

## **WESTWOOD NEIGHBORHOOD COUNCIL LAND USE AND PLANNING COMMITTEE BACKGROUND**

The Westwood Neighborhood Council (WWNC) has given the Land Use and Planning Committee (LUPC) the authority to review proposed development projects that would expand, increase, develop or redevelop or change the use of properties in the WWNC district, and bring issues of concern or interest to the attention of the WWNC Board of Directors prior to its consideration of these projects. The LUPC will vote on each requested action brought before it.

The WWNC LUPC maintains that planning and zoning regulations, building codes, rules, restrictions, and ordinances have been established for the good of our community. These should be applied, upheld, and enforced by the City of Los Angeles Planning Department, Zoning Administrator, Building and Safety Department, and other governing bodies charged with jurisdiction over the approval, execution, and enforcement processes.

When variances, variations, exemptions, or exceptions are considered by governmental entities, the WWNC LUPC's position is to support strict scrutiny and adherence to all legal measures which govern land use, structures, and landscaping. On a case-by-case basis, the WWNC LUPC may support such requests if the proposed project positively affects the health and safety of the Community, or is deemed by the Committee to promote the general well-being of the Community. The WWNC LUPC may take a formal position on an individual issue pertaining to variances, variations, exemptions, or exceptions.

The WWNC LUPC expects our governing bodies to notify all affected parties of any proposed residential, commercial, or infrastructure developments or requests for variances from codes and regulations as well as proposed, approved, or pending changes to such regulations.

In the City of Los Angeles, if a use is neither permitted by right nor by Conditional Use permit (CUP), an Applicant must seek a Variance from the City's Planning Department. The City of Los Angeles is different from other large Southern California cities in terms of entitlements because it uses the Variance process more than the Conditional Use process for granting uses not allowed by right. A Variance allows a property owner to use his or her property in a manner that is basically consistent with zoning regulations with minor variations so that he or she has an "equity with other owners in the same zone." California state law indicates that a Variance may be issued upon a showing that the property owner would suffer a unique hardship because his or her particular parcel is different from the others to which the regulation applies due to its size, shape, topography, location or surroundings. Examples of typical Variances include a deviation from regulations on the physical standards such as lot size, floor area ratios of buildings, and parking requirements. A Variance cannot, however, be granted to authorize a use that is not otherwise allowed under the City of Los Angeles Zoning Code. Under the Code, the Zoning Administrator, as the initial decision-maker, must make the following five findings in order to grant a variance:

1. Strict applications of the provisions of the Code would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations;
2. 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;
3. 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 such special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question;
4. Granting of a 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
5. Granting of the variance will not adversely affect any element of the General Plan.