

ORDINANCE NO. 18-1048

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING A ZONE TEXT AMENDMENT TO TITLE 19, ZONING ORDINANCE, TO SEPARATE THE TEMPORARY USE PERMIT REGULATIONS FROM SPECIAL EVENT PERMIT REGULATIONS, AND TO AMEND REQUIREMENTS FOR SPECIAL EVENT PERMITTING, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA.

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

SECTION 1. The City of West Hollywood initiated an amendment to the Zoning Ordinance, Article 19 of the Municipal Code, to amend regulations that govern special event permits. The proposed amendments will streamline the review and approval process, make the text more intuitive, bring consistency to the maximum number of special event permits allowed per calendar year, outline the number of days allowed per special event permit, clarify permit types, and move the review authority from the Human Services Director to the Economic Development Director.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of October 4, 2018 by publication in the Beverly Press newspaper and the West Hollywood Independent Newspaper on September 20, 2018, required state and local agencies, the City website and by announcement on City Channel 6 by September 20, 2018. On October 10, 2018, the Planning Commission recommended approval of the subject zone text amendments to the City Council.

SECTION 3. A public hearing was duly noticed for the City Council meeting of November 5, 2018 by publication in the Beverly Press newspaper and the West Hollywood Independent Newspaper, required state and local agencies, the City website and by announcement on City Channel 6 by October 25, 2018.

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 amendments will have a significant effect on the environment since the changes to the ordinance are procedural in nature thus would not change the physical environment and would affect only the procedures involved with reviewing and approving special event permit applications and moving existing administrative responsibility from one city department to another.

SECTION 5. The City Council of the City of West Hollywood hereby finds that Zone Text Amendment 18-0010 is consistent with the Goals and Policies of the General Plan, specifically Policy G-3, which states that the City should “provide excellent customer service, including utilization of emerging technologies,” Policy LU-3, which states “Allow for public and private institutional uses throughout the City that are compatible with and complement adjacent land uses,” Policy ED-1, which states “Maintain a diverse and resilient economy,” Policy ED-5, which states “Maintain West Hollywood’s status as a regional hub and innovator in the fashion, arts and design sector, Policy ED-7, which states “Enhance the City as a regional, national and international destination for the entertainment, nightlife, dining and retail industries that are key to West Hollywood’s fiscal health,” Policy SN-6, which states, “Maintain adequate levels of law enforcement, fire protection and emergency medical services.” The proposed zone text amendment will help achieve these policies because it represents a shift toward special event regulation that is intuitive and flexible for businesses while maintaining the City’s ability to fulfill its primary responsibility of ensuring the safety and welfare of businesses and residents. The proposed zone text amendment does not impede the ability to meet other General Plan goals and policies.

SECTION 6. Note 3 in Table 4-1 of Section 19.40.020 of Chapter 19.40 of Title 19 is amended to read as follows:

(3) Decisions on special event permits are by the Economic Development Director, appealed to the City Manager, and then to the Council.

SECTION 7. Chapter 19.54 of Title 19 of the West Hollywood Municipal Code is amended in its entirety to read as follows:

Chapter 19.54 Temporary Use Permits

19.54.010 Purpose.

This chapter provides a process for reviewing proposed temporary uses to ensure that basic health, safety, and community welfare standards are met, while approving suitable temporary uses with the minimum necessary conditions or limitations consistent with the temporary nature of the activity. A temporary use permit allows short-term activities that might not meet the normal development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary nature. However, these activities should be regulated to avoid incompatibility between the proposed activity and surrounding areas.

19.54.020 Applicability.

- A. Permit Requirement. A temporary use permit approved by the applicable review authority shall be required for all uses identified in Section 19.54.030 (Allowed Temporary Uses), and shall be issued before the commencement of the activity.
- B. Exempt Activities. The following temporary uses are exempt from the requirement for a temporary use permit and other city approval. Uses other than the following shall comply with Section 19.54.030 (Allowed Temporary Uses).

