

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

RE: Appeal Response for Raising Cane's

6726-6740 West Sunset Boulevard, 1434-1456 North McCadden Place, Los Angeles CA 90028

Department of City Planning Case Nos. ZA-2021-4710-CU-ZV-SPR, ENV-2021-4711-MND

Zoning Administrator's Letter of Determination dated September 30, 2022

Members of the Central Area Planning Commission:

On behalf of Raising Cane's, the applicant for the above-referenced development involving the proposed demolition of a one-story, commercial structure and the construction of a one-story, Raising Cane's drive-through fast food restaurant (the "Project") located at 6726-6740 West Sunset Boulevard, 1434-1456 North McCadden Place (the "Site") in the City of Los Angeles (the "City"), we write this Appeal Response in order to address the issues raised in the Appeal Application and Justification dated October 14, 2022 (the "Appeal Letter").

We are pleased to take this opportunity to inform the Central Area Planning Commission (the "APC") about the Project and our intent in writing this comprehensive response is to address the issues raised in the Appeal Letter.

On September 21, 2022, Christina Toy Lee, Associate Zoning Administrator presided over a public hearing regarding the Project. Following such hearing, on September 30, 2022, the Zoning Administrator issued its Letter of Determination approving the Project's entitlements upon additional terms and conditions specifically designed to ensure a well-designed Project that would be compatible with the surrounding vicinity and would provide a valuable commercial service at the Site, which is underutilized and presently vacant.

In part, the Zoning Administrator's Letter of Determination noted the Project's extensive community outreach, which involved meeting with the Central Hollywood Neighborhood Council and such body's Planning and Land Use Management Committee, both of whom expressed their support for the Project. Pursuant to its review of the Project, the Zoning Administrator approved the Conditional Use Permit and Zone Variances and adopted the Mitigated Negative Declaration in furtherance of the Project.

Thereafter, on October 14, 2022, Madeline Brozen, on behalf of five other "Hollywood renters and homeowners," (collectively, the "Appellant") submitted the Appeal Letter. The Appeal Letter seeks to overturn the Zoning Administrator's approval of the Project's entitlements and the Zoning Administrator's adoption of the Project's Mitigated Negative Declaration. The Appeal Letter raises four topics of concern: (I) Transportation and Circulation; (II) Site Design; (III) Safety and Public Welfare; and (IV) Consistency with Local Policy Plans. The concerns raised regarding each of these topics are analyzed and rebutted in greater detail below.

For the appeal of the Project's entitlements, the applicable standard of review for the APC is whether the Zoning Administrator erred or abused his or her discretion. (LAMC Section 12.24-I; LAMC Section 12.27-L.) If the APC does not find that the Zoning Administrator erred or abused his or her discretion, the APC shall reject the appeal.

As substantiated in the below analysis, the Appeal Letter has failed to show that the Zoning Administrator erred or abused its discretion in approving the Project. Further, for purposes of the CEQA appeal, the Appeal Letter and the record neither constitute nor contain substantial evidence supporting a fair argument that the Project would have a significant effect on the environment. (Wollmer v. City of Berkeley (2009) 179 Cal.App.4th 933, 939.). Here, the Project approvals, findings, recommendations and the Project conditions of Approval are fully supported and well documented. There is no evidence that the Zoning Administrator committed error or otherwise abused its discretion in approving the Project's Conditional Uses Permit and Variances. Further, there is no substantial evidence supporting a fair argument that the Project would have a significant effect on the environment.

1. 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 Appellant states that the Project would not provide a unique service to the community, is not a desirable use, and would risk pedestrian safety. The following response is provided to the Appellant's concerns.

The property is generally bordered by Sunset Boulevard to the north, Hollywood Center Motel to the east, a single-family residence (1428 McCadden Place) and Artiste Apartments (6731 Leland Way) to the south, and McCadden Place to the west. West of McCadden Place, there is a Chick-Fil-A fast food restaurant with drive-through, 3-story commercial office building, gated surface parking lot, Highland Avenue. The Project is a new and unique restaurant operator and would provide additional dining options to the surrounding neighborhood and larger Hollywood community. Raising Cane's offers a unique menu consisting of chicken fingers, coleslaw, and Texas toast. The Project would improve the existing site conditions with a new restaurant with a contemporary and modern architectural theme, new landscaping, and outdoor dining opportunities for patrons.

Raising Cane's is an active community member through their ACI initiative (Active Community Involvement). Raising Cane's ACI has six focus areas including education, feeding the hungry, active lifestyles, pet welfare, entrepreneurship, and everything else. These focus areas encapsulate the various ways Raising Cane's gives back to the community, including donation drives for a local organization, fundraisers, sponsorships, and food drives. Community involvement is part of the Raising Cane's identity, and is unique compared to other restaurant competitors.

Raising Cane's operates multiple locations throughout Southern California, and continues to differentiate itself from other fast-food competitors, including Chick-Fil-A. During the COVID-19 pandemic, Raising Cane's continued its drive-through operations, thereby meeting customers' needs while facilitating safe business practices. New practices and site design measures were developed to enhance drive-through efficiency and onsite queuing. Although indoor dining has returned, Raising Cane's still maintains and applies the lessons learned from the pandemic to new projects to enhance restaurant operations, including drive-through efficiency.

Raising Cane's has collaborated diligently with City staff over the course of two years to design a site layout that meets all applicable code requirements and safety measures. The Project site plan is depicted in **Attachment 1: Preliminary Site Plan**. Vehicular access to the Site would be provided from three driveways: two driveways (Driveway 1 and Driveway 2) on Sunset Boulevard and one on McCadden Place (Driveway 3). The two driveways on Sunset Boulevard would be 15 feet wide and only permit one-way access. Specifically, Driveway 1 would be a *right-in* access only, while Driveway 2 would be a *right-out* access for customers exiting the drive-through. Driveway 3 would be 24 feet wide and facilitate both ingress and egress to the Site.

The proposed drive-through lane would begin at the southern portion of the project site and wrap around the restaurant building in a counter-clockwise direction. Vehicles entering Driveway 3 would either park in the surface parking lot for walk-in dining or mobile pick-up orders, or enter the drive-through queue. A dual drive-through lane is proposed to allow for 23 vehicles to queue on site. Two order boards, adjacent to the drive-through lane, would be located approximately 40 feet south of the restaurant building. Vehicles would proceed toward the pick-up windows.

