than would be required by the provisions contained in the LAMC Chapter I [which includes the Baseline Hillside Ordinance], the Specific Plan shall prevail and supersede the applicable provisions of the Code." (Bold emphasis added.)

Under the terms of Section 2 quoted above, **the Specific Plan Floor Area Ratios would generally NOT apply**, except if they are more restrictive than the otherwise applicable LAMC Floor Area Ratios. However, the City's record does not show that that the LAMC Floor Area Ratios were calculated under Section 12.21.C.10(b) under the Baseline Hillside Ordinance (BHO) to determine if the BHO FAR maximum limit would be more restrictive than the Specific Plan. Under this law, which became

effective prior to the applications for this Project, the Residential FAR depends upon slope bands and requires the use of a slope analysis map certified by a registered civil engineer or licensed land surveyor to verify the total area of the lot deemed to be within the various slope bands, and the mathematical application of more restrictive floor area limits as the steepness increases.

Section 2 of the Specific Plan directs the Planning Department and this Commission that the most restrictive FAR shall be applied. The legal duty is mandatory and cannot be overruled by someone in the Planning Department. The Applicant also has no right to “choose” the Specific Plan Floor Area Ratio.

The BHO was enacted for the specific purpose of curtailing the magnitude of development in sensitive hillside areas. The City Planning Department evasively states that it is “departmental policy” to apply only the Mount Washington/Glassell Park Specific Plan FAR scheme even though the BHO calculation, which takes into account slope, could yield a more restrictive FAR limit.

Accordingly, when the staff report informs this Commission that it is “departmental policy” to apply the Mount Washington/Glassell Park Specific Plan FAR regulations, **it is as if the planners are declaring it is departmental policy to violate the City Council’s adopted law.** But no planner, or planning commission may lawfully decide it will ignore the municipal code.

On this record as we understand it, no BHO slope analysis was not performed to determine the maximum FAR for each house, as compared to the Specific Plan’s maximum FAR. The staff speculates that the Specific Plan is “likely” more restrictive because of the differing ways that the FAR limit is measured. But **Planner spitball estimates are not substantial evidence in the record supporting a conclusion to only apply the Specific Plan FAR calculation.** More is required of our City planning staff. They are required to determine if the BHO FAR calculation is more restrictive so that it is applied to each structure, and it will remain a properly recorded limit in the future should any owner apply to expand these structures.

Based upon the foregoing, the Planning Director has abused his discretion by failing to calculate the applicable BHO Maximum Residential Floor Area to determine if it is more restrictive than the Specific Plan, and if it is, applied it to the Project. Thus, there is no substantial evidence that the Project is in compliance with the Specific Plan which requires application of the most restrictive FAR calculation under the LAMC or Specific Plan. **Proper analysis is required before approval and therefore the appeals should be granted and the cases returned to the Planning staff with direction to factually determine the BHO FAR limits.**

Most sincerely,

/s/Daniel Wright
Daniel Wright

December 7, 2020

City of Los Angeles

Department of City Planning

Case Numbers DIR-2018-2385-SPP-1A, DIR-2018-2386-SPP-1A, DIR-2018-2387-SPP-1A,
DIR-2018-2388-SPP-1A

CEQA: ENV-2016-3955-MND

Attn. Nashya Sadono-Jensen, Planning Assistant

(213) 978-1363

Nashya.sadono-jensen@lacity.org

We are appealing the Determination letter dated September 9, 2020, approving with Conditions a Project Permit Compliance Review for proposed Single Family Dwellings at 791, 781, 780 and 790 Cynthia Ave.

Appeal Point #1:

I the Appellant, Peter Parrish, did not received proper notice of this hearing. This is despite the fact that the Appellant is clearly an Interested Party/Others, and has been since December 2017. This omission violated my Appellants constitutional right to notice.

I request that this hearing be delayed as a result of this violation on the part of the City Planning Department, until January 2021.

Appeal Point #2

DESPITE EVIDENCE IN THE RECORD OF THIS CASE AS WELL AS THE PREVIOUS RED HAWK CANYON CASE OF LANDSLIDES, SINKHOLES, AND MUDFLOWS IN AND OUT OF THE CANYON, THE PLANNING DIRECTOR FAILED TO CONSIDER HIS OBLIGATION TO ENFORCE VITAL PUBLIC HEALTH AND SAFETY POLICIES AND PROGRAMS IN THE GENERAL PLAN TO ASSURE THE PROJECT WILL NOT CAUSE HARM TO DOWN HILL PROPERTIES.

This is an appeal of Determination letter dated September 9, 2020, approving with Conditions a Project Permit Compliance Review for 791, 781, 780 and 790 Cynthia Ave, in part because the City undertook no effort to calculate and determine that the projects incorporate plans that, in fact, will comply with requirements in the City's General Plan to provide for the safety of downhill streets and properties.

The Planning Director's Determination Letter is devoid of any identification or analysis of the how the Project proposes to avoid safety harms to downhill properties from flooding and flows of mud onto Cynthia Avenue and private properties.

This violates the Northeast Community Plan. Chapter III "Land Use Policies and Programs". The stated Goal of the Northeast Los Angeles Community Plan is to provide a safe, secure and attractive residential environment for all economic, age and ethnic segments of the community.

The Northeast Community Plan adopted a **policy** (c.f. 1-5.2) to “Ensure the availability of paved streets, adequate sewers, drainage facilities, fire protection services and facilities, and other emergency services and public utilities to support development in hillside areas.”

In support of this policy, the NELA Community Plan adopted a **companion program** recommending that “Decision Makers [meaning the Planning Director and the East Los Angeles Planning Commission] should adopt findings which address the availability of these services and utilities as part of any decision relating to hillside residential development.” The Planning Director’s decision fails to identify these Community Plan policies and programs, and none of the findings acknowledge the City is aware of a history of landslides, mudflows, and flooding as Red Hawk Canyon collects **and concentrates** rainwater, mud, and debris, and then discharges it onto Cynthia and adjoining properties, without storm sewer facilities to handle the intensified flows from the Project. The history of water and mudflow problems are not remedied by the Planning Director blandly stating that the applicant will file a Storm Plan. The Topanga Canyon case requires that the City have in the record substantial evidence that the rainwater flows, and mudflows capable of being produced within this narrow canyon can be controlled to protect the downhill homes and properties once the project’s streets and nonpermeable surfaces further concentrates and intensifies what is already a serious problem in the rainy season. The City is required to show the logical connection between its claim that a generic storm water plan might be prepared and that, in fact, such a plan will avoid safety and property damage to adjoining properties. This required a study, and mathematic calculation of water and mudflow, yet none was done to support the general plan and specific plan land use conclusions in the Director’s Determination.

When the City prepared its MND (as submitted to it by the developer’s consultant) it asserted that there were no impacts, and therefore it simply performed no study or analysis of this issue – even though this was a major community concern brought to the City’s attention in the prior project. The City and this applicant have never been required to account either under the MND process or the General Plan safety and infrastructure finding process to specifically demonstrate how potential damage to public streets and downhill properties will be avoided.

Red Hawk Canyon has a history of debris flows – gravel, sand, silt, mud and water – over the decades that several of the appellants have lived in the area. Attached hereto are some of the illustrations of prior flows and damages that the Planning Director has in his files from this case or the prior case in 2007-2008.

Based upon the foregoing, including the Planning Director’s failure to gather appropriate substantial evidence, analyze the evidence, and objectively demonstrate that the four houses, along with the private road will not inflict flooding, mudflow and debris onto the public street and private properties downhill from the Project site, the City must complete a study which addresses the above and then attached the result of that study as a Condition of acceptance of the Project Permit Compliance Review. To the extent that the Applicant has proposed a storage system which will adequately deal with the runoff – of which I am not aware – this needs to be included in the Conditions of Acceptance.