1. On-site contractors' construction yards, in conjunction with an approved construction project. The permit shall expire upon completion of the construction project, or the expiration of the companion building permit, authorizing the construction project.
2. Emergency public health and safety activities.

19.54.030 Allowed Temporary Uses

The following temporary uses may be allowed, subject to the issuance of a temporary use permit by the applicable review authority. Uses other than the following shall comply with the use and development regulations and permit requirements that otherwise apply to the property, except uses that are exempt from the provisions of this chapter in compliance with Section 19.54.020 (Applicability).

A. Allowed Temporary Uses.

1. Construction Yards. Off-site contractors' construction yards, in conjunction with an approved construction project. The permit shall expire upon completion of the construction project, or the expiration of the companion building permit, authorizing the construction project.
2. Parking Lots on Commercially Zoned Property. A temporary parking lot on commercially zoned vacant property that is not being used for any other purpose, in compliance with Section 19.28.140 (Temporary Parking Lots).
3. Parking Lots on Residentially Zoned Property. A temporary parking lot on residentially zoned vacant property that is not being used for any other purpose, and where the site is in excess of one acre and immediately adjacent and accessible to a commercially zoned property, in compliance with Section 19.28.140 (Temporary Parking Lots).
4. Residence. A mobile home as a temporary residence of the property owner when a valid building permit for a new single-family dwelling is in force. The permit may be approved for up to one year, or upon expiration of the building permit, whichever first occurs.
5. Seasonal Sales Lots. Seasonal sales activities (for example, Halloween, Christmas) including temporary residence or security trailers, on non-residential properties and undeveloped residential properties on arterial streets. A permit shall not be required when the sales are at the site of an established commercial business holding a valid city business tax certificate as required. The sales activity may be approved for a maximum of thirty days.
6. Storage. Enclosed temporary storage, unrelated to a construction project, including a cargo container and sea-train. The use may be approved for a maximum of thirty days.
7. Temporary Real Estate Sales Offices. A temporary real estate sales office may be established within the area of an approved development project, solely for the first sale of homes. An application for a temporary real estate office may be approved for a maximum of one year.
8. Temporary Structures. A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved, for a maximum time period of eighteen months from the date of approval, as an accessory use or as the first phase of a development project.

9. Temporary Work Trailers. A trailer or mobile home as a temporary work site for employees of a business may be allowed:
 - a. During construction or remodeling of a permanent commercial or manufacturing structure, when a valid building permit is in force; or
 - b. Upon demonstration by the applicant that this temporary work site is a short-term necessity, while a permanent work site is being obtained.
 - c. The permit for the temporary trailer may be granted for up to one year.
10. Similar Temporary Uses. Similar temporary uses which, in the opinion of the review authority, are compatible with the zoning district and surrounding land uses.

19.54.040 Review Authority.

- A. Planning Commission Review. All requests for temporary parking lots (See Section 19.54.030, subsections (A)(2) and (A)(3)) shall require Commission approval and shall comply with Section 19.28.140 (Temporary Parking Lots).
- B. Director Review (Temporary Uses). The Director shall be responsible for the review and approval of all permits for temporary uses identified in Section 19.54.030(A) (Allowed Temporary Uses), and the extension of these permits, except for temporary parking lots in compliance with subsection (A), above.

19.54.050 Application Filing, Processing, and Review.

- A. Application Preparation and Filing.
 1. General Application Requirements. An application for a temporary use permit shall be prepared, filed, and processed in compliance with Chapter 19.40 (Application Filing and Processing). It is the responsibility of the applicant to establish evidence in support of the findings required by Section 19.54.060 (Findings and Decision – Temporary Use Permits), below.
- B. Time for Filing. A temporary use permit application shall be filed at least 14 days in advance of the proposed commencement of the use.
- C. Public Notice and Hearing. The type and extent of public notice provided to area residents shall be determined by the Director for temporary use permits, and the extensions of these permits. The applicant shall pay for all noticing costs.
- C. Additional Permits Required. Temporary uses may be subject to additional permits and other city approvals, licenses, and inspections required by applicable laws or regulations.

