

RESOLUTION NO. PC 18-1294

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THAT THE CITY COUNCIL APPROVE A ZONE TEXT AMENDMENT TO CHAPTER 19 OF TITLE 19 OF THE WEST HOLLYWOOD MUNICIPAL CODE TO CHANGE ALL REFERENCES TO THE COMMUNITY DEVELOPMENT DEPARTMENT AND DIRECTOR TO THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT AND DIRECTOR AND OTHER CLEANUP NAME CHANGES IN CHAPTER 19 OF TITLE 19 OF THE WEST HOLLYWOOD MUNICIPAL CODE, WEST HOLLYWOOD, CALIFORNIA.

The Planning Commission of the City of West Hollywood hereby finds, resolves, and orders as follows:

SECTION 1. The City of West Hollywood initiated amendments to the Zoning Ordinance, Article 19 of the Municipal Code to revise references to the recent change in name of the “Community Development Department” and “Community Development Director” to the “Planning and Development Services Department” and “Planning and Development Services Director” as well as other related naming updates as needed.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of October 18, 2018 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 by July 5, 2018. The hearing was continued to November 1, 2018.

SECTION 3. The proposed zone text amendment is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The recently implemented department and director name changes do not fundamentally revise any development codes, create negative environmental impacts, or result in physical changes to the environment.

SECTION 4. The Planning Commission of the City of West Hollywood hereby finds that Zone Text Amendment ZTA18-0016 is consistent with the City’s recently adopted name and internal organizational changes as well as the West Hollywood General Plan. The zone text amendment will help to ensure that the public and staff will have clear and up-to date guidance regarding implementation of various provisions in the Zoning Ordinance.

SECTION 5. The proposed ZTA is consistent with the Primary Strategic Goals in the City of West Hollywood General Plan: (1) Adaptability to future change and (2) Institutional Integrity. The proposed ZTA is also compliant with other General Plan goals: G-2, maintain transparency and integrity in West Hollywood's decision-making process.

SECTION 6. Based on the foregoing, the Planning Commission of the City of West Hollywood hereby recommends approval to the City Council of Zoning Text Amendment ZTA18-0016, which is attached hereto as Attachment A.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of West Hollywood at a regular meeting held this 1ST day of November, 2018 by the following vote:

AYES: Commissioner: Altschul, Bass, Buckner, Erickson, Hoopingarner, Vice-Chair Carvalho, Chair Jones.

NOES: Commissioner: None.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: None.



STACEY E. JONES, CHAIRPERSON

ATTEST:



BIANCA SIEGL, LONG RANGE PLANNING MANAGER

Decisions of the Planning Commission are subject to appeal in accordance with the procedures set forth in West Hollywood Municipal Code Chapter 19.76. Any action to challenge the final decision of the City of West Hollywood made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section §1094.6.

Attachment A

Draft Zone Text Amendment

(New text indicated with underlining, deleted text with strikethrough.)

Section 1: Chapter 19.01 Purpose and Effect of Zoning Ordinance of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.01.040 Applicability

B. *Issuance of Building or Grading Permits.* The Code Compliance/Building and Safety Division may issue building, demolition, grading, or other construction permits only when:

1. The proposed land use and/or structure satisfy the requirements of subsection (A), above, and all other applicable statutes, ordinances, and regulations; and
2. The Planning and Development Services Director determines that the site was subdivided in compliance with all applicable requirements of Title 20 (Subdivisions) of the Municipal Code.

Section 2: Chapter 19.02 Development and Land Use Approval Requirements of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.02.010 Requirements for Development and Land Uses

A. *Uses.* Land uses shall be identified by Chapter 19.06 (Residential Zoning Districts), 19.10 (Commercial and Public Zoning Districts), or 19.14 (Overlay Zoning Districts), as being permitted, administratively or conditionally permitted, in the zoning district applied to the site. The Planning and Development Services Director may determine whether a particular land use is allowable, in compliance with Section 19.03.020(E) (Rules of Interpretation - Allowable Uses of Land).

Section 3: Chapter 19.03, Interpretation Zoning Ordinance Provisions of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.03.020 Rules of Interpretation.

A. Authority. The Planning and Development Services Director has the responsibility and authority to interpret the requirements of this Zoning Ordinance.

E. Zoning Map Boundaries. If there is uncertainty about the location of any zoning district boundary shown on the official Zoning Map, the Planning and Development Services Director shall determine the location of the boundary based on the public record of adoption by the Council.

F. Allowable Uses of Land. If a proposed use of land is not specifically listed in Section 19.06.030 (Residential Zoning District Land Uses and Permit Requirements), or in Section 19.10.030 (Commercial and Public District Land Uses and Permit Requirements), the use shall not be allowed, except as follows.

1. Similar Uses Allowed. The Planning and Development Services Director may determine that a proposed use not listed in Article 19-2 is allowable if all of the following findings are made:

a. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zoning district as allowable, and will not involve a higher level of activity, population density, or parking demand than the uses listed in the district;

b. The proposed use will meet the purpose and intent of the zoning district in which it is proposed; and

c. The proposed use will be consistent with the goals, objectives and policies of the General Plan and any applicable specific plan.

2. Applicable Standards and Permit Requirements. When the Planning and Development Services Director determines that a proposed, but unlisted, use is similar to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required and what other standards and requirements of this Zoning Ordinance apply.

3. Planning Commission Determination. The Planning and Development Services Director may forward questions about similar uses directly to the Planning Commission for a determination at a public meeting. Determinations by the Planning and Development Services Director may be appealed to the Planning Commission in compliance with Chapter 19.76 (Appeals).

Section 19.03.030, Procedures and Interpretations

Whenever the Planning and Development Services Director determines that the meaning or applicability of any of the requirements of this Zoning Ordinance are subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation. The Director shall issue an interpretation when requested to do so in compliance with this section.

A. Request for Interpretation. A request shall be in writing, and shall specifically state the provisions in question, and provide any information that may assist in the review of the request.

B. Timing, Findings, Basis for Interpretation. The Planning and Development Services Director shall issue a written interpretation within sixty days of the filing of a written request for an interpretation, or within that time shall refer the request to the Commission in compliance with subsection (D). The issuance of an interpretation shall include findings stating the basis for the interpretation. The basis for an interpretation may include technological changes or new industry standards. The issuance of an interpretation shall also include a finding documenting the consistency of the interpretation with the General Plan.

- C. Record of Interpretations. Official interpretations shall be:
1. Written, and shall quote the provisions of this Zoning Ordinance being interpreted, and explain their meaning or applicability in the particular or general circumstances that caused the need for interpretation; and
 2. Distributed to the Council, Planning Commission, City Attorney, City Clerk, Historic Preservation Commission, and Planning and Development Services Department staff.

Any provisions of this Zoning Ordinance that are determined by the Planning and Development Services Director to need refinement or revision should be corrected by amending this Zoning Ordinance as soon as is practical. Until amendments can occur, the Planning and Development Services Director will maintain a complete record of all official interpretations, available for public review, and indexed by the number of the section that is the subject of the interpretation.

D. Referral of Interpretation. The Planning and Development Services Director may forward any interpretation or determination of the meaning or applicability of any provision of this Zoning Ordinance directly to the Planning Commission for a determination at a public meeting.

E. Appeals. Any interpretation of this Zoning Ordinance by the Planning and Development Services Director may be appealed to the Planning Commission, any interpretation by the Planning Commission may be appealed to the Council, and any interpretation of Chapter 19.58 (Cultural Heritage Preservation) by the Planning and Development Services Director may be appealed to the Historic Preservation Commission, whose interpretation may be appealed to the Council, in compliance with Chapter 19.76 (Appeals).

Section 4: Chapter 19.10 Commercial and Public Zoning Districts of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.10.050 Commercial Development Incentives

1. Mixed-Use Incentive Overlay Zone. In the mixed-use incentive overlay zone (Section 19.14.080), FAR of up to 0.5 may be granted in addition to the base FAR for a project that incorporates residential units into a commercial project. Except as provided below, a height bonus of up to 10 feet may accompany a FAR bonus of up to 0.5 for residential uses provided that:

a. If the proposed project is adjacent to an R1, R2, R3, or R4 residential zoning district, the 25 feet of the structure located closest to the residential zoning district, not including projections into setbacks, shall be limited to 35 feet in height, and the impact of the structure shall be mitigated to the satisfaction of the Planning Commission with architectural, or additional landscape elements; and

19.10.060 Commercial Building Façade Standards

The following standards shall apply to new structures and alterations to existing structures involving a change in the level of the first story or a change in the façade at the street frontage, in all commercial zoning districts. The review authority may approve minor variations to these standards as appropriate, provided that the general spirit and intent of the standards are implemented to the satisfaction of the Planning and Development Services Director. (See also *Commercial and Public Use Design Guidelines*, Chapter G-12.)

Section 5: Chapter 19.14, Overlay Zone Districts of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.14.040 Development Agreement (-DA) Overlay District

F. *Zoning Map Notation.* Upon the effective date of an ordinance placing a property in the DA Overlay District, the Zoning Map will be amended to show the overlay designation. After execution by all parties, the development agreement will be added to the city's Development Agreement Master List with the effective date and expiration date of the development agreement noted. Upon the expiration or earlier termination of a development agreement, the Planning and Development Services Director shall remove the development agreement from the city's Development Agreement Master List. The DA Overlay may be removed from the property by way of a Zone Map Amendment.

19.14.129 West Hollywood West Neighborhood Overlay District (-WHWNOD)

Table 2-7 WEST HOLLYWOOD WEST NEIGHBORHOOD DISTRICT GENERAL DEVELOPMENT STANDARDS

Notes:

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(4) The Planning and Development Services Director may modify or waive this requirement to accommodate what he/she deems to be exemplary design.

Figure WHWNOD-2 VARIATION OF ELEVATIONAL PLANE

a. No primary structure shall have a single, unbroken roofline across the front of the building. At least three feet of the roofline frontage shall have either a vertical change of direction or a three-foot minimum horizontal change of direction. The Planning and Development Services Director may waive this requirement if the width of the primary structure's frontage is less than 50% of the lot width, or if the roof line is curved.

19.14.130 Norma Triangle Neighborhood Overlay District (NTNOD).

TABLE 2-7 NORMA TRIANGLE NEIGHBORHOOD DISTRICT GENERAL
DEVELOPMENT STANDARDS

Notes:

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(4) The Planning and Development Services Director may modify or waive this requirement to accommodate what he/she deems exemplary design.

Figure NTNOD-4 FLOOR PLATE HEIGHT

d. No primary structure shall have a single, unbroken roofline across the front of the building. At least three feet of the roofline frontage shall have either a vertical change of direction or a three-foot minimum horizontal change of direction. The Planning and Development Services Director may waive this requirement if the width of the primary structure's frontage is less than 50% of the lot width, or if the roof line is curved.

Section 6: Section 19.16, Specific Plans of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.16.010 Movietown Specific Plan Area.

D. *Maximum Building Height.* The first 35 feet of property south of the Santa Monica Boulevard property line shall not exceed 55 feet in height. Beginning 35 feet south of the Santa Monica Boulevard property line, and extending southward for 100 feet, buildings shall not exceed 65 feet in height. Thereafter, beginning 135 feet from the Santa Monica Boulevard property line, and extending to the southern property line, buildings shall not exceed 132 feet.

Nothing herein, however, shall be construed to in any way limit interior mezzanine or loft space. Furthermore, the top level of a semi-subterranean garage shall not be considered a story.

The Planning and Development Services Director ~~of Community Development~~ may approve modifications to the provisions of Section 19.20.080(C) regarding mechanical equipment, housings, telecommunications facilities and other appurtenant

19.16.020 8899 Beverly Boulevard Specific Plan.

H. *Parking.*

1. A minimum of 256 parking spaces shall be provided. A shared parking analysis dated July 13, 2015 by Hirsch Green shows an excess of 41 parking spaces, which may be utilized for other purposes with a shared parking permit. If the mix of uses is changed from the plans stamped received by the City of West Hollywood on August 6, 2015, a shared parking analysis shall be prepared by a licensed traffic engineer to determine the number of parking spaces required for the changed mix of uses, subject to the approval of the Planning and Development Services Director.

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I. *Affordable Housing Requirements.* Notwithstanding Chapter 19.22 of this Code, the following shall apply to the provision of affordable housing within the 8899 Beverly Specific Plan:

1. Location, Layout, and Floor Plan. The affordable/inclusionary housing area location and layout and the floor areas of all units, amenities and room located within the affordable/inclusionary housing area shall substantially conform to the revised plans stamped received on August 6, 2015, to the satisfaction of the Planning and Development Services Director.

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N. *Sunset.* This section shall become inoperative 18 months after its effective date ("construction commencement period") if construction has not yet commenced. Upon the expiration of the 8899 Beverly Specific Plan, the Planning and Development Services Director shall amend the Zoning Map and General Plan to delete the applicable designation. The construction commencement period shall be tolled if either of the following occurs:

1. The project design and/or conditions do not meet the satisfaction of the Planning and Development Services Director after the city has requested, and the owner of the property designated as the 8899 Beverly Specific Plan ("owner") has provided, two consecutive sets of revisions and/or information. In such case, the Planning and Development Services Director shall present the project design and conditions to the Planning Commission design review subcommittee for a determination of compliance. The tolling of the construction commencement period shall end when the determination of compliance is issued.

2. The owner requests in writing an extension of the construction commencement period and the Planning and Development Services Director finds that the design review and plan check has exceeded the standard review period and the delay was not caused in whole or in part by the owner's lack of responsiveness or failure to make a good faith effort to respond to the requests of the city during design review and plan check. If the required findings are made, the Planning and Development Services Director may only approve an extension for a period commensurate with the number of days of the delay.

19.16.030 Center for Early Education Specific Plan.

4. The Planning and Development Services Director of ~~Community Development~~ may approve modifications to the provisions of Section 19.20.080(C) regarding mechanical equipment, housings, telecommunications facilities and other appurtenant roof-top structures or penetrations (e.g., skylights, stairwells, and ventilation atria), including shade trellises, roof-top play court enclosure fences and parapet walls, catwalks, parapets, and railings.
B. Roof-top Equipment and Appurtenances.

Section 7: Chapter 19.20, General Property Development and Use Standards of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.20.050 Fences, Walls, and Hedges.

2. Materials. Allowable materials for fences and walls shall be limited to wood, masonry, decorative metal (for example, wrought iron), and other materials approved by the Planning and Development Services Director consistent with the city's design guidelines. Barbed wire, concertina wire, grape stakes, chain-link, or chain-link with wood slats shall not be allowed as fencing material; except that chain link may be allowed in compliance with subsection (E) below (Security Fencing).

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The height and type of the material to be used in constructing the wall shall be approved by the Planning and Development Services Director, or in the case of a project requiring Planning Commission approval, by the Commission, to ensure that the increased height is compatible with the use of the property, does not detract from the pedestrian character of the street and is integrated into the architecture and site design. (See Section 19.28.130 concerning driveway visibility.)

b. Hedges. Hedges (and any supporting apparatus) are allowed with no restriction on height so long as the hedges do not block sightlines for drivers per Section 19.28.130(D) or pedestrians as determined by the Planning and Development Services Director. The Director may require trimming, removal, or other modifications to the hedge as required to promote and protect the public health, safety, and welfare.

E. *Security Fencing.* Except as provided below, chain-link fencing is permitted for a maximum of ninety days to enclose abandoned, undeveloped or vacant property. After ninety days, fencing used to enclose abandoned, underdeveloped or vacant property shall comply with the requirements of Section 7.24.010(d) of this code. Properties actively being developed pursuant to a current and valid building permit may be secured for more than ninety days with chain-link fencing at the discretion of the Planning and Development Services Director of ~~Community Development~~ or his or her designee.

19.20.060 Green Building.

A. *Green Building General Requirements.* All new development, remodels, and tenant improvements shall comply with the following requirements of the West Hollywood Municipal Code, as applicable. Where this section references another portion of the Municipal Code, the applicability provisions of that section shall be used to determine applicability. This section is to be used in conjunction with the Green Building Standards of the California Code of Regulations Title 24, Part 11. Where conflicts in language may exist between this section and the California Code of Regulations, Title 24, Part 11, the more restrictive green building provision shall prevail.

1. Construction and Demolition Waste. Projects shall divert a minimum of 80 percent of all construction and demolition waste away from landfills in accordance with the standards set by the Department of ~~Transportation and~~ Public Works.

2. Storm Drains. Storm drains in the public right-of-way adjacent to the project site shall be labeled in accordance with the standards set by the Department of ~~Transportation and~~ Public Works.

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3. Exemption for LEED.

a. Projects that achieve a minimum rating of "Certified" with the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) Green Building Rating System shall be exempt from the point requirements of the West Hollywood Green Building Program.

b. LEED certified projects shall comply with the following:

1. Prior to the issuance of building permits, the applicant shall submit evidence satisfactory to the Planning and Development Services Director of ~~Community Development~~ that the services of a LEED accredited professional have been retained, and that the project has been registered with the LEED rating program.

19.20.070 Hazardous Materials Storage.

C. *Reporting Requirements.* All businesses required by state law (Health and Safety Code, Section 6.95) to prepare hazardous materials release response plans shall submit copies of these plans, including any revisions, to the Planning and Development Services Director at the same time these plans are submitted to the Fire Department.

D. *Underground Storage.* Underground storage of hazardous substances shall comply with all applicable requirements of state law (Health and Safety Code, Section 6.7; and Section 719.113(a) of the Uniform Fire Code). Businesses that use underground storage tanks shall comply with the following notification procedures:

1. Notify the Fire Department of any unauthorized release of hazardous substances immediately and take steps necessary to control the release; and
2. Notify the Fire Department and the Planning and Development Services Director of any proposed abandoning, ceasing, or closing the operation of an underground storage tank and the actions to be taken to dispose of any hazardous substances.

19.20.080 Height Measurement and Exceptions.

B. *Height Measurement.*

1. **Parallel Plane Method.** The maximum allowable height shall be measured as the vertical distance from the grade existing at the time of project submittal to an imaginary plane located the allowed number of feet above and parallel to the existing grade (see Figure 3-2). Natural grade may be substituted for existing grade where the Planning and Development Services Director determines that the use of natural grade more accurately serves the purposes of the Zoning Ordinance. As an alternative on sites with slopes of 5 percent or more, an applicant may choose to apply the height measurement method provided in subsection (B)(2), below.

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C. *Projections Above Allowed Heights.*

1. **Height Averaging.** The maximum height of a structure may be averaged, subject to approval by the Planning and Development Services Director.

2. **Architectural Projections.** Architectural projections, towers, and other architectural design elements integral to the overall design character of a structure and intended to distinguish its design and contribute to its architectural excellence may be allowed, provided they:

- a. Are non-occupiable;
- b. Are limited to the following maximum height limits above the height allowed by the underlying zoning district:
 - (1) Residential.
 - (a) If the applicable maximum height limit is thirty-five feet or less: ten feet.
 - (b) If the applicable maximum height limit is over thirty-five feet: twenty-five feet.
 - (2) Non-residential structures may exceed the allowable height limit by a maximum of twenty-five feet.
- c. Are limited to 15 percent of the total roof area;
- d. Do not result in adverse shadows on adjacent properties; and
- e. Are approved by the Planning and Development Services Director through the development permit process.

19.20.100 Outdoor Lighting.

B. *Security Lighting.* Security lighting shall be provided at all structure entrances and exits, except for single-family dwellings and duplexes, where this requirement is optional. Motion-sensing controls shall be used with rapid-start lamps, except where the Planning and Development Services Director deems that these are not appropriate or feasible.

