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SECONDARY SUBMISSIONS

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May 7, 2024

VIA EMAIL

Area Planning Commissioners
South Valley Area Planning Commission
200 N Spring St. Room 272
Los Angeles, CA 90012
apcsouthvalley@lacity.org
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Re: Supplemental Appeals Justification - Appeal of Case No. ZA-2022-2788-CU-SPP-SPPA-SPR-WDI, Conditional Use; Project Permit Compliance; Project Permit Adjustment; Site Plan Review; Waiver of Improvement and Dedication, 2282 Ventura Boulevard; Agenda Item 6

Dear Area Planning Commissioners:

This firm represents West Valley Alliance for an Optimal Living. This letter is submitted in support of the appeal of the City's approval of an In-N-Out Burger Project at 22822 Ventura Boulevard in the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan and ZI-1729 Specific Plan, Ventura/Cahuenga Boulevard Corridor area ("Project").¹ Despite the fact that the Project would be located abutting and across the street from existing residential uses, the Zoning Administrator approved the Project, with a number of discretionary approvals using a Class 32 Categorical Exemption from CEQA for the Project and a Class 11 Exemption for the Project signs.²

As detailed in our appeal justification, the proposed Project is not eligible for a Class 32 Exemption. An Initial Study must be prepared for the Project in order to determine the

¹ Project file available at:
<https://planning.lacity.gov/pdiscaseinfo/search/encoded/MjU2OTA40>

² Notice of Exemption available at:
<https://planning.lacity.gov/pdiscaseinfo/document/MTI3NzE0/fe3b456d-e5a5-4f0e-9fa7-879f1ff43502/pdd>

appropriate environmental document pursuant to the California Environmental Quality Act (CEQA).

This letter provides supplemental information in support of our appeal. All of our arguments included in our appeal justification remain valid and are incorporated herein by reference. This Supplemental Appeals Justification largely responds to the letter submitted in support of the Project by the applicant's attorney's, Miller Starr Regalia.

I. QUEUEING ANALYSIS

According to the applicant's representative, Miller Starr Regalia, on pages 8-9 of their April 8, 2024 letter, under D1:

Appellant included, as Table 1 in its brief, **outdated queuing counts for seven existing In-N-Out locations that were collected for a different purpose between 2012 and 2019. The selected locations spanned well over 100 miles of Southern California, from Los Angeles to Indio, and everywhere in between. Appellant did not (and indeed could not) provide any relevant context for these counts to provide a meaningful comparison against the proposed Project.** To understand how the Project could possibly compare against these random other locations, Appellant would have needed to contextualize this information: e.g., the population served by each location, the age and size of each building, the length of the available queuing area and lot size, the number of grills, burners, and fry basins operating within the restaurant, proximity to other quick-service restaurants, including other In-N-Out locations, and many other factors. Appellant, however, provides no such information; instead, Appellant merely states, based on the bare data from the random assortment of other restaurant locations, that the Project would have “near constant queuing” and “much higher trip-generation than other fast-food restaurants. Appellant does not provide evidence of trip generation rates for other fast-food restaurants or explain how this would result in a CEQA impact, even if true.

What is entertaining about this critique is that our appeal justification on page 9 referenced a Traffic Study for a proposed In-N-Out in Monrovia by the applicant's traffic consultant, Ganddini Group, which was done May 26, 2022, and provided queueing data for the following seven existing In-N-Out drive-throughs:

Survey Location	Weekday Count Dates	Weekend Count Dates
Corona – 2305 Compton Avenue, Corona, CA 92881	12/4-8/2017	12/2-3/2017
Highland – 28009 Greenspot Road, Highland, CA 92346	12/4-8/2017	12/2-3/2017
Indio - 82043 Highway 111, Indio, CA 92201	6/27/2019	6/22/2019
La Quinta – 78611 Highway 111, La Quinta, CA 92253	6/27/2019	6/22/2019
Long Beach - 6391 E Pacific Coast Hwy, Long Beach, CA 90803	5/16/2012	5/19/2012
Los Angeles - 9149 S Sepulveda Blvd, Los Angeles, CA 90045	5/16/2012	5/19/2012
Thousand Palms – 72265 Varner Rd, Thousand Palms, CA 92276	6/27/2019	6/22/2019

The Traffic Study for the Project attached to the Miller Starr Regalia letter was similarly done by the Ganddini Group, and is dated November 18, 2021, six months earlier than the study we cite, and, as shown on page 55 of the Project's Traffic Study, relied on the same seven **“outdated queuing counts for seven existing In-N-Out locations that were collected for a different purpose between 2012 and 2019,”** criticized by Miller Starr Regalia, as shown in the following table reproduced from page 55 of the Project's Traffic Study:

Survey Location	Weekday Count Dates	Weekend Count Dates
Corona - 2305 Compton Avenue, Corona, CA 92881	12/4-8/2017	12/2-3/2017
Highland - 28009 Greenspot Road, Highland, CA 92346	12/4-8/2017	12/2-3/2017
Indio - 82043 Highway 111, Indio, CA 92201	6/27/2019	6/22/2019
La Quinta - 78611 Highway 111, La Quinta, CA 92253	6/27/2019	6/22/2019
Long Beach - 6391 E Pacific Coast Hwy, Long Beach, CA 90803	5/16/2012	5/19/2012
Los Angeles - 9149 S Sepulveda Blvd, Los Angeles, CA 90045	5/16/2012	5/19/2012
Thousand Palms - 72265 Varner Rd, Thousand Palms, CA 92276	6/27/2019	6/22/2019

The applicant's attorneys, Miller Star Regalia, are correct in their criticism of these queuing counts, the: **“selected locations spanned well over 100 miles of Southern California, from Los Angeles to Indio, and everywhere in between.”** The Project Traffic Study **“did not (and indeed could not) provide any relevant context for these counts to provide a meaningful comparison against the proposed Project.”** The applicant thus failed to provide substantial evidence to support their queueing-related Project impact conclusions, according to their own Real Estate Lawyers. However, as noted in our appeals justification, the information replicated in the applicant's own Traffic Study shows near constant queueing.

