

SUBJECT: ZONE TEXT AMENDMENTS REGARDING ENTITLEMENT  
PERMIT TIME LIMITS AND EXTENSIONS

INITIATED BY: DEPARTMENT OF COMMUNITY DEVELOPMENT  
(Stephanie DeWolfe, AICP, Director) *SD*  
(John Keho, AICP, Assistant Director) *JK*  
(Bianca Siegl, Long Range & Mobility Planning Manager) *BTS*  
(Georgia Sheridan, AICP, Senior Planner) *GS*

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STATEMENT ON THE SUBJECT:

The West Hollywood City Council will hold a public hearing to consider text changes to the Zoning Ordinance related to entitlement permit time limits and extensions.

RECOMMENDATION:

Staff recommends that the City Council hold the public hearing, consider all pertinent testimony, and adopt the following:

Ordinance No. CC 15-\_\_\_\_\_: **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING AN AMENDMENT TO THE ZONING ORDINANCE TO MODIFY ENTITLEMENT PERMIT TIME LIMITS AND EXTENSIONS.”** (ATTACHMENT A)

BACKGROUND ANALYSIS:

**Overview of Proposed Code Changes**

The following text changes in this amendment will create a more orderly and consistent Zoning Ordinance and improve the entitlement process. The proposed zone text changes –

- 1) Modify the time limit for entitlement permit(s) and extensions;
- 2) Limit the number of allowed extensions for entitlement permit(s); and
- 3) Create a time limit for major amendment(s) to approved projects.

**Entitlement Process Today**

Currently, entitlement permits are valid for two years. Projects that need more time to become vested (i.e. begin construction) may apply for an extension of up to two additional years. There is currently no limit to the number of extensions a project may request for entitlement permits. Hence, there is no maximum time limit for entitlement permits. This has resulted in some entitled projects remaining on the “planning books” for many years with no sign of development.

Entitled but significantly delayed projects can:

- Distort the environmental analysis for other projects seeking entitlement permits, which must account for entitled (but unbuilt) projects in their environmental impact analysis and growth projections;
- Result in mitigation measures for approved projects that are out of sync with the project impacts when construction finally begins;
- Artificially inflate land values in the area, which can deter future development opportunities;
- Allow vacant land to remain undeveloped, which can contribute to blight; and
- Increase the possibility that projects will not meet current code standards when built, defeating the City's regulatory goals.

Under the current Zoning Ordinance, applicants may apply for major changes (i.e. amendments) to approved projects, further extending the entitlement permit period. Currently, there is no limit to the number of major changes that an approved project may request. This policy can result in projects that change many times, such that the original project relates little to the built project.

The community has expressed an interest in a more predictable entitlement process with clear standards that can be applied consistently to all projects for a transparent approval process.

### **Proposed Changes**

To improve the entitlement process, staff proposes a series of related text changes to the Zoning Ordinance, which will -

- a) Increase the initial time period for entitlement permits from two years to three years to accommodate common construction problems and/or finance issues that may delay the start date of a project;
- b) Reduce the extension period from two (2) years to one (1) year;
- c) Cap the number of extensions to two per project;
- d) Eliminate the 30-day advance notification requirement for extension requests;
- e) Limit the extension period for major changes to approved projects to one (1) year; and
- f) Require applicants to submit requests for major changes to an approved project within the initial three-year entitlement permit period.

Hence, under the proposed conditions, a project without major changes must be vested (i.e. under construction) within five (5) years from the entitlement approval date. A maximum of six (6) years is only applicable for projects with a major change approved within the initial time period. The formula below outlines the proposed maximum time limit.

**Initial Permit (3yrs) + Major Change (1yr) + Extension #1 (1yr) + Extension #2 (1yr)  
= 6 years total**

If a project is not vested within this timeframe, the project will be required to apply for new entitlements permits. A new permit application would: a) trigger new fees, b) require a new project review to evaluate and update project features, impacts, and mitigation measures, and c) be subject to any changes to the Zoning Ordinance as of the re-application date.