19.54.060 Findings and Decision – Temporary Use Permits.

- A temporary use permit may be approved, modified, or conditioned only if the review authority first finds that:
- A. The proposed temporary use is allowed within the applicable zoning district with the approval of a temporary use permit and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code; and
 - B. The proposed temporary use would not unduly impair the integrity and character of the zoning district in which it is located.

19.54.070 Conditions of Approval.

- A. In approving a temporary use permit, the review authority may impose reasonable and necessary specific design, locational, and operational conditions to ensure that:
1. The use is limited to a duration that is less than the maximum allowed duration, as determined appropriate by the review authority;
 2. The site is physically adequate for the type, density, and intensity of use being proposed, including provision of services (e.g., sanitation and water), public access, and the absence of physical constraints;
 3. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses on-site and in the vicinity of the subject property;
 4. The temporary use will be removed and the site restored as necessary to ensure that no changes to the site will limit the range of possible future land uses otherwise allowed by this Zoning Ordinance;
 5. Adequate temporary parking will be provided to accommodate the vehicle traffic generated by the temporary use either on-site or at alternate locations acceptable to the review authority;
 6. The use will comply with applicable provisions of other local, State, or Federal laws or regulations; and
 7. Any other pertinent factors affecting the operation of the temporary use will be addressed, including the following, to ensure the orderly and efficient operation of the proposed use, in compliance with the intent and purpose of this chapter.
- B. In addition to the Conditions allowed under subsection A above, Conditions may also require the provision of:
1. Sanitary and medical facilities;
 2. Security and safety measures;
 3. Solid waste collection and disposal.
- C. In addition to the Conditions allowed under subsections A and B above, Conditions may also regulate:
1. Nuisance factors including the prevention of glare or direct illumination of adjacent properties, dirt, dust, gasses, heat, noise, odors, smoke, or vibrations;
 2. Operating hours and days, including limitation of the duration of the use or event to a shorter time period than that requested;
 3. Temporary signs; and
 4. Temporary structures and facilities, including height, placement, and size, and the location of equipment and open spaces, including buffer areas and other yards.

19.54.080 Development and Operating Standards.

- A. General Standards. Standards for floor areas, heights, landscaping areas, off-street parking, setbacks, and other structure and property development standards that apply to the category of use or the zoning district of the subject parcel shall be used as a guide for determining the appropriate development standards for temporary uses. However, the review authority may authorize an adjustment from the specific requirements as deemed necessary and appropriate.
- B. Standards for Specific Temporary Activities. Specific temporary land use activities shall comply with the development standards identified in Article 19-3 (Site Planning

and General Development Standards), as applicable to the use, in addition to those identified in subsection (A), above, and Section 19.54.070 (Conditions of Approval).

19.54.090 Post-Approval Procedures.

The approval or denial of a temporary use permit may be appealed in compliance with Chapter 19.76 (Appeals). The procedures of Chapter 19.62 (Permit Implementation, Time Limits, and Extensions) shall apply after the approval of the permit.

- A. Condition of the Site Following a Temporary Use. Each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary activity on completion or removal of the activity, and shall thereafter be used in compliance with the provisions of this Zoning Ordinance.
- B. Revocation. A temporary use permit may be revoked or modified, with only a 24-hour notice, in compliance with Section 19.80.060 (Revocations and Modifications).
- C. Extension of the Permit.
 - 1. Temporary Parking Lots. A temporary use permit for a parking lot may be extended in compliance with Section 19.28.140 (Temporary Parking Lots).
 - 2. Other Temporary Uses. The Director may extend the operational length of the Temporary Permit if the delay is beyond the control of and was not the result of actions by the permittee.
 - 3. Expiration. A temporary use permit shall be considered to have expired when the approved use has ceased or was suspended.