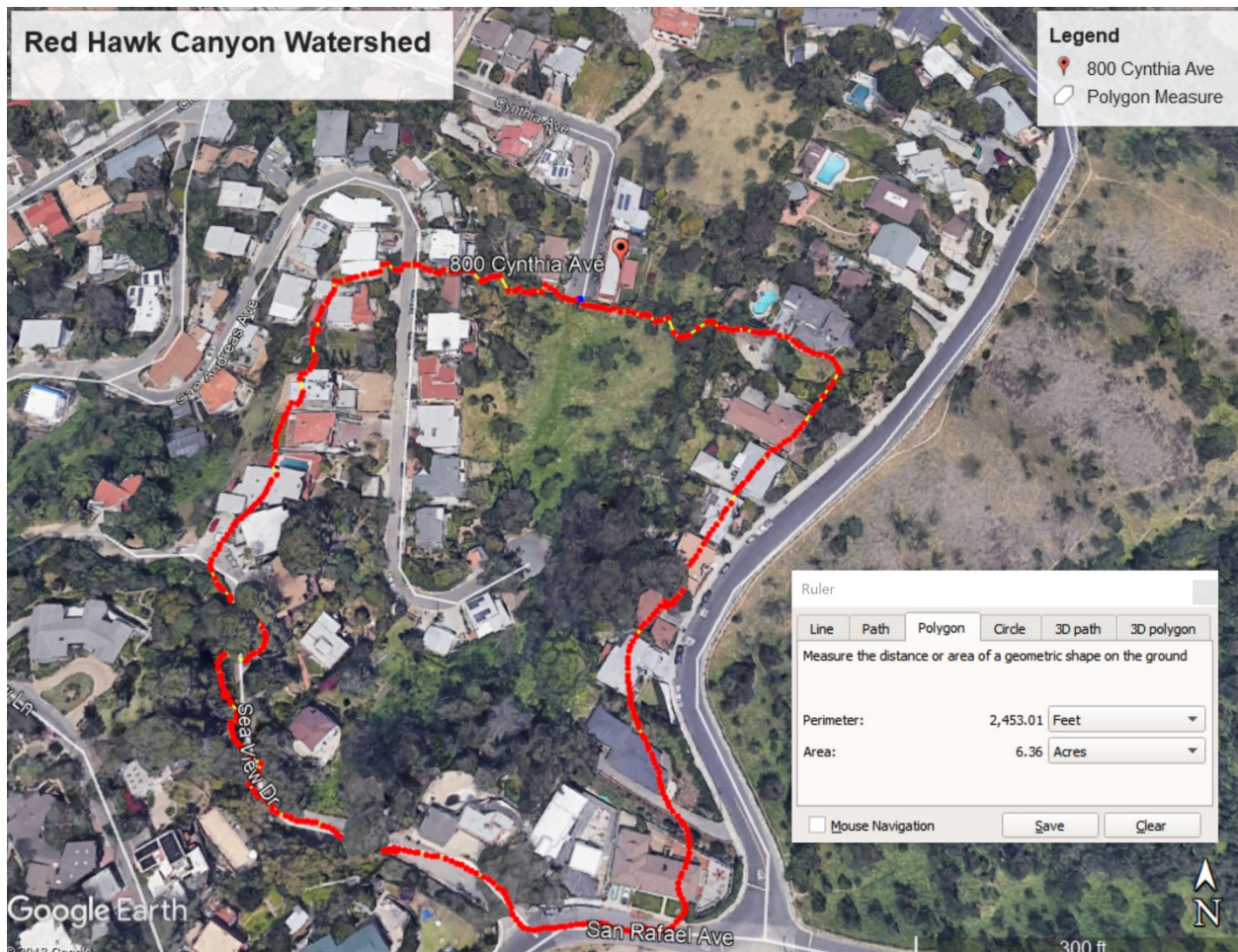


Photo 1: Google Earth image of RHC drainage, comprising ~ 7 acres, including RHC proper.



Photo 2: Upwelling on Cynthia Ave. (south of RHC) due to subsurface water flow



Photo 3: Upwelling on San Andreas Ave. (north of RHC) due to subsurface water flow

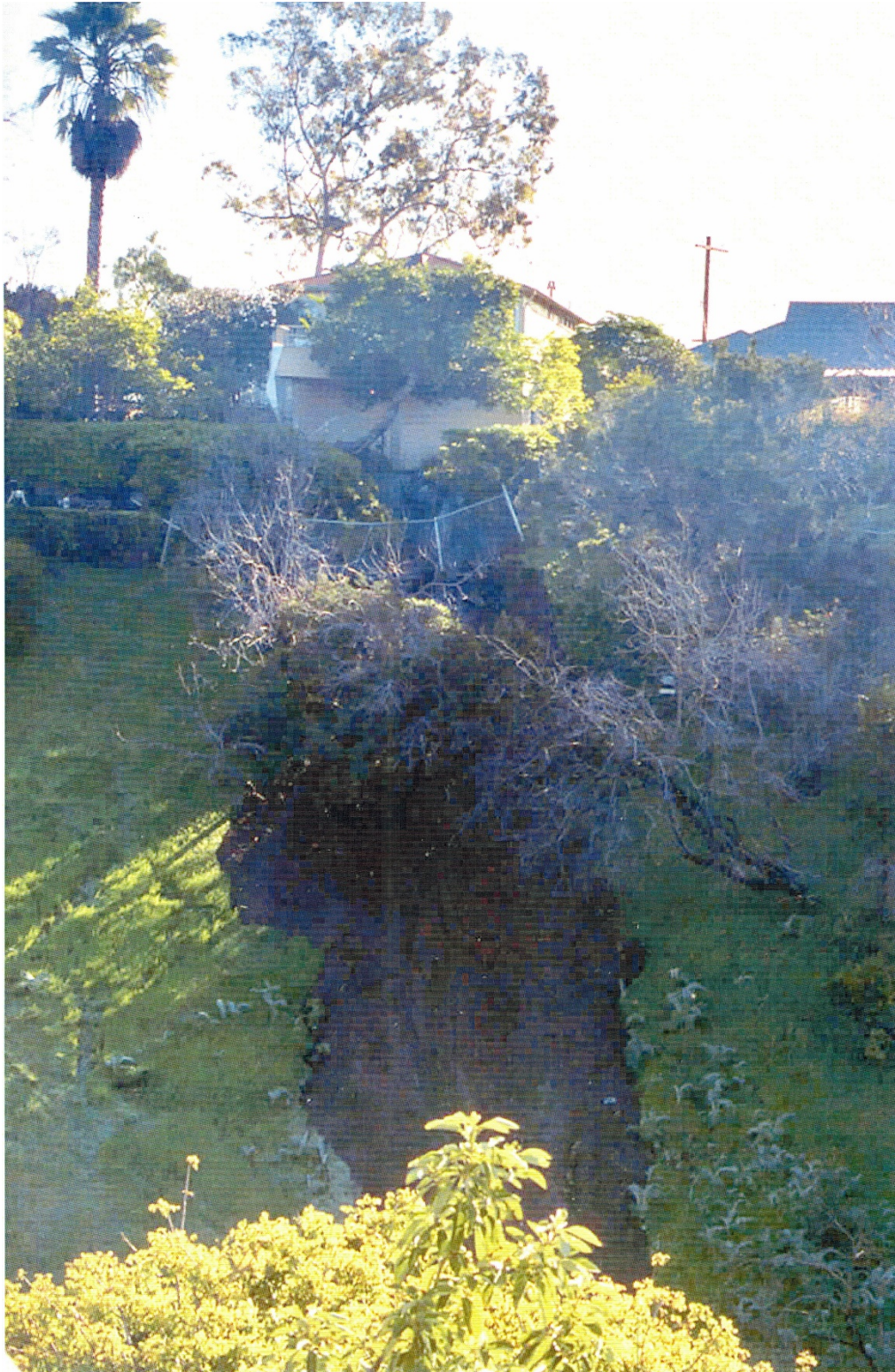


Photo 4: Landslide



Photo 5: Landslide at 805 Cynthia Ave. Concrete foundation



Photo 6: stream in RHC, looking north.



Photo 7: Sinkhole in RHC



Photo 8: Debris Flow in front of 830 Cynthia Ave. north and downstream from RHC



Photo 9: Debris flow in front of 830 Cynthia Ave. north and downstream from RHC

Appeal Point #3

The Letter of Determination, approving the subdivision of Red Hawk Canyon into four lots, is internally inconsistent.

In its Conditions of Approval “Department of City Planning – Site Specific Conditions”:

25. Private Street

- e. **[ADDED]** No gate shall be permitted to be installed across the Private Street.

However, earlier in the Conditions of Approval “Fire Department”

15. Submit plot plans for Fire Department Review and approval prior to recordation of the Parcel Map Action. Access for Fire Department apparatus and personnel to and into all structures shall be required. In addition, the following items shall be satisfied:

- r. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
- s. Private streets and entry gates will be built to City Standards to the satisfaction of the City Engineer and the Fire Department.

Because of this internal inconsistency and ambiguity, the Applicant could obtain a building permit and proceed to build a gate across the private street, claiming a narrow interpretation of the Conditions of Approval. This would require a lawsuit on the part of the Interested/Affected Parties to undo this action by the Applicant.

Appeal Point #4

The City Planning Department has chosen to require that the Mount Washington / Glassell Park Specific Plan be used to calculate the Floor Area Ratio. The Northeast Community Plan, Chapter III “Land Use Policies and Programs”, Objective 1-5, contains a **policy element** stating

- 1-5.2 Ensure the availability of paved streets, adequate sewers, drainage facilities, fire protection services and facilities, and other emergency services and public utilities to support development in hillside areas.
 - Program: Decision makers should adopt findings which address the availability of these services and utilities as part of any decision relating to hillside residential development.
 - Program: Continue the implementation of the **Baseline Hillside Ordinance (BHO)**.

The City Planning Department must apply either the Baseline Hillside Ordinance or the MWGP Specific Plan which ever is more restrictive. Even though the BHO excludes attached garage space, the BHO requires a “slope band analysis” and reduces the floor area ratio for slope bands 15% or greater. In “real world” examples the Maximum Residential Floor Area under the BHO can be 30% less than that obtained using the MWGP Specific Plan.

It is not appropriate for the City Planning Department to defer to the MWGP Specific Plan Floor Area Ratio without any justification, other than a pattern and practice of categorically ignoring the BHO.

The slopes in Red Hawk Canyon are greater than 20% on the western side of the canyon and are greater than 35% in the eastern part of the canyon. These facts strongly argue for a Band Slope Analysis and a calculation of the Maximum Residential Floor Area under the BHO.

We request that Planning require the Applicant to perform a Band Slope Analysis and a calculation of the Maximum Residential Floor Area under the BHO.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'P. Parrish', with a stylized, cursive script.

Peter T. Parrish, Ph.D.
820 Cynthia Ave.
Los Angeles, CA 90065
(323) 839-6108
peter.parrish@solargnosis.com



Planning APC East LA <apceastla@lacity.org>

Eagle Rock Vidiots Hearing

Amanda Pickens <amandapickens7@gmail.com>
To: apceastla@lacity.org

Tue, Dec 8, 2020 at 7:05 AM

Hi,

My name is Amanda Pickens, and I'm writing to inquire about the link to the Vidiots hearing on Wednesday, 12/8/20.

