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SECONDARY SUBMISSIONS



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File No. 103395

January 5, 2023

Central Area Planning Commission
Attn: Etta Armstrong, Commission Executive Assistant
200 N. Spring Street, Room 272
Los Angeles, CA 90012
Via Email: APCCentral@lacity.org

Re: Applicant's Request for Continuance - Appeal to Zoning Administrator Approval
(ZA-2021-4710-CU-ZV-SPR-1A)

Dear Honorable Commissioners of the Central Area Planning Commission:

This firm represents Raising Cane's (the "Applicant") in regard to the proposed project (the "Project") approved by the Zoning Administrator located at 6726-6740 West Sunset Boulevard and 1434-1456 North McCadden Place. An appeal to the Project is presently scheduled to be heard before the Central Area Planning Commission at the hearing on January 10, 2023.

The Applicant hereby respectfully requests that the Central Area Planning Commission continue the public hearing on the Project to the hearing scheduled for February 14, 2023. The Applicant is requesting such continuance to provide the public with the opportunity to review the supplemental findings recommended for consideration and inclusion by the Department of City Planning.¹

The Applicant appreciates and looks forward to your future consideration of the Project.

Sincerely,

Cox, Castle & Nicholson LLP

A handwritten signature in black ink, appearing to read 'E.J. Schloss', written over a horizontal line.

E.J. Schloss

EJS

cc: More Song (More.Song@lacity.org)
103395\16437765v2

¹ The supplemental findings recommended for consideration and inclusion are presently available at pp. 106-109 (of PDF) in the commission packet of the appeal, which is accessible at https://planning.lacity.org/plndoc/Staff_Reports/2023/01-10-2023/ZA_2021_4710_Commission_Packet_01.10.23__2_.pdf.

DAY OF HEARING SUBMISSIONS



Citizens for a Better Los Angeles

January 6, 2023

Central LA Area Planning Commission
200 N. Spring St., Los Angeles, CA 90012
Sent via e-mail to: apccentral@lacity.org

Re: Raising Cane's, 6726-6740 Sunset Boulevard, 1434-1456 McCadden Place
ZA-2021-4710-CU-ZV-SPR-1A, CEQA:ENV-2021-4711-MND

Members of the Central LA Area Planning Commission,

We are writing to express our serious concerns about the project referenced above and to support the appeal of the project filed by Madeline Brozen. The approval of this project shows a complete disregard for the well-being of the neighborhood, and constitutes an egregious abuse of discretion by City Planning officials. We are astounded that City Planning staff has granted **three separate variances for this project**, in addition to a CUP. We also find the MND for the project seriously deficient. In this letter we focus on the following specific issues:

1. The MND is inadequate in its analyses of impacts, including, but not limited to traffic, air quality and noise. City Planning staff cannot make the required finding to approve the MND, since appellant and community members have provided substantial evidence to demonstrate the MND's failings. The proposed mitigation measures are inadequate to address impacts and will not reduce impacts below thresholds of significance;
2. The City cannot make the findings required for the approval of the CUP for a drive-through fast-food establishment adjoining a residential zone;
3. The City cannot make the findings required to approve the requested variances.

MND

The MND is materially inadequate, as the authors have failed to accurately assess impacts with regard to traffic, air quality and noise. The conclusion that there will be no significant impacts from traffic is not credible, especially given the problems with a recently opened Raising Cane's in Burbank. [In a July 26, 2022 report given by David Kriske of the Burbank Community Development Department](#), Mr. Kriske noted that numerous problems arose after the opening of the drive-thru, including: 1) Employees parking off-site; 2) Cars queuing on public streets; 3) Blocking of commercial driveways, including other nearby restaurants; and 4) Need for additional enforcement by Burbank Police. Mr. Kriske spoke of

the City's efforts to manage traffic impacts in his report: "To some degree this is successful, however it is not completely successful, and we know and you know that queuing continues to occur on Olive Avenue [....]"

The MND's analysis of noise impacts fails to include noise from car audio systems, car horns, or loud visitors. This is especially important since the proposed hours of operation extend to 1:00 am Sunday thru Thursday, and to 3:30 am Friday and Saturday. Businesses that serve customers after midnight are always a concern for nearby residential uses, and especially those that serve customers after bars close at 2:00 am. The MND makes no effort to assess impacts to nearby residents in the early morning hours. The MND's analysis of air quality impacts is also inadequate. The data provided is not a credible assessment of air quality impacts, including from ozone, particulate matter and greenhouse gas emissions. For years the City of LA has been out of compliance with Federal air quality standards, and air quality in the Hollywood area is especially bad.

Zone Variances

The City cannot make the required findings for the zone variances to: a) Permit a drive-through fast-food use partially in the RD1.5-1XL Zone; and c) Permit access and accessory parking from a more restrictive zone to a less restrictive zone. The City has abused its discretion, in that it has not proceeded in the manner required by law, the decision is not supported by the findings, and the findings are not supported by the evidence. We call into question the City's findings with respect to the following:

There are special circumstances applicable to the subject property that do not apply generally to other property in the same zone and vicinity. There are no special circumstances that would prohibit Raising Cane's from operating a fast-food restaurant on the site.