SECTION 8. A new Chapter 19.55 is added to Title 19 of the West Hollywood Municipal Code to read as follows:

Chapter 19.55 Special Event Permits

19.55.010 Purpose.

This chapter provides a process for reviewing proposed special events to ensure that basic health, safety, and community welfare standards are met, while approving suitable special events with the minimum necessary conditions or limitations consistent with the temporary nature of the activity. A special event permit allows short-term activities that might not meet the normal development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary nature. However, these activities should be regulated to avoid incompatibility between the proposed activity and surrounding areas.

19.55.020 Applicability.

- A. Permit Required: A special event permit is required for all short-term activities associated with entertainment or business promotion that do not meet the normal development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary nature.
- B. Exempt Activities:
The following activities are not required to obtain a special event permit:

1. Events which occur in meeting halls, theaters, or other permanent indoor public assembly facilities with little or no impact on the surrounding neighborhood.
2. Promotional activities related to the primary product lines of a retail business, and similar activities in compliance with Section 19.36.030. For example, book readings and signings at book stores and opening receptions at art galleries.
3. Emergency public health and safety activities.
4. Events determined to not have an impact on the surrounding area, as determined by the review authority.
5. Temporary Uses that obtain a temporary use permit in compliance with Chapter 19.54.

19.55.030 Number, Duration and Other Requirements of Special Event Permits.

- A. Number of permits per business: A maximum of 12 special event permits and 12 activations per calendar year are permitted unless existing conditions of approval of a permit further restrict the allowed number. Activations include any activity that requires a valet permit, encroachment permit and/or cause impact(s) deemed by the review authority to count as an activation. Any City-produced special event shall not count against the total number of activations that a business is allowed per calendar year.
- B. Duration of Special Events: Unless modified by the review authority, each special event shall be no longer than 3 days. Build activity and strike activity are not counted as part of the event duration, but shall be the minimum amount of time necessary, as determined by the review authority, to accommodate the nature of each specific event, and as approved as part of the applicable permit.
- C. Location: No special events are permitted on residentially zoned properties.
- D. Special Event Guide: All activities on public or private property shall comply with the standards and guidelines established by the review authority in the Special Event Permit Guide.
- E. General Standards. Standards for floor areas, heights, landscaping areas, off-street parking, setbacks, and other structure and property development standards that apply to the category of use or the zoning district of the subject parcel shall be used as a guide for determining the appropriate development standards for special events. However, the review authority may authorize an adjustment from the specific requirements as deemed necessary and appropriate given the degree of anticipated off-site impacts and temporary nature of the event.
- F. Modification to this Section: The review authority may increase the number and duration of permits if they find that the number and duration furthers the objectives in Section 19.54.010 (Purpose) and the number and duration will not be materially detrimental to surrounding properties.

19.55.040 Review Authority.

Economic Development Director Review (Special Events). Special event permits shall be reviewed, approved, modified, or denied by the Economic Development Director, or their designee.

19.55.050 Application Filing, Processing, and Review.

- A. Application Preparation and Filing. An application for a special event permit shall be prepared, filed and processed in compliance with Chapter 19.40 (Application Filing and Processing) unless otherwise stated in this Section.
- B. Types of Special Events: The review authority shall determine the type of special event based on the characteristics of, and elements associated with, the event and the likely impacts on the surrounding community. The following are the types of special events:
 - 1. Low Impact Minor Special Event. An event that does not qualify as a High Impact Minor Special Event or Major Special Event, but still contains elements not permitted under its current land use and necessitates review for potential impacts. Examples include: temporary valet and encroaching on the public right of way (sidewalk and/or parking meters).
 - 2. High Impact Minor Special Event. An event with any one or more of the following event elements; partial street closure(s), full sidewalk closure, Building & Safety permit required, temporary structures built in parking lot, and/or typically generates disruptive impacts on traffic, noise, and/or safety
 - 3. Major Special Event. Any Minor Special Event defining elements and/or either one of the following: full street closure, and/or generates disruptive impacts in multiple areas of traffic, noise, and/or safety.
- C. Time for Filing. A special event permit application shall be filed and deemed complete at least 72 hours in advance of a proposed Low Impact Minor Special Event or High Impact Minor Special Event, and 30 days prior to a Major Special Event.
- D. Public Notice Required. The type and extent of public notice provided to area residents shall be determined by the review authority for special event permits, and the extensions of these permits. The applicant shall pay for all noticing costs. For events which require street or lane closures or off-site parking arrangements, a public notice shall be mailed 10 days before the event to all residents of the impacted streets as determined by Director, or designee. Where the review authority determines that mailing 10 days prior to the event is not feasible, the notice shall be mailed at least five days before the event. In lieu of a mailing, the applicant may hand deliver the notices, and provide proof of service to the review authority.
- E. Additional Permits Required: Special events may be subject to additional permits and other city approvals, licenses, and inspections required by applicable laws or regulations.
 - 1. Street Closures: All street closures require review and approval by the City Council.
 - 2. Encroachment Permit: Any use of a public right-of-way may require an encroachment permit as per Chapter 19.90.20.
 - 3. Valet Parking Service License: Any special event permittee engaged in conducting or managing the parking of other person's motor vehicle(s) requires a valet parking service license.

