

ORDINANCE NO. 17-1012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 19 OF THE WEST HOLLYWOOD MUNICIPAL CODE TO REQUIRE ART TO BE INSTALLED ON CONSTRUCTION FENCING FOR CERTAIN COMMERCIAL PROJECTS, CITYWIDE.

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City of West Hollywood initiated amendments to the Zoning Ordinance to require art to be installed on certain commercial projects.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of March 23, 2017 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper on March 23, 2017, and required state and local agencies, and the City website and by announcement on City Channel 6 by March 23, 2017.

A second public hearing was duly noticed for the Planning Commission meeting of July 20, 2017 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper on July 7, 2017, required state and local agencies, the City website and by announcement on City Channel 6 by July 7, 2017. The Commission recommended approval of the ordinance following this hearing.

SECTION 3. The West Hollywood City Council properly reviewed and considered this matter at a public hearing on August 21, 2017. Public Notice of the hearing was advertised by publication in the West Hollywood Independent and Beverly Press on April 10, 2017 and by announcement on City Channel 6, as well as the City website and City Hall on August 10, 2017. Notices were mailed to all West Hollywood Neighborhood Watch groups on August 10, 2017.

SECTION 4. This 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. No possibility exists that the proposed zone text amendment would have a significant effect on the environment because the zone text amendment would require a different covering on a fence that is already required by the City to be erected and therefore reduce the negative aesthetic impact of construction fencing.

SECTION 5. The West Hollywood City Council hereby finds that this Ordinance is consistent with the Goals and Policies of the General Plan, specifically Policy LU-1,

which states that the City should, “maintain an urban form and land use pattern that enhances quality of life and meets the community's vision for its future” and Policy HS-2, which states that the City should “support and encourage arts and culture in West Hollywood.” These proposed zone text amendment will help meet its goals of providing high quality art and improving aesthetics by providing a publicly visible community art asset and contributing to the creative and dynamic vitality of the City and does not impede on the City’s ability to meet other General Plan goals.

SECTION 6: A new Section 19.20.240, Art on Construction Fencing is added to Chapter 19.20 of Title 19 of the West Hollywood Municipal Code to read as follows:

Section 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 the temporary art shall comply with the provisions of this Section.

2. *Allowed.* All other commercial properties under construction may install temporary art onto the property's construction fence, provided that the fence complies with the Building Code of the City of West Hollywood and the project’s construction mitigation plan, and that the art complies with the provisions in the Section.

B. Review Authority. Prior to the issuance of any building permits for a project where art is required under Subsection A above, an Art on Construction Fence application shall be submitted to the Arts Division for review and approval. Applications shall be reviewed by the Division in accordance with the Art on Construction Fence Program approved by the Arts and Cultural Affairs Commission.

C. Advertisements. Use of advertisements on construction fence artwork shall not be permitted as set forth in Section 19.34.090 - Prohibited and Restricted Signs. Names of architects, contractors, designers, financing institutions, future occupancy signs, rendering s, and/or information on the project are permitted and shall comply with the standards in Section 19.34.050 (F) - Temporary Signs.

D. Installation. The applicant shall install the artwork on the construction fence within five (5) business days of the assembly of the construction fence. Additionally, the applicant shall submit photographic documentation of the completed installation of the

artwork on the construction fence to the Arts Division staff within fourteen (14) business days.

E. *Maintenance of Artwork*. The applicant shall maintain the integrity of the artwork on the construction fence and may be required to repair or reinstall if significant deterioration occurs.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 18th day of September, 2017 by the following vote:

AYES:	Councilmember:	D'Amico, Meister, Mayor Pro Tempore Duran, and Mayor Heilman.
NOES:	Councilmember:	Horvath.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.


JOHN HEILMAN, MAYOR

ATTEST:


YVONNE QUARKER, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF WEST HOLLYWOOD)

I, YVONNE QUARKER, City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 17-1012 was duly passed, approved, and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 18th day of September, 2017, after having its first reading at the regular meeting of said City Council on the 21st day of August, 2017.

I further certify that this ordinance was posted in three public places as provided for in Resolution No. 5, adopted the 29th day of November, 1984.

WITNESS MY HAND AND OFFICIAL SEAL THIS 19th DAY OF SEPTEMBER, 2017.


YVONNE QUARKER, CITY CLERK