Customers in the drive-through lane closest to the restaurant would pick up orders at the second pick-up window. Restaurant employees would use a striped pedestrian walkway at the second pick-up window to walk across the drive-through lanes to serve customers (complete orders) in the second drive-through lane. During non-peak hours (9:00 AM-11:00 AM and 3:00 PM-5:00 PM), the secondary drive-through lane would be closed, and the dual drive-through lanes would merge into one lane as vehicles approach the restaurant pick-up window.

The proposed dual drive-through lane configuration is expected to accommodate approximately double the number of vehicles when compared to the neighboring Chick-Fil-A restaurant. During peak drive-through hours (11:00 AM-1:00 PM, 4:00 PM-6:00 PM), temporary traffic cones would be placed near the drive-through entrance to prevent patrons blocking the drive aisles and Driveway 3. Driveway 3 would be temporarily restricted to exit only during peak-hours. Temporary traffic signage would direct patrons to use Driveway 1 to enter the Site and for drive-through access. If the drive-through lanes reach capacity, patrons would queue along the drive aisle. To prevent conflicts with dine-in patrons leaving the parking lot and the queue, employees would be instructed to park in designated stalls likely to be impacted (temporarily blocked) by the queue. This would reduce vehicular movement conflicts with the queue.

The queue capacity in the parking lot is eight vehicles. In total, the Site can accommodate up to 31 vehicles in the queue. Employees wearing reflective vests would also help direct traffic on the Site to prevent spill over onto public streets, as conditioned in the Letter of Determination. Other employees would take orders from patrons in the queue using handheld tablets to further increase operation efficiencies and reduce wait-times at pick-up windows. The Project's traffic management is shown in **Attachment 2: Traffic Management Exhibit**.

As described above, the Project's site design, and proposed traffic management plan, would allow more vehicles to queue onsite and minimize impacts to surrounding roadways. Furthermore, it is important to recognize that Raising Cane's smaller and limited menu would further enhance operational efficiency at the drive-throughs. Due to the limited variation in the menu, kitchen crew and restaurant staff can prepare and anticipate patron's orders. This enhances Raising Cane's kitchen efficiency and enable's employee's ability to serve patrons in a timelier manner, both in the drive-through and dine-in operations.

The Project also orients the restaurant building to face Sunset Boulevard, with the outdoor patio seating fronting the public right-of-way on Sunset Boulevard to create an inviting atmosphere. The location of the outdoor seating area is also strategically placed to create an easy path of travel from the public right-of-way to the Site, as well as provide a buffer between the drive-through queue so that patrons are not in conflict with vehicular movements.

Raising Cane's believes the proposed site design takes advantage of the unique location and implementation of the proposed traffic management plan would reduce conflicts with the surrounding neighborhood. Accordingly, the Zoning Administrator properly determined that the Project, as conditioned, would enhance the built environment in the surrounding neighborhood and will provide a beneficial service to the community and region.

2. 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 Appellant have suggested that the transportation analysis in the City's Initial Study/Mitigated Negative Declaration (IS/MND) did not adequately address impacts related to vehicles miles traveled (VMT), and asserted that the Project will cause localized congestion and adversely affect pedestrian movement, use of transit and increase littering in the community. The IS/MND and related technical studies prepared for the Project, in addition to Conditions of Approvals outlined in the Letter of Determination, do not support these unsubstantiated statements.

In 2019, the California Environmental Quality Act (CEQA) Statutes and Guidelines were updated, changing how transportation and circulation impacts were analyzed under CEQA. Automobile delay, as measured by "level of service" and other similar metrics, no longer constitutes a significant environmental effect under CEQA. Instead, VMT is the primary metric for evaluating a project's impacts on the environment and transportation system.

The Governor's Office of Planning and Research (OPR) VMT Technical Advisory provides guidance and technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures. As defined by OPR, "VMT measures how much actual auto travel (additional miles driven) a

proposed project would create on California roads. If the project adds excessive car travel onto roads, the project may cause a significant transportation impact.”

The Technical Advisory identifies several criteria in which certain development projects are presumed to have a less than significant impact to VMT. Projects of a certain size, location, transit availability, and provision of affordable housing are presumed to have a less than significant impact to VMT. The Technical Advisory states that “adding retail opportunities into the urban fabric and thereby improving retail destination proximity, local-serving retail development tends to shorten trips and reduce VMT”. Local-serving retail, defined as retail developments under 50,000 sf, are presumed to result in a less than significant impact to VMT.

The City adopted their own VMT screening criteria as part of the Transportation Assessment Guidelines in July 2020. The guidelines require the City’s Department of Transportation to prepare an initial assessment of a proposed project to determine if a transportation assessment is required. A transportation assessment would analyze impacts or deficiencies to the circulation system generated by a proposed project, as well as the identify feasible measures or corrective conditions to offset any impacts or deficiencies identified through a transportation assessment. If a proposed project meets the VMT screening criteria, a “no impact” determination can be made.

The City’s Department of Transportation prepared a transportation initial assessment for the proposed Project. The assessment calculates a project’s daily trips and vehicles miles traveled (VMT) using the City’s Calculator tool. With regards to trip generation, the assessment found that the Project would result in a net decrease of 454 daily vehicle trips compared to the then-existing Rite-Aid store located at the Site. Since the Project would result in a net decrease in trips, VMT impacts were found to be less than significant. As noted in the City’s IS/MND, the Project is consistent with CEQA Guidelines Section 15064.3(b) and impacts are considered less than significant.

As it applies to the air quality and greenhouse gas emissions analysis, Kimley-Horn looked at the traffic generation associated with the Project. Kimley-Horn used a more conservative traffic trip generation assumption (e.g., no trip credit for the Rite Aid store) which resulted in more traffic trips associated with the Project, and thereby more mobile emissions. This approach represents a conservative analysis to determine the Project’s impacts to air quality and greenhouse gas emissions. Based on the City’s adopted CEQA guidelines, and adopted thresholds by the South Coast Air Quality Management District, the Project would result in a less than significant impact to air quality and greenhouse gas emissions. The modeled Project emissions did not exceed adopted thresholds.

The IS/MND referenced a 2006 average daily trip data on Sunset Boulevard at Highland Avenue intersection from the City’s Department of Transportation. Raising Cane’s recognize that traffic volumes have increased since 2006, however regardless of the current average daily trip volumes on Sunset Boulevard, the Project would still result in a net decrease in daily traffic trips. Therefore, no increase in average daily traffic on Sunset Boulevard would occur.

It is important to note that trip generation is not the methodology to determine significant transportation impacts under CEQA. As discussed above, VMT is the primary metric for evaluating a project’s impacts on the environment and transportation system. Based on the City’s adopted VMT screening criteria and adopted CEQA threshold, the Project would result in a less than significant transportation impact. The City’s transportation initial assessment determined that the Project would reduce in a net decrease of 454 daily trips, and the Project is presumed to have a less than significant impact concerning VMT.

