

FINDINGS

(As Amended by the Central Area Planning Commission at its meeting on March 14, 2023)

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 project involves a Conditional Use Permit to allow the construction, use, and maintenance of a drive-through fast-food establishment in the C4 Zone adjoining a residential zone. The subject property is currently developed with an existing one-story commercial building and surface parking lot which was formerly occupied by a Rite-Aid retail pharmacy and is now vacant. The project proposes to demolish all existing improvements on the site for development of the proposed new restaurant.

The project will redevelop an underutilized and unoccupied site with a new active commercial service. With development of the proposed project, the property will be an improvement over the existing aging improvements on the site and will add attractive landscaping where there currently is none. The project has been thoughtfully designed and conditioned to provide varied and high-quality architectural materials to further enhance the physical environment. By improving the property, the project will add a new vibrant commercial use along a major commercial corridor developed with other similar and compatible uses and will contribute to the economy. In addition, the project will provide a new and unique commercial service and will provide greater convenience with vehicle drive-through lanes. The project is a desirable use in a heavily urbanized and populated neighborhood with a high number and wide variety of residents and visitors alike and will add and expand upon the existing food options in the area and the hours they are available. Therefore, the project will both enhance the built environment in the surrounding neighborhood and will provide a service that is beneficial to the community and region. The imposition of a number of conditions addressing operational issues will ensure that the project will not be disruptive to the surrounding community.

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 subject property is currently developed with an existing one-story commercial building and surface parking lot which was formerly occupied by a Rite-Aid retail pharmacy and is now vacant; the project proposes to demolish all existing improvements on the site for development of a proposed new drive-through fast-food restaurant. The new restaurant will encompass approximately 3,448 square feet of interior space and approximately 538 square feet of outdoor eating space and operate from 9:00 a.m. to 1:00 a.m. Sunday through Thursday and from 9:00 a.m. to 3:30 a.m. Friday through Saturday.

The proposed drive-through fast-food restaurant use is consistent with the zoning on the property and the City's land use designation for the site and the surrounding area. The project is further compatible with the project's location along a major commercial corridor lined with a variety of restaurants and other commercial service uses. As the development of a new commercial service which will provide unique dining amenities and convenience with vehicle drive-through lanes, the project is a desirable and compatible use with the other uses in the area. The project has been thoughtfully designed and carefully conditioned to contribute to and enhance the form and function of the neighborhood while minimizing potential impacts. The project maximizes the appearance of the proposed building by locating the main entrance and accompanying façade transparency along the main roadway, and by further activating Sunset Boulevard and enhancing the pedestrian experience with an outdoor eating area along the road. The project has also been designed and conditioned to provide varied and high-quality architectural materials to further enhance the physical environment. The project reduces potential operational impacts by siting and shielding order boxes away from residential uses, by providing two parallel drive-through lanes to provide greater vehicle queueing capacity on-site, and by providing mobile staff attendants to take orders from queuing vehicles to expedite ordering. Additionally, the proposed project represents a smaller footprint over the existing vacant commercial retail store and will also provide additional improvements such as landscaped buffers around the entirety of the property where there currently is none; as such, the project is less intensive in some regards and will be an improvement versus the existing development on the site. Accordingly, the project will not have any additional adverse physical impacts and will be compatible with adjacent properties and the surrounding community.

Additional conditions have been imposed to encourage responsible management and deter criminal activity. These conditions will ensure that the operation will address nuisances, enhance security and safety, and minimize potential impacts on adjacent properties and the community. At its meeting of March 14, 2023, the Central Area Planning Commission added Conditions Nos. 28-31 to address concerns related to hours and traffic for further minimize impacts to the surrounding neighborhood. As conditioned, the development of the proposed project will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety and the development of the 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 elements in the General Plan establish policies and provide the regulatory environment for managing the city and for addressing concerns and issues. The majority of the policies derived from the elements in the General Plan are in the form of Code Requirements, which collectively form the LAMC. The subject entitlements are for conditionally permissible uses and deviations, and thus do not propose to deviate from any of the requirements of the LAMC.

