

RESOLUTION NO. PC 19-1340

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO THE ZONING ORDINANCE TO RELOCATE THE REQUIREMENTS FOR PROPERTY MAINTENANCE, VACANT PROPERTIES, AND CONSTRUCTION MITIGATIONS FROM CHAPTER 19.30 TO A NEW PROPERTY MAINTENANCE CHAPTER FOUND IN CHAPTER 9.60 AND PROVIDE REFERENCE TO TITLE 9 IN THE ZONING ORDINANCE, WEST HOLLYWOOD, CALIFORNIA.

The Planning Commission of the City of West Hollywood does hereby resolve as follows:

SECTION 1. The City is considering a Municipal Code Amendment to create a new chapter in Title 9 for property maintenance standards, vacant property standards, and construction standards. The proposed Zone Text Amendments will provide reference in the Zoning Ordinance to those standards in Title 9 in multiple locations.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of July 18, 2019 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 4, 2019. At their July 18, 2019 meeting, the Planning Commission continued this item to a date certain.

SECTION 3. The zone text changes are 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. In this case, the proposed zone text amendment and associated municipal code amendment will create updated standards for property maintenance, vacant properties, and construction mitigation that will prevent negative impacts on neighborhoods while projects are under construction, vacant or otherwise. Additionally, many of the provisions and requirements already exist and are being relocated and strengthened in Title 9 of the WHMC. The construction mitigation plan requirement has been a standard condition of approval on all development projects in the city and will now be codified in the Code, also preventing construction related impacts. Preserving neighborhoods and residential quality of life will result in no environmental impacts and will maintain the environmental status quo.

SECTION 4. The Planning Commission of the City of West Hollywood hereby finds that the proposed Zone Text Amendment is consistent with the Goals and Policies of the General Plan, specifically Goal LU-8, which calls for the city to maintain and enhance residential neighborhoods. The ZTA and associated municipal code amendments also comply with Goal H-2, maintain and enhance the quality of the housing stock and residential neighborhoods. The property maintenance standards set forth in this ordinance are consistent with the City's overall goals and policies for functional, safe, and well maintained properties and nothing in this ordinance will impede the City's ability to meet its General Plan Goals and policies. Further, preserving neighborhoods and residential quality of life will result in no environmental impacts and will maintain the environmental status quo.

SECTION 5. Based on the foregoing, the Planning Commission of the City of West Hollywood hereby recommends approval by the City Council of Zone Text Amendment ZTA19-0003 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 5th day of September, 2019 by the following vote:

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

NOES: Commissioner: None.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: None.



CHAIRPERSON

ATTEST:



RACHEL DIMOND, AICP, ACTING
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

ZONE TEXT AMENDMENT 19-0003 WEST HOLLYWOOD MUNICIPAL CODE SECTIONS TO BE MODIFIED

(New text indicated with underline, deleted text with ~~strikethrough~~.)

Section 1. Paragraph (1) of Subsection A of Section 19.20.240 of Title 19 is amended as follows:

19.20.240 Art on Construction Fencing.

A. Applicability.

1. Required. Commercial properties under construction shall install temporary art along the street-facing perimeter construction fence of the property (excluding alleyways) if the construction is for a development project of 10,000 square feet or more and has one street-facing frontage of at least 75 linear feet.

The construction fence shall meet the requirements of the Building Code of the City of West Hollywood and the project's construction mitigation plan and Chapter 9.70 of this code and the temporary art shall comply with the provisions of this section.

Section 2. Chapter 19.30 of Title 19 of the West Hollywood Municipal Code is amended in its entirety to read as follows:

19.30.010 ~~Purpose~~ General Property Maintenance Requirements.

~~This chapter establishes a process to ensure that responsible persons maintain previously constructed or installed improvements on private property in a manner that protects the public health, safety, and general welfare.~~

Any person owning, leasing, occupying, or having charge or possession of any property shall maintain it in a manner that is consistent with the property maintenance standards found in Chapter 9.60 of this Code.

