



September 18, 2020

Los Angeles Department of City Planning
201 N Figueroa Street
Los Angeles, CA 90012

via online submission portal and by email - planning.figcounter@lacity.org

RE: Aggrieved Party Appeal of Case No. ZA 2020-981-CUB - Justification Letter

Honorable Planning Commissioners:

On behalf of The Eagle Rock Association (TERA), I am writing to appeal portions of the September 8, 2020 Letter of Determination conditions for Case No. ZA 2020-981-CUB - 4884 N. Eagle Rock Boulevard (Vidiots Foundation) to the East Area Planning Commission in advance of the September 23rd appeal term deadline. The Zoning Administrator has erred in his Letter of Determination by applying costly and unreasonable conditions inappropriate for a movie theater use operated by a local non-profit organization.

As TERA has communicated previously to the Department of City Planning in letters dated 2/20/2020 and 7/31/2020, the Eagle Rock Community widely supports the application by Vidiots Foundation to operate a Motion Picture Theater and retail store with alcoholic beverage sales within a rehabilitation of the historic Eagle Theatre (formerly the Yosemite Theatre). TERA is a longstanding community service non-profit founded in large part to protect and rehabilitate the Eagle Rock community's architectural heritage and improve the quality of life for the vibrant and diverse community that calls Eagle Rock home.

Vidiots Foundation is a cultural institution focused on the celebration of cinematic arts. The film industry is an integral part of Los Angeles' history and continued economic prosperity, whose strength is cemented by a network of businesses, professionals, screening theaters, and institutions like Vidiots Foundations across Los Angeles communities. This project offers a unique opportunity not only to bring a well-regarded cultural institution to Eagle Rock but also to restore and refurbish the Eagle Theatre to screen movies. The Eagle Theatre dates back to 1929 (when it was called the Yosemite

Theatre), but has fallen into disrepair and has not been open to the public for two decades.

TERA's Rock The Boulevard Initiative

TERA submits its appeal as an aggrieved party for the impact that conditions within the Zoning Administrator's Letter of Determination will have on TERA's ongoing work to improve street safety and build a more sustainable transportation system in Eagle Rock. Since 2018, TERA has been working on a streetscape improvement initiative called Rock The Boulevard. This initiative seeks to improve pedestrian, bicycle, and transit mobility along Eagle Rock Boulevard and within the Eagle Rock community, while reducing vehicle traffic in the area. In 2019, this initiative successfully brought \$16 million in County grant funds to remake Eagle Rock Boulevard. Conditions related to valet service and parking procurement conditions incorporated in the 7/8/2020 Letter of Determination would create an increase in vehicular demand for a property that has not historically been required and never has provided off-site parking for the theater use. These conditions to provide new additional off-site vehicle parking are not consistent with Rock The Boulevard or the community goals for this area.

Appeal of Unreasonable Conditions

TERA objects to conditions 7, 16, 17, 32, 33, 34, 35, 36, 37, 38, and 39 of the Letter of Determination. If applied, these costly items would negatively impact 1) the economic viability of this project, 2) cultural development within the Eagle Rock community, 3) economic development along Eagle Rock Boulevard, and 4) the success of TERA's Rock The Boulevard initiative.

I. Valet Parking and Off-Site Parking (Conditions 32-39)

Conditions 32-37 would place valet and leasing of off-site parking requirements for all times of business operation. These conditions would negatively impact TERA's Rock The Boulevard project by increasing vehicular travel to the Vidiots Foundation theater for daily movie showings.

Pursuant to Los Angeles Municipal Code Section 12.21 A4, no parking is required to support the theater and retail uses of the Vidiots Foundation theater, as the project proposes no change in use and is categorically exempt under CEQA. Imposing vehicle parking requirements tied explicitly to the sale of alcoholic beverages defies logic, appears to encourage intoxicated or impaired driving and undercuts Rock The Boulevard goals to reduce vehicle use in the area. Requirements for valet and vehicle parking would serve as subsidies to increase driving to this property. Instead of encouraging access by car, the City of Los Angeles should acknowledge and support plans to provide guest access through pedestrian, bike, and transit modes, supplemented by taxi and rideshare services. TERA urges that these conditions be eliminated from Vidiots Foundation's Conditional Use Permit or revised in coordination with the applicant

to address only related to special events, such as film premieres, special screenings, or Q & A sessions with celebrities, that may benefit from such vehicle parking management services.