I've already written a letter in support of their opening and strongly oppose current regulations requiring valet parking and security. I am a new Eagle Rock resident and home owner that lives within 50 ft. of the theater. I can literally see the theater from my front yard and wholeheartedly welcome this business into the community, and it was actually a huge selling point when we recently moved to the neighborhood. It would be a huge loss to Eagle Rock and the greater northeast LA area to let such a great community-focused, female-owned business fail to open due to such regulations.

I look forward to virtually attending the meeting. Thank you!

--

Amanda Pickens
404.819.5742
amandapickens.com



Planning APC East LA <apceastla@lacity.org>

Vidiots

Sharon Van Etten <info@sharonvanetten.com>

Tue, Dec 8, 2020 at 7:10 AM

To: apceastla@lacity.org

Hi,
My name is Sharon Van Etten and I am a resident of the Eagle Rock area. I just moved here from New York a year ago. When I saw a theater was going to open up in our neighborhood, I saw it as a positive sign of cultural growth, something that would bring the community together and I looked forward to meeting others in the area by communing there. I also have heard from friends that don't live around here that told me how amazing it was when it was located in Santa Monica, which is wild to hear how well known it is. I've met Maggie and her family from taking walks in the neighborhood and they seem like a really sweet family - exactly the type of people you would want to open a local business around here. And for the right reasons.

I would love a link to the meeting Wednesday for the hearing.

Thank you so much.

Sharon Van Etten
www.SharonVanEtten.com

"We go through life. We shed our skins. We become ourselves." - Patti Smith



Planning APC East LA <apceastla@lacity.org>

VIDIOTS

Cardie Molina <cardiekremer@gmail.com>

Tue, Dec 8, 2020 at 3:48 AM

To: apceastla@lacity.org

I'm writing in support of this endeavor and want a link to the hearing.

I think the security card is ridiculous and parking exceptions are made every day via ride share support.

Cardie K Molina
323.370.3250

"So be it"!

"See to it"!... Octavia Butler



Planning APC East LA <apceastla@lacity.org>

Vidiots

Charlotte <sureicanhoneykitten@gmail.com>

Tue, Dec 8, 2020 at 4:07 PM

To: apceastla@lacity.org

I support Vidiots in Eagle Rock both for community appeal and for the restoration of the historic Eagle Theatre as a movie theater and retail space. I support Vidiots Foundation's application to serve alcoholic beverages at this venue to support funding of this non-profit institution. The Planning Department should remove costly, unnecessary conditions from this project in order to ensure that Vidiots Foundation in Eagle Rock is able to be an accessible, affordable, and active community amenity within Northeast Los Angeles.

Charlotte Kay
90041

Sent straight out of thin iAir



Planning APC East LA <apceastla@lacity.org>

Vidiots

Gina Esposito <ginamespo@gmail.com>

Tue, Dec 8, 2020 at 2:56 PM

To: "apceastla@lacity.org" <apceastla@lacity.org>

As a current & long time resident of Northeast LA, and fan of Vidiots when it was a west side staple, I want to express my support of having this store continue its plans to open in Eagle Rock. We need to support our small businesses now more than ever, before the charm of our city is lost amongst too many drug stores and banks. Vidiots is a community, that brings art and culture along with nostalgia in a way that will be proprietary to Eagle Rock.



Planning APC East LA <apceastla@lacity.org>

FW: Submissions for Case No. ZA-2020-981-CUB-1A

Jeremy Rubenstein <jr@mpcompanies.com>

Tue, Dec 8, 2020 at 10:28 AM

To: "apceastla@lacity.org" <apceastla@lacity.org>

Cc: Michelle Carter <michelle.carter@lacity.org>, "rubenstein.katherine@gmail.com" <rubenstein.katherine@gmail.com>

Please see the email below and attachments above. They were sent yesterday to Ms. Carter and the East Los Angeles Area Planning Commission, but the email to the Commission bounced.

From: Jeremy Rubenstein**Sent:** Sunday, December 6, 2020 9:44 PM**To:** Michelle Carter <michelle.carter@lacity.org>; apceastla@lacity.com**Cc:** rubenstein.katherine@gmail.com**Subject:** Submissions for Case No. ZA-2020-981-CUB-1A**Importance:** High

Attached for submission to the file and review and consideration by the Commission with respect to the following case are:

1. A Memorandum in Opposition to the Appeal submitted by Jeremy N. Rubenstein and Katherine Rubenstein. Katherine owns and resides at [2127 Addison Way, Los Angeles, Ca 90041](#), which is less than 500 feet from the Site, and
2. A petition in Opposition to the Appeal, signed by the following 19 persons who reside and/or own the following 16 properties located within 500 feet of the site:
 - 2105 Addison Way, Ivar Sohn and Anna Sohn
 - 2109 Addison Way, Herminio James Mandap
 - 2112 Addison Way, Joanne Guzman
 - 2115 Addison Way, Frederico Devera and Carolina Devera
 - 2119 Addison Way, Frederico Devera and Carolina Devera
 - 2138 Addison Way, Heidi Baker and Dustin Aksland
 - 2155 Addison Way, Tony Alvarez
 - 2126 Addison Way, Bridgette Saylor
 - 2127 Addison Way, Katherine Rubenstein
 - 2130 Addison Way, Linda Lomen
 - 2213 Addison Way, Dani Disotelle
 - 2219 Addison Way, Rachel Findler
 - 2223 Addison Way, Glaiza Vitaliz, Dempsey Vitaliz
 - 2229 Addison Way, Rothie Miller
 - 2112 Yosemite Drive, Artemio Ocampo
 - 2112 Yosemite Drive, Karla Cerrillo

Please note that, as discussed in the attached Memorandum in Opposition to the Appeal, Katherine Rubenstein first received the Notice of Hearing in the mail late on the day of November, 16, 2020. We requested access by call and email to the designated staff contact starting on November 19, 2020, and also sought access by telephone and email from the

person named in her out of office message. Despite our several attempts to gain access to the file, we only received copies of the documents (which are only available by email due to COVID) three days ago on December 3, 2020. Accordingly, we have had only the past three days to review and respond to the Justification Letter from the appellant and discuss the matter with our neighbors in light of the actual submissions. The Memorandum in Opposition to the Appeal is 8 pages, and the Petition is 2 pages (not including extra signature pages for the petition which are duplicates other than the signatures thereon). ***Given our lack of access to the file until the Thursday before the hearing despite repeated requests, we would like to respectfully emphasize that such materials should be fully considered, delivered to the Commission, and addressed in any decision on the appeal. Failure to do so will result in our seeking that the order be vacated based on the failure of the Department of City Planning to make the file available for review in a timely manner.***

Respectfully yours,

Jeremy Rubenstein

(213) 465-6534

jr@mpcompanies.com

2 attachments



Signed Memorandum in Opposition.pdf
3263K



Opposition to Appeal Petition.pdf
1106K

Opposition to Appeal, Case No. ZA 2020-981-CUB-1A

We are all residents of Eagle Rock who live within 500 feet of Vidiots, 4878-4884 West Eagle Rock Blvd., Los Angeles, CA 90041.

Under the Commercial Corner Development Standards that apply to the location, businesses must close by 11:00 pm unless relief is granted by the Zoning Administrator. Vidiots applied to stay open until 1:00 am daily, and to serve alcohol. A hearing was held on the application, and several objections were raised, including that:

- (1) The site has no parking and is adjacent to a large number of single family and other residential properties.
- (2) Due to its operation as a Theatre, it will operate differently from other businesses that have patrons arrive and depart at various times. Instead, large numbers of patrons will arrive and depart at once.
- (3) Although the site is "grandfathered" so that it does not have to comply with the current requirement to provide parking, that "grandfathering" does not automatically permit it to operate without parking after 11:00 pm.
- (4) Given the very limited amount of parking on Eagle Rock Blvd. and the lack of public parking, patrons will have no choice but to park on the residential streets adjoining Eagle Rock Blvd.
- (5) Any mass transit or bicycle arrangements are highly unlikely to provide an alternative to driving to the site after 11:00 pm, which is when the relief is sought.
- (6) Alcohol sales at the site compound the problem, particularly with respect to patrons using the site late at night.
- (7) As a result, the local residents – ***the ones who actually live within 500 feet of the site and who would have to bear the burden of its activities*** – would have to deal with large numbers of patrons coming and going.

As a result of these concerns, the Zoning Administrator required that, in order to stay open past 11:00 pm and to serve alcohol, Vidiots comply with certain conditions. Included in the conditions were the following:

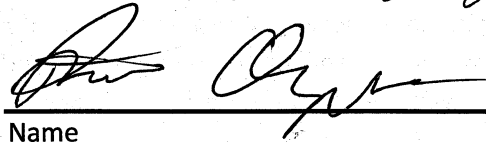
- (1) Business hours would end at 11:00 pm Monday through Thursday, and Midnight on Friday, Saturday and Sunday, other than routine cleanup.
- (2) Security be provided in connection with the operation of the site.
- (3) Off site parking must be provided, with a minimum of 54 spaces and valet parking after 6:00 pm, with no use of the local streets for parking.

Although Vidiots did not appeal the conditions, a third party, Greg Merideth, appealed and sought to remove several of them. We believe that any activity past 11:00 pm is objectionable for the reasons state above. Vidiots is free to operate before 11:00 pm, and to operate as a traditional theater without alcohol, without having to comply with the above. By not appealing, it has already agreed to comply with the Order if it wants to operate outside of those hours or to serve alcohol. We strongly object to the request by Mr. Merideth and believe that he cannot show any

"harm" to himself if Vidiots is merely required to comply with the existing law without modification. In contrast, we and our children will have to deal with the noise, crowding, and parking issues caused by the mass coming and goings of up to 271 patrons at once.