The changes (summarized in a table below) would bring the City's entitlement permit time limits in line with those of other cities in the Southern California area. Five years for entitlement permits would be on the more "flexible" side of the spectrum as compared to surrounding cities, which give three to five years, on average (see Attachment D).

*Table 1: Summary of Changes to Entitlement Permit Time Limits & Extensions*

	<b>Existing Time Limits in West Hollywood</b>	<b>Proposed Time Limits in West Hollywood</b>
Initial Entitlement Period	2 years	3 years
Extension Period	2 years per extension	1 year per extension
Number of Allowed Permit Extensions	Unlimited	2 extensions
Total Time Period	Unlimited	5 years*
* <i>Projects with an approved major change may receive one additional year if submitted during the initial permit time period (creating a maximum of 6 years, including extensions).</i>		

In addition, staff recommends two (2) one-year extensions, and to suspend or "toll" the permit period while extensions are being processed. The Director would have the authority to grant the first extension. The second extension request would go to the original review body for approval.

**How This Applies to Ongoing Projects**

As of the effective date of the attached ordinance, ongoing projects that are within first two years of entitlement permits would be granted an additional year to their initial entitlement to be consistent with the proposed three-year initial entitlement period. Should these projects need more time to start construction, they could apply for up to two (2) one-year extensions. Ongoing projects that have at least one extension would be allowed to request one (1) additional extension. The terms described above assure that existing projects do not receive less time than future projects under the proposed changes.

If the City Council approves the zone text changes discussed herein, the City will notify all applicants with ongoing projects in writing about the changes to entitlement permit time limits. In addition, the City will create a handout to be available on the City website, the Planning counter, and the Chamber of Commerce, which clearly outlines the changes to time limits and extensions for entitlement permits.

**Exceptions to Time Limits**

Approved projects with Development Agreements (legal documents between the City and the developer) would not be subject to the proposed changes to entitlement permit

limits as the terms of the Development Agreement dictate the length of the entitlement period. Where state law provides for a longer entitlement period than the City's standard (such as subdivision map extensions), the state law will govern the permit time limit. Should the City of West Hollywood experience an economic downturn, natural disaster, or other event that significantly impacts development opportunities, the City may choose to grant a temporary entitlement permit extension to approved projects to protect existing entitlements. For example, the City of Los Angeles granted permit extensions to projects approved during the Great Recession.

### **Planning Commission Input**

The proposed zone text amendments were discussed by the Long-Range Planning Subcommittee on February 19, 2015 and April 2, 2015 and by the full commission at a public hearing on April 16, 2015. The Commissioners voted 6:1 to recommend approval; (Commissioner Lightfoot voting no). Staff made minor clarifications to the zone text changes since the Planning Commission to strengthen the intent of the proposed changes.

### **Public Comment & Correspondence**

Staff presented the proposed changes to the West Hollywood Chamber of Commerce Board meeting on February 17, 2015 and the Government Affairs Committee on March 10, 2015, as well as a special meeting on April 1, 2015. The members were generally supportive of the proposed changes and requested multiple extensions (rather than the one one-year extension, which was originally suggested by staff). They also advocated for the Director to have the authority to approve extensions to streamline the approval process, and stated an interest in a "catch all" clause to allow additional extensions for extenuating circumstances and would like a tolling period for permits while any extensions are being considered. Based on these discussions, staff modified the proposed text changes to recommend two (2) one-year extensions and suspend or "toll" the permit period while extensions are being processed. The Director would have the authority to grant the first extension. The second extension request would go to the original review body for approval.

At the Planning Commission hearing on April 16, 2015, there were two public comments in support of a longer extension period (i.e. 18 months rather than one year).

### **Public Notice**

A legal notice for the City Council meeting was published on July 9, 2015 in the Beverly Press and West Hollywood Independent; notices were mailed to all West Hollywood Neighborhood Watch groups on July 10, 2015 and posted in City Hall, Channel 6, and the City website.

