

Communication from Public

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Council File No: 23-0576
Comments for Public Posting: Citizens for a Better Los Angeles submits the attached comments in support of its appeal of the proposed Raising Cane's Drive-Thru, 6726–6740 W. Sunset Blvd.; 1434–1456 N. McCadden Pl., ZA-2021-4710-CU-ZV-SPR, ENV-2021-4711-MND.



Citizens for a Better Los Angeles

September 12, 2023

Planning & Land Use Management Committee
Los Angeles City Hall
200 N. Spring St.
Los Angeles, CA 90012

Re: Raising Cane's Drive-Thru
6726-6740 W. Sunset Blvd.; 1434-1456 N. McCadden Pl.
Case No.: ZA-2021-4710-CU-ZV-SPR, ENV-2021-4711-MND
Additional Comments in Support of Appeal

Members of the PLUM Committee,

Citizens for a Better Los Angeles would like to submit the following comments in support of its appeal of the Raising Cane's drive-thru proposed for the corner of Sunset and McCadden in Hollywood.

In these comments, we would like to highlight the following issues:

- The determination letter improperly groups three zone variances together as one zone variance;
- The required findings can't be made to support the three requested zone variances;
- The project will impede emergency vehicle access to the neighborhood;
- The MND is glaringly inadequate in its analysis of the project's impacts;
- The project is in conflict with the goals of the following General Plan Elements: Air Quality Element; Plan for a Healthy LA; Mobility Plan; Noise Element.

This is a toxic project that flies in the face of many policies that the Department of City Planning claims to be implementing. At a time when the city claims to be

promoting multi-modal approaches to transportation, this project is explicitly designed for customers driving cars. At a time when the city claims to be working to reduce greenhouse gas emissions, this project will leave lines of carbon-burning vehicles idling on city streets. At a time when the city claims to be encouraging active transportation, this project will create extended queues of cars and trucks that will block pedestrians on sidewalks and cyclists on streets. The problem is compounded by the fact that the site for this drive-thru fast food restaurant serving chicken is directly across the street from another drive-thru fast food restaurant serving chicken.

There is no rational basis for granting the three zone variances requested for this project. The decision-maker has abused their discretion because they have not proceeded in the manner required by law, and the findings are not supported by the evidence.

Three Zone Variances Are Improperly Grouped Together as One

The original September 30, 2022 determination letter correctly lists the three separate zone variances that were granted for this project:

Pursuant to LAMC Section 12.27, I hereby APPROVE:

- *a Zone Variance to permit a drive-through fast-food use partially in the RD1 .5-1 XL Zone,*
- *a Zone Variance to permit an outdoor eating area in excess of 50 percent of the interior dining area in the C4-2D-SN Zone,*
- *a Zone Variance to permit access and accessory parking from a more restrictive zone to a less restrictive zone; and*

But the Central APC determination letter issued on April 25, 2023 improperly groups these three zone variances together as one zone variance:

4. *Approved, pursuant to LAMC Section 12.27, a Zone Variance to:*
- *Permit a drive-through fast-food use partially in the RD1.5-1XL Zone;*
 - *Permit an outdoor eating area in excess of 50 percent of the interior dining area in the C4-2DSN Zone; and*
 - *Permit access and accessory parking from a more restrictive zone to a less restrictive zone;*

This is important because the fact that the project requires three separate zone variances makes it clear that it is unsuitable for the proposed location.

The Required Findings Can't Be Made for the Three Zone Variances

LAMC Sec. 12.27 states that no variance may be granted unless the Zoning Administrator can make all of the required findings, but here the findings are not supported by the evidence:

- 1. that 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;*

Existing zoning does not prohibit the construction and operation of a fast-food restaurant. Constructing a fast-food restaurant with no drive-thru component imposes no unnecessary hardship on the applicant.

- 2. that 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 no special circumstances applicable to the subject property. It is a commercially zoned parcel immediately adjacent to residential parcels. This is true of numerous other parcels along this stretch of Sunset.

