

ORDINANCE NO. 18-1043

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING A ZONE TEXT AMENDMENT TO TITLE 19, ZONING ORDINANCE, TO AMEND REVIEW AUTHORITY AND REQUIREMENTS FOR ALL NEW OR EXPANDED OUTDOOR DINING AREAS OR SIMILAR OUTDOOR COMMERCIAL USES ABOVE THE GROUND FLOOR OF A STRUCTURE, CITYWIDE, IN THE CITY OF WEST HOLLYWOOD, CALIFORNIA.

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

SECTION 1. At the City Council meeting of November 2, 2015, the West Hollywood Council directed the Community Development Department (now the Planning and Development Services Department) to draft a Zone Text Amendment to modify the requirements for new rooftop activity or the intensification of a rooftop and terrace use in commercial zones.

SECTION 2. The City of West Hollywood initiated amendments to the Zoning Ordinance, Article 19 of the Municipal Code to require new or expanded outdoor dining areas or similar outdoor commercial uses above the ground floor be subject to administrative permit approval by the Director of the Planning & Development Services Department.

SECTION 3. A public hearing was duly noticed for the Planning Commission meeting of May 4, 2017 the Planning Commission recommended approval of the changes to the City Council on May 4, 2017.

SECTION 4. A public hearing was duly noticed for the City Council meeting of June 19, 2017. The City Council directed staff to draft an Ordinance that reflects the comments made by the Council and have the item go back to the Planning Commission for review before coming back to the Council for final approval.

SECTION 5. A public hearing was duly noticed for the Planning Commission meeting of August 16, 2018, where the Planning Commission directed staff to recommend approval of the previously approved May 4, 2017 Planning Commission resolution requiring that all above ground outdoor commercial uses be processed as a Development Permit to be acted upon by the Planning Commission. A resolution reflecting these revisions was approved by the Planning Commission on September 6, 2018.

SECTION 6. A public hearing was duly noticed for the City Council regular meeting of October 1, 2018 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 by September 20, 2018. The City Council held a public hearing on October 1, 2018.

SECTION 7. The zone text changes are 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 amendments will have a significant effect on the environment since the changes pertain only to the procedures by which certain land uses are reviewed and approved. This ordinance does not change the numbers of establishments where outdoor dining is permitted or result in physical changes to the environment.

SECTION 8. The City Council of the City of West Hollywood hereby finds that Zone Text Amendment 17-0001 is consistent with the Goals and Policies of the General Plan, specifically Goal LU-1, which calls for maintaining an urban form and land use pattern that enhances quality of life and meets the community's vision for its future. This action implements General Plan 2035 by providing improved regulation for outdoor dining, and does not impede the City's ability to meet its other General Plan Goals and Policies.

SECTION 9. Paragraph A of Section 19.36.210 of Chapter 19.36 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

A. *Review Requirement.* An outdoor dining or seating area for restaurants or other establishments with a public eating license shall require approval of an administrative permit (Chapter 19.44) when located on the ground floor. See Section 19.36.240 for regulations pertaining to outdoor dining areas located above the ground floor. The outdoor dining area shall be developed in compliance with an approved site plan which indicates the maximum seating capacity for the outdoor dining area. See also Chapter 11.28 of the West Hollywood Municipal Code, "Outdoor Dining on Public Right of Way."

SECTION 10. A new section 19.36.240 of Chapter 19.36 of Title 19 of the West Hollywood Municipal Code is added to read as follows:

19.36.240 Outdoor Commercial Uses Above the Ground Floor

A. *Review Requirement.* New or expanded (including expanded hours of operation) for an outdoor dining or seating area for commercial uses including, but not limited to restaurants, nightclubs/bars, cannabis consumption areas, banquet facilities, exercise classes, or other similar outdoor uses as determined by the Director located above the