II. TRIP GENERATION

According to the applicant's attorneys, Miller Star Regalia, on page 9 of their letter, as with our queueing analysis comments in our appeal justification:

Similarly, Appellant seeks to use outdated and inapplicable projected trip generation data for then-proposed In-N-Out restaurants in Santa Rosa and San Juan Capistrano to back its way into a trip generation count for the Project site.

Miller Star Regalia deemed the trip generation rates we used, “outdated and inapplicable project trip generation data.” However, our appeal letter contained more current, more relevant, and better documented information than the applicant's Traffic Study regarding In-N-Out Burger-specific trip generation. Unlike the analysis we provide in our appeal justification, which is based on trip generation studies done in 2021 conducted in the greater Southern California metropolitan area, the applicant's Traffic Analysis trip generation rates rely primarily on “a new trip count survey conducted in July 2020 at an In-N-Out in Fort Worth Texas.” As explained on pages 34-35 of the applicant's Traffic Study attached to the Miller Star Regalia letter:

Project Trip Generation, Distribution, and Assignment

To determine a trip generation rate specific to In-N-Out fast-food restaurants for the PM peak hour and daily, **a new trip count survey was conducted in July 2020 at an In-N-Out in Fort Worth, Texas.** The new trip count survey data was **combined with other historic trip count survey data previously collected at various locations in Northern and Southern California to derive the average trip generation rates.** These restaurant locations were selected as survey sites because they are generally comparable to the proposed project in terms of the building size, site configuration, and typical operations. In total, the survey sites used as the basis for calculating average trip generation rates include the following seven existing In-N-Out restaurant locations:

- Redwood City, CA – 949 Veterans Boulevard, Redwood City, CA 94063
- Rocklin, CA – 5490 Crossings Drive, Rocklin, CA 95677
- Vacaville, CA – 170 Nut Tree Parkway, Vacaville, CA 95687
- Fairfield, CA – 1364 Holiday Lane, Fairfield, CA 94534
- Long Beach, CA – 6391 East Pacific Coast Highway, Long Beach, CA 90815
- Los Angeles, CA – 9149 South Sepulveda Boulevard, CA 90045

...

Although the new trip count survey was conducted during the COVID-19 pandemic, the trip count results are within the range of trips observed by the **historical trip counts** at other locations prior to the pandemic. Detailed trip count worksheets and trip generation calculations are contained in the Memorandum of Understanding in Appendix B.

As shown in Appendix B, the surveyed In-N-Out PM peak hour and daily trip rates are higher than standard ITE Trip Generation Manual PM peak hour and daily trip rates for fast-food restaurant with drive thru (Land Use Code 934). It should be noted that In-N-Out restaurants are not open during the AM peak hours.

Table 4 shows the proposed Project trip generation based upon trip generation rates obtained from the surveyed In-N-Out trip rates which are more conservative than the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition, 2017) fast-food restaurant with drive-through (Land Use Code 934).

The Project trip generation forecast shown in Table 4 also includes pass-by trip adjustments. Retail land uses will often locate next to busy roadways to attract motorists already on the street. Since the trip generation rates contained in the ITE Trip Generation Manual represent

vehicles entering and exiting at the site driveway(s), it is appropriate to reduce the initial trip generation forecast by the applicable pass-by trip rate when calculating the net new trips that will be added to the surrounding street system. **Pass-by trip adjustments of 50%** were applied to the PM peak hour in accordance with pass-by rates noted in the 2020 Transportation Assessment Guidelines and the City-approved scoping agreement for the project. Pass-by trip reductions were not applied to the project driveway.

As shown in Table 4, the proposed Project is forecast to generate a total of approximately 719 new daily vehicle trips, including 62 new vehicle trips during the PM peak hour. (Emphasis added).

Table 4
Project Trip Generation

Trip Generation Rates						
Land Use	Source ¹	Unit ²	PM Peak Hour			Weekday
			% In	% Out	Rate	Daily
Fast-Food Restaurant (With Drive-Thru)	[a]	TSF	52%	48%	43.26	505.07

Trips Generated						
Land Use	Quantity	Unit ²	PM Peak Hour			Daily
			In	Out	Total	
Fast-Food Restaurant (With Drive-Thru)	3,350	TSF	75	70	145	1,692
Transit credit: (15%)	[b]		-11	-11	-22	-254
Pass-by Reduction (50%)	[c]		-32	-29	-61	-719
New Project Trips Generated			32	30	62	719

Notes:

(1) Source:

[a] = Survey of other In-N-Out Burger locations (per Memorandum of Understanding; see Appendix B).

[b] = Per LADOT Transportation Assessment Guidelines, Section 3.3.4.1; credit based on transit type and proximity.

[c] = Per LADOT Transportation Assessment Guidelines, Attachment H Pass-by Trip Rates.

(2) TSF = Thousand Square Feet

So, the Traffic Study for the Project largely relies on trip generation rates derived from traffic counts conducted at an In-N-Out in Fort Worth Texas, in July of 2020. It should be noted that in Texas, the State's Covid stay-at-home order ended April 30, 2020. Gov. Greg Abbott allowed retail stores, restaurants, movie theaters, malls, museums and libraries to operate at 25% capacity on May 1, 2020.³ This limitation remained in effect until October 14, 2020 when most establishments were allowed to operate at 75% capacity for indoor areas.⁴ Businesses in Texas were not allowed to return to full

³ <https://abcnews.go.com/US/list-states-stay-home-order-lifts/story?id=70317035#:~:text=Texas%3A%20The%20state's%20stay%2Dat,25%25%20capacity%20on%20May%201.>

⁴ https://gov.texas.gov/uploads/files/press/EO-GA-32_continued_response_to_COVID-19_IMAGE_10-07-2020.pdf

capacity until March 2, 2021.⁵ While the Traffic Study does acknowledge that the Texas counts were taken during the pandemic, and have therefore been adjusted, it fails to clearly detail the specific adjustments made.