- 4. that 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; and*

Based on evidence submitted by residents who live near the project site, and also evidence submitted by CBLA, it's clear that the granting of the variance will likely cause significant impacts to nearby residential uses with regard to traffic, noise and air quality. CBLA has submitted newspaper reports of the multiple negative impacts to residents who live near the recently completed Raising Cane's in Burbank. (See [CBLA's 2/6/23 letter to Central APC](#), included in Council File: 23-0576, "Attachment to Report dated 5/30/2023 - Staff Report", page 108, Exhibits E and F.) *Burbank residents have complained of Raising Cane's customers speeding on residential streets, loitering and leaving garbage in their neighborhood. The City of Burbank has had to erect barriers to deter Raising Cane's customers from intruding on nearby residential streets.* CBLA has also submitted photos of drive-thrus, including the Raising Cane's location in Burbank, showing that the drive-thrus frequently cause long queues of cars to form, blocking public streets. (See again CBLA's 2/6/23 letter to Central APC, Exhibits A1, A2, B1, B2, C1 and C2.)

- 5. that 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 alternative modes of transportation;
Noise Element – The project will have unacceptable noise impacts on the surrounding community.

The Project Will Impede Emergency Vehicle Access to the Neighborhood

The project site is directly across the street from the existing Chick-fil-a drive thru at Sunset and Highland. The applicant proposes to place the entrance for vehicles on McCadden. The existing entrance to Chick-fil-a is also located on McCadden. At lunch and dinner time, lines of cars are certain to be queuing up for both drive-thrus, which will block both lanes on McCadden, impeding access by emergency vehicles. Please see page 8 for a discussion of the MND's claim that the project would not impact emergency access.

MND Fails to Adequately Analyze Impacts

The MND's analysis in the following categories is either incomplete, flawed, or appears to be designed to mislead and misinform the public.

Air Quality

The Initial Study asks if the project would:

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?

The MND finds impacts would be less than significant, but the analysis is incomplete. Drive-thru restaurants inevitably generate high levels of criteria pollutants, and Hollywood has a number of drive-thrus already. There are currently three drive thrus within 1,500 feet of the project site (In-N-Out, Jack in the Box and Chick-fil-A). The City recently approved a fourth (Hart House) at the southwest corner of Hollywood and Highland. The addition of Raising Cane's will raise the total to five drive-thrus, businesses designed to draw customers driving cars. This will result in a cumulatively considerable net increase of criteria pollutants.

c) Expose sensitive receptors to substantial pollutant concentrations?

Again, the MND finds a less than significant impact, but this is not credible. Los Angeles already ranks high among the cities with the worst air quality in the US. The MND acknowledges that the SCAQMD Air Basin is in non-attainment for ozone (State and federal), PM10 (State), PM2.5 (State and federal), and lead (federal, partial non-attainment in a portion of Los Angeles County). The American Lung Association's State of the Air Report 2023 lists the Los Angeles/Long Beach Area among the most polluted cities in the country, ranking it number one among cities with high ozone levels, number four with regard to year-round particle

pollution and number nine in the category of short-term particle pollution. The addition of yet another drive-thru next to the residential neighborhood south of the project site will subject residents to higher levels of pollutant concentrations, especially with cars lining up along McCadden daily at lunch time, dinner time and late at night as people get out of shows.

Greenhouse Gas Emissions

The Initial Study asks if the project would:

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The following is one of the Mobility Plan's key policy initiatives:

- Target greenhouse gas reductions through a more sustainable transportation system

Approving yet another drive thru, the fifth within a 1,500 foot radius of the project site, is clearly in conflict with the policy initiative above.

The project is also in conflict with the following targets listed on page 70 of the LA Sustainable City pLAn, 2019:

We are changing the face of mobility for L.A. workers and families—because transportation accounts for 19% of our GHG emissions, and is the top contributor to air pollution. These trends cannot continue.

Targets

- *Increase the percentage of all trips made by walking, biking, micro-mobility / matched rides or transit to at least 35% by 2025; 50% by 2035; and maintain at least 50% by 2050*
- *Reduce VMT per capita by at least 13% by 2025; 39% by 2035; and 45% by 2050*

Noise

The Initial Study asks if the project would involve:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

The MND includes a lot of technical babble to make it look as though the authors considered noise impacts, but the data they include is merely number crunching which avoids the central question: Will the project comply with the LAMC's noise

ordinance, which requires that the project not interfere with residents' quiet enjoyment of their homes? This is the standard that the MND should have used, as the Initial Study makes direct reference to a local noise ordinance. Noise generated by the project will certainly cause significant impacts to nearby residents. Noise associated with the project will be generated not only on the project site, but also by cars queueing along McCadden. The authors of the MND do not acknowledge that other Raising Cane's locations frequently cause queuing on public streets, with lines sometimes stretching 100 feet, 200 feet or more. Please see CBLA's February 6, 2023 letter, Exhibit A2, which shows conditions at the Raising Cane's in Burbank.

