

Appeal Justification

**6726–6740 W. Sunset Blvd.;
1434–1456 N. McCadden Pl.**

Case No. ZA-2021-4710-CU-ZV-SPR

The Reason for the Appeal

There is no justification for the granting of three zone variances for a drive-thru restaurant. The fact that the proposed project requires three separate zone variances, as well as a conditional use, should be a clear indication that it does not comply with existing zoning. Beyond that, 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.

This is a toxic project that flies in the face of many policies the Department of City Planning claims to be pursuing. 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 zone variances requested for this project.

How You Are Aggrieved by the Decision

Citizens working with CBLA, including myself, live and/or work and/or recreate in Hollywood, and must deal with the declining quality of life in the area. Lack of planning, decaying infrastructure and inadequate services are causing adverse impacts to the community. CBLA participants who walk and bike will be impacted by the addition of yet another drive-thru that causes lines of cars to block sidewalks and city streets. CBLA participants who drive have expressed frustration with the fact that queueing for drive-thrus like Chick-fil-A and In-N-Out is already a problem, and the addition of Raising Cane's will further tie up traffic. We are also aggrieved because air quality in Hollywood is already unhealthy, and the construction of yet another drive thru can only further degrade the air we breathe.

Specifically the Points at Issue

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 Blvd..

- 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. The 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.

- 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.

How can the City credibly assert that it's trying to reduce reliance on cars and encourage other forms of transportation when City Planning is willing to grant three variances to permit the construction of Raising Cane's? This is a drive-thru restaurant. It encourages the use of cars, obstructs sidewalks used by pedestrians, and will likely obstruct cyclists as well.

Why You Believe the Decision-Maker Erred or Abused Their Discretion

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. Substantial evidence in the record shows that the required findings can not be made to support the granting of the variances.

Furthermore, the granting of three separate variances for a fast-food drive-thru is in itself an abuse of discretion. Granting multiple variances for a drive-thru makes a mockery of zoning. There are multiple fast-food drive-thrus in the Hollywood area. There is already a fast-food drive-thru serving chicken directly across the street from the proposed project. Furthermore, the City has approved yet another drive-thru one block away. Hollywood residents have plenty of drive-thrus to choose from. Why is the City bending over backwards, granting three separate variances and a conditional use permit, for another?