19.20.140 Screening of Equipment

B. *Roof-top Equipment and Appurtenances.*

1. Roof-top equipment and appurtenances shall not be visible from any point at or below the roof level of the subject structure. This requirement shall apply in the construction of new structures, and any replacement, re-location, or increase in the size of the mechanical systems of existing structures.

2. The equipment shall be either enclosed by outer structure walls or parapets, or grouped and screened in a suitable manner, or designed to ensure balance and integration with the design of the structure, subject to the approval of the Planning and Development Services Director.

19.20.150 Setback Measurement and Projections into Yards

A. *Setback Requirements.*

1. All structures shall conform with the setback requirements established for each zoning district by Article 19-2 (Zoning Districts and Allowable Land Uses), Tables 2-3 and 2-6, and with any special setbacks established for specific uses by this section or by Chapter 19.36 (Standards for Specific Land Uses).

2. Any portion of a structure, including eaves or roof overhangs, shall not extend beyond a property line or into an access easement or street right-of-way, except where approved by the Director of ~~Transportation and~~ Public Works.

1. *Front Setbacks.* The front setback shall be measured from the point on the front property line of the parcel nearest to the wall of the structure, establishing a setback line parallel to the front property line, except as follows, and except as provided by subsection (C)(6), below.

a. *Corner Parcels.* The measurement shall be taken from the point of the structure nearest to the property line adjoining the street on which the property has the shortest frontage and from which access to the property is taken. The Planning and Development Services Director may approve an alternate primary frontage of corner parcels only when the Planning and Development Services Director finds on-site or adjacent conditions to be incompatible with the standard primary frontage and an alternate primary frontage will improve the site plan (including but not limited to the location of the setbacks, the location of building footprint, utilities, parking, and ingress/egress). See also subsection (C)(6), below.

19.20.160, Sidewalks

Combined sidewalk and parkways in all zoning districts shall be a minimum of ten feet, except as otherwise provided by the Sunset Specific Plan, or when determined infeasible or undesirable by the Director of ~~Transportation and Public Works~~. See also Section 19.26.040(C)(1) for parkway requirements

19.20.170 Solar Access and Solar Equipment

These provisions are intended to ensure that solar energy systems are protected from shading and to facilitate their safe operation. The standards may be modified by the Planning and Development Services Director in the case where compliance would demonstrably reduce the operating efficiency or performance of the solar energy system and compliance will not adversely impact public health and safety.

19.20.180 Solid Waste and Recyclable Materials Storage

A. *Recycling Plan.* Each new multi-family and non-residential project shall implement a recycling plan in compliance with regulations provided by the Director of ~~Transportation and Public Works~~.

E. *Design and Construction.* Solid waste storage areas shall be subject to the approval of the Planning and Development Services Director, and shall be

Section 7: Chapter 19.22 Affordable Housing Requirements and Incentives of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

PLEASE NOTE: THIS SECTION OF THE ZONING ORDINANCE IS BEING UPDATED CONCURRENTLY AND GOES INTO EFFECT ON NOVEMBER 14, 2018.

19.22.030 Affordable Units Required.

2. If the units are to be sold to targeted income groups, the owners shall record a covenant restricting future sales prices to levels affordable to the targeted income group and subject to the requirements in Section 19.22.090.

a. Before approval of a final map, the applicant shall post tenant relocation fees for each inclusionary unit in an escrow account approved by the Planning and Development Services Director and the Finance Director. The amount deposited for each inclusionary unit shall be the maximum amount of tenant relocation fees allowed under the Rent Stabilization Ordinance. Tenant relocation fees shall be paid in compliance with the Rent Stabilization Ordinance.

b. Any difference between the amount of fees deposited by the applicant and the amount payable to the displaced tenant shall be refunded to the applicant. Any costs associated with the escrow accounts shall be paid by the applicant.

C. *Unit Size, Type, and Location.*

1. Unless otherwise permitted by other sections of the Zoning Ordinance, inclusionary units shall be reasonably dispersed throughout the project, shall contain on average the same number of bedrooms as the non-inclusionary units in the project, and shall be comparable with the non-inclusionary units in terms of appearance, finished quality, and materials as approved by the review authority.

2. The Planning Commission, or City Manager as a minor modification of an approved development agreement, may modify the requirements as to unit size or type if it finds that a modification would better serve the affordable housing needs of the city.

3. While the intent is for inclusionary units to be dispersed throughout the project as much as possible, inclusionary units may be clustered within a building if the review authority, or City Manager as a minor modification of an approved development agreement, determines that such clustering results in the creation of more affordable units than would otherwise be provided, or provides a documented public benefit, or due to circumstances unique to the project size, location or design otherwise better serves the affordable housing needs of the city.

4. The Planning Commission, may modify the requirement that inclusionary units be reasonably dispersed throughout a project and approve placement of the units in a separate structure on the site if doing so would better serve affordable housing needs and if all of the following conditions are satisfied:

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D. *Builders Quality.* “Builders quality” appliances and materials shall mean those of durable, good and lasting quality, consistent with any applicable City Code requirements, and to the satisfaction of the Planning and Development Services Director of ~~Community Development~~.

19.22.070 Off-Site Construction of Inclusionary Units

Developers of residential projects containing 11 units or more may apply for an exception to Section 19.22.030 to provide required inclusionary housing off-site, at one or more approved sites. Application materials for the off-site project shall be filed concurrently with application materials for the main project. The Planning Commission may grant an exception allowing off-site inclusionary units only after first finding that:

A. The number of units to be provided off-site would be greater than the number required on-site;

B. All off-site inclusionary units will contain on average the same number of bedrooms as the non-inclusionary units in the project, and be comparable with the non-inclusionary units in terms of appearance, finished quality, materials, and location within the building; the Planning Commission may modify the requirements as to unit size or type if it finds that a modification would better serve the affordable housing needs of the City;

19.22.090 Rental, Sale, and Re-Sale of Inclusionary and Affordable Units

B. Limitations on Purchasers and Sale Prices.

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2. All purchasers of inclusionary units shall meet the city's income guidelines for the income range targeted for that unit. Proof of income eligibility shall be submitted to the Planning and Development Services Director. Resale of units shall require that the Planning and Development Services Director first verify the purchaser as low or moderate income. This requirement shall be included in the recorded covenant.

Section 8: Chapter 19.24 Highway and Parkway Dedication and Improvements of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.24.030 Dedication Standards

A. *Dedication Requirement.* When any portion of a site abuts a parkway, major or secondary highway, or street, a dedication sufficient to accommodate the project as determined by the Director of ~~Transportation and~~ Public Works shall be required if:

19.24.040, Required Improvements

A. Location of Improvements. Curbs, gutters, sidewalks, and drainage structures where required, shall be constructed at the grade and location specified by the Planning and Development Services Director, unless curbs, gutters, sidewalks, and drainage structures that are deemed adequate by the Director of ~~Transportation and~~ Public Works already exist within the present right-of-way, or on property the owner has agreed to dedicate. All these improvements shall comply with the standards established by the Director of ~~Transportation and~~ Public Works.

19.24.050 Deferred Improvements

A. *Contract to Make the Improvements.* If the Director of ~~Transportation and~~ Public Works determines that good and sufficient reasons, and unusual circumstances exist, the Director may enter into a contract with the property owner to allow the owner to defer the improvements. The improvements shall be completed within the time specified in the agreement to improve.

B. *Deposit.* The contract shall not be executed unless it is accompanied by a deposit in a form acceptable to the city, in an amount which the Director of ~~Transportation and~~ Public Works determines is equal to the estimated costs for the city to manage and construct the required improvements, including administrative overhead and legal fees. If savings and loan certificates or shares are deposited, the owners shall assign the certificates or shares to the city.

C. *Forfeit Due to Failure.* If the responsible persons fail to complete any improvement within the time specified in an agreement, the Director of ~~Transportation and~~ Public Works may determine that the improvement work or any part thereof is incomplete.

...

2. Upon determining that the is work incomplete, the Director of ~~Transportation and~~ Public Works may cause the forfeiture of all or a portion of the deposits given for the faithful performance of the work, or may cash any instrument of credit on deposit with the city, in the amount necessary to complete the required improvements.

19.24.060 Congestion Management Fees

The applicant shall pay a fee as determined by the Director of ~~Transportation and~~ Public Works, to fund traffic improvements or programs sufficient to offset debits charged to the city by the Los Angeles County Congestion Management Agency as a result of the project.

Section 9: Chapter 19.26 Landscape Standards of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.26.020 Applicability

B. *Landscape Plans, Timing of Landscape Installation.* Landscape plans, irrigation plans, and plans for the ornamental use of water, including ponds and fountains, shall be submitted to the Planning and Development Services Department for review for compliance with the requirements of this chapter before issuance of a building permit. Landscaping shall not be installed until the applicant receives approval of the final landscape plan (Section 19.26.030(B)). Changes to approved landscape plans that affect the character or quality of the plant material or irrigation system shall be resubmitted for approval before installation.

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D. *Modifications or Waivers of Standards.* The standards of this chapter may be modified or waived through an administrative permit, in compliance with Chapter 19.44, where the Planning and Development Services Director determines that alternative standards will achieve equivalent results consistent with the purposes of this chapter, or where site or public right-of-way constraints create unusual hardships or make compliance with the standards of this chapter infeasible.

19.26.030 Landscape Plan Application Requirements

A. *Preliminary Landscape Plan.* A preliminary landscape plan shall be submitted as part of an application for a discretionary land use permit. The plan shall include all information and materials as required in the application form provided by the Planning and Development Services Department. The Planning and Development Services Director shall review each preliminary landscape plan to verify its compliance with the provisions of this chapter. The Director shall require any changes necessary to bring the submittal into compliance with this chapter.

B. *Final Landscape Plan.* Following approval of the land use entitlement, a final landscape plan shall be submitted as part of the application for a building permit.

1. Final landscape plans for multi-family and non-residential projects shall be prepared by a licensed landscape architect or licensed landscape contractor. Evidence shall also be provided that a licensed landscape contractor will be responsible for plant and irrigation installation.

2. Final landscape plans for single-family and duplex projects need not be prepared by licensed professionals, and need only include a preliminary planting plan with a planting palette, in compliance with all applicable provisions of this chapter.

3. Final landscape plans shall be approved by the Planning and Development Services Director before the start of on-site construction or soil disturbance, and before the issuance of a building permit.

19.26.040 Areas of Required Landscaping

A. *Landscaping Requirements for all Uses.*

1. *Setbacks.* All setback and open space areas required by this Zoning Ordinance shall be landscaped, except where a required setback is occupied by walkways, decks, approved hardscape, or a driveway, or where a required setback is screened from public view and it is determined by the Planning and Development Services Director that landscaping is not necessary to fulfill the purposes of this chapter.

2. *Unused Areas.* All areas of a project site not intended for a specific use (including areas planned for future phases of a phased development), shall be landscaped unless it is determined by the Planning and Development Services Director that landscaping is not necessary to fulfill the purposes of this chapter.

3. *Parking Areas.* Parking areas shall be landscaped as required by Chapter 19.28 (Off-Street Parking and Loading Standards).

4. *Location-Specific Requirements.* Location-specific landscaping may be required to provide visual relief or contrast, or to screen incompatible features of the site or use.

5. *Street Trees.* All land uses requiring a discretionary land use permit shall provide street trees at a maximum spacing of thirty feet along the sidewalk of the site frontage in compliance with the Urban Design/Streetscape Master Plan. In lieu of providing street trees, the Planning and Development

Services Director may allow the applicant to pay a fee to the Street Beautification Trust Fund, as established by Council resolution. Additionally, the applicant shall provide surety acceptable to the Planning and Development Services Director to ensure the ongoing health and maintenance of the street trees in compliance with Section 19.26.080(C) (Performance guarantee), below.

6. Non-permeable Surfaces. Landscape areas shall comply with the limitations on non-permeable surfaces provided by Section 19.20.190(D) (Non-permeable surfaces).

B. *Landscaping Requirements for Commercial Uses.* (In addition to subsection (A), above).

1. Landscaping Outside Fences and Walls. Freestanding fences or walls that are adjacent to any public street or sidewalk shall be located to provide a landscaped area along the frontage between the fence or wall and the street. Landscaping outside of fences and walls for parking lots shall be in compliance with Section 19.28.100(B) (Parking area landscaping requirements).

a. The landscaped area shall contain the equivalent of at least two square feet of landscaping for each linear foot of frontage, in compliance with a landscaping plan approved by the Planning and Development Services Director. Where a hardship exists, the Director may reduce this requirement to a minimum of one square foot of landscaping for each linear foot of frontage in return for a wider landscaped strip.

b. The Planning and Development Services Director may approve alternative methods of providing landscaping along fences and walls where an alternative plan will provide equal or better landscaping within the intent of this chapter.

...

C. *Landscaping Requirements for Residential Uses* (In addition to subsection (A), above).

1. Parkways. Proposed residential developments shall provide for the installation and maintenance of a parkway landscaping strip with a minimum width of three feet along the entire street frontage of the site between the sidewalk and the street curb, except when determined infeasible or undesirable by the Director of Public Works. See also Section 19.20.160 for sidewalk requirements.

2. Removal of Mature Trees. The following requirements apply only when a permit is required for tree removal by this chapter.

a. Mature trees may only be removed if:

(1) The tree poses a hazard. In order to verify that a hazard exists, the city may require a tree hazard assessment to be performed by a qualified arborist; or

(2) The tree is planted too close to an existing structure, such that it is either damaging or has the clear potential to damage the structure; or

(3) The roots of the tree are causing damage to paved areas or sewer and plumbing lines; or

(4) The tree has an incurable disease or pest infestation that cannot be eliminated. The city may require this condition to be verified by a qualified arborist; or

(5) The tree is out of keeping in character or form with a proposed comprehensive landscaping plan or with an otherwise cohesive existing landscaping; or

(6) The tree has been damaged to the point that it cannot recover and grow properly or that it will grow in a misshapen or unsightly manner; or

(7) The Planning and Development Services Director determines that the removal of the tree is necessary to carry out construction in compliance with approved plans.

b. A mature tree that is removed shall be replaced with a species in a location that will grow to replace the removed tree without posing the hazards for which the tree was removed.

c. The Planning and Development Services Director may allow trees to be replaced with other types of landscaping if the property includes other trees that provide shade such that additional trees are not necessary, or if a replacement tree would be out of character or form in conjunction with an approved comprehensive landscaping plan, or if in the opinion of the Planning and Development Services Director there is no suitable location on the property for a replacement tree.

19.26.050 Landscape Design Standards

D. Landscaped areas except strips adjacent to fences or walls shall have a minimum width of three feet. The Planning and Development Services Director may determine that a lesser width in part of a landscaped area is sufficient to meet the intent of this chapter.

19.26.070 Irrigation and Water Conservation

B. Equipment.

1. System Requirements. Low-volume irrigation systems with automatic controllers shall be required. Low-volume irrigation systems include low-volume sprinkler heads, dry emitters, and bubbler emitters.

2. Extent of Low-Volume Equipment Required. Drip, trickle, or other low-volume irrigation shall be provided on at least 90 percent of the landscaped area except for those areas devoted to turf and flat ground cover plants. If a licensed landscape architect or licensed landscape contractor verifies that a drip or trickle system is not feasible due to location, the required percentage of drip or trickle irrigation may be reduced by the Planning and Development Services Director.

19.26.080 Installation and Maintenance

A. *Installation Requirements.* Landscape materials and support equipment shown in an approved final landscape plan shall be installed as follows.

...

2. *Timing of Installation.* Required landscaping shall be installed and verified by the Planning and Development Services Department before occupancy of the site.

3. *Compliance with Plans Required.* Landscape materials and irrigation equipment shall be installed in compliance with the approved plans and specifications.

4. *Deferral of Installation.* In the event that seasonal conditions prevent the effective installation of required landscape before occupancy, a conditional Certificate of Occupancy and a performance bond in the amount equal to the value of the landscape materials may be allowed, subject to the approval of the Planning and Development Services Director.

B. *Minor Changes to Plans.* The Planning and Development Services Director may approve minor changes to approved plans limited to the following:

1. Minor changes to approved landscaping or irrigation plans that comply with the spirit and intent of these regulations, including revising or substituting plant varieties, container sizes, plant locations, irrigation specifications, hardscape components, berm heights, berm locations, slope features, and similar changes; and

2. Modifications of planting, installation, or soil preparation details.

C. *Performance Guarantee.* When required by the Planning and Development Services Director, a surety in a form approved by the city in the amount of 50 percent of the total value of all plant materials, irrigation, and installation shall be posted with the city for a two-year period to guarantee proper maintenance of installed landscaping, both on-site and in the public right-of-way.

Section 10: Chapter 19.28 Off-Street Parking and Loading Standards of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.28.020 Applicability

B. *Timing of Improvements.* A use shall not be commenced and structures shall not be occupied until improvements required by this chapter are completed to the satisfaction of the Planning and Development Services Director.

19.28.030 General Parking Regulations

B. *Parking Operations Plan Required.* Applicants for mechanical lifts or automated parking structures, non-residential uses with new parking lots, or freestanding parking lots shall submit a parking operations plan to the Director of Public Works for review and approval before issuance of building permits.

1. The plan shall include information required by the Planning and Development Services Director, as needed for a complete understanding of the proposed parking operations. Examples of the information that may be required include the type and location of access control that will be used, rates charged for parking (if any), method of payment for parking, number of transactions that can be accommodated throughout the day, whether the development will offer validated parking, whether parking for employees will be subsidized, and other information.

2. If using off-site parking, the plan shall address both on- and off-site parking lots. The Planning and Development Services Director may require a list of incentives that the applicant will provide to encourage patrons to park in the off-site lot rather than driving to the project site and having the valet drive to the off-site lot. The plan shall specify when and to whom the incentives will be given.

C. *Location of Parking.* Off-street parking shall be located as follows.

1. Required parking shall be located on the same site as the activities or uses served, unless a parking use permit is obtained in compliance with Chapter 19.56 for a non-residential use.

2. Except for single-family dwellings and duplexes, all parking spaces shall be located either behind or within a structure. The location of parking spaces for residential uses shall comply with Section 19.28.090(D)(1)(a) (Residential Parking - Location).

3. Parking, either required or excess, shall not be allowed in any required front setback, except upon a paved driveway that provides access directly from the street to an allowed garage or carport. In R1 and R2 zone districts, the required parking may be in a front yard driveway subject to approval by the Planning and Development Services Director.

D. *Availability.* Required parking and loading spaces shall be available during permitted hours of operation, and shall be marked and maintained for parking or loading purposes for the use they are intended to serve.

1. The Planning and Development Services Director may approve the temporary reduction of parking or loading spaces in conjunction with a seasonal or intermittent use for a period of not more than thirty days subject to the approval of a temporary use permit (Chapter 19.54).

19.28.040 Number of Parking Spaces Required

3. *Uses Not Listed.* Parking for land uses not specifically listed by Table 3-6 shall be provided based on the most similar use in the table, as determined by the Planning and Development Services Director.

19.28.060, Reduction of Off-Street Parking Requirements

C. Parking Reduction Procedure.

1. Application and Filing. A request for reduction shall be filed with the Planning and Development Services Department as part of the project land use permit application, and shall include:

- a. The information and materials required by the Planning and Development Services Director;
- b. Where required by this section or otherwise determined to be necessary by the Planning and Development Services Director, a parking demand study which presents justification for the requested modification, prepared by an independent licensed traffic engineer

19.26.070 Shared Use of Parking Facilities

The Planning and Development Services Director may also allow consideration of joint use facilities for two uses that are more than 400 feet apart where the Director determines that the separation remains reasonable for walking, and/or that pedestrian-oriented features of the intervening distance will also make walking between the two sites reasonable. For shared use of parking spaces by multiple commercial uses on the same parcel, see "shopping centers," in Table 3-6.

