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April 18, 2018

BY FIRST CLASS MAIL AND
EMAIL: SHARON.DICKINSON@LACITY.ORG

Council President Wesson and Honorable Council Members
Los Angeles City Council
200 N. Spring Street
Los Angeles, California 90012-4801
Attn: Sharon Dickinson, Deputy City Clerk

Re: Opposition to Application for Determination of Public Convenience or Necessity for the Lyric Theater (520 N. La Brea): Council File 18-0166


Dear Council President Wesson and Honorable Council Members:

I am writing to you on behalf of the Rabbinical Council of California (RCC), the largest body of Orthodox Rabbis in the Western United States. The RCC is headquartered in Los Angeles. Many of its member Rabbis serve or are involved with synagogues, schools and/or other educational or religious institutions in the vicinity of the Lyric Theater.

For the reasons stated in (1) the letter regarding this matter submitted to you by George J. Mhlsten of Latham & Watkins, dated April 4, 2018 (copy enclosed), and (2) the statement we submitted to the Central Area Planning Commission on February 26, 2018 (copy enclosed), **we oppose the application of the Lyric Theater for a determination of public convenience or necessity and ask that the application be denied.**

Should you have any comments or questions, please do not hesitate to contact me at 213-465-3009 or wsachs@sachslaw.net.

Very truly yours,



Wayne Sachs

Enclosures

cc (by email): Rabbi Avraham Union, RCC (runion@rccvaad.org)
Councilman Koretz, Attn Jeff Ebenstein (jeffrey.ebenstein@lacity.org)
Michael Feuer, Los Angeles City Attorney (mike.n.feuer@lacity.org)
George J. Mhlsten, Esq., (george.mhlsten@lw.com)

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LATHAM & WATKINS LLP

April 4, 2018

VIA CERTIFIED MAIL AND EMAIL

Council President Wesson and Honorable Councilmembers
Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012-4801
Attn: Sharon Dickinson, Deputy City Clerk
Sharon.Dickinson@lacity.org

Re: Opposition to Application for Determination of Public Convenience or Necessity for
the Lyric Theatre (520 N. La Brea Ave.): *Council File 18-0166*

Dear Council President Wesson and Honorable Councilmembers:

Yeshivath Torath Emeth Academy, an orthodox Jewish school serving over 1,000 children from ages 4 to 17, and other nearby religious and community sensitive uses, are strongly opposed to a Public Convenience or Necessity determination for the Lyric Theatre. The Lyric intends to operate a concert venue, nightclub and theater with full alcohol service at this location with the 13 religious and community sensitive uses within the block and in the immediate area. We respectfully request that the City Council deny the Lyric's application for determination of Public Convenience or Necessity.

In addition to Torath Emeth, other sensitive uses located nearby include the Jewish Learning Exchange (a synagogue), Bnos Devorah High School, Congregation Kollel Yechiel Yehuda, Bais Yaakov School for Girls, Bikur Cholim House, Congregation Levi Yizchok, City View (seniors residences/assisted living), and La Brea Rehabilitation Center (nursing home/rehabilitation). Each of them, along with the California Rabbinical Council and over 700 residents in the immediate surrounding residential community have opposed the issuance of any determination, permits and licenses to allow the Lyric to operate with alcohol service.

The Council should deny the request on the following grounds:

1. The approval of a determination of Public Convenience or Necessity is premature. On March 20, 2018, Torath Emeth filed an appeal of the Mitigated Negative Declaration (MND) associated with the conditional use permits for alcohol sales and dancing granted by the Central Area Planning Commission. On March 23, 2018, many of the other sensitive uses in the community also filed appeals of the MND. Given the multiple appeals of the MND, no action

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can be taken by the City to approve a determination of Public Convenience and Necessity until the City Council takes action on the CEQA appeals.

2. The Lyric's request for an alcoholic beverage license from the California Department of Alcohol Beverage Control has been withdrawn. According to the Supervising Agent in Charge of the Los Angeles office, the Lyric is not eligible to apply for a new license until February 22, 2019.

3. There is a clear over-concentration of alcohol sales within the area. There are 13 on-site and 3 off-site ABC alcohol licenses in the Lyric's census tract, far exceeding the ABC's licensing criteria of 2 on-site and 1 off-site licenses in the census tract.

4. As noted in a recent City report, the 221 reported crimes in the reporting district where the Lyric property is located, exceeded both the citywide average and the average for high-crime reporting districts. The reported crimes is **22 percent greater** than the Citywide average.

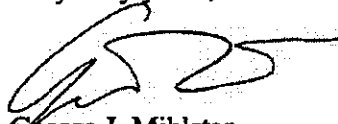
5. The Lyric does not have a single parking space. The addition of a seven-day-a week concert venue and nightclub open until 2:00 a.m. discharging upwards of 300 people in the community would adversely impact the community.

6. The local community is one of the few orthodox areas in the City. Community members, including children, frequently walk to afternoon, early evening, and nighttime events at the schools and synagogues. Study and worship at the synagogues often extend well into the night. Placing a nightclub and concert venue with alcohol service in this community is fundamentally inconsistent with this community.

Here, the record is clear that the public convenience or necessity would *not* be served by an alcoholic beverage license at the Lyric.

Should you have any questions, please feel free to contact me at (213) 891-8196 or george.mihlsten@lw.com.

