

Justification For Appeal

DIR-2009-4-RV-PA5

740, 742, 744, 746, and 748 South Broadway

Representative: Elizabeth Peterson-Gower Elizabeth Peterson Group, Inc. PO Box 6620 Pine Mountain Club, CA 93222 elizabeth@epgla.com	Appellant: 740 South Broadway Associates, LLC 740 S Broadway Los Angeles, CA 90014
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Reason for the appeal:

We are appealing the decision in its entirety and categorically reject all conditions imposed on the property.

Specific points at issue:

Since 2009 the Globe Theater has been trapped in an impossible catch 22, because DIR-2009-4-PA-4 contains conditions that are materially incongruent with each other. If we comply with one condition, we become non-compliant with another. The Office of Zoning Administration soon recognized this problem and guided us to apply for a new CUP to address it. Subsequently and consistently since this time, the Office of Zoning Administration has been assuring us that if we address these conditions and meet certain criteria, a new CUP will be issued to supersede the 2009 CUP. Based on this repeated assurance, we did the required work and demonstrated to the Office of Zoning Administration that we had complied as required. As a result, the new CUP ZA-2014-1507-CUB-CUX was issued on November 14, 2014. The new CUP incorporated all remaining Conditions from DIR-2009-4-PA-4, thereby making DIR-2009-4-PA-4 moot in its redundancy and allowing for CUP ZA-2014-1507-CUB-CUX properly to supersede the 2009 CUP. Thereafter, the operations of the Globe Theater continuously and dutifully operated in accordance with all of its conditions since November 14, 2014 except for the period which the government response to the Covid 19 Pandemic required the theater to cease operations in 2020.

Once the theater was allowed to reopen, the Plan Approval for DIR-2009-4-RV-PA5 was filled as required. Ownership also found that the operator Eric Chol was not operating at an appropriate level as he had previously prior to Covid. Ownership went to court and had him legally removed from the subject property. LACP staff were notified of this change directly.

Throughout this process we were assured by Zoning Administrators from the City of Los Angeles Planning Department that DIR-2009-RV-PA5 would remove conditions within this case so it would not conflict with the decision of ZA-2014-1507-CUB-CUX-PA1 published on April 19, 2024.

We know that the November 14th, 2014, Decision ZA-2014-1507-CUB-CUX penned by ZA Fernando Tovar is a direct indication that the conditions of DIR-2009-PA-4 would be removed in PA5. This was coordinated carefully in presiding years by Chief ZA Lynn Wyatt and her planning staff, CD 14, and property ownership.

How are we aggrieved:

Since 2017, ownership of 740 S Broadway has spent over \$22,000,000.00 to rehabilitate the office tower and millions of dollars to revitalize the Globe Theatre as noted by ZA Sue Chang in her findings of DIR 2009-0004-RV-PA5. Ownership agreed to meet the request to restore its historic features including the lobby entrance and the marquee, making the Globe one of the leading contributors to the Bringing Back Broadway campaign – on which the City has capitalized endlessly in countless PR campaigns.

The rental income from the Globe Theatre is the only source of income that can sustain the multimillion-dollar capital investment that the owners have made in this property. Presently, the Arcade Theater is not operational and in need of much repair. This makes the Globe Theater the oldest operating theater on Broadway. It is an iconic part of LA's history and a main contributor to the legacy of Broadway.

With the restrictive Conditions of DIR-2009-4-RV-PA5, no world-class operator will ever come back into the Globe Theatre as a reliable tenant. Ownership will therefore have no option left but to gut the Globe Theatre entirely and turn it into a retail store. Market analysis has suggested that a hardware store is the only viable use for the space. They will be left with no option but to pursue that path as soon as possible in order to protect our investment.