The subject property is located within the boundaries of the Hollywood Community Plan Area. The Community Plan designates the northern portion of the subject

property for Regional Center Commercial land uses corresponding to the C2, C4, P, PB, RAS3, and RAS4 Zones, and the southern lot of the subject property for Low Medium II Residential land uses corresponding to the RD2 and RD1.5 Zones. The northern portion project site is currently zoned C4-2D-SN while the southern lot is currently zoned RD1.5-1XL; the property is thus consistent with the existing land use designations on the site. The property is located within the Hollywood Redevelopment Project area and will thus be subject to any additional requirements of the Hollywood Redevelopment Plan. Although the project includes requests for variances, the requested conditional use is consistent with the existing zoning and land use designations on the site.

The project is substantially consistent with the overarching goals of the Hollywood Community Plan, which specifically encourages the form and function of Sunset Boulevard in this area as a major commercial corridor and neighborhood serving center. As the project will redevelop an existing closed retail building with a new and active restaurant which will provide unique dining amenities and convenience, the project contributes to and furthers the economic development and commercial activity along Sunset Boulevard. Additionally, the project is surrounded by many other compatible and complementary uses. The project follows an established pattern of zoning and land use that is consistent and compatible with other properties and uses in the surrounding area, which include other restaurants (both drive-through and standalone) and a variety of commercial services. Thus, the project substantially conforms with the purpose, intent, and provisions of the General Plan and the Community Plan.

CONDITIONAL USE DRIVE-THROUGH FINDINGS

4. **That residential uses in the vicinity of a proposed drive-through fast-food establishment will be adequately protected from any significant noise resulting from outdoor speakers, autos, or other sources of noise associated with the lot.**

The subject property is located at the southeastern corner of Sunset Boulevard and McCadden Place. Residential uses abutting the subject property include a single-family residence to the south of the project site (with a multi-family apartment complex further to the south of this lot) and a multi-family apartment complex to the southeast of the project site. The subject property is surrounded by various commercial uses on all other sides and the surrounding area is primarily developed with commercial uses; other residential uses in the vicinity are separated from the subject property by at least several other lots.

The project proposes a new drive-through fast-food restaurant with two drive-through lanes wrapping around the southern and eastern edges of the property; the restaurant building will be located on the northern portion of the property, while a surface parking lot is proposed for the western portion of the property. As shown in the plans in Exhibit A, the drive-through order boards and voice boxes are located in the interior of the property approximately 100 feet north of the southern property line, with the restaurant building and pick-up window located approximately 50 and 100 additional feet, respectively, north of the order boards.

The project proposes a site plan and layout that results in most activity, especially those associated with vehicle queueing and ordering via voice boxes, being located in the interior and towards the northern side of the property; as such, these potential sources of noise face other commercial uses or the streets and are oriented away from residential uses. As only the southernmost 50 feet of the subject property boundaries abut residential uses, the proposed project is unlikely to result in any significant noise impacts to such uses. In addition, the eastern and southern property lines will have a six-foot high screening wall and will be thoroughly landscaped and planted with a variety of shrubs and flowering plants. In particular, along the southern property line which abuts a single-family use and along the southeastern corner, the project proposes a fully landscaped area of nearly 25 feet in depth, which will further prevent any significant noise impacts. The project has also been conditioned to further prevent any potential noise impacts. Therefore, residential uses in the vicinity of the proposed drive-through fast-food establishment will be adequately protected from any significant noise associated with the project.

5. **That all stationary light generated on the lot is screened to avoid any significant adverse impact on nearby residential uses.**

The subject property is located at the southeastern corner of Sunset Boulevard and McCadden Place. Residential uses abutting the subject property include a single-family residence to the south of the project site (with a multi-family apartment complex further to the south of this lot) and a multi-family apartment complex to the southeast of the project site. The subject property is surrounded by various commercial uses on all other sides and the surrounding area is primarily developed with commercial uses; other residential uses in the vicinity are separated from the subject property by at least several other lots.