Very truly yours,



George J. Mihlsten
of LATHAM & WATKINS LLP

cc: Los Angeles City Councilmember Paul Koretz, Council District 5, Attn: Jeff Ebenstein
Michael Feuer, Los Angeles City Attorney
Winston P. Stromberg, Latham & Watkins LLP
David F. Thompson, Latham & Watkins LLP
Rabbi Goldenberg, Yeshivath Torath Emeth Academy

STATEMENT IN SUPPORT OF APPEALS AND
OPPOSING LYRIC THEATER CUPs
BY RABBINICAL COUNCIL OF CALIFORNIA (RCC)
Wayne Sachs, Esq., Special Counsel for RCC

Appeal Before Central LA Area Planning Commission – February 26, 2018
Case No.: ZA-2016-2548-CUB-CUX-1A
Project Site: 520 N. La Brea Avenue

The Rabbinical Council of California (RCC) is the largest body of Orthodox Rabbis in the Western United States.

- RCC's seventy members are **pulpit Rabbis ministering and heads of educational institutions.**
 - Member Rabbis directly serve approximately **six thousand families** and a larger network beyond them.
 - **Concentrated in Southern California.**
 - RCC services include **mediation and binding arbitration of commercial disputes** and also **supervision of kosher food production** in commercial and industrial facilities.
-

RCC ARGUMENTS AGAINST THE CUPs.

It's a nightclub, and this is the wrong location for a nightclub

I. The CUPs are Completely Incompatible with the Surrounding Area.

- The Lyric property is surrounded by **at least eight sensitive uses within 600 feet.** See map. Six nearby sensitive uses have filed appeals:
 - **Yeshivath Torath Emeth Academy** (a school for boys and girls schools with approximately 1,000 students)
 - **Jewish Learning Exchange** (a synagogue and educational center located **50 feet from the Lyric**, with **religious services seven days per week, plus Friday and Saturday nights, and with regular classes at night**)
 - **City View Villa** (an assisted living facility for seniors)
 - **La Brea Rehabilitation Center** (a nursing home and rehabilitation center)
 - **Bnos Devorah High School** (for girls; also a synagogue, from **Friday afternoons through Saturday nights and on Jewish Holiday**)
 - **Kollel Yechiel Yehuda** (a synagogue and advanced educational center **operating seven days per week from 7am to 11pm**).
- **Three additional synagogues** are located on La Brea within 1.5 blocks south; daily and nightly activity.
- We **DO NOT oppose liquor, music or dancing.** But the Code requires that such uses be limited to appropriate locations, and the Lyric location is not appropriate.
- **Opposition to the CUPs is local.** The Planning Department recently received at seventy letters (see case pages pdf 366-448) and at least 662 petition signatures (see case pages pdf 450-577).
- **These are in addition to hundreds of opposition emails previously** received by Planning (see case pages pdf 579 to 916).
- **At least 95% of the opposition is from people who live in the area and/or send their children to school there and/or worship there.**
- By contrast, support for the CUPs is almost exclusively from outside the neighborhood.

II. The CUPs Grant the Right to Operate a Nightclub.

- Liquor service and dancing 6am to 2am.

III. The Lyric has been operating a Nightclub Illegally for Two Years.

- The Lyric claims to want to operate a theater.
- But publicly available information shows they have been **operating a nightclub illegally for at least two years.** See **nightclub photos and visitor comments** at pages 345-362 of case file pdf.

- **The Lyric advertises itself as available for rent by other operators, with liquor service, on a daily, weekly or monthly basis.** (See the following, cited at page 367 of case file pdf.)
 - <http://thelyricia.com/the-venue/> and scroll down to the Rental Form. The “Services Desired” section of the form includes an option for “**Open Bar.**”
 - <https://la.spacefinder.org/spaces/7259> and scroll down to the “Booking Policies” section which includes “**Other Allowed Activities: . . .Alcohol permitted.**”
- There have been problems: loitering outside the adjacent synagogue, foul language as families children walk by; nuisances on nearby streets.

IV. The CUPs Grant the Right to Operate a Nightclub in Perpetuity.

- The CUPs run with the land. This is FOREVER.
- Even if the Lyric wants to operate properly, the property owner **could sell or lease to a nightclub at any time.**
- The result would be raucous, rowdy nightclub patrons on the street, nuisances, parking problems, etc.

V. Conditions are NOT Enforced.

- Four years on MCW Land Use Committee (approx. 2004-2008), including as chair of the Committee.
- Frequent complaints from neighbors of bars about violations of conditions.
- Unless there is a shooting, LAPD lacks the resources to enforce conditions.

VI. Our Community Cannot Move, But the Lyric Could Move Easily.

- Our community has been in this neighborhood for **more than 50 years** and has, nearby, approximately:
 - 500 to 1000 homes
 - 22 synagogues
 - Seven schools.
- The Lyric owner can sell or lease this property and then move the Lyric to another location: there are many suitable locations both a few blocks north on La Brea and also along Melrose. .
- We cannot move. **It is not practical or reasonable to place a nightclub in this location.**

VII. Parking is a Major Problem.

- The immediate area has a **severe parking shortage.**
- The Lyric can offer valet service but **cannot force patrons to use the valet.**
- This impact on nearby nighttime classes and religious services cannot be mitigated.

VII. Our Wonderful City Has Many Locations that Could Accommodate the Lyric’s Nightclub.

- Wonderful City with many diverse and interesting neighborhoods.
- Many places for the Lyric to go.
- We want to preserve our neighborhood, especially this part, which is **an island of sensitive uses which currently has no nightclubs.**

VIII. Conclusion:

- A nightclub is completely incompatible with this location.
- Please Grant the Appeals without Conditions.

Thank you for your time and consideration

Respectfully submitted,

Wayne Sachs

Wayne Sachs, Special Counsel for the
Rabbinical Council of California