B. *Procedure.* The shared use of parking facilities may be granted through the parking use permit process (Chapter 19.56).

C. *Application Requirements.* In addition to the information and materials required for a parking use permit application, the owner of the proposed shared parking spaces shall provide a parking demand study prepared by a qualified, licensed traffic engineer, which:

1. Is in a form and includes data acceptable to the Planning and Development Services Director of Transportation and Public Works;
2. Includes data documenting the actual usage of the proposed shared parking spaces during all hours over a two-week period; and
3. Otherwise demonstrates that the proposed shared parking will actually be available to the off-site use, and that no substantial conflict will exist in the principal hours or periods of peak parking demands of the uses for which the shared parking is proposed.

D. *Standards for Shared Parking.* Shared parking facilities shall comply with the following requirements:

1. The distance from the parking site to the applicant's site should not exceed 400 feet. However, distances of up to 1,000 feet may be considered if the Planning and Development Services Director determines that there are no other feasible alternatives; and
2. The applicant shall provide evidence of a valid lease. A long-term lease is preferable.

E. *Conditions of Approval.* In granting a parking use permit for shared parking, the Planning and Development Services Director may require conditions of approval regarding:

19.28.080 Parking Credits

B. *Procedure.* As part of an application for a new or intensified use an applicant may apply to participate in the Parking Credits Program to meet parking requirements as follows:

1. Prior to completing a development application to the Community Planning and Development Services Department for a new or intensified use, the applicant shall apply to the Parking Division Department of Public Works to participate in the Parking Credits Program. The requirements to participate in the Parking Credits Program shall be as set forth in this section and Chapter 10.28 of this Code. The development application shall not be deemed complete until the applicant has obtained written verification from the Parking Division Department of Public Works that sufficient parking credits are available and the applicant has reserved the credits pursuant to the requirements in Chapter 10.28 of this Code.

19.28.090 Parking Area Design and Layout Standards

A. *Access.* Access to off-street parking areas shall be designed in compliance with the following standards.

1. *Maneuvering Area.* Newly created parking areas shall provide sufficient maneuvering room so that vehicles enter an abutting street in a forward direction. The Planning and Development Services Director may approve exceptions for single-family dwellings and duplexes and where an alley provides sufficient access.

...

2. *Compact Car Parking Spaces.* Compact car parking spaces may be used to satisfy the parking requirements of this chapter as follows.

a. *Non-Residential Uses.* Non-residential projects may substitute compact stalls for up to 40 percent of the total number of required spaces. Excess parking may be compact or standard spaces.

b. *Residential Uses.* Compact spaces shall not be used to satisfy residential parking requirements, except that the review authority may approve compact spaces for residential care facilities, mixed use projects, housing provided exclusively for low and moderate income residents, or for courtyard housing (see Section 19.36.265). In these cases, projects with ten or more required parking spaces may substitute compact stalls for up to 50 percent of the total number of required spaces.

c. *Markings.* Each compact space shall be clearly and distinctively marked as a compact space by signs or other markings, as approved by the Planning and Development Services Director.

3. *Parking Lot Dimensions.* Parking bay and aisle widths for various parking angles shall comply with standards prepared by the Planning and Development Services Director and approved by the Planning Commission.

Residential Parking.

1. Restrictions Within Residential Districts. The parking of automobiles and recreational vehicles in residential zoning districts shall comply with the following standards.

a. Location. Automobiles shall not be parked between the street property line and the front of a residential unit except on a driveway leading to a garage or carport, or a semi-circular driveway on a lot that has a minimum frontage width of 70 feet. Semi-circular driveways may be approved only when the driveway interior is landscaped, and where two curb cuts are approved by the Department of Public Works Transportation.

b. Recreational Vehicles. Recreational vehicles may be stored or parked within single-family residential districts only as follows:

(1) Recreational vehicles may be stored only within the side or rear yard behind the front line of the residential unit or, in the case of a corner parcel, behind the front or street side line; and

(2) Recreational vehicles may be temporarily parked on driveways in front of residences for not more than 24 continuous hours.

2. Enclosed or Covered Parking Required. All residential parking spaces shall be enclosed or covered, except for guest spaces and parking for single-family dwellings (one unit per parcel) existing as of May 2, 2001, as follows.

a. For a single-family dwelling one covered space, and one tandem, uncovered space of at least 18 feet in length within the driveway. The garage, carport, or other structure covering the parking space may be demolished and replaced with one covered parking space as long as the tandem uncovered space is retained to the satisfaction of the Planning and Development Services Director.

b. An existing two-car garage for a single-family dwelling may be demolished and replaced in-kind or replaced with a new one-car garage or carport and one tandem, uncovered space within the driveway, each at least 18 feet in length. Provided, that this shall not be permitted where the existing garage is viable because:

(1) The garage interior is a minimum of 18 feet by 18 feet; and

(2) The driveway leading to the garage is a minimum of eight feet wide.

3. Carports. Carport parking shall consist of a solid roof structure, lattice, overhang, or combination of these, that completely covers a parking stall unless in order to cover the vehicle, the carport projects to within three feet of the property line. The Planning and Development Services Director may modify this standard for carports within three feet of property lines in order to avoid the shadow and aesthetic impacts on neighboring properties. See also Section 19.36.311.

1. Permits Required. Any existing non-residential surface parking facility located in a residential zone shall obtain an Administrative Permit (Chapter 19.44) and shall comply with the standards in this section. These facilities shall have 180 days from February 19, 2016 to file an application for an administrative permit. Upon review, the Planning and Development Services Director may decide to add conditions that are in addition to the standards in this section.

19.28.100 Surface Parking Area Standards

3. Shopping Cart Storage. Parking facilities for commercial uses that offer shopping carts for use by patrons (e.g., grocery stores) shall contain shopping cart storage areas when appropriate. The dimensions and locations of these storage areas shall be determined the Planning and Development Services Director.

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6. Surfacing. Parking spaces and maneuvering areas shall be paved and permanently maintained with a minimum thickness of two inches of asphalt, concrete, grasscrete, stabilized decomposed granite, or other all-weather surfacing over a minimum thickness of four inches of a base material to be approved by the Director of ~~Transportation and~~ Public Works, or with a minimum thickness of four inches of Portland cement concrete. Refer to Section 19.28.150 (Bicycle Parking and Support Facilities) for requirements for bicycle parking areas.

Alternate surfaces for parking and loading areas may be approved by the Director of ~~Transportation and~~ Public Works, provided that the material used meets aesthetic qualities, improves drainage and permeability, and responds to historic guidelines for the property and its setting.

7. Wheel Stops and Curbing.

a. Concrete curbing at least six inches high and six inches wide, with breaks to allow on-site drainage, shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas, and structures. Individual wheel stops may be provided in-lieu of continuous curbing when the parking is adjacent to a landscaped area and the drainage is directed to the landscaped area. Alternative barriers designed to protect landscaped areas from vehicle damage may be approved by the Planning and Development Services Director. Wheel stops shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space. Wheel stops shall not be required where two parking spaces are contiguous at the width.

...

b. Adjacent to Residential Use. Parking areas for non-residential uses adjoining a residentially zoned parcel shall be designed and maintained to screen the cars from the view of the adjoining residents with a suitable landscaped buffer. This requirement may be reduced when applied to a property line in common with an alley.

(1) The buffer shall be designed with a minimum width of five feet between the parking area and the common property line bordering the residential use, and shall include mature trees or tall hedges.

(2) A solid masonry wall with a minimum height of six feet shall be provided along the property line. The Planning and Development Services Director may require taller walls and other noise mitigation devices (e.g., partially or fully covered parking) when necessary to lessen the impacts of a particular use.

19.28.110 Parking Structure and Rooftop Parking Standards

C. Construction and Improvement Standards

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4. Striping, Directional Arrows, and Signs.

a. Parking spaces, aisles, approach lanes, and maneuvering areas shall be clearly marked with directional arrows to ensure the safe and efficient flow of vehicles. The Planning and Development Services Director may require the installation of traffic signs in addition to directional arrows to ensure the safe and efficient flow of vehicles in a parking facility.

b. Parking stalls should be marked with double striped lines. When this type of striping is used, each line shall be approximately four inches wide and spaced six inches apart. Parking space width shall be measured from the centerline between the two lines.

5. Wheel Stops and Curbing. Continuous concrete curbing at least six inches high and six inches wide shall be provided for parking spaces located adjacent to walls, property lines, landscaped areas, and structures. Individual wheel stops may be provided in-lieu of continuous curbing when the parking is adjacent to a landscaped area and the drainage is directed to the landscaped area. Alternative barrier design to protect landscaped areas from vehicle damage may be approved by the Planning and Development Services Director. Wheel stops shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space. Wheel stops shall not be required where two parking spaces are contiguous at the width.

...

F. *Semi-Subterranean Garages.* Semi-subterranean residential parking garages may be built within required side setbacks in compliance with Section 19.20.150(E) (Allowed Projections into Setbacks), provided that the required safety railing along the top edge of the garage from grade is a maximum of six feet as measured from the adjacent abutting property, except where otherwise approved by the Planning Commission

19.28.120 Off-Site Parking Standards

Lessees shall provide proof to the Planning and Development Services Director on an annual basis of continuous leases for off-site parking spaces at the time the leases are renewed following the expiration of their initial terms, or when a new lease for parking elsewhere is substituted. If the off-site parking lease agreement between the parties lapses, the owner or operator of the use leasing the parking shall immediately notify the Planning and Development Services Director. The Director shall determine a reasonable time in which the required parking shall be restored, or alternatively that an in-lieu parking fee be paid in an amount equal to the number of parking spaces required.
(Ord. 01-594 § 2, 2001)

9.28.130, Driveway Standards

B. Number and Extent of Residential Driveways.

1. Number of Driveways - Mid-Block Parcels. As practical, the number of driveways shall be limited to one, provided that properties with more than 75 feet of street frontage may devote an additional fifteen feet to a second driveway if the additional driveway is separated as much as is feasible from the main driveway, as approved by the Director of Public Works, and if the Director of ~~Transportation and Public Works~~ determines that the second driveway will not cause the loss of an on-street parking space in an area where such a loss would cause significant harm to the general public welfare.

19.28.140 Temporary Parking Lots

A. *Time Limits and Extensions.* The temporary use permit for a temporary parking lot shall specify a fixed expiration date. Extensions of time may be granted as follows:

1. New Lots. A temporary parking lot temporary use permit approved after May 2, 2001, may be automatically extended by the Planning and Development Services Director for a fixed time period, absent receipt of complaints about the operation of the parking lot.

...

B. *Development Standards.* A temporary parking lot shall comply with all applicable requirements for surface parking lots in Section 19.28.100 (Surface Parking Area Standards), and the following requirements.

1. Hours of Operation. The Planning Commission shall establish hours of operation for the parking lot. In approving hours of operation, the Commission shall consider the existing land uses on adjacent properties, the locations of access points to the parking lot, and any other factors that may impact the use and enjoyment of adjacent properties and the health, safety, and welfare of the community. The parking lot shall be secured in a manner to prevent unauthorized entry onto the property during non-operating hours.

19.28.150 Bicycle Parking and Support Facilities

D. *Surfacing.* The surface of bicycle parking areas shall be subject to the approval of the Planning and Development Services Director, and shall minimize dust.

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d. Required showers shall not be removed during tenant improvements or through subsequent remodeling. They may be relocated with the approval of the Planning and Development Services Director.

19.28.160 Off-Street Loading and Space Requirements

B. *Location.* Loading spaces shall be located to meet as many of the following criteria as deemed feasible by the Planning and Development Services Director. The spaces shall be:

...

C. *Design and Development Standards.*

1. *Dimensions.* Loading spaces shall have at least ten feet in width, twenty feet in length, and fourteen feet of vertical clearance within the loading space and within the access and turnaround area for the space. The Planning and Development Services Director may require larger dimensions if warranted by the proposed project and its specific uses.

...

4. *Loading doors and gates.* Loading bays and roll-up doors shall be painted to blend with the exterior structure walls and be located on the rear of the structure as far from residential uses as possible. Bays and doors may be located on the side of a structure, away from a street frontage, if the Planning and Development Services Director determines that the bays, doors, and related trucks can be adequately screened from view from adjacent streets.

5. *Loading ramps.* Plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions, and overhead clearances.

6. *Screening.* Loading areas adjacent to residential uses or public streets or alleys shall be screened with a solid masonry wall, at least six feet in height and of a design approved by the Planning and Development Services Director.

Section 11: Chapter 19.30, Property Maintenance Standards of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.30.030 Specific Violations

- A. *Nuisances Possibly Dangerous to Children.* The storing or allowing the storage of any abandoned or broken appliances and equipment or neglected machinery on private property or the parkway for any length of time. Any appliances, equipment, machinery, or accumulation of materials shall be removed immediately upon notification by the Planning and Development Services Director.
- B. *Deteriorating and Defective Structures.* Any and all improvements located on private property shall be presumed to be in violation of this section if any of the following conditions exist:
1. Peeling paint in excess of a total of four square feet of the entire façade (e.g., any exterior side) of a structure;
 2. Excessive cracked or broken stucco or other exterior or interior covering as determined by the Planning and Development Services Director;
- ...
11. Any decoration, design, device, graffiti, fence, structure, or clothesline which is unsightly by reason of its condition or its inappropriate location as determined by the Planning and Development Services Director or a designated City official;
 12. Faulty materials of construction in any improvements including those materials which are not allowed or approved by the Building Code as adopted by the City and as reported to the Planning and Development Services Director by the Building Official, or which have not been maintained in a good and safe condition; and
 13. A passenger elevator in a multi-unit residential building that the State of California Division of Occupational Safety and Health, Elevator Ride and Tramway Unit, or other agency designated by the Planning and Development Services Director, has found to be inoperable, or not maintained in a proper, safe and good working condition.
- C. *Fire Hazard.*
1. All violations of applicable conditions of the Fire Code as adopted by the city in Municipal Code Section 14.04.010, and as reported to the Planning and Development Services Director by the Fire Marshal.
- D. *Hazardous and Unsanitary Conditions.*
1. Accumulating, discharging, or releasing any human or animal waste material or substances, stagnant water, or any combustible or hazardous materials or substances, fluid or solid on any part of or in any structure on real property.

2. All violations of applicable conditions of the Health Code as adopted by the city in Municipal Code Section 7.04.010, and as reported to the Planning and Development Services Director by the Environmental Health Official.

...

F. *Inadequate or Faulty Mechanical Equipment.*

1. Lack of safe, adequate heating facilities in an apartment house, dwelling unit, hotel, or motel.

2. All violations of applicable conditions of the Mechanical Code as adopted by the city in Municipal Code Section 13.16.010, and as reported to the Planning and Development Services Director or designated City official by the Building Official.

3. Mechanical equipment and required screening, including vents, that does not conform with all applicable laws in effect at the time of installation, or which has not been maintained in good and safe condition.

G. *Inadequate or Faulty Plumbing.*

1. Lack of plumbing fixtures required by the Building Code as adopted by the City, as reported to the Planning and Development Services Director by the Building Official.

2. All violations of applicable conditions of the Plumbing Code as adopted by the City in Municipal Code Section 13.12.010, and as reported to the Planning and Development Services Director by the Building Official.

3. Plumbing which does not conform with applicable laws in effect at the time of installation or which has not been maintained in good condition and free of cross connections.

H. *Inadequate or Hazardous Electrical Supply, Lighting, and Wiring.*

1. Lack of required or improperly maintained electrical lighting or convenience outlets in existing residential or commercial occupancies as reported to the Planning and Development Services Director by the Building Official.

2. Lack of maintenance and repair of lighting fixtures inside dwelling units and in common areas of residential and commercial structures, including courtyards, garages, hallways, lobbies, parking areas and lots, public toilets, and walkways.

3. All violations of applicable conditions of the Electrical Code as adopted by the City in Municipal Code Section 13.08.010, and as reported to the Planning and Development Services Director by the Building Official.

4. Wiring that does not conform with applicable laws in effect at the time of installation or which has not been maintained in good condition and used in a safe manner.

I. *Inadequate Sanitation and Ventilation.*

1. Lack of hot or cold running water to plumbing fixtures as reported to the Planning and Development Services Director by the Building Official.

K. *Overgrown, Dying or Dead Vegetation.* Overgrown, dying or dead vegetation on private property or within parkway areas. Overgrown vegetation includes, but is not limited to, vegetation that: (1) obstructs a person's view, to any degree, of approaching or nearby pedestrians or vehicles on public property; (2) obstructs any person's view, to any degree, of signs or traffic lights on public property; (3) obstructs access to, or use of, a sidewalk, street or highway, or a public easement or dedication to any degree; or (4) blocks, obstructs, or interferes with, public improvements, street lights, or signage to any degree as determined by the Planning and Development Services Director or the Director's designee. A determination that vegetation on private property or on an adjoining parkway is dead or dying may include, without limitation, consideration of the following factors: any physical characteristic of appearance evidencing a lack of proper watering or feeding; the creation or promotion of a fire hazard by reason thereof; the existence of an infestation of any kind that is injurious to such vegetation; or when diseased or dying vegetation does not substantially respond to remedial care. The City shall require replacement of dead or dying vegetation and the abatement of such a condition. In this event, a responsible person shall first obtain applicable permits and comply with all applicable landscape regulations and requirements in the West Hollywood Municipal Code.

...

O. *Vacant or Abandoned Properties.* If a property, area or place, including buildings thereon, has been abandoned, undeveloped, or substantially vacant for ninety days, any person owning, leasing, occupying or having charge or possession of the property shall be subject to special conditions to maintain the subject property. These conditions include, but are not limited to, the following:

1. Weekly inspection of property by the property owner documented in writing to the Planning and Development Services Director ~~of Community Development~~;
2. Installation of security lighting;
3. Installation of additional building locks and entry control including bars on windows;
4. Installation of permanent fencing as required by Chapter 7.24;
5. Documentation that adequate security is provided via onsite security personnel, roaming security patrol, video surveillance cameras or some other means, subject to the approval of the Planning and Development Services Director ~~of Community Development~~;
6. Abatement of pest and rodent infestation on the property and providing documentation verifying the abatement; and
7. Elimination or trimming of any landscaping that contributes to a unsafe condition on the property;
8. Posting signage on the property for a 24-hour emergency contact number to report complaints regarding the property;
9. The property owner shall be responsible for all costs associated with complying with an order from a City official as required by this subsection; and
10. The City shall recover any costs associated with monitoring the subject property, including city site inspections.

The above conditions are required unless any particular condition is determined by the Planning and Development Services Director of ~~Community Development~~ to be not applicable or necessary.

19.30.050 Abatement of Violations

B. *Manner of Repair.* Corrections and repairs of violations shall be performed in a sightly manner in recognition of manufacturer's standards and, where applicable, in compliance with the standards of workmanship of acknowledged trades and as deemed acceptable by the Planning and Development Services Director.

C. *Conformity with Existing Materials.* Exterior repairs and corrections of violations shall conform with the materials and colors of the complete structures being brought into compliance, unless otherwise approved by the Planning and Development Services Director.

Section 12: Chapter 19.32 Seismic Safety of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.32.030 Critical Facilities

4. The siting of the critical facility observes a 100-foot minimum setback from an identified, active earthquake fault plane. This setback may be increased if, based on the earthquake fault rupture study, a greater setback is necessary to protect the public health, safety, and welfare, if deemed necessary by the Planning and Development Services Director.