The MND offers an absurdly limited list of nearby sensitive receptors, listing only the following three:

- Single-Family Residential Dwelling: 1428 McCadden Place, Immediately south of project site
- Hollywood Center Motel: 6720-6722 Sunset Boulevard, Immediately east of project site
- The Artiste Apartments: 6731 Leland Way, 50 ft south of project site boundary

Amazingly, the MND only considers residential uses within 50 feet of the project site. This is a ridiculously limited sampling. There are numerous residential uses near the project site. Noise from car engines, car stereos and car horns can travel far more than 50 feet, and noise from lines of cars queueing on McCadden will certainly be heard more than 50 feet away. The MND should have examined impacts on sensitive receptors within at least 500 feet of the project site.

In discussing operational noise, the MND fails to even mention car horns and car stereos. It also fails to discuss the real range of engine noise, which can be truly disturbing in the case of large trucks, muscle cars and some sports cars. To show how clueless the authors are about the local context, there's no mention of partygoers, which Hollywood draws by the thousands on weekend nights. Since Raising Cane's will be open til 1:30 am, there's no doubt they'll be showing up in droves, many of them intoxicated and looking for some fast food to counteract the alcohol.

Transportation

The Initial Study asks if the project would:

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

The MND finds a less than significant impact, but the analysis of transportation impacts is incomplete and fails to include important information. A major problem with the MND's analysis of transportation/traffic is that it fails to acknowledge the surrounding context and appears to deliberately avoid discussing the queueing of cars on public streets which is a feature of many drive-thru restaurants,

including Raising Cane's.

CBLA's February 6, 2023 letter, Exhibits A2, B2 and C2, includes extensive photo documentation of queues of cars spilling from drive-thru driveways onto public streets, including photos of the Raising Cane's in Burbank. While the MND briefly acknowledges the presence of the Chick-fil-A just across the street on McCadden, the section on Transportation fails to mention this. It also fails to mention that the drive-thru entrance to Chick-fil-A is on McCadden, and that the line of cars waiting for service often extends up to Sunset.

To depict raising Cane's traffic management plan, on page 97 the MND offers an orderly picture of a manageable number of cars neatly lined up within the project's boundaries. This is an absurd and dishonest misrepresentation. Again, please see CBLA's February 6, 2023 letter, Exhibit A2, for a factual picture of what kind of traffic impacts are actually created by Raising Cane's.

The MND's claim that a popular fast-food chain like Raising Cane's would generate fewer trips than the Rite Aid previously on site is questionable, but the real problem is that the MND does not acknowledge that trips would be concentrated at peak hours, with a high number of trips during the evening rush hour, which corresponds to the time most people are thinking about dinner. Raising Cane's knows this, and yet appears to have deliberately avoided analyzing traffic impacts that could result from the dinner rush.

In some cases the MND's dishonesty is quite shocking. On page 95, in its discussion of whether the project complies with local plans and policies, it cites SCAG's Connect SoCal plan:

SCAG's Connect SoCal identifies the need to create sustainable, mixed-use communities conducive to public transit, walking, and biking by promoting development along major existing transit and transportation corridors.

This project, a fast-food restaurant designed to encourage car use, proposed by a chain that has a history of creating long lines that occupy public streets, blocking other drivers, pedestrians and cyclists, in no way supports the creation of "sustainable, mixed-use communities conducive to public transit, walking, and biking".

The project is also in conflict with a number of the Key Policy Initiatives contained in 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, and more*
- *Use data to prioritize transportation decisions that strive towards equity in safety, public health, access, social benefits, and/or economic benefits*
- *Consider the strong link between land use and transportation*

- *Embed equity and environmental justice into the transportation policy framework, project implementation, and action programs*
- *Target greenhouse gas reductions through a more sustainable transportation system*
- *Expand the role of the street as a public place*

To underline the long list of conflicts with the Mobility Plan's Key Policy Initiatives:

- **This project does nothing to promote or provide safe and efficient transportation** for pedestrians, especially children, seniors and the disabled;
- **This project does not prioritize transportation decisions that strive towards equity** in safety, public health, access, social benefits, and/or economic benefits;
- **This project shows no constructive consideration of the link between land use and transportation;**
- **This project does not embed equity and environmental justice into the transportation policy framework,** project implementation, and action programs;
- **This project does not promote greenhouse gas reductions** through a more sustainable transportation system;
- **This project does not expand the role of the street as a public place,** and in fact, by encouraging regular and extensive lines of idling vehicles, gives public streets over to a private entity for private gain.