### **California Environmental Quality Act (CEQA)**

The zone text changes are Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061 and 15321. Section 15061 states that CEQA applies only to projects which 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. Section 15321 explains that “actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issues, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard or objective, administered or adopted by the regulatory agency” are categorically exempt. The zone text changes are categorically exempt as they are procedural in nature and reduce the amount of time that a permit may be active.

CONFORMANCE WITH VISION 2020 AND GOALS OF THE GENERAL PLAN:

This item is consistent with the Vision 2020 Primary Strategic Goal:

- **Institutional Integrity.**

This item is also consistent with the following *Goals of the West Hollywood General Plan*:

- **G-2: Maintain transparency and integrity in West Hollywood’s decision-making process.**
- **LU-1: Maintain an urban form and land use pattern than enhances quality of life and meets the community’s vision for its future.**

The text changes in this amendment will create a more orderly and transparent entitlement process that assures approved projects are built within a reasonable timeframe to comply with city goals and standards.

EVALUATION

Planning Staff will continue to monitor and review the Zoning Ordinance to determine if further clarification is needed.

ENVIRONMENTAL SUSTAINABILITY AND HEALTH

N/A

OFFICE OF PRIMARY RESPONSIBILITY

Community Development Department

FISCAL IMPACT

None

ATTACHMENTS

A. Ordinance CC No. 15-\_\_\_\_\_

- B. April 16, 2015 Planning Commission Staff Report
- C. Planning Commission Resolution (signed)
- D. Comparison Table of Entitlement Permit Time Limits in Other Cities

ORDINANCE NO. 15-\_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING AN AMENDMENT TO THE ZONING ORDINANCE TO MODIFY ENTITLEMENT PERMIT TIME LIMITS AND EXTENSIONS.

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 modify entitlement permit time limits and extensions.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of April 16, 2015 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, required state and local agencies, and the City website and by announcement on City Channel 6 by April 2, 2015. On April 16, 2015, the Planning Commission voted to adopt Resolution PC 15-1123 and recommend approval of the zone text changes discussed herein.

SECTION 3. The West Hollywood City Council properly reviewed and considered this matter at a public hearing on July 20, 2015. Public Notice of the hearing was advertised by publication in the West Hollywood Independent and Beverly Press on July 9, 2015, and by announcement on City Channel 6, as well as the City website and City Hall on July 10, 2015. Notices were mailed to all West Hollywood Neighborhood Watch groups on July 10, 2015.

SECTION 4. This proposed text changes to the City's Municipal Code are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 and 15321. Section 15061 states that CEQA applies only to projects which 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. Section 15321 explains that "actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issues, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard or objective, administered or adopted by the regulatory agency" are categorically exempt. The zone text changes are categorically exempt as they are procedural in nature and reduce the amount of time that a permit may be active.

SECTION 5. The West Hollywood City Council hereby finds that Zone Text Amendment 2015-0001 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." A more clear Zoning Code will help the City meet these goals. In addition, limits to permit extensions helps assure that approved projects are not significantly extended

such that when built they are inconsistent with updated City codes and goals.

SECTION 6. Subsection 19.62.030.A of Section 19.62.030 in Chapter 19.62 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

*A. Permit Time Limits.* To ensure continued compliance with the provisions of this chapter, each approved permit or entitlement shall expire three years from its effective date set by Section 19.62.020, or other date specified in the permit or entitlement, if the use has not been established on the site. These time limits do not apply to temporary use or special event permits, which shall specify their effective date within the approved permit. Time extensions may be granted in compliance with subsection (C), below. The remaining time left on the permit shall also be tolled from the time that an extension request is submitted until the review authority makes a final decision on the request.

If the use authorized by a permit or entitlement has not been established within the required time, and a time extension is not granted, the permit or entitlement shall be deemed void. These time limits shall be tolled while any action, claim or proceeding to attack, set aside or void a permit is pending before any court of law. A case is "pending" from the day the action, claim or proceeding is filed with any court until the court enters its ultimate disposition of the case, such as entry of an order, judgment or final decision, or issuance of remittitur, whichever action occurs last.

