

DEPARTMENT OF NEIGHBORHOOD
EMPOWERMENT WITNESS STATEMENT FORM

FOR DEPT USE ONLY
Grievance # _____
Witness Form # _____

Witness Name: FRANKLYN E. DE FOE Contact Number: 323 257 5557

Mailing Address: 5327 Mt. Helena Ave Email: frankdefoe@SRC
EAGLE ROCK, CA 90041 global.net

Grievances are defined as set forth in the Los Angeles Administrative Code Section 22.818.

"The following information contained herein is within my own personal knowledge and relates only to facts and circumstances surrounding the Grievance submitted by KERRIN ISO on JANUARY 5, 2017 regarding EAGLE ROCK Neighborhood Council."

SEE ADDENDUM ATTACHED

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 21, 2016

Name: FRANKLYN E. DE FOE

Signature: [Handwritten Signature]

Department Review

Date witness form received: _____ Date witness form reviewed: _____

Witness form reviewed by: _____ Grievance number: _____

Franklyn E. DeFoe, 5327 Mount Helena Avenue, Eagle Rock, CA 90041 www.frankdefoe.net
Department of Neighborhood Empowerment Witness Statement:

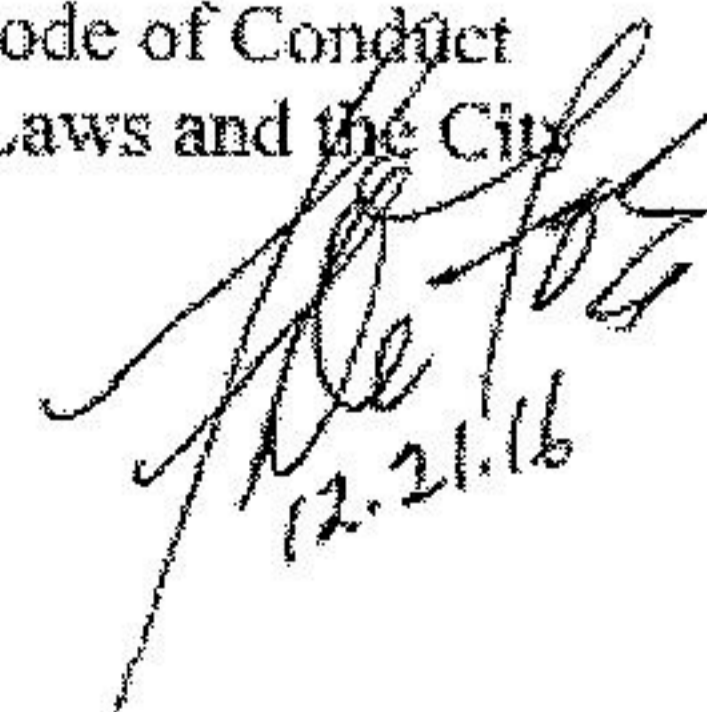
I am an Eagle Rock stakeholder for many years, and a licensed California and Hawaii Real Estate Broker and developer for over 50 years. My background includes Chair of the Planning and Land Use Committee at the Hollywood Hills West Neighborhood Council, and on various design committees. I attended the October 18, 2016 Eagle Rock Neighborhood Council Land Use and Planning Committee (ERNC LUPC) meeting. David Greene, Chair of the ERNC LUPC, Immediate Past President of the Eagle Rock Neighborhood Council (ERNC) and ERNC Board Member, chaired the October 18, 2016 ERNC LUPC meeting that recommended approval of The Bird Nest LLC's permit application for religious use.

The Bekins Estate portion of the October 18, 2016 ERNC LUPC was 2 hours at the most. This came after 1+ hours of the Oxy recreational center presentation. There was a man sitting in the front row. He was a first-time attendee, who lives on Mt Washington. His main concerns were crowd noise and light pollution and took over the conversation with David Greene. This went back and forth without restriction.

During the Bekins Estate presentation, there were 16+ people, who spoke against approving The Bird Nest LLC Conditional Use Permit Application. Per Chairman David Greene's recommendation, at the October 18, 2016 ERNC LUPC, I presented one set of originals and one copy of 106 petitions from stakeholders in opposition to approving The Bird Nest Conditional Use Permit Application ZA-2016-1406-CU-ZAD. I was told by Mr. Greene that the petitions would be brought to the November 1, 2016 Eagle Rock Neighborhood Council meeting. No one presented a petition in support. The man from Mt Washington took over again and suggested 25 small cottages or other buildings for the retreat. As the night wore on, over half of the people at the meeting left. All of them were against the ERNC's approving the conditional use permit application.

I have personal knowledge that at that October 18, 2016 ERNC LUPC meeting there was NO indication or evidence **"that on the whole, the neighborhood residents wouldn't mind the retreat use"**.


I understand that in response to a Public Records Act request for the October 18, 2016 ERNC LUPC meeting speakers' cards the ERNC responded that it had no speakers' cards - even though they are public documents, and I know that I filled out a speaker's card in order to present at the October 18, 2016 ERNC LUPC meeting. Following that meeting on October 24, 2016, Katrina Perez, a member of the ERNC LUPC, informed Mr. Greene that she was "impressed with the volume of signatures". On October 24, 2016, Mr. Greene wrote to Ms. Perez the following: "*A straight up NIMBY vote will not get the neighbors what they want, which is the status quo.*" (Italics only added.) Mr. Greene's describing the adjacent neighbors and surrounding neighbors of the former Bekins Estate as simply presenting a "not in my backyard" position demonstrates Mr. Greene's lack of respect for each one of the petitioners in opposition to the project in violation of the City of Los Angeles Neighborhood Council Board Member Code of Conduct Policy, City Charter Section 900, the Eagle Rock Neighborhood Council By-Laws and the City of Los Angeles Neighborhood Councils Rules, Standards and Best Practices.



12.21.16

Unfortunately, Mr. Greene was not at the November 1, 2016 ERNC board meeting and the 106 petitions, which had grown to 200+, were left in someone's car that day and not presented to the full board!

I understand that on October 28, 2016, Mr. Greene informed Brian Bowman, another member of the ERNC LUPC, that Mr. Bowman should copy Mr. Greene or the "whole LUPC" on any explanation of Mr. Bowman's vote to "a citizen" regarding The Bird Nest LLC's permit application because Mr. Greene stated "these kinds of direct emails are often fishing expeditions for perceived shenanigans. Sunlight usually keeps the conspiracy theories down to a minimum". Shortly thereafter, it is my understanding that Mr. Greene sent the ERNC, the ERNC LUPC, Lisa Kable Blanchard, Chair of the ERNC, an explanation of his vote on October 18, 2016 to recommend approval of The Bird Nest LLC's permit application for religious use. That October 28, 2016 communication constitutes a violation of The Brown Act and the ERNC's by-laws to have a "fair open and transparent procedures for the conduct of all Council business. In that communication Mr. Greene extensively discussed his point of view and argued his personal opinions. Two other ERNC LUPC members, James Panozzo and Mr. Bowman, sent out additional follow-up communications to both the ERNC (and ERNC LUPC) members regarding Mr. Greene's improper communication, thus constituting two additional Brown Act and ERNC by-law violations.


12.21.16