19.32.040 Sensitive Facilities

. The proposed sensitive facility shall be sited outside 100-foot setback planes drawn parallel to any active faults. A greater setback from any active fault may be required if, based on the fault rupture determination study, the Planning and Development Services Director determines that the additional setback is necessary to protect the public health, safety, and welfare.

19.32.050 High Occupancy Facilities

2. All proposed high occupancy facilities (including their foundation systems and basements) shall be sited outside fifty-foot setback planes drawn parallel to any active faults. A greater setback from any active fault planes may be required if, based on the fault rupture investigation, the Planning and Development Services Director determines that the additional setback is necessary to protect the public health, safety, and welfare.

Section 13: Chapter 19.34 Sign Standards of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.34.020 Applicability

C. *New Zoning Districts.* If a new zoning district is created after the enactment of this chapter, the Planning and Development Services Director shall have the authority to make determinations as to the applicability of appropriate sign regulations in compliance with Chapter 19.03 (Interpretation of Zoning Ordinance Provisions) until this chapter is amended to govern the new zoning district.

19.34.050 Standards for Specific Types of Signs

D. *Elevated Monument Signs.* An elevated monument sign may be allowed when the Planning and Development Services Director determines that a wall sign would not be easily seen from the public street and there is sufficient area on the site to accommodate a freestanding sign.

...

E. *Monument signs.* A monument sign may be allowed when the Planning and Development Services Director determines that a wall sign would not be easily seen from the public street and there is sufficient area on the site to accommodate a freestanding sign.

1. *Location.* The sign may be located only along a site frontage adjoining a public street.

2. *Maximum Area and Height.* The sign shall comply with the height and area requirements established by Section 19.34.030 (Sign Standards by Zoning District).

3. *Design.* The design of a monument sign shall be consistent with the overall scale of the building. The design and placement of the sign shall not obstruct traffic safety sight areas.

4. *Landscaping Requirements.* Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 20 square feet of sign area = 40 square feet of landscaped area. The Planning and Development Services Director may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project.

19.34.060 Creative Signs

C. *Application Requirements.* A sign permit application for a creative sign shall include all information and materials required by the Planning and Development Services Department, and the filing fee set by the city's Fee Resolution.

D. *Procedure.* A sign permit application for a creative sign shall be subject to review and approval by the Planning and Development Services Director when the proposed sign is fifty square feet or less, and by the Planning Commission when the sign is larger than fifty square feet. Notification for a sign permit for a creative sign shall be given in the same manner specified by this Zoning Ordinance for Planning and Development Services Director-approved development permits in Chapter 19.48.

19.34.070 Comprehensive Sign Program

4. The Planning and Development Services Director determines that a comprehensive sign program is needed because of special project characteristics (e.g., the size of proposed signs, limited site visibility, a business within a business, the location of the site relative to major transportation routes).

C. *Approval Authority.* The Planning and Development Services Director may approve a comprehensive sign program through the granting of a sign permit for a comprehensive sign program.

D. *Application Requirements.* A sign permit application for a comprehensive sign program shall include all information and materials required by the Planning and Development Services Department, and the filing fee set by the city's Fee Resolution.

...

F. *Revisions to Comprehensive Sign Programs.* Revisions to a comprehensive sign program may be approved by the Planning and Development Services Director with a standard sign permit if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new comprehensive sign program.

19.34.080 Off-Site Signs

D. *Approval Authority.* The Planning Commission shall have the authority to approve district identification signs, large-screen video signs, conditional use permits for tall wall signs, second sides for existing billboards, and new billboards integrated into new construction. The Planning and Development Services Director may approve all other off-site signs.

E. *Billboards – Creative.* A creative billboard may be approved as a temporary modification to an existing billboard, in compliance with this section. The following regulations are intended to encourage creatively designed billboards that make a positive visual contribution to Sunset Boulevard and to the overall image of the city.

1. *Limitation on Location.* Creative billboards may be approved only within the SSP (Sunset Specific Plan) zoning district and only in conjunction with an existing billboard.

2. *Approval Authority.* A creative billboard is subject to approval by the Planning and Development Services Director.

3. Time Limit. The Planning and Development Services Director may approve the placement of a creative billboard for a maximum period of 12 months. One six-month time extension may be approved or denied by the Planning and Development Services Director and the creative billboard shall be removed immediately upon expiration. Certain types of physical extensions may be installed for a longer period, as allowed by state law.

4. Standards. A creative billboard shall be designed and located in compliance with all of the following standards.

a. The creative billboard shall alter an existing billboard without changing its location. Any enlargement of the billboard shall be designed as an integral part of the billboard image and contribute to the overall creativity of its design.

b. The creative billboard shall be properly sited and well integrated within the context of its surroundings.

c. Creative billboards shall be an inventive and original representation of the product or business being advertised. The creative billboard shall exhibit one or more of the following elements:

(1) Three-dimensional props and extensions.
(2) Extensions with cut-out shapes or voids.
(3) Integrated thematic lighting such as neon, LED, images which change from day to night through lighting effects, projected light, video projections, or other emerging technologies.

(4) Moving or animated mechanical elements.
(5) Different day-time and night-time images.
(6) Hand-painted graphics or graphics crafted on-site.

(7) Alternative textures and materials, such as plants and vegetation.

(8) Live action.
(9) Innovative technologies such as passive participatory attributes or three-dimensional anamorphic illusions over multiple surfaces.

(10) Other features as approved by the Planning and Development Services Director ~~of Community Development~~.

...

h. No three-dimensional element or extension to a billboard shall extend or project beyond the property line of the subject site without approval of the Planning and Development Services Director ~~of Community Development~~ and express written permission of the adjacent affected property owner(s).

G. *District Identification Signs.* A district identification sign is an off-site sign for the identification of a specific district or center identified in the General Plan or a business improvement or redevelopment area approved by the Council.

1. Procedure. Hearing notice shall be sent to all businesses within a district or redevelopment area, or to owners of property within 500 feet of the site, whichever is less.
2. Standards. District identification signs shall not:
 - a. Interfere with pedestrian or vehicular safety to the satisfaction of the Director of ~~Transportation and Public Works~~;
 - b. Detract from the pedestrian quality of the surrounding area; or
 - c. Add to an over-proliferation of signs on one property or in an area.
3. Maintenance Agreement Required. The owner of the sign shall enter into an agreement with the city for funding the ongoing cleaning, maintenance, and repair of the sign subject to the approval of the Director of ~~Transportation and Public Works~~.

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H. *Large Screen Video Signs.*

1. Criteria for Eligibility. Large screen video signs shall be allowed only in conjunction with new construction of 5,000 square feet or more. Large screen video signs may be approved along Sunset Boulevard on parcels within Geographic Areas Three, Four, Six, or Seven in the Sunset Specific Plan or when the signs are located in the CR zone and meet all of the following criteria:
 - a. The site where the sign is located is designated gateway node under the General Plan.
 - b. The site where the sign is located is designated a light way or glow way under the Santa Monica Boulevard Master Plan.
 - c. The large screen video sign is a component of a special lighting concept contributing the project's gateway status as a glow way or light way as required by the Santa Monica Boulevard Master Plan.
2. Procedure. Public notice shall be provided as required by Chapter 19.48 for a Development Permit.
3. Standards. Proposed video signs shall comply with the following standards:
 - a. The sign shall be at least 100 square feet in screen area.
 - b. In the Sunset Specific Plan area, no more than four large screen videos shall be allowed.
 - c. If the sign is located in the CR zone, the sign shall be at least 200 feet away from any residentially zoned property and 1,000 feet away from any other large screen video in West Hollywood.
 - d. If the sign is located in the CR zone, the sign shall be no larger than 500 square feet in size.
 - e. Off-site advertising shall be limited to the large-screen video portion of the sign.
4. Time Limits and Extensions. Large screen video signs shall be installed within two years from the date of approval. The Planning and Development Services Director may, upon request before the expiration date,

extend the permit one time for an additional six months in compliance with Chapter 19.62 (Permit Implementation, Time Limits, and Extensions).

...

I. *Tall Wall Signs – Standard.*

1. Permit Requirement. Conditional use permit approval shall be required for use of any wall proposed to be used for tall wall signs including those that have been used for tall wall signs prior to May 2, 2001. Once a conditional use permit has been granted, the tall wall image may be changed subject to a zone clearance.

The conditional use permit shall identify the specific building wall where the sign is authorized and the specific area in which the image may be displayed. Any change to the approved image area shall require an amendment to the conditional use permit.

2. Application Requirements. An application for wall approval shall include a survey certified by a licensed surveyor verifying the size of the wall and amount of window space on the wall, and a detailed lighting plan. The application shall also include any supplemental information determined by the Planning and Development Services Director to be necessary to show that the wall can meet the standards required in subsection 5, below.

3. Exception for Existing Tall Walls. Any location at which a tall wall was legally permitted and installed within six months prior to May 2, 2001, may continue to receive zone clearances for changes in the wall image provided that a conditional use permit application for use of the wall is submitted and found to be complete by November 2, 2001. This exception shall apply as long as a decision on the conditional use permit is pending. If a complete application has not been received by the above date, no further tall wall signs may be approved at the location except in compliance with the provisions of this section.

4. Time Limit. A zone clearance for a tall wall image shall expire six months from date of approval, after which the image must be removed. The Planning and Development Services Director may approve only one extension for an additional six months.

J. *Tall Wall Signs – Creative.* A creative tall wall sign may be approved as a temporary modification to an existing, permitted tall wall, in compliance with this section. The following regulations are intended to encourage creatively designed tall walls that make a positive visual contribution to Sunset Boulevard and to the overall image of the city.

1. Limitation on Location. Creative tall walls may be approved only within the SSP (Sunset Specific Plan) zoning district and only in conjunction with an existing, permitted tall wall.

2. Approval Authority. A creative tall wall is subject to approval by the Planning and Development Services Director.

3. Time Limit. The Planning and Development Services Director may approve the placement of a creative tall wall for a maximum period of 12 months. One six-month extension may be permitted by the Director and the creative tall wall shall be removed immediately upon expiration.

4. Standards. A creative tall wall shall be designed and located in compliance with all of the following standards.

a. The creative tall wall shall alter an existing tall wall without changing its location. Any enlargement of the tall wall shall be designed as an integral part of the tall wall image and contribute to the overall creativity of its design.

b. The creative tall wall shall be properly sited and well integrated within the context of its surroundings.

c. Creative tall walls shall be an inventive and original representation of the product or business being advertised. The creative tall wall shall exhibit one or more of the following elements:

(1) Three-dimensional props and extensions.
(2) Extensions with cut-out shapes or voids.
(3) Integrated thematic lighting such as neon, LED, images which change from day to night through lighting effects, projected light, video projections, or other emerging technologies.

(4) Moving or animated mechanical elements.

(5) Different day-time and night-time images.

(6) Hand-painted graphics or graphics crafted on-site.

(7) Alternative textures and materials, such as plants and vegetation.

(8) Live action.

(9) Innovative technologies such as passive participatory attributes or three-dimensional anamorphic illusions over multiple surfaces.

(10) Text covering the tall wall surface, when such text is an artistic component of the sign.

(11) Other features as approved by the Planning and Development Services Director of ~~Community Development~~.

...

i. No three-dimensional element or extension to a tall wall shall extend or project beyond the property line of the subject site without approval of the Planning and Development Services Director of ~~Community Development~~ and express written permission of the adjacent affected property owner(s).

19.34.100 Sign Permits

A. *Application Processing and Fee.* A sign permit application shall include the information and materials required by the Planning and Development Services Department, and the filing fee set by the City's Fee Resolution.

B. *Review Authority.* The Planning Commission shall have the authority to approve district identification signs, creative signs as specified by Section 19.34.060 (Creative Signs), large screen video signs, and the addition of a second billboard face on an existing single-sided billboard on Sunset Boulevard and identified in the billboard inventory. The addition of a second billboard face shall

require approval by the Planning Commission at a public hearing. The Planning and Development Services Director may approve all other types of signs. Appeals of decisions of the Commission or Director shall be processed in compliance with Chapter 19.76 (Appeals).

C. *Criteria for Approval.* The Planning and Development Services Director or Commission may approve a sign permit if the proposed sign:

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E. *Revocation or Modification of Sign Permits.* The Planning and Development Services Director may revoke or modify a sign permit, in compliance with Section 19.80.060 (Revocations and Modifications) if it is found that the signs has been erected, altered, reconstructed, or is being maintained in a manner that is inconsistent with the approved permit.

19.34.110 Exemptions from Sign Permit Requirements

- A. *Flags.* The flag of the United States of America and other nations, states, countries, or municipalities, and flags of incorporated nonprofit organizations or service clubs provided that the pole height shall not exceed 25 feet in height above finished grade within five feet of the pole if located on the ground or ten feet if located on a roof. The length of the flag shall not exceed one-quarter of the height of the pole. No more than three flags per parcel shall be allowed. More or larger flags may be allowed subject to approval by the Planning and Development Services Director.

19.34.130, Illegal Signs

B. *Removal of Illegal Signs in the Public Right-of-Way.* The Planning and Development Services Director may cause the removal of any sign within the public right-of-way or on property that is otherwise abandoned that has been placed there without first complying with the requirements of this chapter.

Section 14: Chapter 19.36 Standards for Specific Land Uses.of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.36.030, Accessory Business Uses and Activities

This section establishes minimum standards for the development and operation of accessory manufacturing, and accessory retail sales and services that are located within, and incidental to a primary commercial use. Examples of these uses include the manufacture of small products in support of an on-site retail business that is the primary use of the site, food service businesses within office complexes, pharmacies and gift shops within hospitals, and other similar uses. The intent of these standards is to provide for accessory business activities that will support the primary use, but will not supplant the dominance of the primary use.

C. *Criteria for Approval.* An accessory manufacturing, retail, or service use shall be allowed only where the Planning and Development Services Director first determines that the use will not result in harm to adjoining existing or potential residential use due to excessive noise, traffic, or other adverse effects generated by the accessory use

D. *Allowable Incidental Business Activities*

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4. Permit Required. The incidental activities allowed by this section shall require city approval as follows.

a. For an activity that will occur once a week, the Planning and Development Services Director's approval of an administrative permit in compliance with Chapter 19.44.

b. For an activity that will occur more than once a week, the Planning and Development Services Director's approval of a minor conditional use permit in compliance with Chapter 19.52.

The Planning and Development Services Director may amend the specified days and times allowed in an approved permit, without the public hearing and with noticing as required for an administrative permit, provided that the amendment does not increase the total number of days or amount of time for the allowed activity.

5. Development Standards. In order for the Planning and Development Services Director to determine that the accessory use is truly "incidental," all incidental activities shall comply with the following operational standards.

a. Location. The incidental activity shall occur only within the interior area of the business, alongside the regular business activity without replacing it at any time.

b. Frequency. The review authority shall determine the total number of incidental activities to be allowed. The specific days of the week and times allowed shall be specified in the permit. As a guideline, most uses shall be permitted up to twice weekly, unless the Planning and Development Services Director determines that the use will have no impacts on surrounding residential or commercial uses.

19.36.040, Adult and Child Day Care Facilities

2. Fencing. A six foot high solid decorative fence or wall shall be constructed on the side and rear property lines. The Planning Commission may allow a solid fence or wall in the front yard setback up to a maximum height of five feet if deemed necessary to ensure safety or to mitigate nuisance.

3. Parking and Loading. The staff parking required by Section 19.28.040 may be arranged in tandem with a depth of more than two spaces. Passenger loading shall be addressed by the review authority through land use permit conditions of approval, and may be located on- or off-site. Off-site loading is subject to approval by the Director of ~~Transportation and Public Works~~.

4. Swimming Pools or Spas. No swimming pools or spas shall be installed on the site due to high risk and safety considerations. An existing pool or

spa for a separate use on the parcel may be allowed if determined by the Planning and Development Services Director that adequate, secure separation exists between the pool or spa and the facilities used by the children.

C. *Adult Day Care Center Standards - Parking and Loading.* The staff parking required by Section 19.28.040 may be arranged in tandem with a depth of more than two spaces. Passenger loading shall be addressed by the review authority through land use permit conditions of approval, and may be located on- or off-site. Off-site loading is subject to approval by the Director of ~~Transportation and Public Works~~.

19.36.050, Adult Businesses

A. *Application Processing.*

1. *Processing Time.* The Planning and Development Services Director shall determine whether an application for an adult business is complete within 15 days of submission. If an application is determined to be incomplete, the applicant shall be notified as to what additional information is necessary within the 15 days. If an application is determined to be complete, it shall be accepted and a decision to approve or deny shall occur within 21 days of the application being determined complete.

19.36.080, Automated Teller Machines (ATMs), Exterior

C. *Parking.* Off-street parking requirements shall be in compliance with the applicable provisions of Table 3-6 (Parking Requirements by Land Use). As an option, the ATM use may utilize on-street loading spaces, rather than on-site parking spaces, with a permit approved by the city's Department of ~~Transportation and Public Works~~.

F. *Dimensions.* In the Sunset Specific Plan Area, each exterior ATM shall be limited to a width of five feet for one machine or 10 feet for two machines, unless the Planning and Development Services Director of ~~Community Development~~ determines that the architectural elements of the building, such as column or window spacing, demand that a larger space be provided. The total depth of the ATM or set of ATMs, including the area behind the machine required for service, shall be limited to a depth of 10 feet from the building face, allowing for other uses to occupy the area behind the ATM.

19.36.090, Bed and Breakfast Inns (B&Bs) and Urban Inns (UI)

E. *Urban Inn Standards.*

1. *Size.* Each urban inn shall be limited to a maximum of 40 guest units and shall occupy a maximum of four lots. In no event shall the permitted density exceed the greater of:

- a. The density permitted in the underlying zoning; or
- b. For a designated cultural resource building, the density existing at the time the rehabilitation incentive application is filed. If an urban inn occupies more than one lot, the lots may be non-adjointing with the discretion of the Planning Commission.

19.36.100, Common Interest Developments and Airspace Subdivisions

B. *Residential Projects – Conditions, Covenants, and Restrictions (CC&Rs)*. To achieve the purposes of this section, the declarations of conditions, covenants, and restrictions (CC&Rs) or other applicable documents relating to the management of common area and facilities shall be subject to approval by the Planning and Development Services Director and the City Attorney. In addition to the CC&Rs that may be required by the California Department of Real Estate in compliance with Title 6 of Part IV of Division II of the Civil Code or other state laws or policies, the declaration, proprietary lease, cooperative housing corporation bylaws, or other similar document shall provide for the following, none of which, after acceptance in final form by the Planning and Development Services Director, shall be amended, changed, or modified without first obtaining the written consent of the Planning and Development Services Director.

...

5. **Utility Easements Over Private Streets and Other Areas.** The Planning Commission may require public utility easements adjacent to public streets or over other portions of the project to accommodate electrical lines, fire hydrants, sanitary sewers, storm drainage, street furniture, water and gas mains and meters, and similar urban infrastructure. The Planning Commission may also require access routes necessary to ensure that firefighting equipment can reach and operate efficiently in all areas of the project.

6. **Limitation on Exterior Changes.** The CC&Rs shall include a provision stating that the association or individual owners or occupants of units in the development shall not, without the written approval of the Planning and Development Services Director cause, permit or approve any material additions, alterations, or changes to the exterior of the development, or reduce or fail to maintain assessments for the maintenance and upkeep of the exterior of the development.

7. **Authorization for Governmental Access and Enforcement.** The CC&Rs shall include the following provisions in addition to those identified above in this section.

f. Any other provisions which the Planning and Development Services Director and City Attorney determine are necessary and reasonable for ensuring compliance with the provisions of the municipal code or the conditions of approval of the project.