SECTION 7. Subsection 19.62.030.C of Section 19.62.030 in Chapter 19.62 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

*C. Extensions of Time.*

1. The applicant may request an extension of the permit expiration date by filing a written request for an extension before the expiration of the permit or entitlement, together with the filing fee required by the city's Fee Resolution. The permittee has the burden of proof to establish, with substantial evidence, the justification for extension of the permit or entitlement.

2. The review authority may grant an extension for a period of time that is deemed commensurate with the justification for the extension presented by the applicant, but in no event for more than one (1) year per extension.

3. No more than two (2) extensions shall be granted per permit or entitlement and the maximum time period for an approved permit or entitlement shall not exceed five (5) years.

4. Notwithstanding subsection (C)3, above, the review authority may extend the permit expiration date for one (1) additional year as part of a major change to an approved project (see Section 19.62.070) for a maximum time period of six (6) years. A major change request shall be submitted before a permit's original expiration date, and not during any periods of extension (see Section 19.62.030.A).



5. Minor changes to an approved project are not eligible for the additional one(1) year extension authorized under (C)4 above.

SECTION 8. Section 19.62.070 in Chapter 19.62 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

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 Director. Major changes shall be approved, modified or denied by the original review authority.

B. The Director shall determine whether a proposed change is major or minor. The determination that the change is major depends on whether the proposal may result in:

1. Significant impacts to the surrounding neighborhood;
2. Significant environmental impacts;
3. A change to the approved use or a significant change to project design;
4. A change to the basis on which the environmental determination for the project was made; or
5. A change to the basis upon which the review authority made the findings for approval of the project.

A major change request shall be processed in the same manner as the original permit or entitlement. See Section 19.62.030.C for extensions of time, which may be approved for major change(s) to an approved project.

SECTION 9. Notwithstanding the provisions in Section 19.62.030.C, the following rules apply to projects approved before adoption of this ordinance. The applicant may request one (1) two-year time extension for permits that were issued two years prior to [insert ordinance effective date], provided that in no event shall the permit time limit exceed five (5) years total. Permits approved prior to [insert ordinance effective date] that have already received one or more extensions may request one (1) additional one-year extension.

SECTION 10. The City Clerk is directed to insert the effective date of this ordinance into Section 9 above.

PASSED, APPROVED, AND ADOPTED by the West Hollywood City Council at a regular meeting held this 20<sup>th</sup> day of July, 2015, by the following vote:

AYES:            Councilmember:  
NOES:            Councilmember:  
ABSENT:        Councilmember:

ABSTAIN: Councilmember:

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LINDSEY HORVATH, MAYOR

ATTEST:

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City Clerk

SUBJECT: ZONE TEXT AMENDMENTS REGARDING ENTITLEMENT  
PERMIT TIME LIMITS, EXTENSIONS, & AMENDMENTS

INITIATED BY: DEPARTMENT OF COMMUNITY DEVELOPMENT  
(Stephanie DeWolfe, AICP, Director)  
(John Keho, AICP, Assistant Director)  
(Bianca Siegl, Long Range & Mobility Planning Manager)  
(Georgia Sheridan, AICP, Senior Planner)

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### STATEMENT ON THE SUBJECT

The Planning Commission will hold a public hearing to consider text changes to the Zoning Ordinance related to entitlement permit time limits, extensions, and amendments to approved projects.

### RECOMMENDATION

Staff recommends that the Planning Commission hold the public hearing, consider all pertinent testimony, and adopt the following:

- 1) Draft Resolution No. PC 15-1123: **“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT 2015-002 TO MODIFY ENTITLEMENT PERMIT TIME LIMITS AND EXTENSIONS, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA.”** (EXHIBIT A)

### BACKGROUND

The following text changes in this amendment will create a more orderly and consistent Zoning Ordinance and improve the entitlement process. The proposed zone text changes –

- 1) Modify the time limit for entitlement permit(s) and extensions;
- 2) Limit the number of allowed extensions for entitlement permit(s); and
- 3) Modify the time limit for major amendment(s) to approved projects.