The Project is proximate to existing public transit in the Hollywood community area. Metro provides public transit bus service to the project site, with the nearest bus stop at Sunset Boulevard and Highland Avenue, approximately 200 feet west of the Site. The transit stops are within walking distance to the Project, but are not immediately adjacent where potential vehicular conflicts could occur. Proximity to transit opportunities, which provides access for various segments of the population, would allow convenient access for future patrons and employees of the Project. Pedestrian facilities (i.e., sidewalks) on Sunset Boulevard and McCadden Place would remain with implementation of the Project. Further, bicycle racks for restaurant

patrons and bicycle lockers for employees would be provided on the Site, thereby encouraging non-vehicular modes of transportation to and from the Project.

As discussed above, the site design, in compliance with all applicable codes, includes various safety features that would reduce conflicts with the surrounding area. For example, pedestrian warning signs with flashing beacons are proposed at Driveway 2 (drive-through exit) to alert drivers exiting the drive through of potential pedestrians in the right of way. An accessible path of travel is proposed throughout the Site with curb ramps and truncated domes to provide a clear, designated path for patrons. As discussed above, during peak drive-through hours (11:00 AM-1:00 PM, 4:00 PM-6:00 PM), temporary traffic cones would be placed near the drive-through entrance to prevent patrons blocking the drive aisles and Driveway 3. Driveway 3 would be temporarily restricted to exit only during peak-hours. Temporary traffic signage would direct patrons to use Driveway 1 to enter the Site and for drive-through access. This would reduce vehicular conflicts with the adjacent Chick-Fil-A restaurant on McCadden Place. Driveway 3 is also proposed at the southwest corner of the Site, which is offset from the adjacent Chick-Fil-A driveway, to reduce conflicts from vehicle trips exiting the restaurants. Further, the Project would include a dual drive-through lane configuration which can accommodate more onsite stacking for queues during peak hours, and reduce vehicles queue in the public streets.

The Appellant raises concerns about solid waste and littering from the existing restaurants on Leland Avenue. The Project would include trash bins within the outdoor dining area and near the restaurant building for solid waste collection. A screened trash enclosure is also proposed, with a dedicated pedestrian path from the restaurant to reduce conflicts with employees and parking lot vehicular movement. Patrons utilizing the drive-through would exit the Project onto Sunset Boulevard. The Project was designed to minimize vehicular movements with pedestrians and direct drive-through traffic back to Sunset Boulevard. Patrons would unlikely circle back to the Project area to eat their food. As part of the conditions of approval in the Letter of Determination, Raising Cane's is responsible for maintain a debris/litter-free area on the Site, including areas adjacent such as sidewalks fronting the Project.

As determined by the Zoning Administrator, the Project would not be materially detrimental to the public welfare. The Project would continue to operate a commercial retail use at the Site, provides employment to the local community, invests resources to a neglected and underutilized property, and implements strategic site design measures to promote pedestrian safety and reduce vehicular conflicts. The Conditions of Approval imposed on the Project would also ensure that Raising Cane's addresses nuisances and facilitate responsible management. For example, all exterior portions of the Site shall be adequately illuminated and directed onsite to prevent light spillage on adjacent properties. The Project is also conditioned so that speaker boxes shall not be audible beyond the Site's lines, and so that the Raising Cane's is responsible for monitoring patron and employee conduct to assure behaviors do not detract from the quality of life for adjoining community. Raising Cane's intends to invest in the community by providing a high-quality use that generates additional tax dollar revenue for the City, while operating as a local business that provides service and employment opportunities to the community. Accordingly, the Zoning Administrator was correct in its determination that the Project, as conditioned, would not be materially detrimental to the public welfare.

3. The project substantially conforms with the purpose, intent, and provisions of the General Plan, the applicable community plan, and any specific plan.

The Appellant have suggested that the Project does not conform with the purpose and intent of the General Plan. The following response addresses the Appellant concerns.

The Land Use Element of the City's General Plan is comprised of thirty-five (35) Community Plans, each pertaining to a different geographical area in the City. The Site is located in the Hollywood Community Plan area. At the direction of City staff, Raising Cane's has relied on the applicable land use policies currently in effect. The land use policies in effect at the time of writing the IS/MND are from the 1988 Hollywood Community Plan. A legal challenge to the 2012 Hollywood Community Plan update reverted the land use plan back to the 1988 version. A new 2021 update to the plan has been recommended for approval by Planning Commission. At the time of writing, City Council has not taken action on approving and adopting the 2021 update.

According to the Hollywood Community Plan 2021 Update, commercial land uses are concentrated near Metro stations and along commercial corridors generally served by transit and allow for typical commercial retail uses. The Los Angeles Mobility Plan 2035 serves as the Circulation Element of the City's General Plan. The Mobility Plan 2035 provides the policy foundation for achieving a transportation system that balances the needs of all road users. There are several objectives identified in the Mobility Plan, and policies that would achieve those objectives. The following is a policy consistency analysis to several policies raised by the Appellant.

Mobility 2035 Policy Consistency Analysis	
Policy 1.1: Design, plan, and operate streets to prioritize the safety of the most vulnerable roadway user.	Consistent. The Project would introduce a restaurant with drive-through use within the Hollywood Community Plan area. The Site's design is specifically oriented toward Sunset Boulevard to activate the pedestrian sidewalk. Furthermore, the Project's driveways have been designed to maintain adequate line of sight to reduce conflicts between pedestrians and vehicles. Clear path of travel within the Site would further enhance pedestrian safety.
Policy 2.3: Recognize walking as a component of every trip, and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.	Consistent. The Site's is located near mass transit including Metro Bus lines along Highland Avenue, which is approximately 200 feet west of the Site. In addition, the Hollywood/Highland Metro subway station is 0.3-mile northwest of the Site. The Site's design takes advantage of the highly walkable area by orienting the restaurant frontage toward Sunset Boulevard. The Site is accessible from existing public right-of-way on Sunset Boulevard and McCadden Place. The Project would also landscape the frontage along both public streets to create a more vibrant sense of place.
Policy 3.1: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes – including goods movements – as integral components of the City's transportation system	Consistent. The proposed Project encourages multiple modes of transportation access. Pedestrians can walk up to the restaurant on Sunset Boulevard. The Project includes both short term bike racks for patrons and bicycle lockers for employees, thereby supporting alternative modes of transportation. Further, the close proximity to transit enables non-vehicular trips as well. The Project encourages for all modes of travel.
Policy 5.2: Support ways to reduce vehicles miles traveled per capita.	Consistent. As discussed above, the Project includes both short term bike racks for patrons and bicycle lockers for employees, thereby supporting alternative modes of transportation. The Project would introduce a new restaurant use within close proximity to existing residences and business, which would reduce VMT. Further, the Project is in a high-quality transit area, with the Hollywood/Highland Metro station 0.3-mile northwest of the Site and several bus stops along Sunset Boulevard and Highland Avenue (west of the Site), which provides additional opportunities for non-vehicular modes of travel. The Project would result in a net decrease in trip generation, and similarly result in a net decrease in daily VMT. Therefore, the Project is not anticipated to result in longer local trips and would reduce or maintain regional VMT.

