

which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

FINDINGS

The proposed project involves one tenant space within a multi-tenant, one story building that fronts on Gayley Avenue, with a street address of 952 South Gayley Avenue. It is within the Westwood Village Specific Plan area. The project proposes to exchange the uses for the one tenant space, which includes a change of use from a retail space to a restaurant establishment. This additional restaurant will not exceed the maximum number of restaurant establishments allowed per the Westwood Village Specific Plan.

Project Permit Compliance Findings

1. The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.

The proposed project involves solely a change of use within an existing building. The subject building is not a Locally Significant Cultural Resource per the Specific Plan. No changes to floor area, height or setbacks are proposed, approved or authorized. Similarly, signage and façade improvements are not proposed, approved or authorized, and design review is not a part of the subject application. Therefore, Sections 6, 7, 8, 10, 11 and 13 of the Specific Plan are not applicable. A Village-Wide Improvements Assessment District has not been established; therefore, Section 12 of the Specific Plan is not applicable.

- a. The proposed project substantially complies with Section 5, Uses, of the Specific Plan. Fast food and restaurant uses are limited uses within Westwood Village (Section 5.B), with the former limited to one for every 400 linear feet and the latter to one for every 200 linear feet along each street. Therefore, 13 fast food establishments and 13 restaurant establishments may be located on Gayley Avenue. At present, there are 13 existing fast food locations, none are vacant, and 8 restaurant locations, four of which are vacant (see Exhibit B). No other designated fast food or restaurant uses were identified on Gayley Ave., per DCP and LADBS records of use determinations, building permits and certificates of occupancy. In addition, all currently operating businesses which appear to be fast food or restaurant establishments, if any, were investigated, and if documentation was not found to support the existing operation, the establishments were not included in Exhibit B because the establishments cannot be proven to be approved fast food or restaurant uses per the Specific Plan. The proposed project involves one tenant space within one building, located at 952 South Gayley Ave. As the proposed project involves the exchange of use in one location, the total number of fast food and restaurant establishments will be increased by one. For the restaurant establishments, this is still below the maximum allowable number of establishments of 13.

As the proposed project involves an exchange of use and no other changes to the existing subject development, the proposed project satisfies the requirement that at least 80% of the floor area on the ground floor of the subject commercial building (to a depth of 30 feet) be devoted to restaurant, food service, or retail uses (Section 5.D. of the Specific Plan).