8. **Amendment of the CC&Rs or Other Management Document.** An amendment to the CC&Rs or other management documents that would amend, delete, modify, or otherwise affect any provision required by this section shall require the prior written approval of the Planning and Development Services Director. To that end, the amendment shall not be effective unless:

C. Residential Projects – Conversion of Rental Housing. A proposed conversion of rental housing to a common interest development or airspace subdivision shall comply with the following requirements, and those in Section 19.36.290 (Residential Uses – Rental Unit Conversions).

1. Compliance with Design Standards. The structure proposed for conversion shall comply or be found by the Planning Commission to substantially comply with the provisions of Section 19.36.280 (Residential Uses – Multi-Family Dwellings). Conditions may be imposed to ensure that the project is as nearly in compliance with those provisions as feasible. The provisions of this subsection shall not apply to a conversion initiated and carried out by a local government agency or non-profit organization for the purpose of providing, maintaining, or developing housing for senior citizens or persons of low and moderate income.

4. Pest Control Report. The applicant shall cause a pest control report and notice of completion for the structure by a licensed pest control contractor.

...

5. Parking. The project shall provide off-street parking in compliance with the requirements of Chapter 19.28 (Off-Street Parking and Loading Standards) for new multi-family projects, provided that the Planning Commission may exempt conversions approved in compliance with subsection (C)(1) from the requirements of this subsection. The provisions of this subsection shall not apply to a conversion initiated and carried out by a local governmental agency or non-profit organization for the purpose of providing, maintaining, or developing housing for senior citizens or persons of low and moderate income.

D. Airspace Subdivisions.

...

2. Legal agreements recorded with the airspace subdivision shall define how the lots, common spaces, ingress, egress, parking, and uses will function once individual components are sold. Airspace lots shall have access to appropriate public rights-of-way, common spaces, ingress, egress, parking and other areas available for common use by means of one or more easements. Airspace subdivisions shall comply with subsection B and Section 20.04.055 by use of CC&Rs or substantially equivalent management documents, subject to approval of the Planning and Development Services Director and the City Attorney, and recorded on the property. The residential and non-residential components may utilize separate management documents provided that the legal agreements recorded with the subdivision define how the lots, common spaces, ingress, egress, parking, uses and easements will function once individual components are sold, to the satisfaction of the Planning and Development Services Director and City Attorney.

19.36.110, Congregate Care and Senior Residential Projects

C. Senior Congregate Care Housing Facilities.

...

2. Access, Safety, and Security Features Required.

a. Disabled Access. The main entrance to the facility, common areas, and all living units shall provide disabled access in compliance with applicable state and federal requirements;

b. Safety Equipment. Indoor common areas and living units shall be provided with necessary safety equipment (e.g., safety bars), as well as emergency signal and intercom systems, subject to the approval of the Planning and Development Services Director;

19.36.125, Emergency Shelters

C. *Standards for Emergency Shelters.* Emergency shelters shall be subject to the following standards:

...

12. The operator shall maintain a shelter management plan that addresses hours of operation, admission hours and process, staff training, neighborhood outreach and privacy, security, resident counseling and treatment. The management plan is subject to approval by the Planning and Development Services Director ~~Manager~~ prior to issuance of Certificate of Occupancy.

D. The proposed shelter operator shall demonstrate compliance with the requirements of subsection C by providing the Planning and Development Services Director ~~Manager~~ with a shelter management plan. The shelter management plan shall consist of a written description of the characteristics of the planned shelter along with preliminary plans for the existing or proposed shelter facility, including parking. The submission shall include sufficient detail for the Planning and Development Services Director ~~Manager~~ to assess whether the proposed shelter will satisfy the requirements set forth in subsection C. Within 30 days of receiving a complete application, the Planning and Development Services Director ~~Manager~~ shall inform the proposed operator whether the submission satisfies subsection C. The review shall be ministerial and any approval shall not include conditions. If the Planning and Development Services Director ~~Manager~~ determines the proposed emergency shelter fails to satisfy the requirements of subsection C, the proposed operator shall be informed in writing of the conclusion, the reasons for the conclusion, and the facts on which the conclusion was based.

E. Any emergency shelter must operate in accordance with the terms of the shelter management plan approved by the Planning and Development Services Director ~~Manager~~, this Code, and the Conditional Use Permit, if applicable.

19.36.140, Home Businesses

A. Limitations on Use. The following are examples of business activities that are allowed as home occupations within a residential primary use that is the principal residence of the business owner, and uses that are not allowed as home occupations.

1. Allowed Home Businesses. The following uses may be approved by the Planning and Development Services Director in compliance with this section:

- a. Art and craft work (ceramics, painting, photography, sculpture);
- b. Clothing production, sewing;
- c. Computer and telecommunications-based services, including information processing and telemarketing;
- d. Individual instruction and counseling, including music lessons for individual pupils, tutoring, and counseling;
- e. Office-type uses, including an office for an architect, attorney, consultant, insurance agent, musician, planner, technical advisor, or writer;
- f. Cottage food operations;
- g. Any other use that may, as determined by the Planning and Development Services Director, be of the same general character as those listed above, and not objectionable or detrimental to surrounding properties and the neighborhood.

2. Prohibited Home Business Uses. The following are examples of uses that are not incidental to or compatible with residential activities and are, therefore, prohibited as home occupations:

- a. Adult businesses;
- b. Animal hospitals or the harboring, raising, training, or treatment of animals or birds for commercial purposes. This prohibition does not preclude the occasional sale of a litter of puppies or kittens;
- c. Beauty shops and barber shops;
- d. Catering;
- e. Dance or night clubs;
- f. Massage therapy;
- g. Medical and dental offices, clinics, and laboratories (not including counselors and psychotherapists);
- h. Personal self-storage (mini storage);
- i. Retail sales, except for artist's originals or products individually made-to-order on the premises;
- j. Storage of equipment, materials, and other accessories for the construction and service trades;
- k. Vehicle repair (body or mechanical, including boats and recreational vehicles), upholstery, automobile detailing and painting, and the display for sale of any vehicle;
- l. Welding, machining, or manufacturing; and

m. Any other use, as determined by the Planning and Development Services Director not to be incidental to or compatible with residential activities.

19.36.155, Kiosks

C. *Architectural Design.* All construction and modifications to the kiosks shall:

1. Require review by the Planning and Development Services Director of ~~Community Development~~ to ensure high quality and consistent design, compatible with the architectural character of the project.

19.36.185 Newsstands and Flower Stands

A. *Location Requirements.* News and flower stands shall:

3. Not be located:

a. Within three feet of a display window of any structure abutting the sidewalk, or so as to interfere with or restrict the reasonable use of the window for display purposes;

b. Within 100 feet of any residential use within a residential zoning district;

c. Within 1,000 feet of another news or flower stand, or florist, provided that this requirement may be reduced by the Planning and Development Services Director if the proposed use is determined not to be detrimental to public safety and welfare; or

d. So that the sidewalk is reduced to less than eight feet on secondary and major highways and six feet on other streets. This requirement may be modified by the Director where the clear passage provided is safe and adequate.

...

E. *Parking.* In approving an outdoor news or flower stand, the Planning and Development Services Director shall determine that some on-site parking or adequate on-street or other public parking is available in a commercial zoning district within a reasonable distance of the stand.

...

G. *Encroachment Permit.* If a news or flower stand is proposed within a public right-of-way, the owners or operators shall apply for an encroachment permit from the Department of ~~Transportation and~~ Public Works before applying for approval of the stand by the department.

H. *Hours of Operation.* Hours of operation of news and flower stands shall be determined by the Planning and Development Services Director (see Section 19.36.130 regarding extended hour businesses).

19.36.200 Nightclubs and Related Uses

B. Site Planning and Exterior Design.

...

2. Entrances and Exits.

...

b. Emergency exits shall be oriented toward commercial streets, unless the applicant provides substantial evidence, to the satisfaction of the Planning and Development Services Director, that this cannot be accomplished.

...

3. Loading and Receiving Areas. Loading and receiving areas shall be:
a. Located in the area that least impacts adjacent uses;
and

b. Screened by a noise and visual buffer (e.g., an enclosure, hedge, or other appropriate vegetation), when adjacent to a residential zoning district, unless there is substantial proof, to the satisfaction of the Planning and Development Services Director, that this cannot be accomplished.

19.36.210 Outdoor Dining of Title 19

I. *Design Compatibility.* The following standards are intended to ensure compatibility with surrounding uses and a high standard of design quality

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4. The relationship of outdoor dining areas to churches, hospitals, public schools, and residential uses shall be considered by the Planning and Development Services Director. Proper mitigation measures should be applied to eliminate potential impacts related to glare, light, loitering, and noise.

...

J. *Additional Standards.* At the discretion of the Planning and Development Services Director, the following additional standards may apply to outdoor dining areas. The applicability of these standards shall be specified in the permit approving the outdoor seating area.

1. Amplified sound and music may be prohibited within the outdoor dining area.

2. Separation by a physical barrier may be required, with the design to be approved by the Planning and Development Services Director.

...

6. Railings must be a minimum of 25% open and may not exceed three feet in height, except as required by the Uniform Building Code or the Alcoholic Beverage Control Act. Higher railings are permitted if required by the Uniform Building Code or the State Department of Alcoholic Beverage Control. Only barriers composed of planters, or a retaining wall may be solid. However, railings may have backings on the interior (restaurant) side of the railing that are made of fabric or other materials satisfactory to the Director. Pipe stanchions linked by chains are not permitted as a railing. Railing designs must be submitted to the Planning and Development Services Director of ~~Community Development~~, the City Engineer, and the Building Official ~~Division~~ for review and approval.

19.36.230 Outdoor Storage

B. *Enclosure Required.* An outdoor area used for storage shall be completely enclosed by a solid masonry wall and solid gate. The Planning and Development Services Director may allow the substitution of a solid fence, after determining that the substitution would adequately comply with the provisions of this section.

1. The required wall or fence shall:
 - a. Be not less than six feet nor more than ten feet in height;
 - b. Incorporate design elements to limit easy climbing and access by unauthorized persons; and
 - c. Be subject to approval by the Planning and Development Services Director.

19.36.260, Recycling Facilities

c. Additional identification and directional signs, consistent with 19.34 (Sign Standards) and without advertising message, may be approved by the Planning and Development Services Director if determined to be necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.

19.36.270 Residential Uses – Legalization of Illegal Units

This section provides standards for the legalization of residential units built and occupied without the benefit of permits required in the Zoning Code.

A. *Prior Existence.* The applicant has submitted proof satisfactory to the Planning and Development Services Director that the unit(s) was in existence and was used as a separate dwelling unit on January 1, 2000. Proof of existence of the unit and its use as a dwelling unit shall consist of building permits indicating residential use; registration with the Department of Rent Stabilization and Housing; County Assessor's records; previous planning and zoning permits; information

from Sanborn maps; utility bills; census address data; construction receipts; rent receipts; and/or other documentation satisfactory to the Director. Units which were converted from residential use to non-residential uses after or as of January 1, 2000 may be eligible for legalization if the re-conversion had been the result of previous code enforcement action against the unit, or if the property owner had filed a non-residential exemption with the Department of Rent Stabilization and Housing.

B. *Waiver of Standards.* Upon execution by the owner of a contract waiving the right to establish the initial rent of the unit(s) pursuant to California Civil Code Sections 19.54.52(b) or 19.54.53(a)(2), the standards in this article may be waived by the Planning and Development Services Director in order to meet the minimum building code requirements for legalization to occur, except as follows:

1. *Expansion of Units in Required Yards.* Units to be legalized which are wholly or partially in required setback areas may be legalized. Expansion of units to be legalized into a required setback area is not permitted except that those units which currently have a kitchen, as defined by the West Hollywood Building Code, may be expanded to meet minimum unit size under the Building Code, and such expansion may be in a required yard. Expansion of any unit for any other reason must meet setback requirements. In all cases, any construction in a required yard to allow for an expansion of a unit may not exceed a height of fifteen feet and one story, and the Planning and Development Services Director may further limit the height of new construction in a required yard to prevent impacts to neighboring properties.

2. *Increase in the Number of Units Above Density Limits.* For all properties in the R1 and R2 zone categories, only one illegal unit may be legalized on a property after the effective date of the ordinance codified in this section. For properties in the R3 and R4 zones, the number of illegal units which may be legalized may not be greater than 20% of the maximum number of units permitted on the property under Section 19.06.040 - Residential Density (possible density bonus units and the units to be legalized are not included in this calculation).

3. *Parking.*

a. On a property that, prior to legalization of an additional unit(s), has four or fewer units, legalization may be approved even if the legalization results in the loss of parking area(s) required prior to construction and/or for the occupancy of the unit(s) to be legalized, provided that any expansion or alteration of the illegal unit(s) is done in a way which minimizes encroachment into any remaining parking areas.

b. On a property that, prior to legalization of an additional unit(s), has five units or more, legalization may not be approved when the units to be legalized occupy required parking areas, unless it can be shown that those spaces were unusable, or that substitute parking is provided, in which case the provision of substitute parking for the unit to be legalized may be required by the Planning and Development Services Director when feasible.

c. In all other circumstances, parking requirements may be waived.

d. In all cases, the Planning and Development Services Director may require, as a condition of legalization, the demolition of any

accessory structures or the removal of any objects placed in driveways or other existing paved areas, in order to maximize off-street parking spaces.

4. Compliance with Other Standards. To the degree feasible, as judged by the Planning and Development Services Director, compliance with otherwise applicable provisions of the Zoning Ordinance has been maximized.

C. *Privacy.* All repairs, alterations and/or enlargements of the unit(s) must be done in a manner that minimizes impacts on the privacy of neighboring residential properties, to the satisfaction of the Director.

D. *Feasibility.* Units may be legalized only if, in the opinion of the Building Official, it is physically feasible to make the unit(s) come into full compliance with the Building Code, and the legalization has been given tentative approval by the Fire Department, and other affected agencies and city departments, to the satisfaction of the Planning and Development Services Director.

19.36.300, Residential Uses – Residential Accessory Uses and Structures

A. *General Requirements for Accessory Structures Other than Garages in Rear Yards.* Accessory structures may be located within a required rear setback in compliance with the following standards.

...

3. Site Coverage. Roofed accessory structures shall not occupy more than 50 percent of the required rear setback, provided that the Planning and Development Services Director may approve additional coverage where a replacement open area equivalent to the additional coverage over 50 percent is substituted elsewhere on the site, provided that:

a. The Planning and Development Services Director determines that the usability and location of the substitute area is equally satisfactory; and

b. The substitute area does not exceed a slope of 10 percent, and has no dimension less than fifteen feet. The dimensions may include required side setback areas, but the required setback shall not be included when computing equivalent replacement area.

4. Height Limit. Accessory structures shall not exceed a height of fifteen feet and one story.

B. *Driveways, Walkways, and Patios.* Driveways, walkways, patio slabs, and other areas paved with concrete, asphalt or similar materials, and wooden decks, may be placed in up to 50 percent of the area within any required setback, provided that the structures do not exceed a height of twelve inches. This requirement does not exclude the use of steps providing access between areas of different elevation on the same site. At least 50 percent of all setback areas shall consist of permeable surface. The Planning and Development Services Director may approve additional coverage where a replacement open area equivalent to the additional coverage over 50 percent is substituted elsewhere on the site.

19.36.300, Residential Uses – Accessory, and Junior Accessory, Dwelling Units

A. *Accessory Dwelling Units*

...

3. Permit Application, Approval Process and Timelines.

a. The Planning and Development Services Director, within 120 days of receipt of a complete application for a major zone clearance and building permit for an accessory dwelling unit, shall approve said application when all of the following requirements are met:

...

b. Within 120 days of receipt of a complete application for an accessory dwelling unit which does not meet the criteria in subsection (A)(3)(a) above, the Planning and Development Services Director shall consider approval of said application ministerially. In order to deny a major zone clearance under this section, the Planning and Development Services Director shall find that the accessory dwelling unit would be detrimental to the public health and safety or would introduce unreasonable privacy impacts to the immediate neighbors.

...

2. Within 120 days of receipt of application for a major zone clearance and building permit, the ~~Community Development~~ Planning and Development Services Director shall approve an application for a junior accessory dwelling unit if all of the following requirements are met:

19.36.311, Residential Uses – Garages and Carports, and Parking

B. *Appearance.*

1. Carports. Carport parking shall consist of a solid roof structure, lattice, overhang, or combination of these, that completely covers a parking stall. The Planning and Development Services Director may modify this standard for carports within three feet of property lines.

...

C. *Restrictions on Residential Parking Within Residential Districts.* The parking of automobiles and recreational vehicles in residential zoning districts shall comply with the following standards.

1. Location. Automobiles shall not be parked between the street property line and the front of a residential unit except on a driveway leading to a garage or carport, or a semi-circular driveway on a lot that has a minimum frontage width of seventy feet. Semi-circular driveways may be approved only

when the driveway interior is landscaped, and where two curb cuts are approved by the Department of Public Works Transportation.

...

2. Number and Extent of Residential Driveways.

a. Number of Driveways - Mid-block Parcels. As practical, the number of driveways shall be limited to one, provided that properties with more than seventy-five feet of street frontage may devote an additional fifteen feet to a second driveway if the additional driveway is separated as much as is feasible from the main driveway, as approved by the Director of Public Works, and if the Director of ~~Transportation and Public Works~~ determines that the second driveway will not cause the loss of an on-street parking space in an area where such a loss would cause significant harm to the general public welfare.

19.36.330 Service Stations

B. New Service Stations.

...

13. Convenience Stores. A new or existing service station may include an on-site convenience store, as an accessory use, developed under the following standards:

a. Maximum Floor Area. The floor area of the convenience store shall not exceed 1,000 square feet or 10 percent of the total site area, whichever is less, in order to ensure that the primary use of the site is for the sale of vehicle fuels and related products and services.

b. Pedestrian Orientation. The convenience store shall be designed to be pedestrian oriented by providing storefront windows facing the public sidewalk. For existing service stations, the Planning Commission may grant an exception to this requirement.

...

f. Additional Landscaping. Additional landscaping may be required by the Planning and Development Services Director to screen the service station from adjacent residential properties.

...

8. Perimeter Wall Required. If a service station adjoins a residential zoning district, the owner of the station shall provide a perimeter wall if the total cost for the proposed modification or expansion project is more than 25 percent of the appraised value of the existing building, as shown in the County Assessor's records, or twenty-five thousand dollars (\$25,000.00), whichever is less. The perimeter wall shall be decorative masonry and shall be constructed along the

common property line with the residential zoning district. The height of the wall shall be at least six feet and no more than ten feet as measured from the grade of the residential property. Colors, materials, textures, and design of the wall shall be compatible with on-site development and adjacent properties, and shall be subject to the approval of the Planning and Development Services Director.

...

10. Restroom Screening. Restroom entrances viewable from adjacent properties or public rights-of-way shall be concealed from view by planters or decorative screening subject to the approval of the Planning and Development Services Director.

...

14. The development standards set forth in this section may be modified by the Planning and Development Services Director as necessary to install aboveground, enhanced vapor recovery phase II equipment as required by California Air Resources Board Vapor Recovery Advisory No. 359-EVR. The Planning and Development Services Director may modify a development standard upon sufficient showing by the applicant that the requested modification is necessary properly to install the vapor recovery equipment.

19.36.335, Single Room Occupancy

A. Standards for Single Room Occupancy

...