Signed by:

Alejandro Ocampo



Name

Address

2122 Yosemite Dr LA CA 90041

Karla Cervillo

Name

2112 Yosemite Dr LA CA 90041

Address

Dani Disotelle

Name

2213 Addison Way 90041

Address

Rebekah Fincher

Name

2219 Addison Way

Address

Ruthie Miller

Name

2229 Addison Way

Address

Blaira Vitaliz

Name

2223 Addison Way

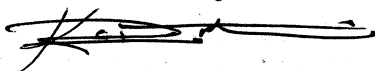
Address

Dempsey Vitaliz

Name

2223 Addison Way

Address



KATHERINE RUBENSTEIN

Name

2127 ADDISON WAY

Address

Name

Address

(May be signed in Multiple Page 2s)

"harm" to himself if Vidiots is merely required to comply with the existing law without modification. In contrast, we and our children will have to deal with the noise, crowding, and parking issues caused by the mass coming and goings of up to 271 patrons at once.

Signed by:

Ivar Sohn *[Signature]* 2105 Addison Way ^{LA} 90041
Name Address

Anna Sohn *[Signature]* 2105 ADDISON WAY ^{LA CA} 90041
Name Address

Linda Lomen *[Signature]* 2130 Addison Way ^{LA CA} 90041
Name Address

[Signature] 2126 Addison Way ^{LA} 90041
Name Address

JOANNE GUZMAN *[Signature]* 2112 Addison Way
Name Address

HERMINO JAMES *[Signature]* 2109 ADDISON WAY
Name Address

1001 Alvarez *[Signature]* 2155-Addison Way
Name Address
Jany Alvarez ^{LA CA} 90041

Name Address

Name Address

(May be signed in Multiple Page 2s)

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Signed by:

Heidi Baker
Name

2138 Addison Way LACA 90041
Address

DUSTIN AKSUAND
Name

2138 ADDISON WAY LA, CA 90041.
Address

Name

Address

Name

Address

Name

Address

Name

Address

Name

Address

Name

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Address

(May be signed in Multiple Page 2s)

"harm" to himself if Idiots is merely required to comply with the existing law without modification. In contrast, we and our children will have to deal with the noise, crowding, and parking issues caused by the mass coming and goings of up to 271 patrons at once.

Signed by:

Frederico Devera
FEDERICO DEVERA

Name

12/6/2020
2119 Addison CA 90048

Address

Carolina Devera
CAROLINA DEVERA

Name

2119 Addison CA 90048

Address

Frederico Devera
FEDERICO DEVERA

Name

12/6/2020
2115 Addison Way CA 90048

Address

Carolina Devera
CAROLINA DEVERA

Name

2115 Addison Way CA 90048

Address

Name

Address

Name

Address

Name

Address

Name

Address

Name

Address

(May be signed in Multiple Page 2s)

To: East Los Angeles Planning Committee ("ELAPC")
c/o Michelle Carter, City Planning Associate
michelle.carter@lacity.org
apceastla@lacity.org

From: Jeremy N. Rubenstein and Katherine Rubenstein
jr@mpcompanies.com

Date: December 6, 2020

Re: Opposition to Third-Party Appeal filed by Greg Merideth, The Eagle Rock Association ("Appellant"), Case No. ZA-2020-981-CUB-1A seeking relief not granted by the Zoning Administrator in case number ZA-2020-981-CUB to Maggie Mackay, Vidiots Foundation ("Vidiots") concerning 4878-4884 Eagle Rock Boulevard (the "Site").

Status. Katherine Rubenstein resides at and owns 2127 Addison Way, Los Angeles, CA 90041, within 500 feet of the Site. Addison Way at this location is a local street under the Los Angeles General Plan, and the block that she lives on is comprised entirely of single-family homes other than the properties that abut Eagle Rock Blvd. Jeremy N. Rubenstein is her father and is appearing on her behalf. Katherine Rubenstein opposes the appeal, and we also are submitting a separate petition in opposition signed by a large number of neighbors who live within 500 feet of the Site.

Preliminary Matters – Late Access to Appeal Documents. Katherine Rubenstein received the mailed Notice of Public Hearing late in the day on November 16, 2020. On Thursday, November 19, 2020 – a full week before Thanksgiving – Jeremy Rubenstein emailed the staff member designated in the notice, Michelle Carter, requesting copies of all submissions relating to the case (due to Covid-19, files must be obtained by e-mail). Mr. Rubenstein received an out of office until 11/30 email notice in response, with directions to contact another staff member during her absence. The same day Mr. Rubenstein called and emailed the backup contact requesting the files but received no response. Mr. Rubenstein emailed and called Ms. Carter several times starting on November 30 but did not obtain any material until Thursday, December 3, 2020, two weeks after making the initial request and less than a week before the hearing. Although we understand the need for vacations, the City of Los Angeles is responsible for making important documents – particularly the basic appeal documents and justification argument – available in time for review and response.

We respectfully submit that we have been prejudiced in our ability to respond to any submissions in a timely manner. Without waiving the right to challenge any order based on lack of timely access, we request that the record remain open for our unlimited submissions. We have had only three days to review and respond to the Justification Letter submitted by Appellant. This submission also responds to the memorandum submitted by Vidiots dated November 25, 2020 (the "Vidiots Memorandum") in support of the appeal. Since Vidiots is the real party in interest (Appellant is not seeking relief from the original order, but rather its expansion to give Vidiots more rights), we are entitled to review and respond to Vidiots' submission. We also have only had 3 days to discuss the documents with other residents of the neighborhood. Should the ELAPC fail to fully review and consider this submission and the petition in opposition due to the timing of their filing or for any other reason, we will seek to overturn the decision and obtain de novo review.

Original Application and Legal Standards. Vidiots proposes to operate a 271-seat theater and retail store at 4878-4884 N. Eagle Rock Blvd. and 2156 W. Yosemite Drive. In addition to movies and operating the retail store, Vidiots proposes to have live entertainment such as comedy shows, podcast recordings, and live musical performances. Alcohol is proposed to be served for both movies and for live shows.

Vidiots filed a request for a Conditional Use Permit in Case No. ZA-2020-981-CUB to (1) extend the hours of operation from 11:00 pm to 1:00 am every night and (2) to permit the sale and dispensing of beer and wine for on-site consumption. The site is a Commercial Corner Development under the Los Angeles Municipal Code since it directly abuts an R zoned property.

Accordingly, any commercial use of the property after 11:00 pm or before 7:00 am requires a Conditional Use Permit. Separately, Vidiots cannot serve alcohol at the site without also obtaining a Conditional Use Permit.

Los Angeles Municipal Code ("LAMC") Section 12.24-E requires that, before issuing any Conditional Use Permit, the Zoning Administrator must find:

- "(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;*
- (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; and*
- (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."*

For Conditional Use Permits to serve alcohol, LAMC Section 12.24-W requires the Zoning Administrator to make all of the above findings and, **in addition**, find:

- "(1) that the proposed use will not adversely affect the welfare of the pertinent community;*
- (2) that the granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area; and*
- (3) that the proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine."*

Background. The site once was a neighborhood movie theater, which closed down about 20 years ago. Although the Site was permitted to sell alcoholic beverages after the theater closed (Case No. ZA-1986-1230-E), this was for on-site consumption in a 30-seat restaurant, not a 271-seat theater with additional retail.

The Site has no on-site parking. As found by the Zoning Administrator, there are few parking spaces available on Eagle Rock Blvd. In addition, there are no public lots within 1250 feet of the Site. Although the Site may be grandfathered from any current zoning parking requirement if it continues to operate as of right, grandfathering does not remove the burden to show why **extending** the hours for a location with no parking, together with the sale of alcohol, will not detrimentally affect the residences nearby and the welfare of the community. The absence of parking coupled with the late-night hours and the sale of alcohol are highly relevant.

The Site is zoned [Q]C4-1XL but abuts single family residences which cover the entire block other than those properties next to Eagle Rock Blvd., all but one of which are Zoned R-1 (one lot with a single-family residence on it is zoned R-2), and as such is the classic Commercial Corner Development. Other sites within 500 feet and beyond also are zoned residential, other than those fronting on Eagle Rock Blvd. Several of the commercial sites fronting Eagle Rock are churches. The major commercial development within 500 feet is a shopping center located diagonally across Eagle Rock from the Site. Unlike the Site, the shopping center is not a Commercial Corner Lot Development as occupies the entire block it sits on. In addition, and all properties on blocks behind or across from it are either commercial or slightly higher (RD-1.5-RD-3) residential density. The shopping center has extensive parking and generally does not result in off-site disturbances to the neighborhood.

The same cannot be said of the smaller sites on Eagle Rock Blvd. that have no parking. Next door to the Site is marijuana shop (we are not sure of its permitted status) which results in folks parking and smoking pot on Addison Way and Yosemite at all hours of the day and night. Even the “normal” small commercial uses that operate in the evening but have no parking, such as the tiny Abby’s Diner at 4962 Eagle Rock Blvd. (the corner of Eagle Rock Blvd. and Addison Way on the same block as Vidiots), result in a large number of people coming and going on Addison Way where they park their cars and make noise in the evening. However, Abby’s closes no later than 10 pm, does not serve alcohol, and has only four seated booths and a total of about 10 bar stools. Only about 30 people maximum could fit there if every possible seat were occupied. A theater of the size proposed by Vidiots is almost ten times the occupancy load and would result in folks parking much further onto Addison Way, far later at night, with massive traffic loads at once when entertainment begins and ends.