Mobility 2035 Policy Consistency Analysis	

The Project is subject to the land use policies outlined in the City's 1988 Hollywood Community Plan area. At the time of writing, the City Council has not taken action on the pending update. Since the pending Hollywood Community Plan update has not been formally adopted by the City Council, the associated land use policies and programs, including overlays, are not in effect. Even so, Raising Cane's strongly believes that the Project would be compatible with the policies proposed in the pending draft of the 2021 Hollywood Community Plan because the Project is located in a high transit area in the City; provides alternative transportation infrastructure (i.e. bike parking and lockers); provides employment opportunities close to existing residences and businesses; and includes improvements to enhance the physical environment and pedestrian experience including new landscaping and new outdoor dining options on Sunset Boulevard. The proposed landscaping plan is provided at **Attachment 3: Landscape Plans**. The Project replaces an existing commercial use at an underutilized site. Accordingly, the Project would be consistent with the applicable land use policies in local planning documents.

7. The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.

The Appellant have suggested that the Project would induce more VMT, risk pedestrian safety, result in loitering and littering, which would impact public welfare. The following response addresses the concerns raised.

As discussed above, based on the City's adopted VMT screening criteria and adopted CEQA threshold, the Project would result in a less than significant transportation impact. The City's transportation initial assessment determined that the Project would reduce in a net decrease of 454 daily trips, which would also result in a net decrease in daily VMT. Project impacts related to VMT were determined to be less than significant. The proposed use of the Site is a permitted use under the commercial zoning, and would be complementary to other existing commercial retail uses along Sunset Boulevard. As noted under condition of approval 15 and 17, Raising Cane's is required to have employees be available to remotely take orders during peak hours, as part of the traffic management plan. Condition 17 requires Raising Cane's to install improvements at pedestrian crossing and drive-through exit lane junctures to heighten awareness and improve safety. Improvements include signage, reflectors, and pavement texture. VMT impacts are considered less than significant based on the City's adopted thresholds and CEQA guidelines, and several conditions of approval are in place to ensure that granting of the variance would not be materially detrimental to the public welfare.

Raising Cane's intends to establish Friday and Saturday operating hours from 9 AM – 3:30 AM. While existing surrounding restaurants close at midnight, Raising Cane's operates in the early morning hours to serve patrons with non-traditional work hours, including first responders and night-shift employees. Raising Cane's believes that its late-night operations can provide a service that is beneficial to the community, City or region. Further, beyond typical security measures including cameras and lighting, onsite security would be provided during late night hours to ensure public safety and welfare. The Project is also conditioned so that the Raising Cane's is responsible for monitoring patron and employee conduct to assure behaviors do not detract from the quality of life for adjoining community. As discussed previously, the Project would include trash bins within the outdoor dining area and near the restaurant building, which would minimize littering on the Site.

As described above, the Project's site design, and proposed traffic management plan, would allow more vehicles to queue onsite and minimize impacts to surrounding roadways. Furthermore, the Project includes an indoor and outdoor dining area, which would provide patrons with opportunities to dine onsite. Raising Cane's is required to comply with the conditions of approvals that are aimed to help maintain a safe and clean environment for the restaurant and minimize impacts to adjacent properties. Compliance with the conditions and implementation of Raising Cane's traffic management plan would not be detrimental to the

public welfare.

8. The granting of the variance will not adversely affect any element of the General Plan.

The Appellant states that the Project is inconsistent with the Circulation Element of the City's General Plan. The following response addresses the Appellant concerns:

The City's Transit Oriented Communities guidelines identify the Site as within a Transit Priority Zones and Tier 3 within Transit Oriented Community classification. The guidelines do not prohibit non-residential development in areas near public transportation. Further, as discussed above, the Project is consistent with several policies identified in the Mobility 2035 Circulation Element. The applicable 1988 Hollywood Community Plan does not prohibit restaurant uses with drive-through.

The Project takes advantage of the location in the Hollywood Community. The Site is located in a high-quality transit area, with the Hollywood/Highland Metro station 0.3-mile northwest of the Site at 6801 Hollywood Boulevard and several bus stops along Sunset Boulevard and Highland Avenue (west of the Site). The Project's unique location and site design would enable other forms of non-vehicular mobility for patrons and employees, which could reduce vehicle trips. Further, the Project does not solely operate as a drive-through restaurant. The Project provides 61 seats indoor and 80 seats for the outdoor patio, or a total of 141 seats. The Project includes bicycle racks for restaurant patrons and bicycle lockers for employees, again encouraging non-vehicular modes of transportation to and from the Project. The Project provides additional dining opportunities and choice to the surrounding area and includes site improvements that allows for pedestrian access from the public right-of-way. The Project is consistent with the 2035 Mobility Plan policies raised by the Appellant.

In response to the Appellant's attachment in the appeal letter, the article discusses the limitation of drive-throughs to members of society that own and operate vehicles. The article argues that common car ownership should not be a prerequisite for full participation in society. As it relates to the Project, the proposed land use is a restaurant with a drive-through option. The restaurant operations include both indoor and outdoor dining opportunities for patrons, with 61 seats indoor and 80 seats on the outdoor patio. Further, the Project is located in a highly dense and walkable area in the Hollywood Community along Sunset Boulevard. The Project's proximity to public transit and existing residences and business would further promote non-vehicular travel options for patrons. The Project provides convenient accessibility for all patrons, regardless of their mode of transportation.

Conclusion

The Project is a result of months of collaboration with City staff and engagement with the Central Hollywood Neighborhood Council. The Project has been designed to not only function and operate as efficiently as possible, but also represents an investment to the community. The Project would enhance the existing curb appeal of the Site, provide convenient community-serving retail uses in close proximity to nearby to residences and businesses, and provide jobs in close proximity to high-quality transit. Raising Cane's is excited for this opportunity to be a part of the Hollywood community. Thank you for your time and consideration of the Project.