3. Management. The operator shall maintain a management plan that addresses management policies and operations, rental procedures and rates, maintenance plans, residency and guest rules and procedures, security procedures, and staffing needs, including job descriptions. A 24-hour resident manager shall be provided for any single-room occupancy use with 12 or more units. The management plan is subject to approval by the Planning and Development Services Director of ~~Community Development~~ prior to issuance of Certificate of Occupancy.

19.36.345, Supper Clubs

A. Review Requirement. A supper club shall require approval of a minor conditional use permit (Chapter 19.52) subject to annual reviews by the Planning and Development Services ~~Community Development~~ Director.

19.36.350, Telecommunications Facilities

3. Residential Zoning Districts. Antennas in a residential zoning district shall comply with the following standards. The Planning and Development Services Director may modify these requirements if strict compliance would result in no or poor satellite reception.

...

f. Screening.

(1) Ground-mounted antennas shall be separated from adjoining properties by a minimum six-foot high solid fence or wall, or by plants or trees of equal minimum height, approved by the Planning and Development Services Director.

(2) Roof-mounted antennas shall be screened from ground view by a parapet or other type of screening. The minimum height and design of the screening shall be subject to approval by the Planning and Development Services Director. Screening materials shall be architecturally compatible with the rest of the structure.

19.36.370, Vehicle Repair Shops

B. *Hours of Operation.* All repair activities shall be limited to between the hours of 8:00 a.m. and 9:00 p.m. The Planning and Development Services Director may further limit the hours of operation if the proposed use is adjacent to a sensitive land use (e.g., residential uses, schools, etc.).

19.36.380, Vehicle Sales and Rentals

A. *Hours of Operation.* The Planning and Development Services Director may limit the hours of operation if the proposed use is adjacent to a sensitive land use (e.g., residential uses, schools, etc.).

B. *Prohibited Activities.* On-site detailing or painting, and the loading or unloading of vehicles on major or secondary highways shall be prohibited. The loading or unloading of vehicles on other public rights-of-way may be approved by the Director of ~~Transportation and Public Works~~.

C. *Circulation Plan.* A plan showing the ingress and egress on the site and the circulation proposed for the test driving of vehicles, both to and from the site, shall be submitted for approval by the Planning and Development Services Director.

D. *Display and Screening Requirements.* All vehicles displayed for sale or rental and visible from a street shall be maintained within a showroom. All vehicles on the site shall be completely screened from adjacent uses, in a manner approved by the Planning and Development Services Director.

Section 15: Chapter 19.38, Urban Art Program of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.38.030 Art Plan and Installation Requirements

Each project that is subject to the provisions of this chapter shall comply with the following requirements.

A. *Approval of Urban Art Plan and Value of Art.* The applicant shall file with and receive approval from the Arts and Cultural Affairs Commission for an Urban Art Plan for the project site and structures. The plan shall provide for the installation of public art with a value of at least one percent of the valuation of the project as determined by the Building Official.

19.38.070 Appeals

An action of the ~~Fine Arts~~ Arts and Cultural Affairs Commission may be appealed to the Council and shall otherwise comply with the provisions governing an appeal of a decision of the Arts and Cultural Affairs Commission, in compliance with Chapter 19.76 (Appeals). The fee for an appeal shall be as established by the city's Fee Resolution.

Section 16: Chapter 19.40 Application Filing and Processing of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.40.020, Authority for Land Use and Zoning Decisions

Table 4-1 (Review Authority) identifies the city official or body responsible for reviewing and making decisions on each type of application, land use permit, and other entitlements required by this Zoning Ordinance.

The Planning and Development Services Director may refer any request to the Planning Commission for a decision. Additional fees shall not be charged to the applicant in the event of a Planning and Development Services Director's referral. See also Section 19.62.070 (Amendments to an Approved Project).

Section 17: Chapter 19.42, Zone Clearances of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.42.030 Procedure

A. *Planning and Development Services Director's Action.* The Director may issue a zone clearance only after determining that the request complies with all applicable standards and provisions for the category of use in the zoning district of the subject parcel, in compliance with this Zoning Ordinance.

C. *Major Zone Clearances.* For projects determined by the Planning and Development Services Director to potentially not comply with all applicable requirements of this Zoning Ordinance, or which are proposed on sites or in areas of the city with known problems, the Planning and Development Services Director shall perform an on-site inspection of the site before determining that the request complies with all applicable provisions of this Zoning Ordinance.

19.42.040, Post-Approval Procedures

B. *Construction Mitigation.* Prior to receiving a Building Permit, the applicant shall submit a Minor Construction Mitigation Period Plan on a form provided by the Planning and Development Services ~~Community Development~~ Department, demonstrating compliance with the applicable construction mitigation standards in this code.

Section 18: Chapter 19.44 Administrative Permits of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.44.030 Review Authority

An administrative permit may be approved or denied by the Planning and Development Services Director. The Planning and Development Services Director may instead elect to defer action and refer the application to the Planning Commission for a decision.

19.44.040, Application Filing, Processing, and Review Authority

B. *Notice.* Public notice of a requested administrative permit shall be provided by posting the subject parcel with a minimum 11" by 17" legal notice, with the information required by the Planning and Development Services Director; provided that façade renovation shall require no notice unless deemed necessary by the Planning and Development Services Director. The notice shall be continuously posted for seven days before the Planning and Development Services Director's action.

19.44.050, Findings and Decision

The administrative permit shall be approved, with or without conditions, only if the Planning and Development Services Director first finds that:

19.44.060 Conditions of Approval

In approving an administrative permit, the Planning and Development Services Director may require alterations to proposed plans, and may impose reasonable and necessary specific design, locational, and operational conditions which are intended to ensure that:

19.44.070, Post Approval Procedures

Decisions of the Planning and Development Services Director may be appealed in compliance with Chapter 19.76 (Appeals). The procedures of Chapter 19.62 (Permit Implementation, Time Limits, and Extensions) shall apply after the approval of an administrative permit.

Section 19: Chapter 19.48 Development Permits of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.48.030, Review Authority

Table 4-2 Revise all references to “Director to read “Planning and Development Services Director” and all references to “Commission” to read ‘Planning Commission.’”

19.48.040 Application Filing, Processing, and Review

1. For all projects required by this section to have development permit approval by the Planning Commission, and for all proposals in the SSP (Sunset Specific Plan) zoning district with 10,000 square feet or more of total gross floor area, and for all residentially zoned projects of five or more units, the applicant shall conduct a meeting with property owners and tenants located within a 500-foot radius of the subject site to present the project and discuss identified concerns prior to action by the review authority.

...

C. *Notice and Hearing.*

1. Planning Commission Review. An application for a development permit requiring Planning Commission review shall be scheduled for a public hearing once the Planning and Development Services Department has determined the application complete. (See Chapter 19.40 – Application Filing and Processing). Notice of the public hearing shall comply with Chapter 19.74 (Public Hearings and Notice).

2. Planning and Development Services Director Review. A property that is the subject of a development permit requiring Director review shall be posted with a sign giving notice of the application for at least 10 days before the date on which the public comment period will end. The sign shall include the development permit number, the address and a description of the project and the date on which the public comment period will end, and shall be of a format and size prescribed by the Planning and Development Services Director. If the project includes new residential dwelling units the sign dimensions shall be in compliance with Section 19.74.020(B)(3) (Posting of site).

Section 20: Chapter 19.50, Demolition Permits of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.50.030 Review Authority

A demolition permit may be approved by the Planning and Development Services Director or the Planning Commission, whichever has authority to approve the discretionary permits being processed concurrently with the demolition permit application; provided however, that:

A. The Planning and Development Services Director may approve a demolition permit in the event demolition of a structure is compelled by public safety as provided in Section 19.50.040; and

B. Only the Planning Commission is empowered to approve a demolition permit for demolition or remodel of a designated cultural, historic or architectural landmark, or for demolition of a structure to be replaced by an interim use, as provided in Section 19.50.040(C).

19.50.040 Concurrent Processing of Permits

C. Notwithstanding the foregoing, concurrent processing of permits shall not be required for processing and approval of a demolition permit when:

1. Compelled by public safety due to the imminent hazard posed by a building, as determined by the Building Official; or
2. A proposed interim use resulting from a demolition satisfies a public need, as determined by the Planning Commission at a public hearing.

19.50.070 Suspension and Revocation

A demolition permit may be suspended or revoked by the Planning and Development Services Director upon finding that:

- A. The demolition permit was obtained in a fraudulent manner;
- B. The demolition permit was issued in error;
- C. The permittee has failed or refused to comply with any condition of approval; or
- D. Significant demolition activity has ceased for more than thirty successive calendar days.

A suspension of the permit shall take effect immediately, and shall be followed by a public hearing, at which the Planning and Development Services Director shall consider evidence pertaining to any or all of the above findings and determine whether the permit should be reinstated or revoked. Not less than ten days' notice of the hearing shall be given to the permittee.

19.50.080 Expiration

A demolition permit approved under this chapter shall expire the sooner of six months from the date of approval by the Planning and Development Services Director or Planning Commission, as applicable, if demolition pursuant to the permit has not commenced or is not proceeding with due diligence, or upon expiration of the discretionary permits approved concurrently therewith. The permittee may request one or more extensions of time of not to exceed six months each, provided that the application for an extension is filed with the Planning and Development Services Director before the expiration date. A decision on the application for extension shall be made by the Planning and Development Services Director. An extension shall not be granted unless the construction financing referred to in Section 19.50.060(B) is in place.

Section 21: Chapter 19.52, Conditional Use Permits and Minor Conditional Use Permits of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.52.020 Review Authority

A. Planning Commission Review. The Planning Commission shall review, approve, modify, or deny a conditional use permit application for any use listed in Article 19-2 (Zoning Districts and Allowable Land Uses) as requiring a conditional use permit, and for any change to an existing Substitute Conditional Use Permit (SCUP).

B. Planning and Development Services Director Review. The Planning and Development Services Director shall approve, modify, or deny a minor conditional use Permit application for any use listed in Article 19-2 (Zoning Districts and Allowable Land Uses) as requiring a minor conditional use permit, or may refer the application to the Commission for a decision. The Planning and Development Services Director shall also act upon minor conditional use permit applications for the expansion, maintenance, or repair of a nonconforming structure in compliance with Chapter 19.72 (Nonconforming Uses, Structures, Signs and Parcels).

19.52.030 Application Filing, Processing, and Review

B. Notice and Hearings. The application shall be scheduled for a public hearing on the Planning and Development Services Department has determined the application to be complete. Notice of the public hearing shall be provided in compliance with Chapter 19.74 (Public Hearings and Notice).

Section 22: Chapter 19.56, Parking Use Permits and of Title 19 of the West Hollywood Municipal Code is amended to read as follows

19.56.030 Review Authority

A. Planning and Development Services Director - Minor Parking Use Permits. The Planning and Development Services Director shall be the review authority for parking use permits:

1. Where the use associated with the proposed parking requires Planning and Development Services Director review and decision in compliance with Article 19-2 (Zoning Districts and Allowable Land Uses); and
2. Where an applicant proposes to make excess parking spaces available to others.

B. Planning Commission - Major Parking Use Permits. The Planning Commission shall be the review authority for parking use permits where the use associated with the proposed parking requires Planning Commission review and decision in compliance with Article 19-2 (Zoning Districts and Allowable Land Uses).

19.56.040 Application Filing, Processing, and Review

B. Notice. Public notice of a requested parking use permit shall be provided by posting both the location of the proposed parking, and the site of the use that will use the parking. The posted notice shall be a minimum of 11" by 17", shall contain the information required by the Director, and information on any other permit that is simultaneously being processed by the city for the same site. The notice shall be continuously posted for seven days before the Planning and Development Services Director's action. Posting is required in a clearly visible location on each street frontage. In the case of a major parking use permit for a project that requires Planning Commission approval of a separate discretionary permit, the posted notice, mailed notice and the required newspaper notice, shall be combined with that required by this article for the discretionary permit. A mailed notice to properties around the off-site parking location is required.

C. Public Hearing. A public hearing shall not be required before the approval of minor or major parking use permits. Major parking use permits for projects that require Commission approval of a separate discretionary permit that requires a public hearing shall be considered by the Planning Commission concurrently with the discretionary permit.

19.56.080 Terms of Off-Site Parking

B. Proof of Availability. Lessees of off-site parking that provides required spaces shall provide proof to the Planning and Development Services Director of continuous leases for the off-site spaces annually by January 31.

C. Loss of Off-Site Spaces.

1. Notification to the City. The owner or operator of a business that uses approved off-site spaces to satisfy the requirements of Chapter 19.28 (Off-Street Parking and Loading Standards) shall immediately notify the Planning and Development Services Director of any change of ownership or use of the

property for which the spaces are required, and of any termination or default of the agreement between the parties.

2. Effect of Termination of Agreement. Upon notification that a lease for required off-site parking has terminated, the Planning and Development Services Director shall determine a reasonable time in which one of the following shall occur:

a. Substitute parking is leased that is acceptable to the Planning and Development Services Director;

19.56.090 Post-Approval Procedures

B. Voluntary relinquishment of an existing parking use permit for the purpose of participating in the Parking Credits Program shall require a minor change to an approved project pursuant to Section 19.62.070. Upon application and payment of a permit modification fee, the ~~Community~~ Planning and Development Services Director may authorize the relinquishment of an existing parking use permit upon finding that the business is meeting its parking requirements by participating in the Parking Credits Program. The required parking credits contract shall be executed prior to the relinquishment of the parking use permit.

Section 23: Chapter 19.58, Cultural Heritage Preservation of Title 19 of the West Hollywood Municipal Code is amended to read as follows

19.58.040 Review Authority

H. Reviewing all applications for permits, environmental assessments, environmental impact reports, environmental impact statements, and other similar documents pertaining to designated and potential cultural resources, or related neighboring property within public view. "Neighboring properties within public view" shall mean any property that can be seen from a public right-of-way and which is within the same street block (on either side of the street) as a cultural resource. The Planning and Development Services Department staff shall forward all these documents to the HPC for review and comment, before review and approval by the ~~HPC Commission~~, as appropriate. The review may either be under the auspices of a certificate of appropriateness or as a ~~HPC Commission~~ consideration item on the HPC agenda;

I. Reviewing the actions and proposed actions, and advising environmental review processes, of all city departments, and public agencies, and their agents and employees, concerning the effects of their actions, programs, capital improvements, or activities on designated and potential cultural resources;

J. Recommending to the Planning and Development Services Department the retaining of consultants and qualified archaeologists when potential archaeological resources are involved and the conducting of studies as the HPC deems desirable or necessary;

19.58.070 Review and Approval Designations

A. Application

1. An application requesting designation may be submitted as follows:
 - a. Any person or group may submit an application requesting the designation of an area, improvement, natural feature, object, or structure as a cultural resource or historic district by submitting a completed written nomination statement for the designation to the Planning and Development Services Department. Applications are not limited to buildings previously identified in the historic resource inventory.
 - b. The City Council or the HPC may initiate designation proceedings by resolution containing sufficient documentation and information to indicate how the nominated resource meets the designation criteria identified in Section 19.58.050 (Criteria for Designation of Cultural Resources).
 - c. No applications will be accepted or proceeding initiated for any properties for which a complete development permit application has been accepted as complete by the City.
2. The application for nomination shall be kept on file in the Planning and Development Services Department and shall contain, at a minimum, the following:

...

B. Notice and Hearing.

1. Notification that an application for the nomination of a particular property or area has been submitted shall be sent to the property owner(s) and occupant(s) of the property within 10 days of the Planning and Development Services Department's finding the completed nomination application complete.
2. Notification of the HPC's decision either to recommend nomination of a potential cultural resource, in compliance with the application process or on its own initiative, or to deny a recommendation for nomination shall be mailed or hand delivered to the property owner(s) and occupant(s) of the potential cultural resource within ten days of the HPC's public date of decision.
3. The Planning and Development Services Department shall determine whether the nomination application is complete. If complete, the application shall be filed and the time for notification shall begin to run. If the department determines that the application papers are incomplete, the Planning and Development Services Department shall send a letter, notifying the applicant and specifying the documentation which would be necessary to complete the application for filing. A nomination application shall not be considered filed unless and until it is determined to be complete by the Planning and Development Services Department.

19.58.090 Certificates of Appropriateness Generally

C. *Application Filing.* Applications for Certificates of Appropriateness shall be filed with the Planning and Development Services Department. Applications shall include plans and specifications showing the proposed change in architectural appearance, color and texture of materials, the proposed architectural design of the structure, and any information as required by the application on file in the Planning and Development Services Department. The application shall also show the relationship of the proposed work to the surrounding environs. Applications for Certificates of Appropriateness may propose discreet alterations of a cultural resource or may propose a long-term plan of rehabilitation and preservation of a particular resource.

...

F. *Period of Validity of Certificate of Appropriateness.* A certificate of appropriateness shall become void unless construction is commenced within twenty-four months from the date of public action approving the certificate. Certificates of Appropriateness may be renewed for a twenty-four-month period by applying to the Planning and Development Services Department a minimum of thirty days before the expiration of the certificate. The review authority may grant an extension for another twenty-four-month period. A certificate of appropriateness may be extended only twice. A new certificate of appropriateness is required thereafter.

19.58.100 Review and Approval of Certificates of Appropriateness

A. *Noticing.* For every completed application for a certificate of appropriateness, the HPC shall schedule a public hearing as soon as practicable after receipt of the application. A Planning and Development Services Director-approved certificate of appropriateness as authorized in subsection (B)(4), below, shall be received and approved in compliance with the process for administration of permits in Section 19.44.040. Notice shall be given as follows:

...

B. *Review and Approval Procedures.*

1. In all cases where the proposed alteration, demolition, or removal would otherwise require Planning Commission approval, the HPC may recommend approval or denial, in whole or in part, of the application in writing. The HPC's recommendation shall include findings of fact relating to the criteria for obtaining the certificate and that constitute the basis for its recommendation. The HPC shall adopt its recommendation by resolution and send it to the Planning Commission at the Commission meeting held to consider the proposal.

The Planning Commission shall have final authority to approve or deny, in whole or in part, the recommendation of the Historic Preservation Commission. The certificate may be approved in conjunction with a project which requires a

development permit from the Planning Commission. Notice of the Planning Commission's decision shall be sent to the applicant, owner(s) and occupant(s) of the property within two business days of the Commission's date of public action, and any appeal therefrom shall be made in compliance with Chapter 19.74 (Public Hearings and Notice).

2. In all other cases, the HPC's decision to approve or deny, in whole or in part, the issuance of a certificate of appropriateness shall be final unless appealed to the Council. Any appeal shall be made in compliance with Chapter 19.76 (Appeals).

3. In evaluating applications for Certificates of Appropriateness, the HPC or Planning and Development Services Director shall use any adopted design guidelines, CEQA Guidelines, and the Secretary of the Interior's Standards for Rehabilitation and shall consider the factors (e.g., the existing and proposed architectural style, arrangement, color, design, materials, and texture to be used) with regard to the original distinguishing architectural characteristics of the cultural resource. In addition, the Planning and Development Services Director may require that the proposed work be reviewed by a preservation architect. The actual work must be completed by a preservation contractor or someone with demonstrated expertise in the field.