The project proposes a new drive-through fast-food restaurant with two drive-through lanes wrapping around the southern and eastern edges of the property; the restaurant building will be located on the northern portion of the property, while a surface parking lot is proposed for the western portion of the property. As shown in the plans in Exhibit A, surface lighting is proposed in a few locations throughout the property, with only one towards the southeastern corner of the property that is within proximity to the abutting residential uses. However, this (and all) lighting associated with the project is unlikely to result in any significant adverse impact on nearby residential uses because all lighting for the project will be designed and shielded such that they do not shine directly onto or otherwise impact any nearby properties. In addition, the eastern and southern property lines will have a six-foot high screening wall and will be thoroughly landscaped and planted with a variety of shrubs and flowering plants. In particular, along the southern property line which abuts a single-family use and along the southeastern corner, the project proposes a fully landscaped area of nearly 25 feet in depth. Lighting in this area will be ambient lighting and will be surrounded by lush landscaping, and will not impact the abutting residential uses. The six-foot wall surrounding the property will prevent any glare or spillover of vehicle lights from reaching any abutting properties. Therefore, all stationary light generated on the lot will be screened and will not result in any significant adverse impacts on nearby residential uses.

6. **That trash storage, trash pickup hours, driveways, parking locations, screening walls, trees and landscaping are provided for and located so as to minimize**

disturbance to the occupants of nearby residential uses, and to enhance the privacy of those uses.

The subject property is located at the southeastern corner of Sunset Boulevard and McCadden Place. Residential uses abutting the subject property include a single-family residence to the south of the project site (with a multi-family apartment complex further to the south of this lot) and a multi-family apartment complex to the southeast of the project site. The subject property is surrounded by various commercial uses on all other sides and the surrounding area is primarily developed with commercial uses; other residential uses in the vicinity are separated from the subject property by at least several other lots.

The project proposes a new drive-through fast-food restaurant with two drive-through lanes wrapping around the southern and eastern edges of the property; the restaurant building will be located on the northern portion of the property, while a surface parking lot is proposed for the western portion of the property. A trash enclosure (and adequate pick-up space) is also proposed within the surface parking area. As shown in the plans in Exhibit A, vehicular access to the property is provided via one two-way driveway on McCadden Place, one right-turn-only ingress-only driveway on Sunset Boulevard, and one right-turn-only egress-only driveway on Sunset Boulevard. The property will be entirely screened by a six-foot screening wall along the eastern and southern property lines. Landscaping will also be provided along the entirety of the eastern and southern property lines, with the depth of the setback areas ranging from 5 feet at the narrowest point to nearly 25 feet along the southern property line.

The project has been thoughtfully designed to minimize disturbances to abutting residential uses. The project proposes a site plan and layout that results in most activity, such as vehicle parking and trash pickup, being located in the interior and towards the northern side of the property; as such, these potential sources of noise face other commercial uses or the streets and are oriented away from residential uses. The six-foot wall surrounding the property will enhance the privacy of abutting residential uses to the south and southeast. In addition, the eastern and southern property lines will be thoroughly landscaped and planted with a variety of shrubs and flowering plants. In particular, along the southern property line which and along the southeastern corner, the project proposes a fully landscaped area of nearly 25 feet in depth, which will further enhance the privacy of the abutting residential uses to the south and southeast. Therefore, trash storage, parking, screening walls, and landscaping are provided for and otherwise designed such that the project will minimize disturbance to and will enhance the privacy of nearby residential uses.

ZONE VARIANCE FINDINGS

In order for a plan approval to be granted, all five of the legally mandated findings delineated in City Charter Section 562 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

- 7. The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.**

The strict application of the provisions of the zoning ordinance would result in practical difficulties and unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations and would be averse to the City's goal of further developing and supporting the local economy if the requested variances are not granted. The requests herein are to permit a drive-through fast-food restaurant use in the RD1.5 Zone, to permit access from a less restrictive zone to a more restrictive zone, and to permit an outdoor eating area in excess of 50 percent of the interior dining area. These requests are necessary to allow for the continued use of the subject property for viable commercial uses and to enable the provision of an outdoor eating patio in an area where such uses are desirable and present on other nearby properties.

The majority of the subject property is zoned C4-2D-SN and has a land use designation of Regional Center Commercial, while the southernmost lot is zoned RD1.5-1XL and has a land use designation of Low Medium II Residential. The project site is currently developed with an existing vacant commercial retail building and accompanying surface parking lot, the latter of which extends into the residentially-zoned portion of the property. According to building records, the site has been developed as such since 1945, and thus the residential lot has long been utilized for incidental commercial parking. The applicant is seeking to continue utilizing the entirety of the property for commercial uses, and specifically to utilize the residential lot primarily for vehicle parking and access (primary features such as the proposed restaurant, outdoor eating area, and drive-through order boxes are all located on the commercially zoned portion of the property). It would be an unnecessary hardship to sever the applicant's property and prevent a portion of the property from being used to support the continued use of the property for a commercial development as it has been for decades. In addition, the project is unique in that as a fast-food restaurant, both the overall footprint of the restaurant and the interior dining area are relatively small; as a result, strict adherence to the zoning code's limitations would result in an impractically sized outdoor dining area. This would also be an unnecessary hardship because it would needlessly impact the viability of the proposed restaurant and the continued use of the property for a commercial service.