The Initial Study asks if the project would:

d) Result in inadequate emergency access?

The finding of no impact and no need for mitigation is truly mind-boggling. The only way the authors can make this finding is by avoiding any consideration of the actual conditions created by a Raising Cane's drive-thru and the surrounding context. The MND's Exhibit 5, Traffic Management Plan on page 97 shows an orderly arrangement of vehicles completely contained within the project site. However, this is a glaringly inaccurate picture of the conditions the project will actually produce. Again, please see CBLA's February 6, 2023 letter, Exhibit A2, for an actual picture of what kind of traffic impacts are actually created by Raising Cane's.

On page 8 the MND states:

Vehicular access to the project site would be provided from three driveways: two driveways (Driveway 1 and Driveway 2) on Sunset Boulevard and one on McCadden Place. 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 be unrestricted. Table 2-4: Project Driveways summarizes the project access.

In describing Driveway 3 on McCadden, the MND indicates that it “Directs customers to surface lot, and beginning of drive-through queue and order boards”.

The MND fails to acknowledge that Chick-fil-A, the drive-thru directly across the street, also has an entrance on McCadden, and that the queue for cars entering Chick-fil-A often extends all the way up to Sunset. Since both Chick-fil-A and Raising Cane’s will be drawing customers at the same peak times, there is a very real possibility that cars queueing for service at Chick-fil-A will be blocking access to the southbound lane on McCadden, at the same time that cars queueing for service at Raising Cane’s will be blocking access to the northbound lane on McCadden. In this scenario, emergency vehicles would likely be blocked from travelling down McCadden to serve residents who live on the street.

The finding of no impact and no need for mitigation shows a serious failure to consider conditions resulting from the construction of the project and the context of the project site.

The Project Conflicts with the Goals of Many General Plan Elements

As stated above in the discussion of the three zone variances, the project is in conflict with the goals of a number of 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 alternative modes of transportation;

Noise Element – The project will have unacceptable noise impacts on the surrounding community.

Responses to Findings as Amended by the Central APC, March 14, 2023)

CBLA offers the following responses to the amended findings. Excerpts from the amended findings are in italics.

2.

"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."

If the proposed drive-thru was consistent with the zoning on the property, it wouldn’t require three zone variances.

The project "will provide unique dining amenities [....]"

Are the authors kidding? This fast food drive-thru selling chicken is directly across the street from another fast food drive-thru selling chicken.

4.

"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."

In the first place, a six foot screen wall and a landscaped area 25 feet in depth will not begin to mitigate the actual noise impacts from the drive-thru, especially impacts from car horns and car audio systems. In the second place, these paltry mitigations will do nothing to reduce impacts from cars travelling up and down residential streets to access Raising Cane's and customers parking on residential streets to eat what they've purchased at Raising Cane's. Again, please see CBLA's February 6, 2023 letter, Exhibits E and F, which document impacts to the neighborhood surrounding Raising Cane's in Burbank.

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."

Again, these measures will do nothing to mitigate impacts to neighborhood residents from cars travelling to and from Raising Cane's and parking on residential streets to eat what they've purchased. Again, please see CBLA's February 6, 2023 letter, Exhibits E and F, which document impacts to the neighborhood surrounding Raising Cane's in Burbank.

10.

"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 size of the project is not the problem. It's the proposed use. A five-story residential building would have fewer impacts on the surrounding neighborhood. The impacts resulting from the Raising Cane's in Burbank show how disruptive a drive-thru can be.

"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."

Buffers and setbacks are not sufficient to reduce noise impacts from car horns and car audio systems. They will also do nothing to protect residents from impacts caused by Raising Cane's customers travelling through the neighborhood and parking in the neighborhood. Again, please see CBLA's February 6, 2023 letter, Exhibits E and F, which document impacts to the neighborhood surrounding Raising Cane's in Burbank.

Citizens for a Better Los Angeles urges the PLUM Committee to grant the appeals and reject this project.

Sincerely,
Casey Maddren
Citizens for a Better Los Angeles