4. The Planning and Development Services Director may approve Certificates of Appropriateness for proposals which are for minor architectural elements and details, paint or other colorings or finishes, minor site improvements, or signage. Planning and Development Services Director approval of a certificate of appropriateness shall require making all of the certificate of appropriateness findings in Section 19.58.100(D), but does not require a public hearing or public notice. The Planning and Development Services Director may also approve fences, replacement of window glass, replacement in-kind of windows, doors, roofs, or exterior materials, or proposals which are determined by the Planning and Development Services Director to be ordinary maintenance or repair, and which are conducted in a manner that preserves the archaeological, cultural, and historic value of the cultural resource through conformance with the prescriptive standards adopted by the Historic Preservation Commission for that cultural resource, cultural resource property, or historic district and/or the guidelines of the Secretary of the Interior's Standards for Rehabilitation. Minor changes or modifications to a certificate of appropriateness can be approved by the Planning and Development Services Director, even if the Planning and Development Services Director was not the approving body. The Planning and Development Services Director may refer any certificate of appropriateness application to the HPC.

5. Wherever feasible, the State Historic Building Code (SHBC) and the Uniform Code for Building Conservation (UCBC) shall be used in permitting any alteration to a cultural resource.

C. *Investigation for Certificates of Appropriateness.* The HPC or the Planning and Development Services Director shall be authorized to require the applicant to furnish material evidence, as needed, supporting the request for alteration, demolition, or removal of a cultural resource or to give testimony and furnish evidence of any or all of the following, where appropriate:

19.58.150 Rehabilitation Incentives

D. *Application Content.* Applications shall include the following information:

1. The property owner's name;
2. The address of the cultural resource;
3. The structure or improvement designated;
4. A description of the specific rehabilitation incentive being requested;
5. Detailed, scaled drawings depicting the proposed project;
6. A plan for restoration or ongoing maintenance of the designated resource prepared by a preservation architect, who is acceptable to the city;
7. An estimate of the cost of restoration or maintenance plan from a preservation architect who is acceptable to the city;
8. A list of any funds granted by any agency, public or private, for the purpose of restoration;
9. A statement regarding the availability of tax credits;
10. A written statement complete with a full set of architectural drawings (where appropriate) which clearly outline and depict the proposal by the applicant for rehabilitation incentives; and
11. Other information deemed necessary by the Planning and Development Services Director.

...

F. *Transfer of Development Rights.* TDRs are meant to encourage historic preservation by allowing an owner of a cultural resource to transfer unused development rights which would otherwise be permitted on the property to transfer the unused development rights to another site in the city. The Council has established, by resolution, criteria upon which the transfers shall be conditioned. This is called the Transfer of Development Rights Program, a copy of which is on file in the Community Planning and Development Services Department. This program may be modified without amendment of this Zoning Ordinance, but modification requires an approval by the Council.

19.58.160 Ordinary Maintenance and Repairs

B. *Enforcement.* It shall be the duty of the Planning and Development Services Director to enforce this chapter.

19.58.170 Unsafe or Dangerous Conditions

In the case of damage to a structure which is the result of an isolated incident, the Planning and Development Services Director may approve Certificates of Appropriateness for structures for which there is a threat of imminent hazard as determined by the Building Official. In the case of widespread damages to

structures throughout the city (as in the case of an earthquake), the Planning and Development Services Director shall stay all notices to demolish designated or potential cultural resources, including all structures in designated or potential districts, until a structural engineer with expertise in the restoration of historic structures has evaluated the nature and extent of the damage to the structure(s) and recommended steps to stabilize the structure(s). The city shall stabilize or isolate damaged structures to permit persons with appropriate expertise to further evaluate the damage. In cases where a structural engineer with expertise in the restoration of historic structures has determined that the building cannot be stabilized, then the Planning and Development Services Director may issue a certificate of appropriateness for the demolition of a structure(s). See also Section 19.58.120.

19.58.180 Enforcement Penalties

A. *Misdemeanor.* Any person who violates a requirement of this chapter or fails to obey an order issued by the Historic Preservation Commission or Planning Commission or comply with a condition of approval of any certificate or permit issued in compliance with this chapter shall be guilty of a misdemeanor and subject to the provisions of Section 1.08.010(a) of the West Hollywood Municipal Code.

Section 24: Chapter 19.62 Permit Implementation, Time Limits, and Extensions of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.62.020, Effective Date of Permits

A. *Discretionary Decisions by Planning and Development Services Director or Planning Commission.* Administrative permits, development permits, conditional use permits, minor conditional use permits, modifications, and variances shall become effective on the eleventh day following the date a decision is rendered, unless an appeal is filed in compliance with Chapter 19.76 (Appeals). The number of days shall be construed as calendar days. Time limits will extend to the following City Hall working day where the last of the specified number of days falls on a weekend, holiday, or other day when City Hall is officially closed. A decision shall be considered rendered as follow

19.62.030, Permit Time Limits and Extensions

D. *Review Authority.* Upon good cause shown, the first extension may be approved, approved with modifications, or denied by the Planning and Development Services Director. The Planning and Development Services Director may refer the application to the Planning Commission. Subsequent extensions of permits approved by the Planning Commission may be approved, approved with modifications, or denied by the Planning Commission. Permit extension decisions may be appealed in compliance with Chapter 19.76 (Appeals).

E. *Public Notice for Extensions.*

1. Notice of a requested extension shall be given in compliance with Chapter 19.74 (Public Hearings and Notice) and by mail ten days in advance of the hearing to any person who spoke or wrote a letter that was read on the record or submitted to the Planning and Development Services Director on or before the date of the original approval.

19.62.040 Acceptance of Conditions

No land use permit approval in compliance with this chapter shall be deemed effective and no construction permit shall be issued until each owner of record signs and executes an affidavit provided by the Planning and Development Services Department declaring that each owner is aware of and accepts any conditions of approval that have been imposed upon the land use permit, and each owner records or has recorded the permit and affidavit with the Los Angeles County Registrar - Recorder's Office.

19.62.050, Performance Guarantees

The applicant or owner may be required by a permit's conditions of approval or by action of the Planning and Development Services Director to provide adequate security to guarantee the faithful performance of any or all conditions of approval imposed by the review authority. The Planning and Development Services Director shall set the amount of the required security at a level that is reasonable in relation to the conditions being guaranteed.

19.62.060, Issuance of Construction Permits

B. All conditions of approval prerequisite to construction have been completed, or the Planning and Development Services Director has authorized their deferral on the basis of a performance guarantee (see Section 19.62.050, Performance Guarantees).

19.62.070, Amendments to an Approved Project

An approved development or new land use shall be established only as specified by the approved land use permit, and subject to any conditions of approval. An applicant may request, in writing, to amend the approved permit, and shall furnish appropriate supporting materials and an explanation of the reasons for the request.

A. Minor changes may be approved, modified, or denied by the Planning and Development Services Director. Major changes shall be approved, modified or denied by the original review authority.

B. The Planning and Development Services Director shall determine whether a proposed change is major or minor.

19.62.090 Resubmittals

The Planning and Development Services Director shall determine whether a subsequent application for a discretionary land use permit or entitlement is for the same or a substantially similar use, or land use request that was denied with prejudice.

Section 23: Chapter 19.64, Development Fees of Title 19 of the West Hollywood Municipal Code is amended to read as follows

19.64.030 Exemptions

B. *Non-Residential Projects.* Non-residential projects proposing the construction or addition of less than 10,000 square feet of non-residential gross floor area. For the purposes of this chapter, the alteration of gross floor area shall be considered “construction” if the value of the alteration exceeds 50 percent of the replacement cost of that floor area, as determined by the Planning and Development Services Director;

19.64.040 Calculation and Payment of Fees

A. *Calculation of Fees.* The Planning and Development Services Director shall calculate the fees required by this chapter at the time of building permit issuance. Fees may be adjusted if the project is changed.

...

2. *Application.* There shall be a separate application for each fee adjustment request made in compliance with this section. The application shall be made on forms provided by the Planning and Development Services Department and shall be filed with the City Clerk. The application shall state, in sufficient detail as determined by the Planning and Development Services Director, the factual basis for the requested adjustment, reduction, or waiver.

3. *Hearing.* The Council shall consider a fee adjustment at a public hearing.

D. *Refunds.* Upon application, fees collected by the city in compliance with this chapter shall be refunded only under the following circumstances:

1. *Building Permit Expiration.* The building permit for the development project subject to the fees expired and no extension has been granted. A written application for refund in compliance with this subsection shall be filed with the Planning and Development Services Director no later than ninety days after expiration of the building permit; or

2. *Improper Collection.* If fees collected in compliance with this chapter are erroneously or illegally collected, a written application for refund shall be filed with the Planning and Development Services Director no later than ninety days after the initial payment of the fees in compliance with this section.

E. *Credits for Needed Facilities or Trip Mitigation Measures.* An applicant shall be entitled to a reduction in the amount of the fees required by this chapter, in an amount to be determined by the Planning and Development Services Director, if the applicant:

Section 25: Chapter 19.66, Development Agreements of Title 19 of the West Hollywood Municipal Code is amended to read as follows

19.66.020 Application

A. *Owner's Request.* An owner of real property may request and apply through the Planning and Development Services Department to enter into a development agreement provided that:

1. The status of the applicant as property owner or bona fide representative of the owner is established to the satisfaction of the Planning and Development Services Director;
2. The application is accompanied by all documents, information, and materials required by the Planning and Development Services Department.

B. *Planning and Development Services Director Review.* The Planning and Development Services Director shall receive, review, process, and prepare recommendations for Planning Commission and Council consideration on all applications for development agreements.

C. *Concurrent Processing and Public Hearings.* All development-related applications shall be processed and scheduled for public hearing concurrently with the application for a development agreement. The Council shall be the review authority for the development agreement and all associated applications.

D. *Fees.* The application for approval of a development agreement shall include the processing fee established by the city's Fee Resolution. Additionally, appropriate fees shall be established and collected for periodic reviews conducted by the Planning and Development Services Director in compliance with Section 19.66.070(A), below.

19.66.030 Public Hearings

A. *Planning Commission Hearing.* The Planning and Development Services Director, upon finding the application for a development agreement complete, shall set the date for a public hearing before the Planning Commission in compliance with Chapter 19.74 (Public Hearings and Notice). Following conclusion of a public hearing, the Planning Commission shall adopt a resolution and make a written recommendation to the Council that it approve, conditionally approve, or deny the application.

B. *Council Hearing.* Upon receipt of the Planning Commission's recommendation, the City Clerk shall set a date for a public hearing before the Council in compliance with Chapter 19.74 (Public Hearings and Notice). Following conclusion of the public hearing, the Council shall approve, conditionally approve, or deny the application with appropriate findings in compliance with subsection (E) (Required Findings), below.

If the Council proposes to adopt a substantial modification to the development agreement not previously considered by the Planning Commission during its hearings, the proposed modification shall be first referred back to the Planning Commission for its recommendation, in compliance with state law (Government Code Section 65857). Failure of the Planning Commission to report back to the Council within forty days after the referral, or within a longer time set by the Council, shall be deemed a recommendation for approval of the proposed modification.

19.66.050 Execution and Recordation

C. *Other Permits or Entitlements.* The provisions of this chapter shall not be construed to prohibit the Planning and Development Services Director, Planning Commission or Council from conditioning approval of a discretionary permit or entitlement on the execution of a development agreement where the condition is otherwise authorized by law.

D. *Recordation.* A development agreement shall be recorded with the Los Angeles County Registrar - Recorder's Office no later than ten days after it is executed, in compliance with state law (Government Code Section 65868.5).

19.66.070 Periodic Review

A. *Periodic Review.* Every development agreement approved and executed in compliance with this chapter shall be subject to periodic review by the Planning and Development Services Director during the full term of the agreement. Appropriate fees to cover the city's costs to conduct the periodic reviews shall be collected from the contracting party in compliance with Section 19.66.020(D) (Application), above.

B. *Purpose of Periodic Review.* The purpose of the periodic review shall be to determine whether the contracting party or the successor-in-interest has complied in good faith with the terms and conditions of the development agreement. The burden of proof shall be on the applicant or contracting party or the successor to demonstrate compliance to the full satisfaction of, and in a manner prescribed by, the city.

C. *Result of Periodic Review.* If, as a result of a periodic review in compliance with this section, the Planning and Development Services Director finds and determines, on the basis of substantial evidence, that the contracting party or the successor-in-interest has not complied in good faith with the terms or conditions of the agreement, the Planning and Development Services Director shall notify the Planning Commission which may recommend to the Council that the agreement be terminated or modified.

Section 26: Chapter 19.68, Specific Plans of Title 19 of the West Hollywood Municipal Code is amended to read as follows

19.68.020 Initiation and Pre-Submittal of Specific Plans

B. Property Owner. By an application in compliance with Section 19.40.030(A) (Eligibility for Filing). If initiated by property owners, the following shall occur before the filing of an application:

1. *Pre-Submittal Review.* A pre-submittal application, fee, and conference with the Planning and Development Services Director; and
2. *Public Meetings.* The applicant shall hold at least one public meeting to identify potential community impacts and concerns relating to the proposed plan. Public notice of the meeting shall be provided in compliance with Chapter 19.74 (Public Hearings and Notice), and the appropriate procedures for the meeting shall be determined by the Planning and Development Services Director.

19.68.030 Preparation and Content of Specific Plans

The initiator shall prepare a draft specific plan for review by the city that includes detailed information in the form of text and diagrams, organized in compliance with an outline furnished by the Planning and Development Services Department and state law (Government Code Section 65451). The following information shall be provided:

...

G. Additional Information. The specific plan shall contain any additional information determined to be necessary by the Planning and Development Services Director based on the characteristics of the area to be covered by the plan, applicable policies of the General Plan, or any other issue(s) determined by the Planning and Development Services Director to be significant.

19.68.040 Filing, Processing, and Adoption of Specific Plans

A. Filing and Initial Processing. A draft specific plan proposed by a property owner shall be filed with the Planning and Development Services Department and shall be accompanied by the fee required by the city's Fee Resolution. A draft plan proposed by an applicant or prepared by the city shall then be processed in the same manner as required for General Plans by state law (Government Code Sections 65350 *et seq.*), and as provided by this section.

B. Planning and Development Services Department Evaluation. After the receipt of a draft specific plan, the Planning and Development Services Department shall review the draft plan to determine whether it complies with the provisions of this chapter. If the draft plan is not in compliance, it shall be returned to the applicant with a written explanation of why it does not comply, and with suggested revisions to ensure compliance. When a draft plan is returned by the

applicant to the department and the department determines it is complete and in compliance with this chapter, the plan shall be deemed to be accepted for processing, in compliance with Section 19.40.040(A) (Review for Completeness).

C. *Environmental Review.* The draft specific plan shall be subject to environmental review in compliance with the California Environmental Quality Act (CEQA), and the city's CEQA Guidelines.

D. *Public Hearings.* A proposed specific plan shall be subject to public hearings before both Planning Commission and Council before its adoption, as follows:

1. Planning Commission. The hearing shall receive public notice and be conducted in compliance with Chapter 19.74 (Public Hearings and Notice). After the hearing, the Planning Commission shall forward a written recommendation, with appropriate findings to the Council, in compliance with subsection (E), below; and

2. Council. Following the hearing at which the Planning Commission makes a recommendation, a public hearing on the specific plan shall be scheduled. The hearing shall be noticed and conducted in compliance with Chapter 19.74 (Public Hearings and Notice). After the hearing, the Council may adopt the specific plan, may deny the plan, or may adopt the plan with changes, with appropriate findings, provided that any substantial modifications to the plan that were not considered by the Planning Commission shall be referred to the Planning Commission for its recommendation, in compliance with state law (Government Code Section 65356). Failure of the Planning Commission to report within forty-five days after the referral, or a longer period set by the Council, shall be deemed a recommendation for the approval of the changes.

Section 27: Chapter 19.69, Housing Accessibility for the Disabled – Reasonable Accommodation Permit of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.69.020 Review Authority

A. Applications for a reasonable accommodation shall be reviewed by the Community Planning and Development Services Director or designee, if no approval is sought other than the request for reasonable accommodation permit, and a Zone Clearance if required, as set forth in Section 19.69.030(B). The Planning and Development Services Director may, in his or her discretion, refer applications that may have a material effect on surrounding properties (e.g., location of improvements in the front yard, would violate a specific condition of approval, improvements are permanent) to the Planning Commission at the next meeting at which the matter may be heard.

B. Applications for a permit submitted for concurrent review with another discretionary land use or development permit application as set forth in Section 19.69.030(B) shall be reviewed by the authority reviewing the discretionary land use application. The processing procedures of the discretionary land use permit shall govern the joint processing of both the reasonable accommodation permit and the discretionary permit, provided that the reviewing

authority shall review the application at the next reasonably available opportunity following completion of all standard processing requirements for discretionary land use permits required by this code, including without limitation environmental review.

C. The Planning and Development Services Director, or designee, shall consider an application, and issue a written determination within 40 calendar days of the date of receipt of a completed application. At least 10 calendar days before issuing a written determination on the application, the Planning and Development Services Director shall mail notice to the applicant and the adjacent property owners that the City will be considering the application, advising of the legal standards for issuing an accommodation, and inviting written comments on the requested accommodation permit. Notice to adjacent property owners may be waived for applications that the Planning and Development Services Director determines based on evidence will have negligible impacts on surrounding properties.

D. Upon a referral from the Planning and Development Services Director, the Planning Commission shall consider an application at the next reasonably available public meeting after submission of a completed application for a reasonable accommodation permit. The Planning Commission shall issue a written determination within 40 calendar days after such public meeting. Notice of a Planning Commission meeting to review and act on the application shall be made in writing, 10 calendar days prior to the meeting and mailed to the applicant and the adjacent property owners.

19.69.030 Application Submittal

A. Notwithstanding the provisions of Section 19.40.030, a request for a reasonable accommodation permit shall be made on a form supplied by the Community Planning and Development Services Department including the following information:

19.69.050 Decision

A. The reviewing authority's written decision shall set forth the findings, any conditions of approval, notice of the right to appeal, and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the Planning and Development Services Director of ~~Community Development~~ to any person having provided written comment on the application.

B. The reasonable accommodation shall be subject to any reasonable conditions imposed on the approval that are consistent with the purposes of this chapter.

C. In making the approval findings in Section 19.69.040, the reviewing authority may approve alternative reasonable accommodations that provide an equivalent level of benefit to the applicant but may reduce impacts to neighboring properties or the surrounding area.

D. The written decision of the reviewing authority shall be final unless appealed in the manner set forth in Section 19.76.050.

E. While a request for reasonable accommodation permit is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

F. Prior to the issuance of any permits relative to an approved reasonable accommodation permit, the Planning and Development Services Director may require the applicant, or property owner if different, to record a covenant in the County Recorder's Office, in a form approved by the City Attorney, acknowledging and agreeing to comply with the terms and conditions established in the determination. The covenant shall be required only if the Planning and Development Services Director finds that a covenant is necessary to provide notice to future owners that a reasonable accommodation has been approved.

G. An accommodation is granted to an individual(s) and shall not run with the land unless the Planning and Development Services Director of ~~Community Development~~ finds that the modification is physically integrated on the property and cannot feasibly be removed or altered. Upon revocation of the accommodation in accordance with Section 19.80.060(F), the reasonable accommodation may be required to be removed or substantially conformed to the code if reasonably feasible.

19.69.070 Notice to the Public of Availability of the Accommodation Process

The City shall prominently display in the public areas of the Community Planning and Development Services Department at City Hall a notice advising those with disabilities or their representatives that they may request a reasonable accommodation in accordance with the procedures established in this chapter. City employees shall direct individuals to the display whenever they are requested to do so or reasonably believe that individuals with disabilities or their representatives may be entitled to a reasonable accommodation.

Section 28: Chapter 19.70 Administrative Responsibility of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.70.020 Planning Agency Defined

As provided by state law (Government Code Section 65100), the West Hollywood City Planning Commission, Historic Preservation Commission (HPC), and Community Planning and Development Services Department (~~referred to in this Zoning Ordinance as the "department"~~) shall perform the functions of a planning agency.