The traffic study is largely silent on how the “new trip count survey data was combined with other historic trip count survey data previously collected at various locations in Northern and Southern California to derive the average trip generation rates.” The Traffic Study therefore fails to fully document the analytic route used to arrive at the trip generation rates used.

Moreover, it should be noted that the “historic trip count data previously collected at various locations in Northern and Southern California” is just that – historic, i.e. old. Based on the trip count data attached to the Memorandum of Understanding with LADOT, which is an attachment to the Traffic Study, the historic trip count data used in the Traffic Study included:

- Trip counts conducted for a Redwood City California In-N-Out (949 Veterans Blvd, Redwood City, CA 94063) conducted Wednesday, **May 27, 2015**.
- Trip counts conducted for a Rocklin California In-N-Out (5490 Crossing Dr., Rocklin, CA 95677) conducted Thursday, **February 4, 2016**.
- Trip counts conducted for a Vacaville California In-N-Out (170 Nut Tree Parkway, Vacaville, CA 95687) conducted Thursday, **February 04, 2018**.
- Trip counts conducted for a Fairfield California In-N-Out (1364 Holiday Ln., Fairfield, CA 94534) conducted Thursday February 4, 2016 and Saturday **February 6, 2016**.
- Trip counts conducted for a Long Beach California In-N-Out (6391 E. Pacific Coast Highway, Long Beach, CA 90803) conducted Wednesday, **May 16, 2012**.
- Trip counts conducted for a Los Angeles California In-N-Out (9149 S. Sepulveda Blvd, Los Angeles, CA 90045, conducted Wednesday, **May 16, 2012**.

The two trip count studies conducted in the greater Los Angeles region are from 2012. They are thus twelve years old.

In contrast, the trip generation rates we presented in our appeal letter were based on trip generation studies done in 2021 conducted in the greater Southern California metropolitan area. They are from a Traffic Analysis by Linscott, Law & Greenspan for an In-N-Out in San Juan Capistrano which derived trip generation rates based on observations of In-N-Out restaurants conducted on Thursday (7/22/21) and Friday (7/23/21) at two locations: Rancho Mission Viejo (30655 Gateway Place) and Laguna Niguel (27380 La Paz Road) in the Midday and PM peak periods.⁶ As shown in Table 5 from our appeal letter, these newer more applicable rates result in

⁵ <https://gov.texas.gov/news/post/governor-abbott-lifts-mask-mandate-opens-texas-100-percenthttps://www.restaurantbusinessonline.com/topics/texas-lifts-all-covid-related-restaurant-restrictionshttps://open.texas.gov/uploads/files/organization/opentexas/EO-GA-34-opening-Texas-response-to-COVID-disaster-IMAGE-03-02-2021.pdf>

⁶ See: <https://www.sanjuancapistrano.org/DocumentCenter/View/840/Traffic-Impact-Analysis-Report-PDF>

a much higher trip generation estimate than in the applicant's Traffic Study:⁷

Table 5 – Projected Project Trip Generation							
	Daily	MD Peak Hour			PM Peak Hour		
	2-Way	Enter	Exit	Total	Enter	Exit	Total
Empirical TE/TSF	731.5	0.51	0.49	81.39	0.48	0.52	73.15
3,426 Square feet (3.426 TSF)	2,506.119	142	137	279	120	130	251

The analytic route used to generate these rates is clear from the cited Traffic Analysis by Linscott, Law & Greenspan. The counts used to derive the rates we used in our appeal justification are more current than the counts used in the Project's Traffic Study. The Linscott, Law & Greenspan rates are based on counts taken in Southern California within the last three years, rather than counts conducted in Texas during the pandemic and then adjusted in some not clearly disclosed manner, based on counts previously collected at various locations in Northern and Southern California from 2012 to 2018. The rates used in our appeal justification letter are thus rates generated by experts, and are more reliable and current than the rates used in the Traffic Study for the project. Basic high school math has been used to apply the trip generation rates to the Project and to generate a Project trip generation forecasts These simple calculations and more appropriate trip generation rates show that the Project will result in higher trip generation than calculated by the applicant's consultant.

In addition, no substantial evidence was provided by the applicant to justify a 50% pass-by reduction or the use of a transit credit.

Any conclusions put forward by Miller Starr Regalia based on the Project's Traffic Study and trip generation are invalid. This includes Miller Starr Regalia's contention that the Project is consistent with the Specific Plan, a contention that depends on the inappropriately low trip generation in the Project Traffic Study.

III. AIR QUALITY ANALYSIS

As noted on page 34 of the Air Quality analysis for the Project:

The emissions generated by the vehicle miles travelled (VMT) associated with the proposed project have been analyzed by inputting the project-generated vehicular trips (VMT and trip generation rate [for weekend rates]) from the In-N-Out Burger (22822 Ventura Boulevard) Transportation Assessment ("TA") (Ganddini, 2021) into the CalEEMod

⁷ We have therefore clearly offer facts and expert opinion to support our assertions. Miller Starr Regalia's contention that we have merely "offered speculation, unsubstantiated opinion, and clearly inaccurate and erroneous information in the guise of evidence; such is readily insufficient under the law to meet the required standard and thus must be rejected as a matter of law" is clearly without merit.

Model. The TA found that the proposed project will generate approximately 1,403 daily vehicle trips with 13,218 daily VMT.

The air quality analysis must be redone using corrected Project trip generation. As we have demonstrated, the Project Traffic Study significantly underestimates project trips.