Zoning Administrators Findings and Order. After reviewing and considering the materials submitted and the testimony and statements at the original hearing, the Zoning Administrator issued extensive findings of fact and conclusions of law. The order carefully discussed all of the presentations, pro and con, by all of the participants and persons who submitted material. After meticulously evaluating all of the foregoing, the Zoning Administrator noted that there are important concerns that needed to be addressed and imposed several conditions, including those that are the subject of the appeal. These include in summary (1) limiting hours of operation to 11:00 am to 11:00 pm Monday through Thursday and 11:00 am to Midnight on Friday through Sunday; (2) limiting the number and amplification of live performers and live events; (3) providing 54 off-site parking spaces whenever films are shown or live entertainment is held; (4) requiring valet parking in the evening; (5) requiring that passenger loading be conducted on Eagle Rock Blvd, and (6) a prohibition on using local streets for valet parking. Based on his review of the record and subject to compliance with the conditions of the order, the Zoning Administrator found that:

1. **Section 12.24-E.1 Finding** (*“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 Zoning Administrator found that the use of the Site *“in conjunction with the conditions imposed to address the operational and alcohol related conduct”* would assure that the Site would be beneficial to the community.

2. **Section 12.24-E.2 Finding** (*“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 Zoning Administrator’s order contains an extensive summary and evaluation of the positions of the various parties relevant to this finding. As a matter of fact, the Zoning Administrator found:

“the addition of alcohol sales and request for expanded hours after the maximum permitted by Commercial Corner requirements will create more regional draw from beyond the Eagle Rock and neighboring Northeast Communities. As such, further conditioning is necessary to address these operating characteristics to achieve compatibility with the surrounding neighborhood of commercial, residential, and in[s]tuitional uses. Residential, educational, and houses of worship are identified as sensitive uses for which enhanced conditions may be implemented to address any adverse effects. Consideration is given to the fact that there are no parking facilities on a site for which some attraction of alcohol service will draw more theater patrons from local and regional areas. Personnel automobiles will be utilized along with rideshare services, public transit, bicycles, and walking. To accommodate the above, a condition to provide off-site parking of 54 spaces is needed to address the realistic demand that patrons will not readily utilize public transit, bike or walk. (Fifty-four parking spaces are calculated from the LAMC requirement for auditoriums having fixed seating.) Bike parking is also established to accommodate bike transit in support of the Mobility 2035 Plan and its designated bike path existing in adjacent Eagle Rock Boulevard. Further, a drop-off station will be established on Eagle Rock Boulevard to accommodate valet and rideshare services. Valets shall not

be able to park cars in adjacent residential streets. The applicant is also required to notify patrons to utilize the parking facilities or valet services and not park residential street as well. An employee incentive program is also required to reduce vehicle trips among theater and retail staff."

The Zoning Administrator also reviewed information from Vidiots and found that the typical proposed operation entailed 3 screening times during Friday, Saturday and Sunday, with an end screening time of between 11:30 to 12:00 am. Although some retailers in the vicinity open until midnight, and two restaurant/bars open until 2:00 am, the Zoning Administrator found that such uses were not comparable to a 271-seat theater. [We also note that those uses differ substantially with vastly lower occupancy levels and the absence of a single start and ending time] The Zoning Administrator thus concluded that extended hours should end on 12:00 am on Friday, Saturday and Sunday, thereby accommodating Vidiots' ability to have three showings on weekends, but hours on the remaining days of the week must end at 11:00.

The Zoning Administrator also stated that a condition requiring Plan Approval review after 3 years of operation was necessary in addition to the other conditions *"[b]ecause of overarching issues raised by residential stakeholders, including inadequate parking, patrons will park in the neighborhood, drunken behavior from patrons accessing their cars, late hours of operation, release of large crowds into the neighborhood, regional traffic/parking, and other impacts of alcohol."*

Only after the imposition of the revised operating hours was the Zoning Administrator able to conclude that ***"as conditioned, the sale and dispensing of beer and wine....will not adversely affect or further degrade the adjacent properties, the surrounding neighborhood, or the public health, welfare and safety of the community."*** (bold added).

We believe that there also should have been a specific finding that the grant of operating hours past 11:00 pm is consistent with standards since it is a separate part of the request and this is a general requirement applicable to all types of Conditional Use Permits. In that regard, we believe that the conditions will not sufficiently prevent adverse effects after 11:00 pm on the residential side streets (and in particular Addison Way) since many patrons will still choose to park on residential streets regardless of valet parking and any security. However, the Zoning Administrator clearly, after substantial consideration, ruled that reduced hours and substantial conditions were necessary before the order could be found to have met the required standard. This was not in error.

3. **Section 12.24-E.3 Finding** (*"the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan"*).

The Zoning Administrator found that the project meets this standard. While we concur, we note the concerns intended to be addressed in the North East Los Angeles Community Plan ("NELACP") include the *"Impacts on residential neighborhoods from adjacent commercial and industrial activity, including, building signs and billboards, traffic, parking, and noise."* We believe that the conditions to the order are necessary to address those concerns.

4. **Section 12.24-W.1 Finding** (*"the proposed use will not adversely affect the welfare of the pertinent community"*).

The Zoning Administrator found that the revitalization of the Site would benefit the community, but the imposed conditions were necessary to *"ensure that the use is desirable to the public convenience and general welfare of local patrons, tourists and residents within close proximity and not adversely affect the welfare of the pertinent community."*

5. **Section 12.24-W.2 Finding** (*"the granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments"*).

within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area”).

The Zoning Administrator reviewed the record and concluded that approval of the request will not contribute to the area’s crime and will not result in an undue concentration of licensed premises because *“the conditions of this grant will ensure the use remains compatible with surrounding uses.”* These include security and parking restrictions. In this regard, we note that the Zoning Administrator did not consider the fact that there is a marijuana dispensary operating next door to the subject property, and how that may effect the conduct of patrons on local streets. We submit this fact further bolsters the need for enhanced security.

6. **Section 12.24-W.3 Finding** (*“the proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine”).*

The Zoning Administrator found that sensitive uses within 1000 feet of the subject property included:

- *Single family and Multiple family Residential Uses*
- *Pathways Child Development Center, 4824 N. Eagle Rock Boulevard*
- *Filipino Community Presbyterian Church, 4848 N. Eagle Rock Boulevard*
- *Westminster Child Center Preschool, 4848 N. Eagle Rock Boulevard*
- *The Universal Church, 4884 Eagle Rock Boulevard*
- *TLC Church, 5000 N. Eagle Rock Boulevard*
- *Eagle Rock Elementary School, 2025 Fair Park Avenue*
- *The Vine Church, 2057 Fair Park Avenue*
- *St. Barnabas Episcopal Church, 2109 Chickasaw Avenue*
- *Eagle Rock Branch Public Library, 5027 Casper Avenue*
- *St. Dominic's Catholic Church, 2002 Merton Avenue*
- *Eagle Rock Seventh-Day Adventist Church, 2322 Merton Avenue*

After noting the existence of such sensitive uses and the distance of the establishment from the sensitive and residential uses, the Zoning Administrator concluded that the conditions of the grant addressed the safety, noise and security to protect the health, safety and welfare of the community, and that therefore ***“as conditioned,*** the project will not detrimentally affect residentially zoned properties.” (bold added).

Appeal and Justification Letter. The Appellant is Greg Merideth, who is appearing on behalf of The Eagle Rock Foundation (“TERA”). Mr. Merideth lives at 5123 Eagle Rock Blvd., which is almost half a mile away from the Site and well outside of the zone that will be adversely affected by the traffic and noise created. The appeal is a somewhat peculiar one. The applicant for the Conditional Use Permit, Vidiots, has not appealed the conditions to the order. It remains free to operate either using the Conditional Use Permit, or without alcohol and with a closing time of 11:00 pm. Rather than claim that some activity caused by the grant of the Conditional Use Permit would harm Appellant, Mr. Merideth argues that Appellant is being harmed by the failure to grant relief that is unconditioned as to off-site and valet parking, security and valet services.

1. **Failure to Address the Standards of Sections 12.24-E and 12.24-W.** What is striking about Mr. Merideth’s justification letter is that he completely ignores: (1) the standards required under Sections 12.24-E and 12.24-W that must be met concerning the impact on residents and sensitive locations in the affected area, (2) the extensive findings about how

the proposed hours and use of alcohol would affect such parties, and (3) the need for conditions to mitigate late hours, large numbers of patrons, the likely region wide client base of Vidiots, the service of alcohol, and the fact that large numbers of people would be arriving and leaving in concentrated periods. As such, the appeal is deficient from the start.

2. **Valet and Off-Site Parking Generally.** Mr. Merideth claims that requiring valet parking and leasing off-site parking under Conditions 32-39 would negatively TERA's project to improve pedestrian, bicycle, and transit mobility along Eagle Rock Boulevard. To begin with, this is a very attenuated argument of "harm." Mr. Merideth's argument about this single site also is overblown. We are not aware of other comparable locations in Eagle Rock without parking that will have several hundred patrons arrive and depart en masse late at night and also serve alcohol. Addressing the real and immediate concerns raised by this Conditional Use Permit will not materially prejudice Appellant's project.

