

PLANNING COMMISSION
LONG RANGE PLANNING PROJECTS SUBCOMMITTEE

NOVEMBER 15, 2018

SUBJECT: ZONE TEXT AMENDMENT: DWELLING UNIT AND HOTEL
CLARIFICATION

PREPARED BY: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
(Rachel Dimond, AICP, Senior Planner)

The City is bringing forward a Zone Text Amendment (ZTA) to clarify the definition of dwelling unit, hotel, and long-term, among other definitions. The ZTA is in direct response to a Zoning Interpretation issued by the Director on November 29, 2017 (see Zoning Interpretation 17-0001 in Attachment B) related to the 8500 Sunset Boulevard AKA West Hollywood Project. The Zoning Interpretation was appealed to the Planning Commission, and on April 19, 2018, the Planning Commission upheld the Zoning Interpretation. The Planning Commission decision was then appealed, and the City Council upheld the Planning Commission's decision on September 4, 2018.

Among many other project specific findings, the Director made the following findings and determinations in that Interpretation:

1. *WHMC section 19.90.020 defines "Dwelling Unit" as "a room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis."*
2. *WHMC does not expressly define "long-term basis".*
3. *"Long-term basis" means one (1) year or more.*

The proposed zone text amendment establishes the residency requirements for dwelling units whose rights vested on or after May 1, 2001. May 1, 2001 is the effective date of Ordinance 01-594, which completely overhauled the Zoning Ordinance and included the most recent definition of dwelling unit. Rights are considered vested when a building had a foundation and framing in place. Staff will conduct extensive research to develop a list of buildings within the City whose rights vested before May 1, 2001.

Proposed Zone Text Amendment Language:
(additions in underline; deletions in ~~strikethrough~~.)

19.26.320: Residential Uses- Dwelling Units:

Dwelling units shall be occupied by or intended for one household by the owner, or by a tenant for an initial lease term of at least one year, as evidenced by a written rental or lease agreement. This provision applies to all dwelling units that first obtained vested rights on or after May 1, 2001. For the purposes of this provision, rights are considered vested when a building had a foundation and framing in place, as determined by the Director. Dwelling units with vested rights prior to May 1, 2001 are deemed legally nonconforming with respect to this provision.

Home sharing, as authorized by Section 5.66 of the West Hollywood Business License Ordinance, may be permitted.

19.48.060 Conditions of Approval.

A. In approving a development permit for a project containing dwelling units, the review authority shall ensure that the permit contains the following condition:

1. Dwelling units within the city are intended for long-term occupancy by the owner, or by a tenant for an initial lease term of at least one year, as evidenced by a written rental or lease agreement, as further regulated by 19.26.320 and as reflected by the definition of dwelling unit in Section 19.90.020. As such, no A part of any dwelling unit in the project may shall not be used as corporate housing, as defined in Section 19.90.020, or short-term vacation rental, as prescribed by Section 19.36.311. This condition is independent of the city's ban on short-term rentals and corporate housing, which also applies to all dwelling units in the city.

19.90.020 Definitions of Specialized Terms and Phrases.

Corporate Housing. The ~~temporary~~ occupancy of any dwelling unit, by any person: ~~(1) who does not intend to use it as their domicile, or who has not entered into an initial written rental or lease agreement to occupy the unit for at least one year; and (2) for which the dwelling unit is owned, leased, guaranteed or made available by a business entity for occupancy by the entity's officers, employees, consultants, vendors, or contractors.~~

Domicile. ~~As defined in California Elections Code Section 349, "That place in which his or her~~ an individual's habitation is fixed, wherein the individual person has the intention of remaining, and to which, whenever such individual ~~he or she~~ is absent, the individual person has the intention of returning. At a given time, an individual person may have only one domicile."~~—~~

Dwelling, Dwelling Unit, or Housing Unit. A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household ~~on a long-term basis~~ by the owner, or by a tenant for an initial lease

term of at least one year, as evidenced by a written rental or lease agreement, and as further regulated by 19.26.320. Home sharing in accordance with Chapter 5.66 of the West Hollywood Business License Code, may be permitted.

Hotel. A facility with guest rooms or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other ~~temporary~~ lodging not serving as or intended to be the guest's domicile, typically less than 30 days. Also may include accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, meeting facilities, etc.

19.36.331 ~~Short-Term~~ Vacation Rentals.

A. Rental Prohibited. No person or entity shall offer, facilitate an offer, or provide a dwelling unit, or any portion thereof, for rent for 30 consecutive calendar days or less to any transient.

B. Advertisement. No person or entity shall maintain any advertisement of a rental prohibited by this section.

C. Exception. This section shall not apply to home sharing that takes place in accordance with Chapter 5.66 of the West Hollywood Business License Code.