IV. SAFETY IMPACTS DUE TO DRIVE THROUGH LOCATION AND DESIGN

Miller Starr Regalia missed the point of our documentation that customers of the nearby In-N-Out display unsafe driving behavior when accessing the fast-food restaurant, as do nearby customers of the Woodland Hills Chick-fil-A.⁸ That willingness of local drivers to engage in unsafe driving while accessing fast food is of particular concern given how Project customers will exit the site. As shown in the following figures, they will pass across the sidewalk and through a bike lane as they exit the drive through, and given the configuration of the site, and the location of signage and the six-foot high concrete wall bordering the site, will not have good visibility to safely exit the site. This site configuration issue was not addressed in the Traffic Study for the Project, despite Miller Starr Regalia representation of a geometric hazards analysis.



FIGURE 1 – POTENTIAL FOR CAR – PEDESTRIAN AND CAR-BICYCLE CONFLICTS

⁸ See, e.g. video of patrons making U-turns and blocking driveways to access an In-N-Out restaurant – <https://youtu.be/TnzdnHc80NI>



FIGURE 2 – CLOSE-UP SHOWING CAR MUST PULL ONTO SIDEWALK BEFORE DRIVER HAS LINE OF SIGHT OF POTENTIAL PEDESTRIANS ON THEIR RIGHT-HAND SIDE GIVEN LOCATION OF WALL AND SIGNAGE

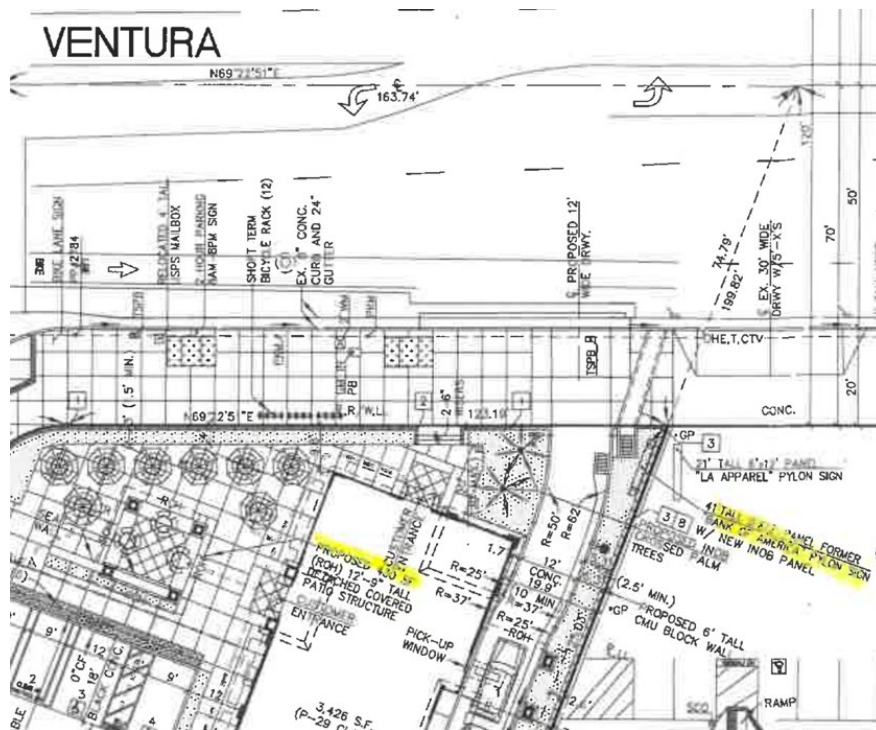


FIGURE 3 – EXCERPT OF PROJECT SITE PLAN SHOWING LOCATION OF 6-FOOT-TALL WALL AND SIGNAGE

V. CONCLUSION

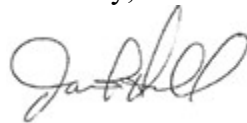
In our appeals justification and herein, we have presented facts, reasonable assumptions predicated on facts, and reasonable assumptions predicated on expert studies/opinion. We have shown that a constellation of factors, including the following combine to create an unusual circumstance which results in the Project generated significant impacts outlined in our appeal justification:

- In-N-Out burger fast food restaurants have higher trip generation and queueing lengths than other fast-food restaurants;
- The Project site abuts and is located across the street from residential uses;
- The Project site is located within 1,000 feet of a Freeway;
- Idling cars in close proximity to existing residential use would further exacerbate air toxics exposure;
- Patrons of In-N-Out restaurants are documented to ignore turn restrictions when accessing the restaurant;
- There is a bike lane along Ventura Blvd. in front of the Project site and Project patrons would cross thorough the bike lane when entering and leaving the Project site; and,
- The Project site is located within the Ventura/Cahuenga Boulevard Corridor Specific Plan area

The appeal should be granted.

Thank you for your consideration of this matter. I may be contacted at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Sincerely,



Jamie T. Hall

Cc: Adrineh Melkonian, City Planner (adrineh.melkonian@lacity.org)

Lisa Sarkin

to APCSouthValley, Phyllis, Adrineh

Sun, May 5, 4:25 PM (20 hours ago)

Hi April, I hope you are well.

Please add this information, including the photos to the ZA-2018-7167-CUB-ZV-SPP-1A

----- Forwarded message -----

From: <311@lacity.org>

Date: Sun, May 5, 2024, 4:10 PM

Subject: MyLA311: Open - Obstructions - 11618 W VENTURA BLVD, 91604

To: <lsarkin@gmail.com>

Thank you for submitting your Obstructions Service Request. Please note the Service Request number for future reference.