However commendable the goals of greater ridesharing, public transit and other alternative means of transportation, the fact remains that a very large number of people will not use public and ridesharing options, particularly at the late hours requested. Biking is **very** unlikely to be used by more than a small fraction of after dark patrons. No traffic study has been submitted by either Vidiots or Appellant, who bears the burden, showing that there will not be a large number of cars and patrons on residential streets during evening and late-night hours. In this regard, even a cursory search of the internet will find numerous references to the extensive county-wide following that Vidiots, which originated in Santa Monica, has maintained. Given its extensive library of films, Vidiots is likely to attract people from far and wide who are looking for something unavailable in their local multiplex. We commend their following and welcome their arrival. But not without the conditions contained in the original order designed to address what will be a major and detrimental effect on the folks who live nearby and are trying to get a decent night's sleep and stay safe on the currently quiet residential streets. This is particularly true of the block of Addison Way where Katherine Rubenstein lives, since it is a wide local street that can be parked on without having to cross any street, including Eagle Rock Blvd., to get to the Site.

Mr. Merideth argues that valet parking would encourage vehicular demand for the site. While we believe that it is the hours of operation and regional character of Vidiots' following that will draw customers, this assertion is indefensible in light of Mr. Merideth's previously submitted letter to the Department of City Planning Commission dated July 31, 2020 in which he stated that "TERA understands the Zoning Administrator has voiced concern about insufficient private automobile parking on this historic property. TERA would like to highlight that....Vidiots Foundation has provided a plan for valet services as part of its program...." While the letter goes on to complain about the cost of off-site parking, it certainly claimed that valet services were a benefit, at least when the Site would be crowded. We fully support the use of ridesharing and all other alternative means of getting to the Site. But hope and good intentions are not enough to make hundreds of patrons leave their cars at home. If Mr. Merideth truly believed that the traffic issues were paramount, he would not support the Conditional Use Permit to begin with given the extra traffic generated by extended hours and alcohol.

Finally, Appellant has asserted in the same July 31, 2020 letter to the Department of City Planning that other theaters, such as the nearby Highland Theatre at 5604 Figueroa Street, function a "brisk business" without any parking. This argument is specious for several reasons. First, there are several public parking lots in the immediate neighborhood, with hundreds of spaces within 500 feet and more just a few feet further. Secondly, the theater does not serve alcohol. Third, the theater is not a Commercial Corner Development since it does not abut any protected zone or property.

3. **Specious Economic Viability Argument.** Mr. Merideth argues that the "reduction" of hours from the 1:00 am closing time requested by Vidiots under condition 7(a), the requirement for security to keep patrons from the residential streets and to address any noise or conduct issues under condition 17, and the requirement for 54 off-site parking

spaces with valet parking, would place an undue financial burden on the operations of Vidiots, and that the sale of alcohol is "recognized as necessary" to support the economic viability of services.

Again, this is a rather curious argument, since Vidiots did not appeal these same conditions to the Conditional Use Permit. While we do not believe that Mr. Merideth's assertion of economic hardship is appropriate or shows harm to Appellant when Vidiots did not appeal the issue on its own, we also find the argument overblown and misstated.

Mr. Merideth states that "Vidiots Foundation has communicated that costs related to hiring a security guard, full-time valet, and leased parking exceed \$1 million" in additional annual costs. ***This inflated and unsupported figure is simply beyond belief.*** This appears to be based on the figures subsequently included in Vidiots November 25 Memorandum in support of the appeal. While we believe that Vidiots lacks standing to complain about conditions that it did not appeal, more fundamentally the figures lack any credibility. Specifically:

Cost of Valet. Vidiots has stated that it obtained "estimates" that the full-time valet service would cost \$460,980 (Vidiots Memorandum, Page 7). ***This figure is simply crazy.*** We have had limited time to investigate, but having spoken with some local merchants with valet services, we have been informed that: (1) reasonably active locations often are able to obtain valet services for no cost to them with a small (\$5.00 or so) parking fee charged to patrons; (2) for less busy ones, the cost of a valet ranged from \$1200/month for one valet during the week and two on the weekend, if a small parking fee was charged, or \$3,000/month if no fee was charged.

Even if Vidiots hired valets directly, the order only requires valet services from 6:00 pm until 30 minutes after closing. Thus, there would be 4 ½ hours of valet four nights a week, and 5 ½ hours of valet for three nights a week. The total hours per week would be 34.5, or 1,794 hours a year under the assumption that the theater operates 365 days a year. A cursory review of job listings for valets in Los Angeles shows that many employers are offering about \$12 per hour, which would lead to an annual hourly cost of \$21,568 per valet. Even allowing for \$35,000 per year per employee to account for taxes, insurance, benefits etc., Vidiots would be able to hire three full time valets itself for an annual cost of \$105,000. If Vidiots charged a small parking fee, it would recoup much or all of those costs. Valets get tips.

Alternatively, Vidiots could get a service that would probably cost nothing with a small parking fee, or which would cost less than the above even without a fee. We have no idea where Vidiots got this estimate from, but we are highly confident that it does not reflect a sincere attempt to figure out how to provide valet services economically. While we are against a high valet fee, a small one would be reasonable if combined with the security to discourage parking on the side streets and other measures. Many small businesses manage to operate with valet services without breaking the bank. Vidiots can too.

Cost of Parking. The same Vidiots Memorandum claims that 54 parking spaces would cost \$491,400 a year due to the need to obtain parking within 750 feet. ***This is a ludicrous \$758 per month cost for every vehicle. At that cost they could simply buy a \$5,000,000 vacant property and have it fully paid off at the end of a ten-year commercial loan at current interest rates.***

Vidiots assumes that they would have to rent from the Sprouts shopping center to meet the 750-foot radius requirement and throws out a junk assumed figure of \$25 per space per night. However, if they need another 500 feet to find parking at a different site, then they should ask for it. And we would not object to limiting off-site parking to hours when there is a valet, since those are the only hours that it realistically would be used. But the notion that they could not find evening parking spaces at a vastly lower cost is simply lacking in credibility. At \$150 per month per space – and they should be able to do MUCH better than this for evening spaces – the cost would be \$97,200 per year. One Hundred thousand dollars a year is a lot of money for many Eagle Rock institutions, including some that are literally 100 feet from Vidiots. Until Vidiots takes this seriously and goes out and

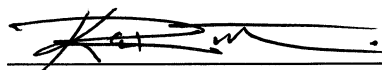
determines that it needs to find parking to address the community concerns, it will not be able to get any real costs. No one negotiates with ghosts. Again, this is really none of Appellant's business. Appellant has no real ability to negotiate parking arrangements seriously, and any claim in this regard should have been made by Vidiots.

Outside Community. Appellant and Vidiots have obtained multiple letters, many based on form submissions, of support based on their Facebook and other campaigns that have sought to characterize the Zoning Administrator's order as unreasonable. Many of these letters are of the "wow, I really support having a cool place like Vidiots" variety without any real understanding or discussion of the real issues. There also is no indication that any of those persons will be affected by the negative impact of the proposal. They have no need to be concerned since it will not affect the health, safety, sleep, welfare and security of their families and properties. In fact, the large interest in the Site actually supports our assertion that protections are needed to prevent its neighbors from being overwhelmed. Similarly, while the Chamber of Commerce and the Neighborhood Council may express their support, it would have been more impressive if they had taken the time to ask the directly affected parties what was needed to make this project a success while meeting the needs of the persons most directly affected.

Opposition by Directly Affected Residents. In contrast to the submission by individuals who appear to be unaffected by any negative side effects of the proposal, we are simultaneously submitting a petition signed entirely by individuals who live within 500 feet of the Vidiots site. *Each of these signatories was well aware of the difference between supporting the existence of Vidiots in the abstract, and the need to protect the community from the side effects of its activities.* The legitimate concerns of these parties are entitled to substantial consideration, as was evidenced by the Zoning Administrator's original order.

For the reasons discussed above, we respectfully request that the Appeal be denied, and that the original order remain standing as written. If the original order is modified in any way, we respectfully respect that the hours of operation be limited to 11:00 pm every night of the week.

Signed:



Katherine E. Rubenstein

12/06/2020

Date



Jeremy N. Rubenstein

12/06/2020

Date

Opposition to Third-Party Appeal, Case No. ZA-2020-981-CUB-1A

Status. Katherine Rubenstein resides at and owns 2127 Addison Way, Los Angeles, CA 90041, within 500 feet of the Site. Jeremy N. Rubenstein is her father and is appearing on her behalf.

Original Application. Vidiots proposes to operate a 271-seat theater and retail store at 4878-4884 N. Eagle Rock Blvd, with movies and live entertainment at which alcohol will be served. The site is a Commercial Corner Development and operations after 11:00 pm require a Conditional Use Permit ("CUP") found to meet the standards of LAMC Section 12.24-E. A CUP for alcohol must meet the additional standards of Section 12.24-W as well as Section 12.24-E. Vidiots sought a CUP in Case No. ZA-2020-981-CUB to (1) extend its hours from 11:00 pm to 1:00 am every night of the week and (2) to serve beer and wine for on-site consumption. The Site has no on-site parking, there are few parking spaces available on Eagle Rock Blvd., and no local public lots. Although the Site may be grandfathered from current parking requirement if it operates as of right, a CUP *extending* the hours and permitting the sale of alcohol can only be issued if alcohol and the after-hours operations, including the effect of where people will park and make noise, does not detrimentally affect the residences nearby and the welfare of the community. The Zoning Administrator issued a CUP which contained extensive findings of fact and conclusions of law. After carefully discussing all of the arguments, presentations and submissions, pro and con, the Zoning Administrator concluded that conditions needed to be imposed to mitigate important concerns about noise, security, overcrowding of residential streets, and late-night operations raised by the hours of operation and sale of alcohol. The conditions include limiting hours of operation to 11:00 am to 11:00 pm Monday through Thursday and 11:00 am to Midnight on Friday through Sunday and providing valet services and off-site parking. ***Vidiots did not appeal any of the conditions imposed.***

Appeal and Justification Letter. The Appellant is Greg Merideth, on behalf of The Eagle Rock Foundation ("TERA") who is conducting a coordinated campaign with Vidiots (see the Vidiots website, TERA website and the form letter submissions, various social media outlets etc.) instead of having Vidiots appeal on its own behalf. Mr. Merideth lives at 5123 Eagle Rock Blvd., which is almost half a mile away from the Site and well outside of the zone that will be adversely affected by the traffic and noise created. Mr. Merideth argues that Appellant is being harmed due to supposed increased traffic caused by the provision of valet services and the provision of parking, and the effect on Vidiots economic viability. As noted below, these concerns are overblown and the economic viability argument is both unsupported and should have been made in an appeal by the real party at interest, Vidiots.

