

SUBJECT: ZONE TEXT AMENDMENT: PROPERTY MAINTENANCE  
STANDARDS

INITIATED BY: DEPARTMENT OF PUBLIC WORKS  
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**STATEMENT ON THE SUBJECT:**

The Planning Commission will consider an amendment to the Zoning Ordinance to remove the property maintenance language from the Zoning Ordinance and reference a new chapter, Property Maintenance, found in Title 9 of the West Hollywood Municipal Code. The purpose of this conversation is for the Planning Commission Long Range Projects Subcommittee to provide comments on the subject Zone Text Amendment prior to review by the Planning Commission as a whole.

**RECOMMENDATION:**

Staff recommends the Planning Commission hold a public hearing, listen to all pertinent testimony, and adopt the following resolution:

- 1) Draft 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.”** (EXHIBIT A)

**BACKGROUND / ANALYSIS:**

On December 17, 2018, the City Council directed staff to draft an amendment to the City’s Municipal Code to allow for the demolition of a problematic vacant buildings (including commercial) at the discretion of the Director of Planning Development Services if a new project has been entitled on the site and is actively moving through the City’s development planning process; and also directed staff to develop and return to City Council with additional recommendations to address problematic vacant buildings (including commercial), such as developing stricter requirements for boarding, fencing, and securing properties, requiring a 24-hour hotline for constituent calls, or creating a residential vacant property registration program.

The existing demolition regulations in Section 19.50.050 of the West Hollywood Municipal Code state that a demolition permit shall be approved if “A. *All other applications for discretionary permits necessary for the new project to be constructed on the site have been approved, or, alternatively, the requirements of Section 19.50.040(C) are satisfied; and B. The building or structure is not a designated historic resource, is not being formally considered for this designation, and is not listed on the city’s List of Potential Resources or, alternatively, the building is a designated resource, but is being demolished or remodeled pursuant to a certificate of appropriateness issued by the Historic Preservation Commission.*” So, this existing regulation can address Council’s initial direction to allow projects to be demolished after they have received planning entitlement but have yet to receive a building permit.

To address the second half of Council’s direction, there are a number of changes proposed to the Municipal Code addressing vacant properties and property maintenance. The proposed ZTA removes the property maintenance language found in Chapter 19.30 and replaces it with language that references a new proposed chapter, 9.60 (Property Maintenance). While the new chapter 9.60 is not under purview of the Planning Commission, a draft of these new standards is provided for reference and comments. As the vacant property standards are found in the Property Maintenance chapter of the Zoning Code, staff decided it is best to move the property maintenance and vacant property standards out of the Zoning Code and strengthen both of them.

The Zoning Code guides the orderly growth and development of the city, promotes high quality urban design, and regulates land uses and the location and use of structures for residential, commercial, and other purposes consistent with the goals and policies of the General Plan. It regulates the manner in which a property is developed and falls under the oversight of the Planning and Development Services Director. Once a project is complete, the property is required to be maintained in a manner that is consistent with how it was built under the oversight of Code Compliance Division and the Public Works Director. Creating a property maintenance code outside of the Zoning Ordinance brings clarity and efficiency to the enforcement process.

Property maintenance codes are important to the health and vitality of a community as they 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. These requirements are incumbent upon any owner of improved or unimproved property in the City. By removing the property maintenance requirements from the Zoning Code and creating new chapters in Title 9 for property maintenance, vacant properties and construction mitigation, residents, property owners, and developers will more easily be able to locate the standards governing how properties throughout the City are required to be maintained, thus raising the level of service that the City provides to the public.

## Proposed Change to the Zoning Code

Staff recommends deleting the entirety of the existing Chapter 19.30 and leaving in place a reference to the new property maintenance chapter to be found in Title 9. Additionally, a reference to Title 9 will be provided in the Art on Construction Fences section in order to ensure projects meet the requirements of their adopted construction mitigation plans, as well as the new requirements outlined in Title 9.

## Proposed Changes to Municipal Code

In Title 9, staff recommends creating three separate chapters, including property maintenance for developed properties, vacant properties , and a third chapter for construction mitigation. The property maintenance chapter (9.60) will be based on existing language in the Zoning Code but will be expanded to strengthen certain provisions and will include references to the California Health and Safety Code. Additionally, staff proposes to include specific conditions when a property may be deemed uninhabitable.

The proposed vacant properties chapter (9.64) consolidates and expands upon the language found in Chapters 19.30 and 7.24, thus creating a single location in the Municipal Code where vacant property standards can be found, rather than two separate code sections which are enforced by different means. The proposed Vacant Properties chapter creates a vacant property registration program, mandates the submittal of a Vacant Property Mitigation Plan, and places more onerous regulations on owners of vacant properties with the goal of encouraging owners to develop their properties faster or keep them inhabited, thus keeping them from becoming vacant in the first place.

The proposed construction mitigation chapter (9.70) outlines the requirements for projects under construction. Typically, all building permits require a construction mitigation plan, but requirements for these plans are not codified. This chapter will codify regulations that are already required by the City.

## **EXHIBITS**

- A. Draft Resolution No. PC 19-1340
- B. Draft Property Maintenance Chapter (WHMC 9.60)
- C. Draft Vacant Properties Chapter (WHMC 9.64)
- D. Draft Construction Mitigation Chapter (WHMC 9.70)