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CITY ATTORNEY

REPORT NO. R 22 - 0318
SEP 14 2022

REPORT RE:

DRAFT ORDINANCE AMENDING THE WESTWOOD VILLAGE SPECIFIC PLAN, ESTABLISHED BY ORDINANCE NO. 164,305 AND AMENDED BY ORDINANCE NOS. 167,407 AND 176,177, AND AMENDING THE WESTWOOD DESIGN REVIEW BOARD SPECIFIC PLAN ESTABLISHED BY ORDINANCE NO. 163,204

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 18-1101

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance amends the Westwood Village Specific Plan (established by Ordinance No. 164,305 and amended by Ordinance Nos. 167,147 and 176,177) and amends the Westwood Design Review Board Specific Plan (established by Ordinance No. 163,204).

Background and Summary of Ordinance Provisions

At its meeting on January 30, 2019, the City Council adopted a motion (Koretz – Harris-Dawson) instructing the Planning Department to prepare a report in 90 days that identified options for amending the Westwood Village Specific Plan (WVSP) to revise definitions of food related establishments; the restrictions on the types and number of such establishments; and parking requirements in the WVSP to provide greater

flexibility in the placement of food related establishments within the WVSP area to help reduce relatively high commercial vacancy rates.

At its meeting on September 15, 2021, the City Council adopted a motion (Koretz – Harris-Dawson) instructing the Department of City Planning, with the assistance of the City Attorney, to prepare and present an ordinance to amend the WVSP to address the high commercial vacancy rate within the WVSP area while preserving the pedestrian scale and orientation of Westwood Village by doing the following:

1. Amend project review process for changes of use and signs to administrative clearances (sign-offs) so as to assure consistency with the intent of the specific Plan in a more streamlined manner that ensures predictability and a clear process for applicants and the community at large.
2. Amend parking requirements and consider measures that enable new businesses without triggering parking regulations that function as a barrier to new businesses locating within the WVSP area.
3. Default to citywide parking requirements, and explore a shared parking program, as there is an existing Los Angeles Department of Transportation parking structure located in the Westwood Village.
4. Revise definitions of food related establishments and the restrictions on the types and number of such establishments.
5. Analyze and explore revising or removing restrictions on caps for establishments, such as food uses and financial services.
6. Ensure that changes and amendments shall preserve the pedestrian scale of the Westwood Village, ensuring it continues to be oriented to the pedestrian and not the vehicle.

The Department of City Planning's Report to the City Planning Commission (CPC) dated February 10, 2022, provides a detailed summary of the proposed amendments to the WVSP. Notably, the amendments include the following:

1. The addition of an administrative review procedure for the approval of signs that comply with Section 11 of the WVSP and do not require an adjustment, modification, exception or a Certificate of Appropriateness and changes of use that do not propose façade alterations, new construction, expansion, or a limited use identified in Section 5 B of the WVSP.
2. The removal of location restrictions for restaurants and fast-food establishments.
3. The removal of additional parking requirements contained in the WVSP.
4. The addition of regulations for sign programs.

This draft ordinance also amends Section 3 (“Authority”) of the Westwood Village Design Review Board Specific Plan to exempt from the Westwood Village Design Review Board process signs that comply with the requirements of Section 3 A of the WVSP.

Charter Findings Required

Charter Section 558(b)(3) requires the City Council to make the findings required in Subsection (b)(2) of the same section, namely adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare, and good zoning practice. Charter Section 558(b)(3)(A) allows the City Council to adopt an ordinance conforming to the CPC’s recommendation of approval of the ordinance, if the CPC recommends such approval. Similarly, Charter Section 556 requires the City Council to make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan. The City Council can either adopt the CPC findings and recommendations as set forth in the CPC Transmittal Report to the City Council or make its own findings.

California Environmental Quality Act (CEQA) Standard of Review

The CPC recommends that the City Council find, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Negative Declaration, ENV-2021-815-ND (“Negative Declaration”) and all comments received, that there is no substantial evidence that the Project will have a significant effect on the environment and find that the Negative Declaration reflects the independent judgment and analysis of the City, and adopt the Negative Declaration.

Adoption of this Negative Declaration is appropriate when substantial evidence in the record supports the finding that the project will not have a significant impact on the environment and that there is no substantial evidence supporting a fair argument that the project may have a significant impact on the environment.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety and the Department of Transportation with a request that all comments, if any, be presented directly to the City Council or its Committee when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney John Fox at (213) 978-8228. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:JWF:ee
Transmittal