#### *Entitlement Process Today*

Currently, entitlement permits are valid for two years. Projects that need more time to begin construction and become vested may apply for an extension of up to two additional years. There are currently no limits to the number of extensions that applicants may request for entitlement permits. Hence, there is no explicit time limit for entitlement permits. This has resulted in some entitled projects remaining on the “planning books” for many years with no sign of beginning construction and developing the approved project. Entitled but significantly delayed projects can:

- Distort the environmental analysis for other projects seeking entitlements, which must account for entitled (but unbuilt) projects in their environmental impact analysis and growth projections;
- Result in mitigation measures for approved projects that are out of sync with the project's impacts when construction finally begins;
- Artificially inflate land values in the area, which may deter future development opportunities;
- Allow vacant land to remain undeveloped, which can contribute to blight; and
- Increase the possibility that projects will not meet current code standards when built, defeating the City's regulatory goals.

In addition to requesting permit extensions, under the current Zoning Ordinance, applicants may apply for major amendments to approved projects, further extending the entitlement permit period. Currently, there is no limit to the number of major changes that an approved project may request through amendments to approved projects. This standard can result in approved projects that change significantly over time, such that the final project does not relate to the original project that was approved by the City's decision-making bodies. The community has expressed an interest in a more predictable entitlement process with clear standards that can be applied consistently to all projects for a transparent approval process.

*Proposed changes*

To improve the entitlement process, staff proposes a series of related text changes to the Zoning Ordinance, which will –

- a) Increase the initial time period for entitlement permits from two years to three years to reduce time, resources and paperwork related to extension requests to accommodate common construction problems and/or finance issues that may delay the start date of a project;
- b) Provide more time for applicants to request an extension by eliminating the 30-day advance notification requirement;
- c) Limit the number of extensions for entitlement permits to two (2) one-year extensions;
- d) Require major amendments to be filed within the initial three year entitlement permit period; and
- e) Limit the extension period for major amendments to approved projects to one (1) year; (currently, there is no clear time limit for major amendments in the Zoning Ordinance).

Hence, if an approved project is not vested (i.e. under construction) with a maximum of six (6) years from the entitlement approval date (including any extensions and/or amendments), the project will be required to apply for new entitlements permits. A new permit application would trigger new fees and a formal project review to evaluate and update project features, impacts, and mitigation measures, and would be subject to any changes to the Zoning Ordinance as of the re-application date.

The changes (summarized in a table below) would bring the City's entitlement permit time limits and extensions in line with the time limits of other cities in the Southern California area (see Exhibit B). In total, the proposed changes would provide a maximum of six years for entitlement permits to become vested, which is on the lenient end of the spectrum for surrounding cities.

*Table 1: Summary of Changes to Entitlement Permit Time Limits & Extensions*

	<b>Time Limits per Current Zoning Ordinance</b>	<b>Proposed Time Limits</b>
Initial Entitlement Period	2 years	3 years
Entitlement Permit Extension Period	2 years	1 year
Number of Allowed Permit Extensions	Unlimited	2 extensions
Major Amendment to Approved Project	Not clearly defined	1 year (must be requested during initial entitlement period)

*How This Applies to Ongoing Projects*

Current projects that are within their initial two-year entitlement period would be allowed to apply for an extension so that their entitlement permit time limit is consistent with the proposed three-year entitlement period. Current projects that have an entitlement extension would be allowed to request one additional extension. The extensions for ongoing projects would assure that approved entitlement permits do not receive less time than projects under the proposed zone text changes.

*Exceptions to Time Limits*

Approved projects with Development Agreements (legal documents between the City and the developer) will not be subject to the standard entitlement permit limits as the terms of the Development Agreement dictate the length of the entitlement period. Where state law provides for a longer entitlement period than the City's standard (such as subdivision map extensions), the state law will govern the permit time limit. Should the City of West Hollywood experience an economic downturn, earthquake, or some over event that significantly impacts development opportunities, the City may choose to grant a temporary entitlement permit extension to approved projects to protect entitlements. For example, the City of Los Angeles granted permit extensions to projects approved during the Great Recession.