Service Request # 1-4751195331

Location: 11618 W VENTURA BLVD, 91604

You can check the status of your request by

1. Visiting <https://myla311.lacity.org>
2. Using the mobile app from [Google Play](#) or the [Apple Store](#)
3. Contacting Bureau of Street Services with your service request number

BSS Call center hours: M-F 7:00 am - 3:55 pm

Hearing or Speech Impaired: dial 711













RECAP WITH PHOTOS

Studio City Residents Association

Justification/Reason for Appeal of CASE NO. ZA-2018-7168-CUB-CV-SPP 11618 Ventura Boulevard, Studio City 91604

For the record, the establishment has been in violation of their current conditions for many years. The community has voiced its displeasure with the establishment many, many times, by visiting the location, trying to contact the North Hollywood Police Station, which is closed from 11:00pm to 7:30am daily and contacting the 24/7 Police Hotline (877)275-5273 with no results. We file this appeal because there are glaring approvals which will not eliminate the violations, and there appears to be no enforcement from the City and Police Department. Every sporting event causes parking violations, documented by the LA City Parking Enforcement, with numerous parking tickets on the surrounding residential streets and Ventura Blvd. The plot plan EXHIBIT "A" of the application, does not represent the current situation on the sidewalk with usually 2 rows of tables near the building and by the curb. It also does not show the 4 TV monitors and music speakers mounted on the building outside of the roll-up door openings/windows. Standing patrons have been recorded and the video is posted in the planning file. Videos and photos of motorcycles parked on the sidewalk at times, are posted to the planning file.

Page 3, item 7.b. – No other establishment within the vicinity of this applicant is staying open every night until 2:00am (see EXHIBIT attached). Only 11720 Ventura Blvd. is open until 2:00am on Friday and Saturday. Jalapeno Pete's restaurant is on the south side of the street with apartments above and a strip mall on the north side. The LA river does not amplify the noise from this location.

We request the hours of operation inside the restaurant to be 11:00am-10:00pm Sunday-Thursday and 11:00am-1:00am Friday-Saturday.

Page 3, item 7.c. – Because of the unique noise amplifying from the LA River concrete channel and noise traveling up a hillside, the roll-up doors opening/windows and outdoor dining on the sidewalk, allows the noise to travel to the houses to the north on Kelsey, Dilling, Beck and Troost and the closeness of the houses to the south on Blue Canyon, Picturesque and Sunswept. The total open frontage of the building and the sidewalk dining causes the noise to carry over to the residences.

We request that the roll-up door opening/windows and outdoor dining on the sidewalk close at 10:00pm daily. It takes a long time for the clean-up of the sidewalk and there will be continued noise until it is cleared.

Page 3, items 8. & 9. Page 8, item 44.a.-d. Page 48, item 12.h. – The restaurant has been required to have 30 parking spaces within 750 feet since their first application. The owners of the lots that Jalapeno Pete's has claimed to be leased, say there were no leases for their properties and the current location is a car rental facility with a gate and fence in the front. There are approximately 20 vehicles at all times in the lot. There are no signs on the fence to show this is the parking for Jalapeno Pete's restaurant now or at any time, and the gate is closed when the rental car business closes about 7:00pm daily.

We request that the Ventura-Cahuenga Boulevard Corridor Specific Plan's legal requirement for a covenant be adhered to because there is a history of these 30 parking spaces NOT BEING AVAILABLE during the operating hours of Jalapeno Pete's restaurant. The covenant is another protection for the other businesses and residences in the vicinity for parking spaces, limited as they are, to hopefully be available for the restaurant's patrons to use. The residential streets have restricted parking hours and Ventura Blvd. has restricted parking meters. Parking violations are a normal occurrence around the restaurant.

Jalapeno Pete's

4.2 ★★★★★ (551)

Closed

THURSDAY,
MAY 2ND



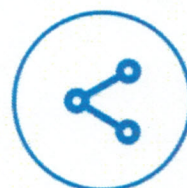
CALL



WEBSITE



DIRECTIONS



SHARE

OVERVIEW

REVIEWS

UPDATES

PHOTOS



Thursday

4 PM-1 AM

SUPPOSE TO
CLOSE AT
11 PM.

Friday

4 PM-1:30 AM

Saturday

12 PM-1:30 AM

Sunday

12 PM-1 AM

Monday

4 PM-12 AM

Tuesday

4 PM-1 AM

Wednesday

4 PM-1 AM

SUPPOSED
TO CLOSE
AT 11 PM

nia at the Harp in Costa Mesa,
another super pub that offers up
playoff-caliber food and atmos-
phere. 130 E. 17th St. Costa Mesa;
(949) 646-8855

Kansas City Chiefs



The doors and windows
swing wide at airy
Jalapeno Pete's, the
primary destination
for Chiefs fans around