Sincerely
The Raising Cane's Development Team

6800 Bishop Road
Plano, TX 75024-4274

Attachments:
Attachment 1: Preliminary Site Plan
Attachment 2: Traffic Management Exhibit

Attachment 3: Landscape Plan

Opinion: The Problem with Drive-In Services — Now and After COVID-19

Madeline Brozen

In response to the health risks of COVID-19, states are restricting indoor activities and the size of group gatherings. Businesses must rethink how they offer their services. Social service agencies and schools must also adapt in how they get food to people who rely on food banks and free and reduced-priced school lunches. Many are turning, as a solution, to two classic American inventions: the drive-in and the drive-thru.

In the early 1930s, Richard Hollingshed invented the drive-in movie theater from his home in New Jersey. Hollingshed thought drive-ins would bring movies to a broader audience, by overcoming the obstacles that prevented many people from going to theaters: needing childcare, difficulty parking, small and uncomfortable theatre seats.

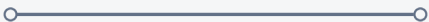
In 1948, right around the time drive-in movies reached their peak popularity, Harry Snyder invented the drive-thru restaurant, with his first In-N-Out Burger. At this point people were already eating at drive-in cafes; what Snyder invented was a two-way intercom that let people order their food without leaving their cars.

Given the convenience and privacy of the automobile, it is no surprise that drive-ins and drive-thrus have surged during COVID-19. This fall, people could traverse spooky Halloween drive-thru trails, visit drive-thru pet sanctuaries, and view entire independent film festivals from their cars. Governments and healthcare providers, meanwhile, are offering drive-thru food distribution, COVID-19 testing, and flu shots.

The problem with all of these drive-thru innovations is implied in their name: you can't take advantage of them if you can't drive. Without a car, you can't see the elaborately carved pumpkins, smile at the rescue cow, or enjoy most outdoor movies. There are worse things, of course, than being denied access to a drive-thru burger, or to an Instagrammable haunted Halloween drive-thru. But it is much more concerning if you can't get food from the food bank, or know if you have tested positive for COVID-19.

In the United States, a nation built in many ways for people with cars, people without cars face large barriers to opportunity. They can reach fewer job opportunities within a reasonable amount of time. They have trouble getting to healthcare. Those who are parents have a harder time getting their children to after-school activities, key to childhood development — and fun. For those without cars, the everyday mobility that many take

Common as car ownership may be, it shouldn't be a prerequisite for full participation in U.S. society. When people open their eyes and see that something only for cars is a serious equity access problem, easy solutions abound.



for granted is a constant negotiation, one that involves cobbling together walking, transit, and rides in the cars of friends and family.

Nor are these obstacles distributed equally across the population. Over 10 million American households do not own a car, but carless households are twice as likely to be made up of people of color, with Black households having the lowest ownership rates. Because of these racial and socioeconomic disparities, drive-in and drive-thru systems are intrinsically exclusionary, and disproportionately harm Black people, poor people, older adults, people with disabilities, and recent immigrants.

Precisely because drive-thrus encourage and require driving and automobile-oriented design, some cities, before COVID-19 struck, were taking steps away from them. Minneapolis, for example, prohibited the opening of new drive-thru facilities after 2019, saying they were inconsistent with the city's long-term plans to reduce greenhouse gas emissions. A handful of other cities in California, Montana, and New Jersey have instituted their own temporary or permanent bans too.

COVID-19 sent cities back in the other direction, furthering existing inequalities. In a time of emergency, businesses or social service agencies have largely failed to put together

non-car options — even when many of the people most vulnerable to COVID are also more likely to lack cars.

This problem doesn't need to exist. It isn't hard to increase accessibility of drive-thru services for those without cars. For example, when Minneapolis was banning new drive-thrus, Portland was working to increase access to theirs. In their zoning code, Portland required that drive-thru businesses also serve people outside of cars. By simply adding one sentence to its zoning code, the city ensured no one would be excluded from basic services.

In the COVID-19 era, the same principle holds. Simple design approaches and health protocols could make drive-in and drive-thru experiences safely accommodate people outside of their vehicles. To the extent that people are diligent about wearing masks and keeping distance, showing up without a car is not likely a significantly greater safety concern. Using pre-marked spaces, or parking spaces themselves, could help ensure that people outside vehicles stay far enough apart.

Common as car ownership may be, it shouldn't be a prerequisite for full participation in U.S. society. When people open their eyes and see that something only for cars is a serious equity access problem, easy solutions abound.

About the Author

Madeline Brozen is the deputy director of the UCLA Lewis Center for Regional Policy Studies. Her research focuses on the transportation and mobility needs for vulnerable groups of people and is the founding editor-in-chief of *Transfers Magazine*.

October 14, 2022

RE: Appeal Justification for Raising Cane's (6726-6740 West Sunset Boulevard, 1434-1456 North Mccadden Place, Los Angeles CA 90028); DCP Case Nos. ZA-2021-4710-CU-ZV-SPR, ENV-2021-4711-MND; Approval Made Effective by September 30, 2022 Letter of Determination

To the Central Area Planning Commission,

We, a coalition of Hollywood renters and homeowners, are appealing ("Appeal") the above-referenced development involving the proposed demolition of a one-story, commercial structure and the construction of a one-story, Raising Cane's drive-thru fast food restaurant ("Project") located at 6726-6740 West Sunset Boulevard, 1434-1456 North Mccadden Place ("Site") proposed by Raising Cane's ("Applicant"). In furtherance of the Project, the Applicant seeks approval of i) multiple land use entitlements ("Entitlements") under DCP Case No. ZA-2021-4710-CU-ZV-SPR and ii) environmental review clearance via a Mitigated Negative Declaration ("MND")¹ under DCP Case No. ENV-2021-4711-MND (collectively "Project Approvals"). The Associate Zoning Administrator ("ZA") approved the Project's Entitlements, relying on Conditional Use Findings in a Letter of Determination mailed on September 30, 2022 ("LOD")², which identifies the applicable appeal deadline as October 17, 2022.

REASON FOR THE APPEAL:

Based on the review of the Letter of Determination (LOD) and other relevant documents, granting of the Entitlements violates the Los Angeles Municipal Code ("LAMC" or "Code") and the Mitigated Negative Declaration (MND) violates the California Environmental Quality Act ("CEQA"). We appeal both the Entitlements and the CEQA clearance. We respectfully request the City grant this Appeal and deny the Project Approvals.