The general intent of the relevant zoning regulations in this case is to ensure that development is compatible with surrounding properties. Despite the need for the requested variances, the project is compatible with its surroundings. The requested variances enable the continued use of the property for commercial uses without representing a significant change of use or development intensity; rather, the proposed project is a significantly smaller footprint and building envelope than the existing vacant building. The project will further provide landscaped buffers and setbacks around the entirety of the property and where there currently are none, and thus will both enhance the physical environment and further minimize any potential impacts on adjacent properties, all of which support the general purposes of the zoning regulations. The Hollywood Community Plan further specifically encourages the use of vehicle parking to serve as a buffer between commercial uses lining the main arterial roadways and residences behind them, especially in the core of Hollywood along Hollywood Boulevard and Sunset Boulevard, and the proposed project will do exactly that. In addition, many other properties and operations in the area feature outdoor dining areas and such areas contribute to the urban form of the neighborhood and enhance the physical environment and pedestrian experience; as

such, the requested deviation for a larger outdoor eating area does not introduce any unusual uses and enables a desirable use and feature for this location, consistent with other developments in the area and with good planning practice. For all of these reasons, the strict application of the provisions of the zoning regulations would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.

8. There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.

There are special circumstances applicable to the property which do not generally apply to other properties in the area. The majority of the subject property is zoned C4-2D-SN and has a land use designation of Regional Center Commercial, while the southernmost lot is zoned RD1.5-1XL and has a land use designation of Low Medium II Residential. The project site is currently developed with an existing vacant commercial retail building and accompanying surface parking lot, the latter of which extends into the residentially-zoned portion of the property. According to building records, the site has been developed as such since 1945, and thus the residential lot has long been utilized for incidental commercial parking. The applicant is seeking to continue utilizing the entirety of the property for commercial uses, and specifically to utilize the residential lot primarily for vehicle parking and access (primary features such as the proposed restaurant, outdoor eating area, and drive-through order boxes are all located on the commercially zoned portion of the property). It would be an unnecessary hardship to sever the applicant's property and prevent a portion of the property from being used to support the continued use of the property for a commercial development as it has been for decades. In addition, the project is unique in that as a fast-food restaurant, both the overall footprint of the restaurant and the interior dining area are relatively small; as a result, strict adherence to the zoning code's limitations would result in an impractically sized outdoor dining area. This would also be an unnecessary hardship because it would needlessly impact the viability of the proposed restaurant and the continued use of the property for a commercial service.

Other commercially-zoned properties in the area are not generally partially zoned for residential land uses like the subject property, and this condition limits the redevelopment and viability of the site without the requested variances. Therefore, there are special circumstances on the subject property that do not generally apply to other properties in the same zone and vicinity.

9. The variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.

The requested variances are necessary for the preservation and enjoyment of existing property rights, but which would otherwise be denied to the proposed project

due to special circumstances. The requests herein are to permit a drive-through fast-food restaurant use in the RD1.5 Zone, to permit access from a less restrictive zone to a more restrictive zone, and to permit an outdoor eating area in excess of 50 percent of the interior dining area. These requests are necessary to allow for the continued use of the subject property for viable commercial uses and to enable the provision of an outdoor eating patio in an area where such uses are desirable and present on other nearby properties.