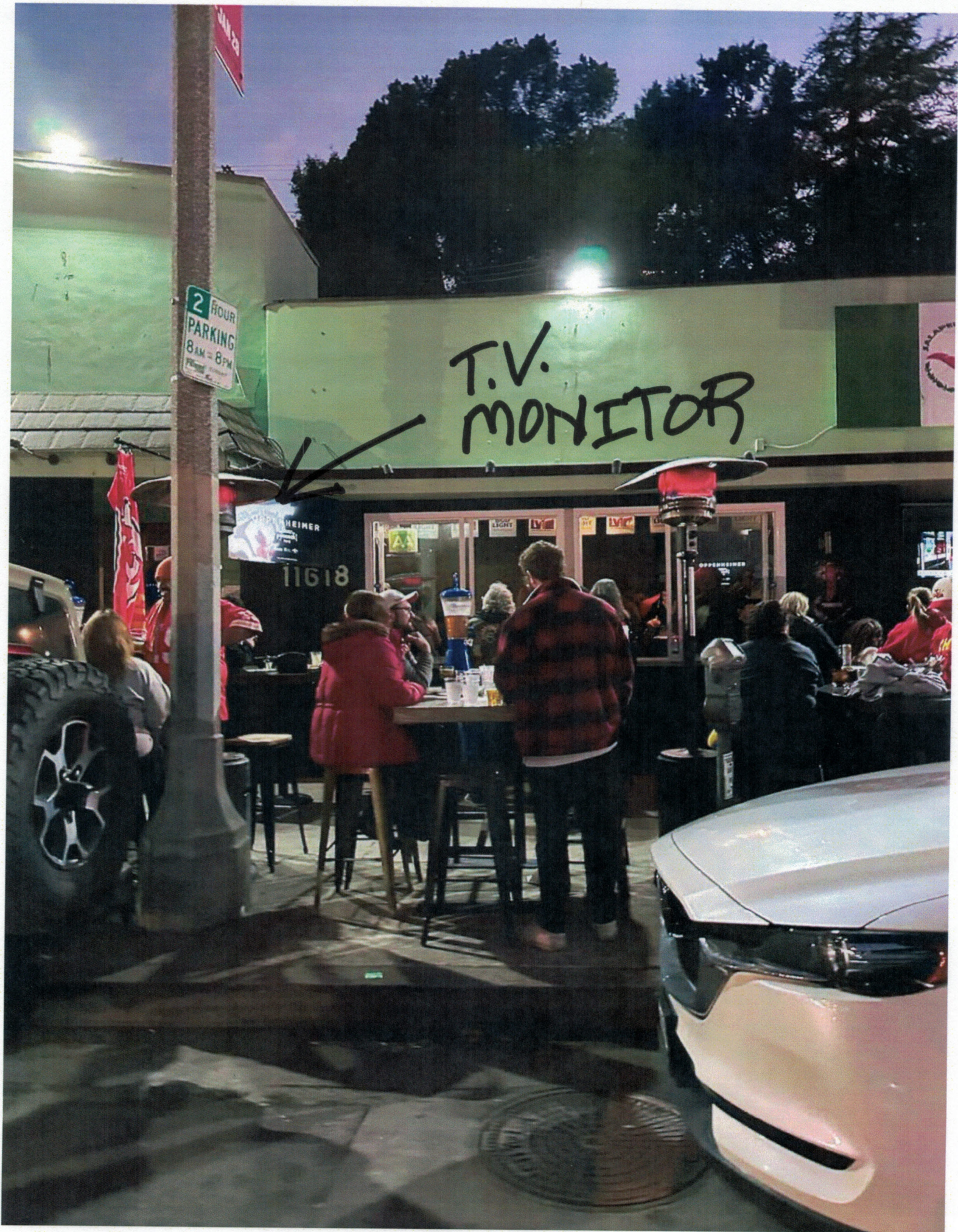
Los Angeles. Fans start
lining up as early as 8 a.m. for a 10
a.m. kickoff (doors open at 9). The
tacos are worth a trip all by them-
selves. 11618 Ventura Blvd., Studio
City; (818) 579-4264, [jalapenopetes
la.com](http://jalapenopetes
la.com)

**NOT SUPPOSED TO
OPEN UNTIL 11AM.**

Minnesota Vikings

If you bleed Vikings

purple head to Pine



ILLEGAL CONING
OFF OF PARKING
METER SPACES.



NIGHT

LOCKED LOT THAT THEY SAY
THEY LEASE IS ALWAYS
LOCKED WITH CARS THAT BELONG
TO THIS RENTAL CAR'S BUSINESS,

DAY



LOCKED LOT THAT THEY SAY
THEY LEASE IS ALWAYS LOCKED
WITH CARS THAT BELONG TO THIS
RENTAL CAR'S BUSINESS.



Planning APC South Valley <apcsouthvalley@lacity.org>

Re: Send for JP

1 message

Adrineh Melkonian <adrineh.melkonian@lacity.org>

Wed, Mar 27, 2024 at 12:36 PM

To: Issarkin@gmail.com

Cc: Johnson Barry <bjohnson4166@sbcglobal.net>, Planning APC South Valley <apcsouthvalley@lacity.org>

Please forward your email and the attachment to the South Valley Area Planning Commission. best

On Wed, Mar 27, 2024 at 11:09 AM Lisa Sarkin <Issarkin@gmail.com> wrote:

ZA-2018-7167-CUB-ZV-SPP ZA-2018-7167-CUB-ZV-SPP-1A

Hi. Below is a photo of the parking lot that Jalapeno Pete's claims they are using and going to use for parking 30 cars. The lot closes every night about 7:00pm. The gates are then closed.

Please post this information in the files. Thank you.

--

Best regards,

Lisa Sarkin

Home 818-980-1010

Cell 818-439-1674

**Adrineh Melkonian**

City Planner

Los Angeles City Planning

6262 Van Nuys Boulevard, Room 430

Los Angeles, CA 91401

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Jalepeno Pete's Appeal

Alexis Prescott <alexis2cats@gmail.com>
To: apcsouthvalley@lacity.org

Mon, Ma

Hello -

I am a resident in the Colfax Meadow Neighborhood. I adamantly oppose granting Jalepeno Pete's desire to operate until 2am, avoid parking covenants, and keep roll up doors up past 10pm. The restaurant in the area operates in that way or that late. The owners have flagrantly ignored the agreed to Covenant for noise, parking, occupancy indoors and out in bad faith since reopening and have made life miserable for nearby residents for years, especially in summer months when windows are open to avoid using nighttime A/C and during football season when hundreds of people walk on the sidewalk so it is impassable. They have regularly ruined the use and enjoyment of our homes in this neighborhood with no regard to residents' requests for relief made directly to the restaurant. Unfortunately because the city does not typically have the resourcing right now, calls for help late at night or when violations are happening do not warrant a timely response so we are left with no recourse.

The business is very successful and can remain so by operating within reasonable requirements that all other businesses have to observe to be good neighbors to residents. Despite their claim that they need to injure nearby neighborhoods simply to stay afloat. We are requesting that the restaurant not be relieved of covenant requirements for adequate parking, nor be allowed to stay open amplifying loud music played with speakers outside, or keep their roll up doors open after 10pm.

I realize I am just one person writing, but my opinion is shared by the many neighbors who suffer in the same way. I am unable to attend the meeting in person but am respectfully hoping you will consider these issues before your decision process is final.

Thank you in advance for your consideration.

