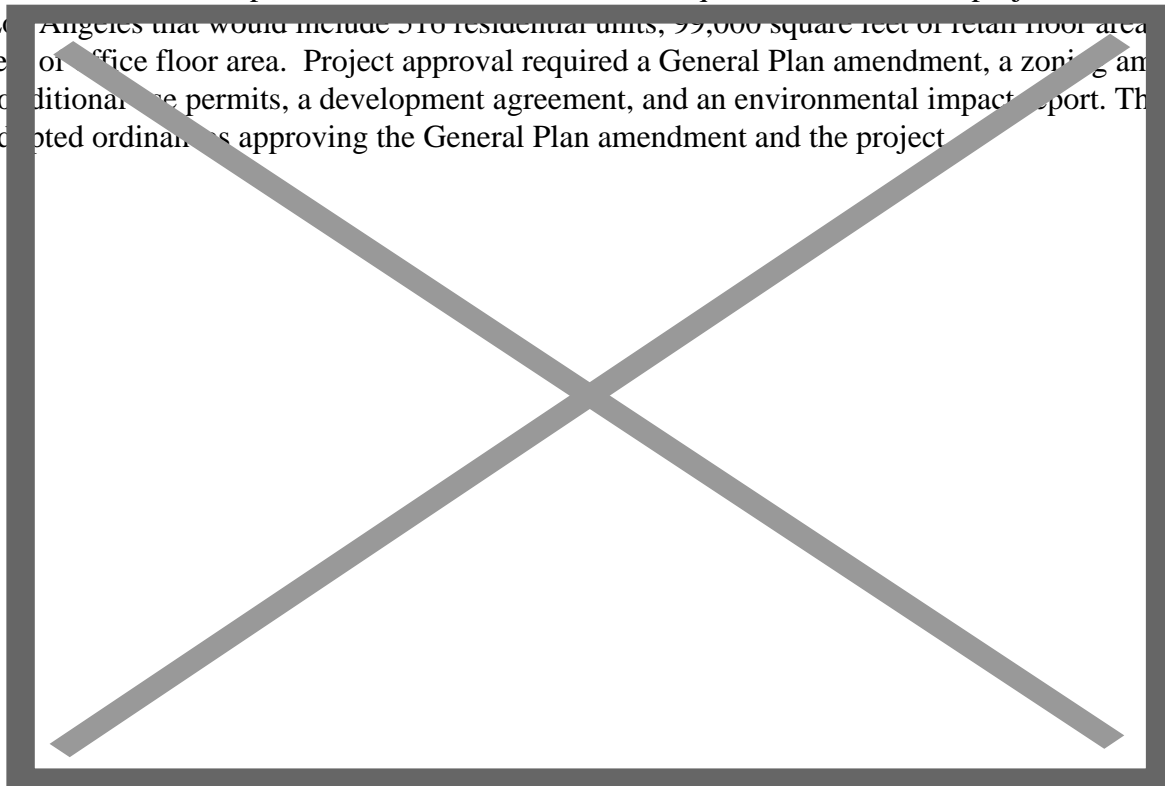


Court Upholds the City of Los Angeles's General Plan Amendment for Mixed Use Development Project

The Second District Court of Appeal upheld the City of Los Angeles's General Plan amendment, which changed the land use designation of a proposed project site for a mixed-use development against challenges the decision was prohibited by the City Charter. *Westsidiers Opposed v. City of Los Angeles*, 27 Cal. App. 5th 1079 (2018). The developers filed a permit application with the City for the project, which consisted of the demolition of an automobile dealership and construction of an 800,000 square foot mixed-use project on a five-acre site in West Los Angeles that would include 510 residential units, 99,000 square feet of retail floor area and 200,000 square feet of office floor area. Project approval required a General Plan amendment, a zoning amendment, multiple conditional use permits, a development agreement, and an environmental impact report. The City Council adopted ordinances approving the General Plan amendment and the project.



Plaintiffs

challenged the approvals, alleging 1) the City Charter bars amending the General Plan for a single project site or single parcel, 2) the Charter bars the City from allowing a member of the public to initiate a General Plan amendment, and 3) the City failed to make the required findings. Under the Charter, the General Plan may be amended by "geographic areas" that have a "significant social, economic or physical identity." The plaintiffs contended that a "geographic area" must be larger than a single lot and the Project site therefore did not qualify as a geographic area with significant or special identity. Relying on principles of statutory construction, the court rejected the plaintiffs' argument and concluded that the Charter did not limit the amendment process to a minimum area or number of parcels and that the court was "prohibited from implying any such limitation or restriction on the City's exercise of its power to govern municipal matters." The court concluded the City did not violate the Charter by amending the General Plan designation for a single parcel because the Charter did not

clearly restrict the City's power to do so. Plaintiffs also argued that the City did not make the required findings that the lot was a "geographic area" or that "the lot has a *significant* economic or physical identity." The court disagreed, noting that the City is not required to make explicit findings to support the General Plan amendment because the amendment is a legislative act. Regardless, the court held that the City did make explicit findings that the lot had unique characteristics because it was a transit-oriented district that necessitated higher density that would reduce vehicle trips and provide greater local amenities to the neighborhood. Plaintiffs also argued that the City violated the Charter by allowing the project developers to initiate the General Plan amendment. The court summarily rejected this argument finding that the developer simply requested an amendment while the Director of Planning signed the form initiating the amendments as required under the Charter. Thus, the City did not violate the Charter because the Charter does not prohibit the City from receiving amendment requests from private parties.

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