19.30.020 ~~General Maintenance Requirements.~~

~~Any person owning, leasing, occupying, or having charge or possession of any property shall maintain it in a manner that is determined by the Director or a designated City official to not be detrimental or injurious to the public health, safety, and general welfare, and that does not interfere with the comfortable enjoyment of life or property.~~

19.30.030 ~~Specific Violations.~~

~~It is unlawful to maintain or fail to maintain any property, or on-site improvements, in a manner that results in any of the following conditions:~~

~~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;~~

~~3. Structure exteriors or interiors that are improperly maintained, neglected, or damaged, or in need of repairs (e.g., weatherproofing, insect extermination or water intrusion);~~

~~4. Broken, cracked, or missing windows or doors;~~

~~5. Damaged, poorly fitting, or missing window screens, or screens covering vent areas (under floors, in ceilings), or damaged, poorly fitting screens for entrance or balcony doors, or deteriorated metal security doors;~~

~~6. Roofs missing shingles, tile, or other material used as roof composition or the material is loose or unstable;~~

~~7. Broken rain gutters;~~

~~8. Improperly maintained awnings;~~

~~9. Fences, walls, and gates that are not plumb and true, not in good repair, have peeling paint, broken bricks, broken mortar, cracked or broken stucco, or are not constructed of materials treated in a uniform manner;~~

~~10. Unpainted structures experiencing dry rot, termite infestation, or warping;~~

~~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.~~

~~_____ 2. All dry, dead shrubs, dead trees, combustible refuse and waste, or any material growing or found upon public or private property, which by reason of their size, condition, manner of growth, or location constitute a fire hazard to any structure, improvements, crops, or other property, or when dry will, in reasonable probability, constitute a fire hazard.~~

~~_____ 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.~~

~~_____ E. *Improper Parking or Storage of Goods, Equipment, and Vehicles.*~~

~~_____ 1. Any violation of Section 19.28.030(C) (Location of Parking), Section 19.20.150(D)(4) (Storage) or any other Zoning Ordinance provisions pertaining to parking or storing vehicles and equipment on private or public property.~~

~~_____ 2. Using or allowing use of any hardscape area for parking which prevents or hinders access to elevators, entrances, exits, or trash~~

~~receptacles or blocks access to any structure for emergency vehicles or personnel.~~

~~3. The keeping or storing, or allowing the keeping or storage, of boats, camper shells, inoperable vehicles, trailers, cargo containers, and other equipment for more than 72 hours in the public right-of-way without a permit, in yard areas or driveways in which storage is not allowed, where the items are not screened from view of public streets or highways.~~

~~4. Outdoor storage or display in violation of Section 19.36.230.~~

~~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.~~

~~2. Lack of the minimum amounts of natural light and ventilation required by the Building Code as adopted by the city, in Municipal Code Section 13.04.010.~~

~~3. Room and space dimensions less than required by the Building Code as adopted by the city.~~

~~4. Dampness in habitable rooms.~~

~~J. *Non-Maintenance of Landscape and Hardscape.*~~

~~1. A violation of Municipal Code Sections 11.16.060 (Obligation to Maintain), 11.16.070 (Cleaning of Sidewalks), 19.36.280(B)(5) (Front Yard Paving), 19.36.320(C) (Front Yard Paving), Chapter 19.26 (Landscaping Standards), and Chapter 19.28 (Off-Street Parking and Loading Standards), or any other Zoning Ordinance provisions or permit conditions pertaining to the installation and upkeep of landscaped or hardscaped areas located on private property or abutting parkways.~~

~~2. Maintaining or allowing the maintenance of private property or parkway with a lack of adequate landscaping or ground cover sufficient to prevent blowing dust or erosion, or allowing the landscaping on private property or in a parkway to cause a hazard or inconvenience to pedestrians using the public sidewalk.~~

~~3. Maintaining or allowing the maintenance of any paved areas for vehicle parking and access, porches, steps, or walkways in a hazardous condition due to cracked, raised, or missing surface materials.~~

~~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 therefor; 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.~~

~~——— L. —— *Polluted Water.* A pond, spa, swimming pool, fountain, or other body of water which is abandoned, unattended, unfiltered, or not otherwise properly maintained, resulting in polluted or stagnant water.~~