--

Alexis Prescott
Colfax Meadows Neighborhood
alexis2cats@gmail.com

Case number :ZA-2021-10093-CU-1A

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Hadi Golchoub <hadigolchoub@yahoo.com>

9:22 AM (11
minutes ago)

to me, Helia, Adrineh

Hello

This is Hadi Goal the owner and resident of,
4443 Auckland ave

Toluca lake CA,91602

I do not agree to build or add a Carwash for

Case number : 1A for case # ZA-2021-10093-CU regarding to the address listed below

Address: 10570 west riverside drive(10564 riverside drive) Ca,91602

Please notify me about the conclusion,

Thank you so much for the consideration

Hadi Goal

DAY OF HEARING SUBMISSIONS

May 9, 2024

VIA E-MAIL

South Valley Area Planning Commission
City of Los Angeles
c/o Bryan Sanchez
Commission Executive Assistant
200 North Spring Street, Room 272
Los Angeles, CA 90012
Email: apcsouthvalley@lacity.org

Re: 22822 Ventura Boulevard Project – In-N-Out Burgers Inc.
Response to Appeal
Case No.: ZA-2022-2788-CU-SPP-SPPA-SPR-WDI/ENV-2022-2789-CE

Dear Commission President Barraza and Honorable Members of the Commission:

We respond on behalf of our client, In-N-Out Burgers Inc. ("Project Sponsor"), to the supplemental materials filed on May 7, 2024, by West Valley Alliance for an Optimal Living ("Appellant") challenging the Zoning Administrator's determination that the above-referenced project ("Project") is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15332, Class 32 (In-fill Development).

As we stated in our prior correspondence, the appeal fails to meet Appellant's evidentiary burden, is without merit, and should be denied. We again respectfully request that the Commission affirm the Zoning Administrator's CEQA determination and decision to approve the Project. Following is a summary of relevant legal principles to be considered in evaluating the legal merits of Appellant's arguments. As summarized below, the City's determination that the Project is exempt is due significant deference and should be upheld.

The Secretary of the California Resources Agency has determined that certain classes of projects meeting the listed criteria (e.g., the size limit, access to public services, etc.) – and not subject to an exception -- do not have a significant effect on the environment, and therefore are categorically exempt from CEQA. (See, generally, CEQA Guidelines § 15354.) Public agencies are prohibited from requiring preparation of an environmental impact report or negative declaration for a project that qualifies for a categorical exemption unless it falls within one of the exceptions to the categorical exemptions. (CEQA Guidelines §§ 15300.2, 15300.4; see *also* Pub. Res. Code § 21080(b)(10), CEQA Guidelines §§ 15300.)

The Class 32 or "in-fill" exemption essentially requires that the proposed development: be consistent with all applicable general plan and zoning rules; occur on a site of five or fewer acres substantially surrounded by urban uses, lacking habitat value for special status species, and amenable to all required utilities and public services; and not result in any traffic, noise, air quality or water quality impacts. The Project satisfies every prong of the exemption, as supported by substantial evidence -- technical analysis prepared by experts.

The California Supreme Court held in *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal. 4th 1086, that the “due to unusual circumstances” language of CEQA Guidelines § 15300.2(c) – which provides an exception to otherwise-applicable categorical exemptions “where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances” – has independent significance and utility and is not merely meaningless surplusage. Thus, a project opponent simply showing substantial evidence supporting a “fair argument” that an otherwise-exempt project may have significant adverse environmental impacts does not defeat an exemption – the opponent must also make a “factual” showing to the satisfaction of the lead agency that “unusual circumstances” exist and have resulted in the potentially significant impacts. The Court expressly approved local agencies’ consideration of local conditions and held that the lead agency’s decision on that prong of the exception would be subject to the deferential substantial evidence standard of judicial review.

We highlight this again because Appellant’s materials inappropriately collapse the elements of CEQA Guidelines § 15300.2(c), suggesting that they need only assert (without substantial evidence) that unusual circumstances apply to the Project Site to defeat the Zoning Administrator’s determination. This is wholly incorrect.

Further, Appellant has still not provided substantial evidence of the potential for any significant adverse environmental effects. We remind you that “substantial evidence” is defined by CEQA to include “fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.”¹ It does not include “argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.”² Appellant (still) did not offer any facts or expert opinion to support its assertions. Instead, it offered speculation, unsubstantiated opinion, and clearly inaccurate and erroneous information in the guise of evidence; such is readily insufficient under the law to meet the required standard and thus must be rejected as a matter of law.

For all the foregoing reasons and based on the thorough and extensive record before you, we again urge the Area Planning Commission to reject the CEQA appeal and to approve the Project. Thank you for your careful consideration of this Project.

Very truly yours,

MILLER STARR REGALIA

Dana Kennedy

Dana Kennedy

DCK:kli

cc: Adrineh Melkonian (adrineh.melkonian@lacity.org)
Sara Houghton (Sara@three6ixty.net)
Jim Lockington (JLockington@innout.com)
Jack Chiang (jack.chiang@lacity.org)

¹ Public Resources Code Sections 21080(e)(1), 21082.2(c).

² Public Resources Code Sections 21080(e)(2), 21082.2(c).



Case # ZA-2021-10093-CU-1A

1 message

helia kakvand <helia_k64@yahoo.com>

Wed, May 8, 2024 at 11:25 AM

To: apcsouthvalley@lacity.org

Cc: Adrineh Melkonian <adrineh.melkonian@lacity.org>

Hello,

This is the owner of 4443 Auckland ave, toluca lake, ca 91602
Regarding Case # ZA-2021-10093-CU-1A

I disagree for the case building the car wash and if I could not join the zoom meeting on May/9/2024 for the hearing still I am opposing and will remain against it.

I would be appreciate if you update me with the status.

Thank you,
Neda Kakvand

Sent from my iPhone



TECHNICAL MEMORANDUM

TO: Ms. Sara Houghton | THREE6IXTY

FROM: Giancarlo Ganddini, PE, PTP | GANDDINI GROUP, INC.