The variance is necessary for the preservation and enjoyment of a substantial property right or use that is denied to the property in question. There are no prohibitions that prevent Raising Cane's from operating a restaurant on the site.

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 likely cause significant impacts to nearby residential uses with regard to traffic, noise and air quality. The City has ignored substantial evidence provided by community members.

The granting of the variance will not adversely affect any element of the General Plan. The granting of the variance is in conflict with the goals of the following GP Elements: Air Quality – Conflicts with objectives of reducing non-work trips and to efficiently manage transportation facilities and system infrastructure; Plan for a Healthy LA – Conflicts with objectives of decreasing respiratory disease mortality rates and reducing the disparity in communities that are impacted by a high Pollution Exposure Score; Mobility Plan – Conflicts with many objectives, including reducing reliance on cars and encouraging active transportation.

CBLA opposes the project as proposed and asks Commissioners to support the appeal.

Casey Maddren
Citizens for a Better Los Angeles

CC: More Song, City Planner & Councilmember Soto-Martinez

January 9, 2023

Central Los Angeles Area Planning Commission
Department of City Planning
Los Angeles City Hall
200 North Spring St.
Los Angeles, California 90012

Re: Raising Cane's Drive-Thru
6726-6740 West Sunset Boulevard
ZA-2021-4710-CU-ZV-SPR-1A
Supporting Appeal

Dear Members of the Central LA Area Planning Commission,

Franklin Corridor Communities (FCC) is a group of Hollywood residents who are deeply concerned about the ongoing failure of our public officials to address the many problems facing our community. We're writing in support of the appeal seeking to halt the proposed Raising Cane's at Sunset and McCadden. Honestly, it's hard for us to understand how the Department of City Planning could approve this project.

To begin with, City Planning staff has approved three separate zone variances for this project. How is this possible? The purpose of zoning is to create a framework for orderly development. The fact that this project needs three separate variances should make it clear to City Planning staff that the project should be rejected. Plainly it does not conform to existing zoning.

We're also very concerned about the fact that the project is close to homes and apartments, and the appeal makes it clear that area residents are concerned too. The members of Franklin Corridor Communities feel that years of poor decision-making by City Planning has made life increasingly difficult for Hollywood residents. City Planning has no qualms about approving live entertainment on rooftop decks and granting liquor permits to anybody who asks. Apparently City Planning's latest initiative is to see how many fast food restaurants it can dump on the Hollywood area.

In the findings, the ZA states that the Project will "provide a new and unique commercial service". This makes clear how clueless City Planning is when it comes to the Hollywood area. There are numerous fast-food restaurants in the immediate vicinity, with at least three drive-thru restaurants within 1,500 feet of the project site, including Chick-fil-A, In-N-Out and Jack in the Box. We can tell you from personal experience that lines of cars from Chick-fil-A and In-N-Out are already spilling over onto public streets, worsening congestion in an area where traffic jams are common. And Burbank's recent experiences with the Raising Cane's on Olive leads us to expect more of the same with this project. Also, we were appalled to learn that the city has already approved yet another fast-food drive-thru on the southwest corner of Sunset and Highland! Do you call this responsible planning?

The project also appears to conflict with the Key Policy Initiatives outlined on page 14 of the Mobility Plan:

- Lay the foundation for a network of complete streets and establish new complete street standards that will provide safe and efficient transportation for pedestrians (especially for vulnerable users such as children, seniors and the disabled), bicyclists, transit riders, and car and truck drivers – **Does City Planning not understand that lines of cars spilling onto the street will create obstructions for pedestrians and cyclists, not to mention cars and trucks that are already fighting heavy traffic?**
- Use data to prioritize transportation decisions that strive towards equity in safety, public health, access, social benefits, and/or economic benefits – **Lines of idling cars spilling onto the streets reduces safety and obstructs access, while also impacting public health by creating more auto emissions.**
- Consider the strong link between land use and transportation – **Can City Planning please explain how the approval of multiple drive-thrus in the Hollywood area shows any consideration at all for the links between land use and transportation?**
- Target greenhouse gas reductions through a more sustainable transportation system – **This project will only increase greenhouse gas emissions, and shows that City Planning has zero interest in supporting a sustainable transportation system.**

Finally, we are shocked by the fact that City Planning has approved late-night hours of operation for this project, going to 1 :00 a.m. Sunday through Thursday and 3:30 a.m. Friday through Saturday. Again, this shows the city's complete disregard for the well-being of Hollywood residents. We invite City Planning staff to spend some time at the intersection of Sunset and McCadden in the early morning hours. The sounds of ambulance sirens and street racers are commonplace, and when the bars close down, rowdy parties spill out onto the streets looking for a place to grab some fast food. It seems no one at City Planning has considered how the noise from loud partygoers and car stereos will impact the neighbors as they try to get a good night's sleep.

Franklin Corridor Communities asks Commissioners to please stand up for the well-being of Hollywood residents by supporting the appeal and rejecting this project.

Sincerely,



Susan Winsberg, President
Franklin Corridor Communities

CC:
CD 13 Council Office
City Planning Staff