Public Notice

A legal notice was published in the Beverly Press and West Hollywood Independent on April 2, 2015. In addition to the noticing required by the Municipal Code, the Planning Division noticed all of the West Hollywood neighborhood groups on April 2, 2015.

California Environmental Quality Act (CEQA)

The miscellaneous cleanup items clarifying existing language in the Zoning Ordinance are Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061 and 15321. Section 15061 states that CEQA applies only to projects which 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. Section 15321 explains that “actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issues, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard or objective, administered or adopted by the regulatory agency” are categorically exempt. The zone text changes are categorically exempt as they are primarily procedural and do not authorize any changes to the physical environment.

#### Planning Commission Long-Range Planning Subcommittee

The proposed zone text amendments were discussed by the Long-Range Planning Subcommittee on February 19, 2014. The Commissioners were supportive of the zone text changes.

#### Public Comment & Correspondence

Staff presented the proposed changes to the West Hollywood Chamber of Commerce Board meeting on February 17, 2015 and the Government Affairs Committee on March 10, 2015, as well as a special meeting on April 1, 2015. The members were generally supportive of the proposed changes and requested multiple extensions (rather than the one one-year extension, which was originally suggested by staff). They also advocated for the Director to have the authority to approve extensions to streamline the approval process, and stated an interest in a “catch all” clause to allow additional extensions for extenuating circumstances and would like a tolling period for permits while any extensions are being considered. Based on these discussions, staff modified the proposed text changes to recommend two (2) one-year extensions. The Director would have the authority to grant the first extension. The second extension request would go to the original review body for approval. Staff will work with the City Attorney on assuring that entitlement permits are not stopped and remain valid while extension requests are pending.

#### **EXHIBITS**

- A. Draft Resolution No. PC 15-1123
- B. Entitlement Permit Time Limits in Other Cities

## **RESOLUTION NO. PC 15-1123**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT 2015- 002 TO MODIFY ENTITLEMENT PERMIT TIME LIMITS AND EXTENSIONS, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA.**

The Planning Commission for 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 modify entitlement permit time limits and extensions.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of April 16, 2015 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, required state and local agencies, and the City website and by announcement on City Channel 6 by April 2, 2015.

SECTION 3. This proposed text changes to the City's Municipal Code are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 and 15321. Section 15061 states that CEQA applies only to projects which 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. Section 15321 explains that "actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issues, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard or objective, administered or adopted by the regulatory agency" are categorically exempt. The zone text changes are categorically exempt as they are procedural in nature.

SECTION 4. The Planning Commission of the City of West Hollywood hereby finds that Zone Text Amendment 2015-0002 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." A more clear Zoning Code will help the City meet these goals. In addition, limits to permit extensions helps assure that approved projects are not significantly extended such that when built they are inconsistent with updated City codes and goals.

SECTION 5. Based on the foregoing, the Planning Commission of the City of West Hollywood hereby recommends approval to the City Council of Zoning Text Amendment 2015-0002, 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 16<sup>th</sup> day of April, 2015 by the following vote:

AYES: Commissioner: Buckner, DeLuccio, Shink, Yeber, Vice-Chair  
Altschul, Chair Huebner.

NOES: Commissioner: Lighfoot.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: None.

  
\_\_\_\_\_  
ROY HUEBNER, CHAIRPERSON

ATTEST:

  
\_\_\_\_\_  
BIANCA SIEGL, PLANNING MANAGER  
LONG RANGE AND MOBILITY PLANNING

*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 15-0002 WEST HOLLYWOOD MUNICIPAL CODE SECTIONS TO BE MODIFIED

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

**Section 1.** Subsections 19.62.030.A and 19.62.030.C of Section 19.62.030 in Chapter 19.62 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

### **19.62.030 Permit Time Limits and Extensions.**

A. *Permit Time Limits.* To ensure continued compliance with the provisions of this chapter, each approved permit or entitlement shall expire ~~two~~ three years from its effective date set by Section 19.62.020, or other date specified in the permit or entitlement, if the use has not been established on the site. These time limits do not apply to temporary use or special event permits, which shall specify their effective date within the approved permit. Time extensions may be granted in compliance with subsection (C), below. The remaining time left on the permit shall also be tolled from the time that an extension request is submitted until the review authority makes a final decision on the request.