SPECIFIC POINTS IN ISSUE:

Specific entitlements which we are appealing include:

- Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24 W.17: The approval of a Conditional Use to allow the construction, use, and maintenance of a drive-through fast-food establishment in the C4 Zone adjoining a residential zone;
- Pursuant to LAMC Section 12.27: The approval of a Zone Variance to permit a drive-through fast-food use partially in the RD1.5-1XL Zone;
- Pursuant to LAMC Section 16.05: The dismissal of a Site Plan Review for a change of use to a drive-through fast-food establishment inasmuch as such development will not result in a net increase of 500 or more average daily vehicle trips;
- The Conditional Use Findings included in the Letter of Determination

¹ MND: <https://planning.lacity.org/odocument/5838dd3e-8fcf-4a89-9633-84afc3e6c37b/ENV-2021-4711.pdf>

² LOD: <https://planning.lacity.org/pdiscaseinfo/document/MjlxMDk0/1823a02c-5d95-4003-95c4-258347c32f18/pdd>

We have multiple concerns about CEQA impacts unaddressed in the Project's MND especially as they relate to noise, vehicle miles traveled ("VMT"), and greenhouse gas ("GHG") emissions—which the ZA's LOD ignores.

Rebuttal of Conditional Use Findings and Zone Variance Findings

Following are rebuttals to individual Conditional Use Findings and Zone Variance Findings which show errors in judgment on the part of the Zoning Administrator (ZA) and a lack of consideration of important contextual factors for this site. They are listed in order of the Letter of Determination.

Conditional Use Findings

- 1. 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 ZA states that the Project will be an improvement over the currently vacant commercial one-story structure because it will add a new structure and landscaping. The same could be said of *any* new project built on the property that added landscaping, indeed some of which would provide services more needed in Hollywood and the City of Los Angeles as a whole including, but not limited to: market-rate housing, affordable housing, Permanent Supportive Housing, a medical clinic, storefront commercial, or a restaurant without a drive-through.

The ZA states that the Project will "provide a new and unique commercial service". This is false as directly west of the Project on McCadden Place, there is an existing fast food drive-through restaurant. Not only is the adjacent property a fast food drive-through restaurant, but it is a Chick-fil-A, which *also* specializes in chicken-centered meals. Therefore, the Project would not even provide a new and unique *fast-food drive-through commercial service*. Furthermore, a new fast food drive-through restaurant was approved on September 11th, 2021 at the parcel across Highland Ave from Chick-fil-A on the southwest corner of Highland Avenue and Sunset Boulevard. If approved, the Project would therefore represent the third fast food drive-through location in consecutive parcels along the south side of Sunset Blvd. within a total distance of 500 feet. In addition, there are three more fast food drive-through restaurants within a half mile west of the location along Sunset Boulevard: a Wendy's, a Burger King, and an incredibly popular In-N-Out Burger. There is also a Jack in the Box fast food drive-through within a half mile south of the Project site.

The ZA also states that the Project "is a desirable use in a heavily urbanized and populated neighborhood". This credulous finding ignores the inherent conflicts of drive-through uses in heavily urbanized and pedestrianized areas. Drivers are less likely to be

alert at drive-thrus and existing research demonstrates that land use variables including the density of fast-food restaurants increase the likelihood of pedestrian crashes³. Hollywood Boulevard, Sunset Boulevard, Fountain Avenue, and Santa Monica Boulevard, along with La Brea Avenue and Highland Avenue are all on the Pedestrian Enhanced District mobility corridor network in the Circulation Element of the City of Los Angeles' General Plan, Mobility 2035⁴. The existence of surrounding pedestrian districts including Sunset Blvd. demonstrates that another drive-thru restaurant is, in fact, not a desirable use at this Site. Raising Cane's is a particularly *popular* drive-through, with limited locations in Southern California. A recently-opened location in Burbank has caused significant traffic issues⁵ which the City of Burbank has responded to by requesting \$30,000 in funds for local traffic calming improvements⁶ from Raising Cane's. These very popular drive-thru locations (such as In-N-Out and Chick-fil-A) experience higher sales volume and traffic than more established restaurants. The conditions included in the Letter of Determination do not address VMT impacts or the crash risk that might be increased in the neighborhood due to the Project.

The surrounding area already suffers from high incidences of traffic crashes as many of the streets surrounding the Project site are on the City of Los Angeles' Vision Zero High Injury Network (HIN) which represents 6% of city streets that account for 70% of deaths and severe injuries⁷. This includes the entirety of Sunset Boulevard in Hollywood, along which the Site is located as well as nearby streets including Highland Avenue from Franklin Avenue to Santa Monica Boulevard, Santa Monica Boulevard from Sycamore Avenue east past the US-101 Freeway, and La Brea Avenue from Hawthorn Avenue to Fountain Avenue are all included in this 6% of city streets on the high injury network.

Introducing even more car trips into this context is therefore extremely *undesirable* as it will lead to more conflict opportunities between people driving and people walking and biking in the neighborhood. The proposed late-night hours (hours later than the neighboring Chick-fil-A), especially in Hollywood, a late-night destination, will introduce increased trips at night, and additional risks for people walking in the neighborhood. As traffic fatalities for pedestrians have increased nationally over the past eight years, 85% of the total increase in deaths has come at night⁸. This increase is on top of the inherent

³ Pei Sung-Lin et al., *Development of Countermeasures to Effectively Improve Pedestrian Safety in Low-Income Areas*, 6 Journal of Traffic and Transportation Engineering 162-74 (Apr. 2019), <https://trid.trb.org/view/1583949>

⁴ Mobility 2035, "Pedestrian Enhanced Districts" Map (Map F) p 164:

https://planning.lacity.org/odocument/523f2a95-9d72-41d7-aba5-1972f84c1d36/Mobility_Plan_2035.pdf

⁵ NBC4 report, June 23, 2022: <https://www.nbclosangeles.com/on-air/new-raising-caness-causing-traffic-mess-in-burbank/2923773/>

⁶ MyBurbank article, August 25, 2022: <https://myburbank.com/city-comes-up-with-temporary-plan-for-raising-caness-neighbors-frustrations/>

⁷ Los Angeles Vision Zero interactive map: <https://ladotlivablestreets.org/programs/vision-zero/maps>

⁸ Nicholas N. Ferencak, Masoud Ghodrati Abadi (2021) Nighttime pedestrian fatalities: A comprehensive examination of infrastructure, user, vehicle, and situational factors, Journal of Safety Research, Volume 79, 2021, Pages 14-25, ISSN 0022-4375, <https://doi.org/10.1016/j.jsr.2021.07.002>.

fact that people walking face higher collision risks in the dark, all else being equal. The Letter of Determination allows for Friday and Saturday operating hours until 3:30 AM, an hour and a half *after* bars close.