DATE: May 8, 2024

SUBJECT: **Response to Supplemental Appeals Justification Letter from West Valley Alliance (Channel Law Group, LLP, May 7, 2024) (Appeal of Case No. ZA-2022-2788-CU-SPP-SPPA-SPR-WDI regarding the proposed In-N-Out Burger (22822 Ventura Boulevard) Project)**
(GGI Project No. 19378)

Ganddini Group, Inc. is pleased to provide this letter in response to the supplemental appeals justification letter dated May 7, 2024, filed on behalf of West Valley Alliance, regarding the proposed In-N-Out Burger (22822 Ventura Boulevard) project. The following is a response to the queuing, trip generation, and safety impacts issues raised in the supplemental appeal justification letter.

I. QUEUING ANALYSIS

The supplemental appeal justification letter correctly notes that the seven In-N-Out locations included in the queuing analysis are the same for both the Monrovia study cited by the appeal letter and the proposed project (22822 Ventura Boulevard). The queuing data used in the *In-N-Out Burger (22822 Ventura Boulevard) Transportation Assessment* (Ganddini Group, November 2021) ["Project TA"] is intended to represent a more comprehensive and broader cross-section of In-N-Out restaurants in order to establish a general representation of peak queues from which the average and 85th-percentile peak queuing can be determined for planning purposes. Since the queuing analysis data used for the proposed project is consistent with the data presented in the appeal letter, the appeal letter does not present evidence to the contrary.

Furthermore, in accordance with City of Los Angeles Department of Transportation (LADOT) Transportation Assessment Guidelines, the drive-through queuing analysis is a non-CEQA issue as presented in the "Non-CEQA Analysis of Transportation Impacts" section in the *In-N-Out Burger (22822 Ventura Boulevard) Transportation Assessment* (Ganddini Group, November 2021) ["Project TA"]. As noted in the introduction to this section on page 41 of the Project TA, "[t]his section presents evaluation of non-CEQA transportation impacts and potential improvements or corrective measures that may be required to address identified deficiencies under the discretionary authority of the City of Los Angeles to regulate the use of land and approve land development projects. The impacts, also referred to as deficiencies, discussed in this section **are not intended to be interpreted as thresholds of significance for purposes of CEQA review [emphasis added]**." Therefore, the queuing analysis should not be construed as an environmental issue subject to CEQA.

II. TRIP GENERATION

The supplemental appeal letter states that the appeal letter contains "more current, more relevant, and better documented information than the applicant's Traffic study regarding In-N-Out Burger-specific trip generation." The supplemental appeal letter further claims that "the applicant's Traffic Analysis trip generation rates rely primarily on 'a new trip count survey conduction in July 2020 at an In-N-Out in Fort Worth Texas.'" These statements are either irrelevant and/or inaccurate.

With respect to more current data, the fact that the supplemental appeal letter references more current data is irrelevant and does not disprove adequacy of the trip generation estimates contained in the Project TA. It is standard practice for trip generation rates to be based on historical data. The ITE *Trip Generation Manual*, which is the industry-standard reference manual for determining trip generation forecasts for proposed land use projects, contains trip generation rates for the fast-food restaurant with drive through window land use based on data from the 1980s, 1990s, 2000s, and 2010s. Notwithstanding the above, the Project TA contains more current trip generation data than would be customary of studies for other brands of fast-food restaurants relying on the industry-standard ITE *Trip Generation Manual*.

With respect to “more relevant” data, the trip generation data used in the Project TA are intended to represent a more comprehensive and broader cross-section of In-N-Out restaurants in order to establish a general representation from which average trip generation rates can be derived for traffic analysis purposes. The supplemental appeal letter references trip generation rates based on observations at two locations in south Orange County, whereas the Project TA includes a greater sample size with seven observations, including two locations in Los Angeles County. Therefore, the trip generation data contained in the Project TA is considerably more relevant.

The supplemental appeal letter inaccurately claims that the Project TA fails to clearly detail specific adjustments made to trip counts at one of the seven survey sites and makes repeated claims that the methodology used to derive the trip generation rates is not fully documented. The appeal letter appears to mis-interpret a section of the Project TA indicating the trip counts collected at the survey site in question generally fell within the range of other trip observations. No adjustments were made. All trip generation information used to assess the proposed project (22822 Ventura Boulevard) is well-documented as explained on pages 34/34 of the Project TA with all supporting calculations and original count worksheets provided in attachments to the City-approved Memorandum of Understanding in Appendix B of the Project TA.

The supplemental appeal letter inaccurately claims that no substantial evidence was provided to justify the pass-by rate or transit credit. As cited in the Project TA, Table 4, footnote 1, the pass-by rate and transit credit are based on policy set forth in the LADOT Transportation Assessment Guidelines. These are standard credits based on data reviewed and adopted by LADOT.

Notwithstanding all of the above, the project trip generation as it relates to potential impacts on roadway capacity is a non-CEQA issue as presented in the “Non-CEQA Analysis of Transportation Impacts” section in the Project TA and should not be construed as an environmental issue subject to CEQA.

IV. SAFETY IMPACTS DUE TO DRIVE THROUGH LOCATION AND DESIGN

Figure 1 in this section of the supplemental appeal letter incorrectly shows an arrow indicating left turn movements out of the drive through lane; the project does not propose left turns out from the drive through lane. The exact configuration of the proposed wall adjacent to the drive through lane is currently under plan review by City staff and is generally outside the purview of CEQA. The final wall design can easily be modified to ensure adequate sight distance is provided between pedestrians and vehicles exiting the drive through lane. Furthermore, the general location and design of the proposed drive through lane were reviewed and approved by LADOT staff during the early scoping stages of the Project TA.

CONCLUSION

In summary, the claims pertaining to queuing, trip generation, and safety impacts in the supplemental appeals justification letter are either irrelevant, inaccurate, and/or should not be construed as environmental issues subject to CEQA.