~~——— M. —— *Refuse and Waste.* Refuse and waste material which by reason of its location or character may constitute a fire hazard or threat to the health, safety, and general welfare, including aesthetic impacts, of the surrounding residential area. This includes maintaining or allowing to be maintained refuse and waste materials on private or public property. Compost piles are not considered refuse and waste.~~

~~——— N. —— *Structural Hazards.*~~

~~————— 1. —— Deteriorated, damaged, or inadequate foundations.~~

~~————— 2. —— Defective, deteriorated, or inadequate size flooring or floor supports.~~

~~————— 3. —— Defective, deteriorated, or inadequate size members of partitions, walls, or other vertical supports.~~

~~————— 4. —— Defective, deteriorated, damaged, or inadequate size ceiling, roof, or other horizontal supports.~~

~~————— 5. —— Defective, damaged, or inadequately constructed fireplace or chimney.~~

~~——— O. —— *Vacant or Abandoned Properties.* If a property, area or place, including buildings thereon, has been abandoned, undeveloped, or substantially vacant for 90 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;~~

~~_____ 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;~~

~~_____ 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 to be not applicable or necessary.~~

~~_____ P. *Other Provisions of the Municipal Code.* A violation of any other provision of the Municipal Code or the Building Code that pertains to real property, structures, or which otherwise concerns the public health, safety, and general welfare.~~

~~_____ Q. *Impact on Viability of Surrounding Area.* To maintain or fail to maintain property, or any structure on it, in a way that its condition contributes to the establishment of a prevalence of depreciated values, impaired investments, and social and economic maladjustments to the extent that the capacity to pay~~

~~taxes is reduced and tax receipts are inadequate for the cost of public services rendered.~~

~~19.30.040 Notice to Correct.~~

~~—— A. —— *Correction Notice.* Upon inspection of a property where a violation is identified, the official representative of the appropriate agency may fill out a correction notice, indicating the sections that are violated and stating the specific violation, the corrections required, as well as the required compliance date in the appropriate spaces.~~

~~—— B. —— *Delivery of Notice.* The inspecting official shall give a copy of the form to any person owning, possessing, or in charge of the property who is present at the time of inspection. If a person is not present, the inspecting official shall hand-deliver the notice or send it by first-class or certified mail to the appropriate persons. If the property owner is not present, they shall receive a copy of this notice by first-class or certified mail, at the last known address. The service shall be deemed complete at the time of deposit in the mail. Failure of any person notified by mail to receive the notice shall not affect the validity of any proceedings conducted in compliance with this chapter.~~

~~19.30.050 Abatement of Violations.~~

~~—— The abatement of any conditions described in this chapter shall be performed in a way that conforms to the maintenance practices and aesthetic standards of the surrounding neighborhood, maintains the value and enjoyment of surrounding properties, and promotes the health, safety, and general welfare of the City.~~

~~—— A. —— *Code and Ordinance Compliance.* Corrections of violations and repairs shall comply with all applicable Building, Electrical, Mechanical, Plumbing Code, and Zoning Ordinance requirements, including all required permits and inspections.~~

~~—— 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.~~

~~—— D. —— *Content.* Colors, forms, materials, and shapes used as design elements for any exterior repairs or corrections of violations shall be uniform in content.~~

~~_____ E. *Drought-Resistant Plantings.* Landscaping that is installed or replaced shall use in whole or in part, drought-resistant plantings and, where applicable, shall comply with the design standards and guidelines in Chapter 19.26 (Landscaping Standards) and Chapter G-26 (Landscape Design Guidelines).~~

~~**19.30.060 Violations and Penalties.**~~

~~_____ Any person (whether an individual, corporation, partnership, joint venture, or other entity) who violates any of the provisions of this chapter or who does not correct violations in compliance with the requirements of this chapter, is subject to the administrative penalty provisions of Municipal Code Section 1.08.030. Each day or portion thereof wherein the violation is committed, continued, or permitted constitutes a separate and distinct violation.~~

~~_____ The City's authority to prosecute violations of this chapter shall be in addition to its authority to pursue remedies under Municipal Code Chapter 1.32 (Nuisance Abatement).~~