The majority of the subject property is zoned C4-2D-SN and has a land use designation of Regional Center Commercial, while the southernmost lot is zoned RD1.5-1XL and has a land use designation of Low Medium II Residential. The project site is currently developed with an existing vacant commercial retail building and accompanying surface parking lot, the latter of which extends into the residentially-zoned portion of the property. According to building records, the site has been developed as such since 1945, and thus the residential lot has long been utilized for incidental commercial parking. The applicant is seeking to continue utilizing the entirety of the property for commercial uses, and specifically to utilize the residential lot primarily for vehicle parking and access (primary features such as the proposed restaurant, outdoor eating area, and drive-through order boxes are all located on the commercially zoned portion of the property). It would be an unnecessary hardship to sever the applicant's property and prevent a portion of the property from being used to support the continued use of the property for a commercial development as it has been for decades. In addition, the project is unique in that as a fast-food restaurant, both the overall footprint of the restaurant and the interior dining area are relatively small; as a result, strict adherence to the zoning code's limitations would result in an impractically sized outdoor dining area. This would also be an unnecessary hardship because it would needlessly impact the viability of the proposed restaurant and the continued use of the property for a commercial service.

The property has long been developed with commercial service uses with incidental parking on the residentially-zoned portion of the site. Other commercially-zoned properties in the area are not generally partially zoned for residential land uses like the subject property, and this condition limits the redevelopment and viability of the site without the requested variances. In addition, functionally sized outdoor eating areas are generally present on other similarly zoned properties and in the vicinity, but would otherwise be denied for the proposed project without the requests herein. Therefore, the requested variances are necessary for the preservation and enjoyment of uses of property which are generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.

10. **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 proposed project will not be materially detrimental to the public welfare or injurious to other property and improvements in the same zone and vicinity. The majority of the subject property is zoned C4-2D-SN and has a land use designation of Regional Center Commercial, while the southernmost lot is zoned RD1.5-1XL and has a land use designation of Low Medium II Residential. The project site is currently

developed with an existing vacant commercial retail building and accompanying surface parking lot, the latter of which extends into the residentially-zoned portion of the property. According to building records, the site has been developed as such since 1945, and thus the residential lot has long been utilized for incidental commercial parking. The applicant is seeking to continue utilizing the entirety of the property for commercial uses, and specifically to utilize the residential lot primarily for vehicle parking and access (primary features such as the proposed restaurant, outdoor eating area, and drive-through order boxes are all located on the commercially zoned portion of the property).

The general intent of the relevant zoning regulations in this case is to ensure that development is compatible with surrounding properties. Despite the need for the requested variances, the project is compatible with its surroundings. The requested variances enable the continued use of the property for commercial uses without representing a significant change of use or development intensity; rather, the proposed project is a significantly smaller footprint and building envelope than the existing vacant building. The project will further provide landscaped buffers and setbacks around the entirety of the property and where there currently are none, and thus will both enhance the physical environment and further minimize any potential impacts on adjacent properties, all of which support the general purposes of the zoning regulations. The Hollywood Community Plan further specifically encourages the use of vehicle parking to serve as a buffer between commercial uses lining the main arterial roadways and residences behind them, especially in the core of Hollywood along Hollywood Boulevard and Sunset Boulevard, and the proposed project will do exactly that. In addition, many other properties and operations in the area feature outdoor dining areas and such areas contribute to the urban form of the neighborhood and enhance the physical environment and pedestrian experience; as such, the requested deviation for a larger outdoor eating area does not introduce any unusual uses and enables a desirable use and feature for this location, consistent with other developments in the area and with good planning practice. For all of these reasons, 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.

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

The requested variances will not adversely affect any element of the General Plan because the project is substantially consistent with the General Plan. The subject property is located within the boundaries of the Hollywood Community Plan Area. The project is substantially consistent with the overarching goals of the Hollywood Community Plan, which specifically encourages the form and function of Sunset Boulevard in this area as a major commercial corridor and neighborhood serving center. As the project will redevelop an existing closed retail building with a new and active restaurant which will provide unique dining amenities and convenience, the project contributes to and furthers the economic development and commercial activity along Sunset Boulevard. Additionally, the project is surrounded by many other compatible and complementary uses. The project follows an established pattern of zoning and land use that is consistent and compatible with other properties and uses in the surrounding area, which include other restaurants (both drive-through and

standalone) and a variety of commercial services. The requested variances serve only to enable the continued and viable use of the entirety of the subject property for commercial uses as it has long been utilized. Thus, the project substantially conforms with the purpose, intent, and provisions of the General Plan and the Community Plan and will not adversely affect any element of the General Plan.

FLOOD HAZARD FINDING

12. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas outside of a flood zone.