

ORDINANCE NO. 15-957

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.

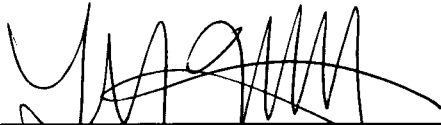
SECTION 9. Notwithstanding the provisions in Section 19.62.030.C, the following rules apply to projects approved before adoption of this ordinance. The applicant may request one (1) two-year time extension for permits that were

issued two years prior to September 2, 2015, 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 City Council of the City of West Hollywood at a regular meeting held this 3rd day of August, 2015 by the following vote:

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



LINDSEY HORVATH, 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. 15-957 was duly passed, approved and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 3rd day of August 2015, after having its first reading at the regular meeting of said City Council on the 20th day of July 2015.

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 4th DAY OF AUGUST 2015.



YVONNE QUARKER, CITY CLERK