If the use authorized by a permit or entitlement has not been established within the required time, and a time extension is not granted, the permit or entitlement shall be deemed void. These time limits shall be tolled while any action, claim or proceeding to attack, set aside or void a permit is pending before any court of law. A case is "pending" from the day the action, claim or proceeding is filed with any court until the court enters its ultimate disposition of the case, such as entry of an order, judgment or final decision, or issuance of remittitur, whichever action occurs last.

...

C. *Extensions of Time.* The applicant may request ~~an~~ no more than two extensions of the permit expiration date by filing a written request for an extension ~~no later than thirty days~~ before the expiration of the permit or entitlement, together with the filing fee required by the city's Fee Resolution. The permittee has the burden of proof to establish, with substantial evidence, the justification for extension of the permit or entitlement. The review authority may grant an extension for a period of time that is deemed commensurate with the justification for the extension presented by the applicant, but in no event for more than ~~two~~ one (1) year per extensions, ~~unless conditions of approval authorize longer extensions.~~

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**Section 2.** Section 19.62.070 in Chapter 19.62 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

**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 Director. Major changes shall be approved, modified or denied by the original review authority.

B. The Director shall determine whether a proposed change is major or minor. The determination that the change is major depends on whether the proposal may result in:

1. Significant impacts to the surrounding neighborhood;
2. Significant environmental impacts;
3. A change to the approved use or a significant change to project design;
4. A change to the basis on which the environmental determination for the project was made; or
5. A change to the basis upon which the review authority made the findings for approval of the project.

A major change request shall be processed in the same manner as the original permit or entitlement and shall be submitted before a permit's original expiration date, and not during any periods of extension (see Section 19.62.030.A). Notwithstanding 19.62.030.C, upon approval of a major change request, the review authority may extend the permit expiration date for one (1) additional year for the major change, provided that the total permit period shall not exceed six (6) years total, including any approved extensions.

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**Section 3.** Notwithstanding the provisions in Section 19.62.030.C, the following rules apply to projects approved before adoption of this ordinance. The applicant may request one (1) two-year time extension for permits that were issued two years prior to [insert ordinance effective date], provided that in no event shall the permit time limit exceed five (5) years total. Permits approved prior to [insert ordinance effective date] that have already received one or more extensions may request one (1) additional one-year extension.

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**Comparison of Entitlement Permit Time Limits and Extensions**

<b>City</b>	<b>Initial Period (Years)</b>	<b>Extension Period (Years)</b>	<b># of Extensions</b>	<b>Total Period (Years)</b>	<b>Code Section</b>
<b>West Hollywood</b>	2	2	Unlimited	Unlimited	19.62.030 Permit Time Limits and Extensions.
<b>Santa Monica</b>	2 or 2.5 for Coastal Zone; 3 for 100% Affordable Hsg or 3.5 for Coastal Zone	1 for Residential; 0.5 for Non Residential	1	3	9.04.06.020 Vested right.
<b>Glendale</b>	2	1	0	3	Chapter 30.41 Permit Implementation, Time Limits and Extensions
<b>Culver City</b>	1	1		2	17.595.015 Effective Date of Permits or Entitlements
<b>Beverly Hills</b>	3	1	2	5	10-3-207 Time of Exercise of Rights
<b>Pasadena</b>	2 for RS District; 3 for Other	1	1 for RS District; 2 for Other Districts	3-5	17.64.040 Time Limits and Extensions
<b>City of Los Angeles</b>	3 years* *Extended during recession	tbd	tbd	6	Ordinance No. 182106