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September 14, 2023

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

SUPPLEMENTAL REPORT REGARDING APPEAL FOR CASE NOS. ZA-2021-4710-CU-ZV-SPR-2A AND ENV-2021-4711-MND FOR PROPERTY LOCATED AT 6726-6740 WEST SUNSET BOULEVARD, 1434 NORTH MCCADDEN PLACE WITHIN THE WILSHIRE COMMUNITY PLAN AREA (CF 23-0576)

The project involves the demolition of an existing vacant commercial building (formerly home to a retail pharmacy store with drive-through window) and associated surface parking areas for the construction, use, and maintenance of a new one-story approximately 3,448 square-foot drive-through fast-food restaurant. The project proposes to provide 35 vehicle parking spaces.

The Zoning Administrator approved the project on September 30, 2022 and adopted the Mitigated Negative Declaration No. ENV-2021-4711-MND as the project's environmental clearance. Subsequently, a neighboring resident, Madeline Brozen, appealed (on behalf of themselves and five other community members) the Zoning Administrator's determination to the Central Area Planning Commission. At its meeting of March 14, 2023, the Central Area Planning Commission granted in-part and denied in-part the appeal, upheld the Zoning Administrator's approval of the project, modified the Conditions of Approval, and adopted the Mitigated Negative Declaration No. ENV-2021-4711-MND as the project's environmental clearance.

Following the Central Area Planning Commission's denial of the first appeal, the same appellant, as well as one additional appellant, Casey Maddren on behalf of Citizens for a Better LA (CBLA), both appealed the project's Zone Variance entitlement only, as the LAMC permits a second-level appeal for variances. As both appellants' appeal justifications include CEQA-related arguments, both appeals are also being treated as appeals of the project's environmental clearance, the Mitigated Negative Declaration No. ENV-2021-4711-MND. For the appeals herein, both appellants submitted comments contending that the findings necessary to grant a Zone Variance cannot be made because there are no unusual circumstances or unnecessary hardships. Both appellants further contend that the project will be materially detrimental to the surrounding

community and will have significant environmental impacts, including traffic and air pollution, and that the project is not consistent with the General Plan. The applicant's consultant, Cox Castle & Nicholson LLP, has submitted a response to the appeal points, dated September 8, 2023.

Planning staff has reviewed the appellants' justifications as well as the applicant's responses and maintains that the City's approval of the Zone Variance and adoption of the Mitigated Negative Declaration as the project's environmental clearance were proper. The subject property is irregularly split-zoned, and given the past use of the entirety of the project site for a commercial use, the dual zoning on the property is an unusual circumstance that would result in an unnecessary hardship if another commercial use were now unable to fully utilize the entire property. Furthermore, there is no substantial evidence in the record that the project will have any significant environmental impacts. Of note, the Los Angeles Department of Transportation has reviewed the proposed project and has concluded that the project will not result in any significant traffic impacts.

In summary, the appeals do not provide any substantial evidence of any significant environmental impacts. Planning has evaluated the proposed project and determined that the findings necessary to grant a Zone Variance can be made in the affirmative, and that the proposed Mitigated Negative Declaration is the appropriate environmental clearance for the project. Therefore, Planning recommends that the Planning and Land Use Management Committee deny the appeals and sustain the Central Area Planning Commission's decision.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



CHRISTINA TOY-LEE
ASSOCIATE ZONING ADMINISTRATOR