2. **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 ZA states that the Project will be “less intensive in some regards” over the existing prior use for the site as a one-story retail commercial development. This is an erroneous finding, especially given the potential for increased trips over the prior use. In the MND, the report states that the LADOT VMT tool predicted a net decrease over the existing use, they also quote a Kimley-Horn using a more conservative traffic trip generation assumption (e.g., no trip credit for the Rite Aid store) which resulted in more traffic trips associated with the proposed project. Given the inconsistency in prediction in the MND, it would be incorrect to state confidently that the project will be less intensive in terms of additional traffic trips. Further, the less than significant impact finding with regard to Transportation Threshold (a) “Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?” uses average daily traffic figures at Sunset and Highland from 2006, nearly 18 years old, from before the adjacent Chick-fil-A was constructed in 2011. Not basing findings on current conditions undermines the validity of the less-than-significant impact. In this same section, the MND describes the nearby public transit bus service along Sunset Blvd. as an important access amenity to the Project. The reality of public bus service and drive-thrus is one of delay and not access as long queues from the existing Chick-fil-A back up onto Sunset Blvd delaying transit passengers and service.

The Project is incompatible with adjacent properties based on how the Project is arranged on the Site and this was unaddressed in the ZA findings. The Project proposes an ingress/egress driveway on McCadden Place, across from the existing Chick-fil-A drive-through restaurant that also has an ingress and an egress drive-through on McCadden. This will present both ingress and egress driveways on the same local side street only 30 feet wide, leading to potential conflicts between motorists. There are already queues for Chick-fil-A which can back up onto the eastbound #3/parking lane on Sunset Boulevard. There will now be a much larger number of trips created where someone will turn right off of eastbound Sunset Boulevard *around* the Chick-fil-A queue onto southbound McCadden Place to access the Raising Cane's drive-through. Those drivers will be in conflict with *more* drivers leaving both drive-throughs headed north on McCadden Place. This will all be approximately 150 feet east of the very busy Highland Avenue and Sunset Boulevard intersection, with backups potentially affecting the Level of Service of the intersection. Again, the AADT stated for this intersection is 18 years old and from before the Chick-fil-A existed so understanding the potential negative flow

consequences is unclear given the lack of up-to-date data.

Drive-through restaurants also induce patrons to, quite obviously, eat their food somewhere off-site. We have found from experience living on Leland Way a block from the Chick-fil-A that a great many patrons drive to our street and other side streets to eat their food. There is no parking allowed on Leland Way turning the street into an easy target for patrons to temporarily park and use our street as an extension of the fast-food restaurant. Because of this constant behavior, our street experiences increased litter as a result, and we can reasonably expect more if the Project is approved.

The conditions in the Letter of Determination would do nothing to address the demand caused by the Project and the wider community issues related to traffic safety, littering, and pedestrian access and enhancement of the pedestrian realm, and therefore the Project *does* adversely affect and degrade the surrounding neighborhood and the public health, welfare, and safety of the surrounding community.

3. The project substantially conforms with the purpose, intent, and provisions of the General Plan, the applicable community plan, and any specific plan.

The Project does not substantially conform with the purpose, intent, and provisions of the General Plan as outlined in the Circulation element. With regards to the Circulation Element of the General Plan, Mobility 2035, the introduction of another very popular fast food drive-through restaurant will lead to increased car trips and Vehicle Miles Traveled in the neighborhood along with an increased risk of conflicts and crashes involving people driving and people walking. And would therefore be contradictory to the General Plan. Mobility 2035 Policies 1.1 Roadway User Vulnerability (design, plan, and operate streets to prioritize the safety of the most vulnerable roadway users), 2.3 Pedestrian Infrastructure (ensuring a safe and comfortable walking environment), 3.1 Access for All (recognizing pedestrian and bicycle travel as integral), and 5.2 Vehicle Miles Traveled (VMT) (which seeks to reduce VMT).

For the proposed Community Plan Implementation Overlay (CPIO) for the proposed Hollywood Community Plan update, the proposed Project use is inconsistent with the description of the Residential Center Subareas or the goals of the Plan in general. The Project site is in the proposed RC2 (Regional Center 2) subarea and a description of the subareas follows:

Regional Center Subareas (RC1A, RC1B, RC2, and RC3)

Regional Center Subareas RC1A, RC1B, RC2, and RC3 seek to foster continued investment in central Hollywood, a focal point of regional commerce, identity, and activity. Hollywood's Regional Center has historic theaters, tourist attractions, the Walk of Fame, Metro stations, apartments, hotels, office buildings, and retail. The Community Plan Update continues to support these types of uses and seeks to direct and accommodate future development to this transit-rich area. These Subareas seek to protect historic

Hollywood through contextual incentives and design requirements, and by focusings on the pedestrian experience.

Zone Variance Findings

- 7. The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

The granting of the variance will be materially detrimental to the public welfare. Fast food drive-through restaurants induce more Vehicle Miles Traveled and more car trips than sit-down restaurants and other commercial uses. This is especially true given the unique popularity of this particular destination. While the MND classifies this Project as an infill development that, in general, has improved location efficiency, this classification ignores the particular popularity and rarity of Raising Cane's specifically. This popularity was demonstrated by the block's long lines when the new Burbank location recently opened in June 2022. As previously stated, these trips and traffic increase the risk of crashes involving people driving and people walking – especially due to the late hours proposed for the Project, including 1 AM on Sunday through Thursday and 3:30 AM on Friday.

Furthermore, the late hours increase the risk for loitering and littering in the surrounding community. While the conditions in the Letter of Determination seek to address loitering (Condition 19) and littering (Condition 21) onsite and adjacent to the premises, as evidenced by the common parking of Chick-fil-A patrons on Leland Way, the surrounding community will receive no protection from this off-site spillover.

While we do not see a problem in granting a variance for commercial use in an RD1.5-1XL zone per se, the use as a drive-through restaurant creates too many negative externalities including risks to neighbor's public welfare cannot be reasonably mitigated by the applicant (or any drive-through applicant for that matter). Therefore, the variance should not be granted for *this use as a drive-through restaurant*.