19.70.050 ~~Community~~ Planning and Development Services Director

A. *Appointment.* The Community Planning and Development Services Director is appointed and serves in compliance with Chapter 2.16 of the West Hollywood Municipal Code (~~Community Planning and Development Services~~ Department).

B. *Duties and Authority.* The Planning and Development Services Director shall perform the duties prescribed in Section 2.16.030 of the West Hollywood Municipal Code (Duties of the Planning and Development Services Director of Community Development), and shall:

1. Have the responsibility to perform all of the functions designated by state law (Government Code Section 65103 [Planning Agency Functions]); and
2. Perform the duties and functions prescribed in this Zoning Ordinance.

C. *Supervision.* The responsibilities of the Planning and Development Services Director may be temporarily delegated to a designated Planning and Development Services Department staff person as follows:

1. Except where otherwise provided by this Zoning Ordinance, the responsibilities of the Planning and Development Services Director may also be carried out by Planning and Development Services Department staff under the supervision of the Planning and Development Services Director; and
2. When the Planning and Development Services Director designates a Planning and Development Services Department staff person to act in place of the Planning and Development Services Director, the staff person shall perform the duties assigned by the Planning and Development Services Director in addition to those listed in Section 19.70.050(B), above, as appropriate to the personnel title of the staff designee.

Section 29: Chapter 19.72 Nonconforming Uses, Structures, Signs, and Parcels of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.72.030 Nonconforming Structures

B. *Expansions.* A nonconforming structure may be expanded, provided that the expansion complies with all applicable provisions of this Zoning Ordinance. Single-family dwellings and duplexes may expand up to 500 square feet without having to bring the entire structure into compliance with the Zoning Ordinance. The expansion of a nonconforming structure may exceed the density and height restrictions of this Zoning Ordinance in the following cases.

...

3. The addition of up to 500 square feet of floor area on the ground level at the front of a commercial building and waiver of required parking for the addition, provided that the Planning Commission finds that the project:

...

- b. **More Than Fifty Percent Destruction.** A structure that is damaged so that *more than 50 percent* of the total length of its exterior walls must be replaced, may also be reconstructed provided that:

- (1) The structure must be rebuilt to comply with the city's design standards to the extent feasible;
- (2) Any non-residential structure shall be set back no more than three feet from the front property line;
- (3) The reconstructed structure shall be provided at least as much parking as previously existed and as much as determined the Planning and Development Services Director to be feasible.

19.72.040 Nonconforming Signs

D. *Amortization and Correction or Removal Required.*

1. Time Limit. Any sign that was nonconforming at the time of, or became nonconforming because of the provisions of this Zoning Ordinance and remains nonconforming shall be removed by May 2, 2004.
2. Extension of Time Limit. The amortization schedule established by this section may be reviewed and extended as follows. The time limits established by Section 19.72.050(C) for the termination of a nonconforming use after discontinuance are not subject to these extension provisions.

...

b. Time for Filing. The Planning and Development Services Department may accept the application for an extension either before or after the required date for discontinuance of the nonconforming use or sign.

Section 30: Chapter 19.74 Public Hearings and Notice of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.74.010 Purpose

This chapter provides procedures for public hearings before the Planning Commission and Council. Whether or not a public hearing is required by this Zoning Ordinance, when public notice is required, it shall be given as provided by this chapter.

19.74.020 Notice of Hearing

B. *Method of Notice Distribution.* Notice of a public hearing required by this chapter for a land use permit, amendment, or appeal shall be given as follows, as required by state law (Government Code Sections 65090 and 65091):

1. Publication. Where publication is required by state law, notice shall be published at least once in a newspaper circulated in the city at least ten days before the hearing; where state law permits, the city may elect to post notice in lieu of publishing;
2. Mailing. Notice shall be mailed or delivered at least ten days before the hearing to the following:

c. Surrounding Residents and Property Owners. All owners of real property as shown on the County's current equalized assessment roll, and all tenants within a radius of 500 feet or, at the discretion of the Planning and Development Services Director, where project impacts may affect a larger area than is typical, within a radius of 750 feet or 1,000 feet of the exterior boundaries of the parcel involved in the application; and

d. Persons Requesting Notice. A person who has filed a written request for notice with the Planning and Development Services Director and has paid the fee set by the most current city's Fee Resolution for the notice.

...

G. *Alternative Notice.* If the number of property owners to whom notice would be mailed is greater than 1,000, the Planning and Development Services Director, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-quarter page in a newspaper of general circulation in the city.

H. *Additional Notice.* In addition to the methods of noticing required by subsection (B), above, the Planning and Development Services Director may provide any additional notice using any distribution method that the Planning and Development Services Director determines is necessary or desirable.

19.74.030 Notice of Pending Decisions not Requiring a Hearing

In cases where this Zoning Ordinance requires public notice of a pending land use decision but does not require a public hearing, the subject property shall be continuously posted with a minimum 11" by 17" sign giving notice of the application for at least ten days before the date on which the public comment period will end, except that notice for an administrative permit shall be posted at least seven days prior to the end of the public comment period. The sign shall include the permit number, the address and a description of the project, and the date when the public comment period will end. A façade renovation shall not require a notice unless deemed necessary by the Planning and Development Services Director. A request to legalize illegal units shall require posting of a sign at least 14 days before the end of the public comment period, and shall additionally require mailed notice to owners and residents of adjacent and abutting properties mailed or delivered at least 14 days before the end of the public comment period.

19.74.050 Record of Decision

A. *Timing of Decision.* The review authority may announce and record the decision at the conclusion of a scheduled hearing, or defer action, take specified items under advisement, and continue the hearing. Where the Planning and Development Services Director is the review authority, the Planning and Development Services Director may take the matter under advisement, or refer the matter to the Commission for a decision.

19.74.060 Finality of Decision by Planning and Development Services Director or Planning Commission

The decision of the Planning and Development Services Director or Planning Commission is final unless appealed in compliance with Chapter 19.76 (Appeals). (See Section 19.62.020 - Effective Date of Permits.)

19.74.070 Recommendation by Planning Commission

At the conclusion of a public hearing on a proposed amendment to the General Plan, this Zoning Ordinance, the Zoning Map, a development agreement, or a specific plan, the Planning Commission shall forward a recommendation, including all required findings, to the Council for final action. Following the hearing, a notice of the Planning Commission's recommendation shall be hand-delivered or mailed to the applicant at the address shown on the application.

Section 31: Chapter 19.76 Appeals of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.76.010 Purpose

This chapter provides procedures for filing appeals of decisions rendered by the Planning and Development Services Director, ~~Human Services Economic Development Director~~, Planning Commission, or Historic Preservation Commission (HPC).

19.76.020 Allowed Appeals

A. *General Appeals.*

1. Planning and Development Services Director Decisions. Any decision on a discretionary permit rendered by the Planning and Development Services Director may be appealed to the Planning Commission, except that a decision regarding an adult business shall be appealed directly to the Council. Any decision by the Planning and Development Services Director on a ministerial permit (e.g., zone clearance, sign permit, etc.) may be appealed to the Planning Commission, provided that the only allowed grounds for appeal shall be that the Planning and Development Services Director's decision has not complied with the applicable provisions of this Zoning Ordinance.

2. Planning Commission Decisions. Any decision rendered by the Planning Commission may be appealed to the Council.

3. ~~HPG~~ Historic Preservation Commission Decisions. Any decision rendered by the Historic Preservation Commission may be appealed to the City Council.

4. ~~Human Services Economic Development Director~~ Decisions. Any decision rendered by the ~~Human Services Economic Development Director~~ on

a special event permit may be appealed to the City Manager, followed by an appeal to the City Council.

B. Planning Commission or Council Review. On its own initiative, the Planning Commission may review any decision rendered by the Director, and the Council may review any decision rendered by the Planning Commission, as follows. (See also Section 19.62.020 [Effective Date of Permits]).

1. Decision to Review.

a. One or more Planning Commissioners or Council members may initiate review of a Planning and Development Services Director or Planning Commission decision, respectively, by filing a written request with the City Clerk, within 10 days after the date of the decision, or within 10 days after a 72-hour period after the Planning and Development Services Director has taken a decision under advisement, in compliance with Section 19.62.020 (Effective Date of Permits).

b. The Planning Commission or Council, as applicable, shall consider the "request for review" at its next regularly scheduled meeting.

c. If the Planning Commission or Council, as applicable, votes to review the decision, a subsequent review hearing shall be scheduled to consider the merits of the review. Either action shall require an affirmative majority vote.

19.76.030 Filing and Processing Appeals

A. *Timing and Form of Appeal.*

1. Appeals, other than Planning Commission or Council review, shall be submitted in writing and filed with the Planning and Development Services Department or City Clerk, as applicable, on a city application form, within 10 days after the date the decision is rendered by the Planning and Development Services Director or Planning Commission, or within 10 days after a 72-hour period after the Director has taken a decision under advisement, in compliance with Section 19.62.020 (Effective Date of Permits).

The number of days shall be construed as calendar days. Time limits will extend to the following City Hall working day where the last of the specified number of days falls on a weekend, holiday, or other day when City Hall is officially closed.

2. Reviews by the Planning Commission or Council shall be considered at a hearing scheduled following its affirmative vote to review the decision in compliance with Section 19.76.020(B).

...

G. *Report and Scheduling of Hearing*. When an appeal has been filed, the Planning and Development Services Director shall prepare a report on the matter, and schedule the matter for consideration by the appropriate appeal body identified in Section 19.76.020(A), with notice provided in compliance with subsection (H). All appeals shall be considered in public hearings. The City may consolidate hearings on all timely filed appeal applications for the same project.

H. *Notice Requirements.*

1. Public notice for the hearing on appeal shall be provided in the same manner as required for the decision being appealed; except that, if posted notice was required for the hearing from which the appeal is taken, the minimum number of days required for posting notice of the appeal hearing shall be 10 days before the date of the hearing and notice shall be mailed to all persons who provide written or oral testimony at the public hearing and provide the City with their mailing address.

2. The content of the notice shall comply with Chapter 19.74 (Public Hearings and Notice).

I. *Withdrawal of Appeal.* Once filed, an appeal may only be withdrawn by a written request submitted to the Planning and Development Services Director, with the signatures of all persons who filed the appeal.

19.76.040 Action on an Appeal

A. *Action.* At the hearing, the appeal body may only consider any issue involving or related to the matter that is the subject of the appeal, in addition to the specific grounds for the appeal, and shall conclude the proceedings with one of the following actions.

...

3. *Referral.* If new or different evidence is presented in the appeal, the Planning Commission or Council, may, but shall not be required to, refer the matter back to the Planning and Development Services Director, Planning Commission, or HPC for further consideration. Any new evidence shall relate to the subject of the appeal.

B. *Deadlock Vote.*

1. *By Planning Commission.* In the event an appeal from an action of the Planning Director results in a deadlock vote by the Planning Commission, the determination, interpreting decision, judgment, or similar action of the Planning and Development Services Director shall be reinstated, unless appealed to the Council.

2. *By Council.* In the event that an appeal from an action of the Planning Commission results in a deadlock vote by the Council, the action of the Planning Commission shall become final.

C. *Effective Date of Decision.* An action of the Planning and Development Services Director appealed to the Planning Commission shall not become effective unless and until final action by the Planning Commission. An action of the Planning Commission appealed to the Council shall not become effective unless and until final action by the Council.

19.76.050 Reasonable Accommodation Permit Appeals

A. The decision of the Community Planning and Development Services Director on a reasonable accommodation permit may be appealed to the Planning Commission within 10 calendar days after the date the decision is rendered by the Planning and Development Services Director.

Section 32: Chapter 19.80 Enforcement of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.80.020 Responsibility for Enforcement

The departments of Public Works and Planning and Development Services ~~department~~ shall be responsible for monitoring and enforcing the conditions and standards imposed on all land use entitlements granted by the city. Enforcement shall include the right to inspect properties and structures to ensure adequate compliance with the standards of this Zoning Ordinance. The term "Director" as used in this chapter refers to both the Director of Public Works and Planning and Development Services.

19.80.070 Initial Enforcement Action

This section describes the procedures for initiating enforcement action in cases where the Director has determined that property within the City is being used, maintained, or allowed to exist in violation of the provisions of this Zoning Ordinance. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that other enforcement measures, provided by this section, may be avoided.

A. *Notice to Responsible Parties.* The Director shall provide the record owner of the subject parcel and any person in possession or control of the parcel with a written Notice of Violation, which shall include the following information:

1. *Time Limit.* A time limit for correcting the violation, in compliance with subsection (B);
2. *Administrative Costs.* A statement that the City intends to charge the property owner for all administrative costs associated with the abatement of the violations, in compliance with Section 19.80.090 (Recovery of Costs), or initiate legal action as described in Section 19.80.080 (Legal Remedies); and

3. *Meet with the Director.* A statement that the property owner may request and be provided a meeting with the Directors to discuss possible methods and time limits for the correction of the violations.

B. *Time Limit for Correction.* The Notice of Violation shall state that the violation shall be corrected within 10 days from the date printed on the notice to avoid further enforcement action by the City, unless the responsible party contacts the Director within that time to arrange for a longer period for correction. The Director may approve a time extension where it is determined that the responsible party will likely correct the violation within a reasonable time.

If the Director determines that the violation constitutes a hazard to public health or safety, or if deemed appropriate, the Director may require immediate corrective action.

C. *Use of Other Enforcement Procedures.* The enforcement procedures of Section 19.80.080 (Legal Remedies) may be employed by the Director after or in conjunction with the provisions of this section where the Director determines

that this section would be ineffective in securing the correction of the violation within a reasonable time.

19.80.080 Legal Remedies

A. Criminal Actions.

1. **Injunction.** At the request of the Council, on recommendation of the Director, the City Attorney may apply to a court of competent jurisdiction for injunctive relief to terminate a violation of this Zoning Ordinance.

2. **Abatement.** Where any corporation, firm, partnership, or person fails to abate a violation after being provided a Notice of Violation in compliance with Section 19.80.070(A) (Notice to Responsible Parties), above, and the opportunity to correct or end the violation, the Council, on recommendation of the Director, may request the City Attorney to apply to a court of competent jurisdiction for an order authorizing the City to undertake actions necessary to abate the violation and require the violator to pay for the cost of the actions.

19.80.090 Recovery of Costs

A. **Record of Costs.** The Planning and Development Services Department or the Department of Public Works shall maintain records of all administrative costs, incurred by responsible city departments, associated with the processing of violations and enforcement of this Zoning Ordinance, and shall recover the costs from the property owners, in compliance with this section. Staff time shall be calculated at an hourly rate established and revised from time to time by the Council.

B. **Notice.** Upon investigation and a determination that a violation of any provisions of this Zoning Ordinance is found to exist, the Director shall notify the record owners or any person having possession or control of the property by certified mail, of the existence of the violation, the Director's department's intent to charge the property owner or any person having possession or control of the property for all administrative costs associated with enforcement, and of the person's right to a hearing on any objections they may have. The notice shall be in a form approved by the City Attorney.

C. **Summary of Costs and Notice.** At the conclusion of the case, the Director shall send a summary of costs associated with enforcement to the owners or person having possession or control of the property by certified mail. The summary shall include a notice, in a form approved by the City Attorney, advising the responsible party of their right to request a hearing in compliance with subsection (D)(1), below, and that if no request for hearing is filed, the responsible party will be liable for the charges.

In the event that no request for hearing is timely filed or, after a hearing during which the Director affirms the validity of the costs, the property owner or person in control shall be liable to the city in the amount stated in the summary or any lesser amount determined by the Director. These costs shall be recoverable in a civil action in the name of the city, in a court of competent jurisdiction within the County.

D. *Request for Hearing on Costs.* A property owner, or other person having possession or control of the subject property, who receives a summary of costs shall have the right to a hearing before the Director on their objections to the proposed costs.

1. Request for Hearing. A request for hearing shall be filed with the department within ten days of the service by certified mail, of the department's summary of costs, on a form provided by the department.

2. Hearing. Within thirty days of the filing of the request, and on ten days' written notice to the owner, the Director shall hold a hearing on the owner's objections and determine their validity.

3. Validity of Costs. In determining the validity of the costs, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include the following:

- a. Whether the present owner created the violation;
- b. Whether there is a present ability to correct the violation;
- c. Whether the owner moved promptly to correct the violation;
- d. The degree of cooperation provided by the owner; and
- e. Whether reasonable minds can differ as to whether a violation exists.

4. Appeal. Decisions of ~~The~~ the Director's decision shall be appealable directly to the Council, in compliance with Chapter 19.76 (Appeals).

Section 33: The following definitions in the alphabetical list of definitions in Section 19.90.020 Definitions of Specialized Terms and Phrases of Chapter 19.90 of Title 19 of the West Hollywood Municipal Code are amended to read as follows:

A. Definitions, "A."

Attractive Nuisance Dangerous to Children. Appliances, equipment, and machinery as well as any accumulation of materials as determined by the Planning and Development Services Director or the Director of Public Works, in which a child could become trapped or experience bodily harm by coming into contact with it, by climbing on it or in it, by falling onto it, or in which any animals or insects that could cause bodily harm could find harborage, or in which any substances or materials, liquid or solid, that could cause bodily harm are contained.

C. Definitions, "C."

Cultural Heritage Preservation. The following definitions apply to the provisions of Chapter 19.58 (Cultural Heritage Preservation).

3. *Certificate of Appropriateness.* A certificate issued by the Historic Preservation Commission or the Planning and Development Services Director ~~of Community Development~~ which is a necessary condition precedent to obtaining a

permit to alter, construct, demolish, enlarge, relocate, remodel, or remove, in whole or in part, a cultural resource, or a structure within an historic district or conservation zone. A certificate may also be issued by the Director subject to Chapter 19.58 of this Zoning Ordinance (Cultural Heritage Preservation).

...

14. *Historic Resources Survey.* The survey, originally conducted in 1986, which systematically identified the potential cultural resources within the city. The methodology of this survey is contained within the Historic Resources Survey, 1986-1987, Final Report, on file in the Community Planning and Development Services Department.

...

20. *Nomination Statement.* A written report or application specifying the cultural resource, its site address, and the reasons for its nomination as a resource. It shall include an exact description of the cultural resource recommended for designation and the findings supporting the nomination. A nomination statement application is be kept on file in the Community Planning and Development Services Department and revised and updated as needed.

D. Definitions, "D."

Department. The West Hollywood Community Planning and Development Services Department, referred to in this Zoning Ordinance as the "Department," unless otherwise identified.

Director. The City of West Hollywood Community Planning and Development Services Director, or designee of the Director, unless otherwise identified as Director of another department and also including the designee of those other identified department directors.

P. Definitions, "P."

Planning Commission. The West Hollywood Planning Commission, appointed by the West Hollywood City Council in compliance with Government Code Section 65101, referred to throughout this Zoning Ordinance as the "Commission," unless otherwise identified as a different commission.

R. Definitions, "R."

Review Authority. The individual or official city body (the Community Planning and Development Services Director, Planning Commission, Historic Preservation Commission, or City Council) identified by this Zoning Ordinance as having the responsibility and authority to review, and approve or disapprove the permit applications described in Article 19-4 (Zoning Ordinance Administration).

W. Definitions, “W.”

West Hollywood Green Building Point System. The green building point system developed, administered, and updated by the Community Planning and Development Services Department of the City of West Hollywood.

West Hollywood Green Building Point System Table. The table of available green building items and associated possible points that are developed, administered, and updated by the Community Planning and Development Services Department as part of the Green Building Program.