Failure to Address the Standards of Sections 12.24-E and 12.24-W. Mr. Merideth's justification letter completely ignores: (1) the standards required under Sections 12.24-E and 12.24-W concerning the impact on residents and sensitive locations in the affected area, (2) the extensive findings made by the Zoning Administrator about how the proposed hours and use of alcohol would affect such parties, and (3) the need for conditions to mitigate late hours, large numbers of patrons, the region wide client base of Vidiots, the service of alcohol, and the fact that large numbers of people would be arriving and leaving in concentrated periods. As such, the appeal is deficient from the start. Although we lack space here to repeat it, we separately submitted an extensive discussion of the Zoning Administrator's findings and the concerns to be addressed.

Hours of Operation. The hours of operation are one of the key items of concern for the local residents. Vidiots is on a block that is entirely single family residential, and Addison way in particular is a local street where residents are entitled to a decent night sleep for themselves and their children. The Zoning Administrator reviewed Vidiots' proposed operations and found that they could conduct their business within the hours granted, which would substantially mitigate the noise and conduct issues likely to arise. We also note that Vidiots claims that it has some 50,000 titles – it is not showing the current movie of the week. With a little simple planning such as starting a half hour earlier and, if necessary, picking film that was a little shorter for one of the showings, Vidiots can further expand its ability to have additional time to conduct its business within the times provided.

Valet and Off-Site Parking's Effect on TERA's Project. Mr. Merideth claims that valet and off-site parking would negatively impact TERA's project to improve pedestrian, bicycle, and transit mobility along Eagle Rock Boulevard. This is widely overblown. No comparable location lacks parking while having several hundred patrons arrive and depart *en masse* late at night and while serving alcohol. Addressing the concerns raised by the CUP for this single site will not materially prejudice Appellant's project. The fact remains that a very large number of people will not use public and ridesharing options, particularly at the late hours requested. Even a cursory search of the internet will find numerous references to the extensive county-wide following that Vidiots, which originated in Santa Monica, has maintained. Given its extensive library of films, Vidiots is likely to attract people from far and wide who are looking for something unavailable in their local multiplex. We commend their following and welcome their arrival. But not without the conditions contained in the original order designed to address what will be a major and detrimental effect on the folks who live nearby and are trying to get a decent night's sleep and stay safe on the currently quiet residential streets.

Mr. Merideth also argues that valet parking would encourage vehicular demand for the site. While we believe that it is the hours of operation and regional character of Vidiots' following that will draw customers, this assertion is indefensible in light of Mr. Merideth's previously submitted letter to the Department of City Planning Commission dated July 31, 2020 in which he stated that "TERA understands the Zoning Administrator has voiced concern about insufficient private automobile parking on this historic property. TERA would like to highlight that....Vidiots Foundation has provided a plan for valet services as part of its program...." We fully support the use of ridesharing and all other alternative means of getting to the Site. But hope and good intentions are not enough to make hundreds of patrons leave their cars at home. If Mr. Merideth truly believed that the traffic issues were paramount, he would not support the Conditional Use Permit to begin with given the extra traffic generated by extended hours and alcohol.

Specious Economic Viability Argument. Mr. Merideth argues that the "reduction" of hours from the 1:00 am closing time requested by Vidiots under condition 7(a), the requirement for security to keep patrons from the residential streets and to address any noise or conduct issues under condition 17, and the requirement for 54 off-site parking spaces with valet parking, would place an undue financial burden on the operations of Vidiots, and that the sale of alcohol is "recognized as necessary" to support the economic viability of services. Mr. Merideth states that "Vidiots Foundation has communicated that costs related to hiring a security guard, full-time valet, and leased parking exceed \$1 million" in additional annual costs. ***This inflated and unsupported figure is simply beyond belief.*** Specifically:

Cost of Valet. Vidiots asserts that an "estimate" was that the full-time valet service would cost \$460,980 (Vidiots Memorandum, Page 7). ***This figure is simply crazy. If it were true, there would be no restaurant business in Los Angeles where valet parking is required.*** Upon investigation, we have been informed that: (1) reasonably active locations often are able to obtain valet services for no cost to them with a small (\$5.00 or so) parking fee charged to patrons; (2) for less busy ones, the cost of a valet ranged from \$1200/month for one valet during the week and two on the weekend, if a small parking fee was charged, or \$3,000/month if no fee was charged. A cursory review of job listings for valets in Los Angeles shows that many employers are offering about \$12 per hour, which would lead to an annual hourly cost of \$21,568 per valet for every hour required by the CUP. Even allowing for \$35,000 per year per employee to account for taxes, insurance, benefits etc., Vidiots would be able to hire three full time valets itself for an annual cost of \$105,000. Or Vidiots could get a service that would probably cost nothing with a small parking fee, or which would cost less than the above even without a fee. We have no idea where Vidiots got this estimate from, but we are highly confident that it does not reflect a sincere attempt to figure out how to provide valet services economically. ***This shows why the appeal should have been filed by the real party in interest.***

Cost of Parking. The same Vidiots Memorandum claims that 54 parking spaces would cost \$491,400 a year due to the need to obtain parking within 750 feet. ***This is a ludicrous \$758 per month cost for every vehicle.*** The notion that they could not find evening parking spaces at a vastly lower cost is simply lacking in credibility. At \$150 per month per space the cost would be \$97,200 per year. One Hundred thousand dollars a year is a lot of money for many Eagle Rock institutions, including some that are literally 100 feet from Vidiots. Until Vidiots takes this seriously and goes out and determines that it needs to find parking to address the community concerns, it will not be able to get any real costs. No one negotiates with ghosts. Again, this is really none of Appellant's business. Appellant has no real ability to negotiate parking arrangements seriously, and any claim in this regard should have been made by Vidiots.

Outside Community. Appellant and Vidiots have obtained multiple letters, many based on form submissions, of support based on their Facebook and other campaigns that have sought to characterize the Zoning Administrator's order as unreasonable. These parties do not appear to live next to the Site, and thus have no need to be concerned about the negative effects on the health, safety, sleep, welfare and security of their families and properties. In fact, the large interest in the Site actually supports our assertion that protections are needed to prevent its neighbors from being overwhelmed. Similarly, while the Chamber of Commerce and the Neighborhood Council may express their support, it would have been more impressive if they had taken the time to ask the directly affected parties what was needed to make this project a success while meeting the needs of the persons most directly affected.

Opposition by Directly Affected Residents. In contrast to the submission by individuals who appear to be unaffected by any negative side effects of the proposal, we have separately submitted a petition signed entirely by individuals who live within 500 feet of the Vidiots site. ***Each of these signatories was well aware of the difference between supporting the existence of Vidiots in the abstract, and the need to protect the community from the side effects of its activities.*** The legitimate concerns of these parties are entitled to substantial consideration, as was evidenced by the Zoning Administrator's original order.



Planning APC East LA <apceastla@lacity.org>

Eagle Theater

Kelly Saunders <kellysaunders625@icloud.com>

Tue, Dec 8, 2020 at 2:53 PM

To: apceastla@lacity.org

As a long time resident of Eagle Rock, I attended movies at this great old theater. Please support the project that would restore this great building to its former charm and glory

Kelly Saunders



Planning APC East LA <apceastla@lacity.org>

Save Vidiots

kristydrums@yahoo.com <kristydrums@yahoo.com>
To: apceastla@lacity.org

Tue, Dec 8, 2020 at 9:34 PM

I support Vidiots in Eagle Rock both for community appeal and for the restoration of the historic Eagle Theatre as a movie theater and retail space. I support Vidiots Foundation's application to serve alcoholic beverages at this venue to support funding of this non-profit institution. The Planning Department should remove costly, unnecessary conditions from this project in order to ensure that Vidiots Foundation in Eagle Rock is able to be an accessible, affordable, and active community amenity within Northeast Los Angeles.

Thank you, KRISTY
Sent from my iPhone



LOS ANGELES HISTORIC THEATRE FOUNDATION

To: East Los Angeles Area Planning Commission (BY EMAIL)

Re: 9th December 2020 East Los Angeles Area Planning Commission Regular Meeting
Item #9 (Eagle Theatre/Vidiots ref ZA-2020-981-CUB-1A)

The Los Angeles Historic Theatre Foundation, whose mission is to preserve, protect, restore and sustain historic theatres through Los Angeles County, is excited to see the planned reactivation of the historic Eagle Theatre in Eagle Rock by nonprofit organization Vidiots.

LAHTF supports The Eagle Rock Association's appeal against certain conditions of the Conditional Use Permit, granted September 2020.

While the need to develop an approved security plan is a valid one, mandating security measures in a permit such as this is not. Writing a requirement such as the need to have a security guard on duty during operating hours, the required level of staffing, and what their roles should be before it is known what is necessary of this business is burdensome and heavy-handed. It also does not allow for ongoing adjustments to respond to actual needs that arise without going through cumbersome statutory amendments. This is not a requirement placed on other movie theatres throughout Los Angeles County, from large-scale venues such as the famous Hollywood theatres, to more comparable neighborhood movie theatres such as the Hayworth Theatre (MacArthur Park / Westlake), New Beverly Cinema (La Brea / Fairfax), or the Nuart or Aero theatres in Santa Monica. What is the rationale for it being required at the Eagle Theatre but not at other theatres?