II. Economic Viability (Conditions 7, 17, 32-39)

The Vidiots Foundation is a non-profit institution dedicated to the celebration of cinematic arts. This foundation seeks to provide affordable access to historical works of film and provide educational programming for children and young people interested in film. These community services are key reasons that TERA supports the Vidiots Foundation at this location.

Condition 7a would reduce Vidiots Foundation intended operating hours and, as such, limit the ability to provide multiple film screenings per evening. The reduction in available screening times will reduce the scope of films that Vidiots can highlight and reduce the economic viability required to support programming for low-income families and affordable ticket prices. The sale of alcoholic beverages in coordination with movie theater and special event programming is not a concern for this project and is recognized as necessary to support the economic viability of services.

Condition 17 would require that the Vidiots Foundation provide private security at all opening times. This condition is incredibly costly, and while private security may be common for a bar use, it is entirely uncommon for a movie theater that will show vintage films. The high cost of private security for extended hours negates the non-profit institution's economic viability to pursue this project. For context: even when this theater property was operated for a short period of time in the 1970s as a pornographic movie theater, it was not required to provide on-site private security. Simply put, Vidiots Foundation should not have to forgo educational services for area children to pay for security services for regular screenings of classic films.

Conditions 32-39 would require valet parking services and leasing of off-site parking spaces. The cost to provide this level of parking is significant and inconsistent with prior use of this theater. As discussed earlier, it is also inconsistent not only with current transportation modes in the area, but also with ongoing transportation mode shifts towards walking, biking, transit, taxi, and rideshare travel.

Each of these conditions places undue financial burdens that sabotage the viability of this critical project. Vidiots Foundation has communicated that costs related to hiring a security guard, full-time valet, and leased parking exceed \$1 million in annual costs on top of the organization's intended budget. TERA strongly urges that these conditions be eliminated from Vidiots Foundation's approved Conditional Use Permit.

III. Project Significance

The Eagle Theatre is a significant cultural resource within the Eagle Rock neighborhood whose rehabilitation has been a longstanding goal of the community. Many of Eagle Rock's more tenured residents fondly remember patronizing this theater dating back to the 1940s, whether it being dropped off by parents, walking to the ticket office, or taking the bus to access the theater from nearby.

The Los Angeles movie industry is intimately tied to Eagle Rock, as many films and television shows have used Eagle Rock as a prominent filming location. But more significantly, Eagle Rock has served as a home for many who work in the film and TV industries. Having a cultural institution to celebrate their work within Eagle Rock is an incredible opportunity to build a lasting cultural resource that celebrates the work of these residents within this Los Angeles community.

During a Period of Political Turmoil, the City of Los Angeles has Failed to Provide Adequate Representation for the Communities of Council District 14

The movie theater business has changed dramatically since the single-theater at this location opened as the Yosemite Theatre in 1929 (later called the Eagle Theatre). As the industry has shifted to favor larger multi-plex theater locations, small theaters like this property have struggled to find and sustain operators. The investment of the Vidiots Foundation in restoring this vacant theater is a unique, one-time opportunity to save it from disrepair and demolition. This rehabilitation opportunity has widespread support from the Eagle Rock community. It is unfortunate that the City of Los Angeles—over the period in which Council District 14 has been without the representation of a City Councilmember due to the FBI indictment of former Councilmember Jose Huizar—has failed to heed this community call for support with reasonable conditions for operation.

TERA urges the East Area Planning Commission to recognize the Eagle Rock community's overwhelming support for this project as envisioned in its original application and reduce the barriers that hinder the Vidiots Foundation at the Eagle Theatre from being a regional success.

Sincerely,



Greg Merideth
President

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