- 8. The granting of the variance will not adversely affect any element of the General Plan.**

The 2035 Mobility Plan, the circulation element of the General Plan, repeatedly calls for strong linkages between transportation, land use, and air quality. This neighborhood is a densely populated area and adding more drive-through establishments is not in accordance with the types of land uses that are well-connected to pedestrian-enhanced districts, like Sunset Blvd. where the Project is located. The Sites where the Project will be located are classified as within Transit Priority Zones and Tier 3 within Transit Oriented Community classification. Low-density drive-through establishments are not well-linked to land uses and circulation within transit-priority areas. As an example,

within the Southeast Los Angeles Community Plan Implementation Overlay District⁹, drive through establishments are prohibited in the transit-oriented development subareas. As explained in this document, “TOD Subareas...promote walkable, vibrant, attractive and complete transit centers that provide a greater mix of housing for a range of incomes, jobs, goods and services, and that enhance community identity.” Therefore, an existing ordinance in the City of Los Angeles has found inconsistency between drive-through establishments land use and circulation within transit-oriented districts and communities. Advancing such a decision within a Transit Priority Zone and Tier 3 Transit Oriented Community is inconsistent with the call for strong linkages between transportation and land use as outlined in the circulation element of the General Plan, the 2035 Mobility Plan.

HOW ARE YOU AGGRIEVED BY THE DECISION:

The collective group of individuals appealing this decision live within the immediate and proximate area to the Project. The homes of three applicants, at 6712 Leland Way and 1419 N. Las Palmas Ave, are within 500 ft. of the proposed project. We will breathe the air from the additional vehicle trips, suffer from the increased traffic and trash and other environmental impacts of the proposed project. Another party named in the appeal lives within 1000 ft and the two final appellants live in the proximate Hollywood community. In the brief site plan review from the Department of City Planning, they argue that the proposed property will benefit the residents and neighborhood. As local residents who already experience the negative quality of life effects from the existing drive-thrus, we can confidentially say this assertion is demonstrably false. The existing drive thru business, located directly adjacent to the proposed project, currently generates a high number of daily trips that:

- Increase localized congestion around the intersection Sunset Blvd. and Highland Ave. delaying public transit and private vehicles;
- Block ADA sidewalk access through allowing customers in idling vehicles to queue across the sidewalk and;
- The business fails to stop customers from parking in no parking zones on Leland Way effectively using the public street with existing parking restrictions on both sides as an extension of their private parking lot.

Further, granting this appeal will confer a substantial benefit to our surrounding neighbors who are likely largely unaware of how this project may negatively impact our immediate neighborhood. Our immediate area is a mixed-income community where many neighbors do not have the luxury of time to appeal decisions that will negatively affect our neighborhood.

⁹ Southeast Los Angeles Community Plan Implementation Overlay District, ordinance no. 185925, effective December 29, 2018. <https://planning.lacity.org/odocument/37efd286-0efc-4d9d-9cf9-6cc186b3e464/CPIO.pdf>

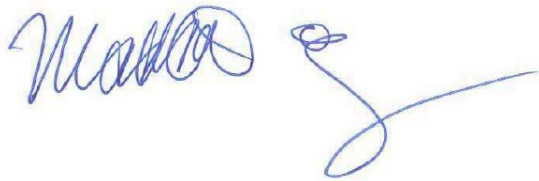
HOW DID THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION:

The ZA abused its discretion because it improperly granted the Entitlements in violation of existing city policy and while relying on an inadequate review. We appeal both the Entitlements and the CEQA clearance. The specific entitlements in question include:

- Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24 W.17: The approval of a Conditional Use to allow the construction, use, and maintenance of a drive-through fast-food establishment in the C4 Zone adjoining a residential zone;
- Pursuant to LAMC Section 12.27: The approval of a Zone Variance to permit a drive-through fast-food use partially in the RD1.5-1XL Zone;
- Pursuant to LAMC Section 16.05: The dismissal of a Site Plan Review for a change of use to a drive-through fast-food establishment inasmuch as such development will not result in a net increase of 500 or more average daily vehicle trips;
- The Conditional Use Findings included in the Letter of Determination

Further arguments into the general exclusionary concerns with drive-thrus are included in Exhibit A hereto.

Sincerely,



Madeline Brozen

Signed on behalf of myself alongside a coalition of Hollywood renters and homeowners:

Louis Abramson
Spencer Hillman
Ralph Samuel Lehman
Mollie Lehman
John Samuel Stady

ATTACHMENTS:

Exhibit A: Opinion: The Problem with Drive-in Services - Now and After COVID-19, written by Madeline Brozen, published in *Transfers Magazine*, Fall 2020

DAY OF HEARING SUBMISSIONS

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660
FAX: (650) 589-5062

amarshall@adamsbroadwell.com

SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721

TEL: (916) 444-6201
FAX: (916) 444-6209

KEVIN T. CARMICHAEL
CHRISTINA M. CARO
THOMAS A. ENSLOW
KELILAH D. FEDERMAN
RICHARD M. FRANCO
ANDREW J. GRAF
TANYA A. GULESSERIAN
RACHAEL E. KOSS
AIDAN P. MARSHALL
TARA C. RENGIFO

Of Counsel

MARC D. JOSEPH
DANIEL L. CARDOZO

December 12, 2022

VIA EMAIL

Commission President Ilissa Gold and Commission Members
Central Area Planning Commission

Email: apccentral@lacity.org

Online Portal: <https://plncts.lacity.org/oas>

Ms. Polonia Majas, Planner
City of Los Angeles
Department of City Planning
Email: polonia.majas@lacity.org

**RE: 5420 Sunset Project (Case Nos. ZA-2017-1083-MCUP-SPP-SPR; ENV-
2017-1084-EIR; SCH No. 2017061075)**

Dear President Gold, Commission Members, and Ms. Majas:

This firm represents the Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA") with regard to the above-referenced 5420 Sunset Project ("Project"). On October 11, 2022, CREED LA filed an appeal of the Zoning Administrator's approval of the Project, stating objections and concerns regarding the Environmental Impact Report ("EIR") prepared for the Project.

We are pleased to report that, as a result of direct discussions with the Applicant, the Applicant has agreed to implement additional environmental measures above and beyond what was identified as necessary by the City of Los Angeles in the EIR. These measures provide additional benefits to the community regarding air quality, greenhouse gas, and noise as part of a legally enforceable settlement agreement. These measures also resolve any issues and concerns raised in our comments.

With the adoption of the additional environmental measures, CREED LA's objections to the Project and the EIR are fully resolved, and we respectfully request that the City adopt the EIR and approve the Project.

5452-007acp

December 12, 2022
Page 2

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Aidan P. Marshall", written in a cursive style.

Aidan P. Marshall

cc: Jeff Modrzejewski, CREED

5452-007acp