The expensive requirement to provide valet parking services far exceeds the requirements put on any other theatre in Los Angeles County and is, frankly, absurd. Eagle Rock has good transportation connections and is also served by a growing stable of shared ride service providers that act as alternatives to traditional individually driven automobiles. LAHTF is not aware of any other theatre in Los Angeles County which is required by the local authority to provide parking at their expense. Whereas the argument could be made that the majority of mainstream theatres are in areas with exceptional transit connections and readily available parking facilities, there are still many local neighborhood movie theatres which are not required to provide valet parking and services in order to operate. Examples of comparable theatres include:

- Hayworth Theatre (MacArthur Park / Westlake)
- New Beverly Cinema (La Brea / Fairfax)
- Nuart Theatre (Santa Monica)
- Aero Theatres (Santa Monica)
- Old Town Music Hall (El Segundo)
- Fairfax Cinema (Fairfax)
- El Portal Theatre (North Hollywood)

Lastly, we request that the operating hours of the Conditional Use Permit be extended by one hour to the original closing time of 1am on weekends. This will allow Vidiots to stage a variety of events appealing to a wide audience.

Sincerely,

Mike Hume
Board Director, Los Angeles Historic Theatre Foundation



Planning APC East LA <apceastla@lacity.org>

Support for Vidiots

Megan Whitmarsh <meganwhitmarsh@me.com>

Wed, Dec 9, 2020 at 8:06 AM

To: apceastla@lacity.org

To whom it may concern:

I am writing to support Vidiots in my community. I do not think they should have to provide valet parking and security guards. This would be onerous and make the business untenable and is unnecessary.

Vidiots will be a welcome cultural addition to our neighborhood and I hope it is able to open. I have teenage children and I would love for them to have access to independent, classic and art house screenings and also have a way to enjoy being out with them and not in front of a computer! A place to enjoy meeting people in our community and to discover cinema.

We have lived here for 20 years and have raised our children here. We hope you will waive the conditions attached to vidiots reopening and allow us to have this great new addition to our community.

Megan Whitmarsh & Matthew Salata
1600 N. Avenue 56
LA CA 90042



Planning APC East LA <apceastla@lacity.org>

In support of Vidiots in Eagle Rock

Nick Johansson <nickjohansson@me.com>

Tue, Dec 8, 2020 at 12:38 AM

To: apceastla@lacity.org

Hello and thank you for reading.

I would also be remiss if I didn't first mention that in times like these we need a little hope and the idea of Vidiots opening and restoring the theater for an arthouse style viewing experience is just the kind of hope we need.

I am a fan of cinema, of the culture of filmmaking and the art of indie films. Vidiots will bring a wonderful atmosphere to this already amazing town and it will do it without a large footprint or the stink of some corporate powerhouse. This is the type of business we should want - communal and respectful, innovative and nostalgic all at once. Please consider relaxing your requirements to give this beautiful business model a chance to thrive in this community.

Thank you,
Nick Johansson

NICK JOHANSSON.COM | 310.733.6070



Planning APC East LA <apceastla@lacity.org>

Vidiots

Nola Lunstedt <indiegroupp@sbcglobal.net>

Tue, Dec 8, 2020 at 4:08 PM

To: apceastla@lacity.org

Putting in a good word for Vidiots opening. Our tight neighborhood of Eagle Rock is excited and in full support of the grand opening. Wonderful stories of locals who went to the theater as kids have been shared on Next Door Eagle Rock.

After the year we have all had, we need something to look forward to.

Thanks for listening.
Nola Lunstedt

Sent from my iPhone



Planning APC East LA <apceastla@lacity.org>

In support of the Eagle Rock cinema project

Paul Zaloom <paulzaloom@gmail.com>

Tue, Dec 8, 2020 at 3:13 PM

To: apceastla@lacity.org

Hi there. I'm an artist, filmmaker, and puppeteer who lives and works up the hill from the proposed new theater on Eagle Rock and Yosemite. I want to add my full support to this project; what an incredible cultural asset to our community!

Parking is not a big deal around there, with plenty of spaces that were formerly used by the church goers when the theater was holding religious services. And the requirement to have a security guard seems excessive, even if drinks are served there. Why put up barriers that will prevent an incredible cultural gift to us all? We should be doing our best to make sure this project can happen.

Thank you for listening; I really appreciate it. Be well,

Paul Zaloom

Opposition to Appeal, Case No. ZA 2020-981-CUB-1A

We are all residents of Eagle Rock who live within 500 feet of Vidiots, 4878-4884 West Eagle Rock Blvd., Los Angeles, CA 90041.

Under the Commercial Corner Development Standards that apply to the location, businesses must close by 11:00 pm unless relief is granted by the Zoning Administrator. Vidiots applied to stay open until 1:00 am daily, and to serve alcohol. A hearing was held on the application, and several objections were raised, including that:

- (1) The site has no parking and is adjacent to a large number of single family and other residential properties.
- (2) Due to its operation as a Theatre, it will operate differently from other businesses that have patrons arrive and depart at various times. Instead, large numbers of patrons will arrive and depart at once.
- (3) Although the site is "grandfathered" so that it does not have to comply with the current requirement to provide parking, that "grandfathering" does not automatically permit it to operate without parking after 11:00 pm.
- (4) Given the very limited amount of parking on Eagle Rock Blvd. and the lack of public parking, patrons will have no choice but to park on the residential streets adjoining Eagle Rock Blvd.
- (5) Any mass transit or bicycle arrangements are highly unlikely to provide an alternative to driving to the site after 11:00 pm, which is when the relief is sought.
- (6) Alcohol sales at the site compound the problem, particularly with respect to patrons using the site late at night.
- (7) As a result, the local residents – ***the ones who actually live within 500 feet of the site and who would have to bear the burden of its activities*** – would have to deal with large numbers of patrons coming and going.

As a result of these concerns, the Zoning Administrator required that, in order to stay open past 11:00 pm and to serve alcohol, Vidiots comply with certain conditions. Included in the conditions were the following:

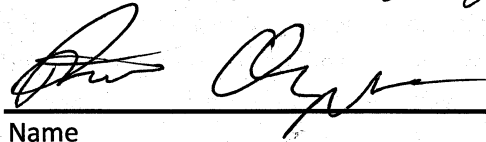
- (1) Business hours would end at 11:00 pm Monday through Thursday, and Midnight on Friday, Saturday and Sunday, other than routine cleanup.
- (2) Security be provided in connection with the operation of the site.
- (3) Off site parking must be provided, with a minimum of 54 spaces and valet parking after 6:00 pm, with no use of the local streets for parking.

Although Vidiots did not appeal the conditions, a third party, Greg Merideth, appealed and sought to remove several of them. We believe that any activity past 11:00 pm is objectionable for the reasons state above. Vidiots is free to operate before 11:00 pm, and to operate as a traditional theater without alcohol, without having to comply with the above. By not appealing, it has already agreed to comply with the Order if it wants to operate outside of those hours or to serve alcohol. We strongly object to the request by Mr. Merideth and believe that he cannot show any

"harm" to himself if Vidiots is merely required to comply with the existing law without modification. In contrast, we and our children will have to deal with the noise, crowding, and parking issues caused by the mass coming and goings of up to 271 patrons at once.

Signed by:

Alejandro Ocampo



Name

Address

2122 Yosemite Dr LA CA 90041

Karla Cervillo

Name

2112 Yosemite Dr LA CA 90041

Address

Dani Disotelle

Name

2213 Addison Way 90041

Address

Rebekah Fincher

Name

2219 Addison Way

Address

Ruthie Miller

Name

2229 Addison Way

Address

Blaira Vitaliz

Name

2223 Addison Way

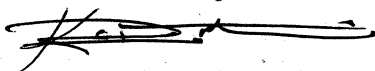
Address

Dempsey Vitaliz

Name

2223 Addison Way

Address



KATHERINE RUBENSTEIN

Name

2127 ADDISON WAY

Address

Name

Address

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Signed by:

Ivar Sohn *[Signature]* 2105 Addison Way ^{LA} 90041
Name Address

Anna Sohn *[Signature]* 2105 ADDISON WAY ^{LA CA} 90041
Name Address

Linda Lomen *[Signature]* 2130 Addison Way ^{LA CA} 90041
Name Address

[Signature] 2126 Addison Way ^{LA} 90041
Name Address

JOANNE GUZMAN *[Signature]* 2112 Addison Way
Name Address

HERMINO JAMES *[Signature]* 2109 ADDISON WAY
Name Address

1001 Alvarez *[Signature]* 2155-Addison Way
Name Address
Jany Alvarez ^{LA CA} 90041

Name Address

Name Address

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Signed by:

Heidi Baker
Name

2138 Addison Way LACA 90041
Address

DUSTIN AKSUAND
Name

2138 ADDISON WAY LA, CA 90041.
Address

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Signed by:

Francisco Devera
FEDERICO DEVERA

Name

12/6/2020
2119 Addison CA 90048

Address

Carolina Devera
CAROLINA DEVERA

Name

2119 Addison CA 90048

Address

Federico Devera
FEDERICO DEVERA

Name

12/6/2020
2115 Addison Way CA 90048

Address

Carolina Devera
CAROLINA DEVERA

Name

2115 Addison Way
CA 90048

Address

Name

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