19.55.060 Findings and Decision

A special event permit may be approved, modified, or conditioned only if the review authority first finds that:

- A. The proposed special event is allowed within the applicable zoning district with the approval of a special event permit and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code; and
- B. The proposed special event would not unduly impair the integrity and character of the zoning district in which it is located.

19.55.070 Conditions of Approval.

In approving a special event permit, the review authority may impose reasonable and necessary specific design, locational, and operational conditions to ensure that:

- A. The event is limited to a duration that is less than the maximum allowed duration, as determined appropriate by the review authority, which may include reduction in operating hours and days to a shorter time than requested if necessary;
- B. The site is physically adequate for the type, density, and intensity of use being proposed, including provision of services (e.g., sanitation, water, medical facilities, security and safety measures, solid waste facilities, including adequate recycling facilities), public access, and the absence of physical constraints;
- C. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses on-site and in the vicinity of the subject property;
- D. The special event will be removed and the site restored to its previous state as necessary to ensure that no changes to the site will limit the range of possible future land uses otherwise allowed by this Zoning Ordinance;
- E. Adequate temporary parking will be provided to accommodate the vehicle traffic generated by the special event either on-site or at alternate locations acceptable to the review authority;
- F. The event will comply with applicable provisions of other local, State, or Federal laws or regulations and addresses any necessary and/or required coordination with other city agencies; and
- G. Nuisance factors are addressed, including the prevention of glare or direct illumination of adjacent properties, dirt, dust, gasses, heat, noise, odors, smoke, or vibrations, including limitations on amplified sound;
- H. Any other pertinent factors affecting the operation of the special event will be addressed through conditions to ensure the orderly and efficient operation of the proposed use or event, in compliance with the intent and purpose of this chapter, including but not limited to regulation of temporary signage, temporary structures and facilities, including height, placement, and size, and the location of equipment and open spaces, including buffer areas and other yards, location of events, and any other conditions deemed necessary to limit the impacts of the special event.

19.55.080 Post-Approval Procedures.

- A. Appeals: The approval or denial of a special event permit may be appealed to the City Manager by filing an appeal in writing. The City Manager shall hold a hearing

within 30 days and shall make a determination on the permit based on the required findings. An appeal of a City Manager decision may be made to the City Council.

- B. Condition of the Site Following a Special Event. Each site occupied by a special event shall be cleaned of debris, litter, or any other evidence of the temporary activity on completion or removal of the activity, and shall thereafter be used in compliance with the provisions of this Zoning Ordinance.
- C. Revocation. A special event permit may be revoked or modified by the review authority, with only a 24-hour notice, in compliance with Chapter 19.80.060 (Revocations and Modifications).
- D. Extension of the Permit. The review authority may extend the length of the special event permit per Chapter 19.55.030.
- E. Expiration. A special event permit shall be considered to have expired when the special event and strike activity have ceased or the special event permit was revoked.

SECTION 9. Sections 19.76.010 and 19.76.020 of Chapter 19.76 of Title 19 of the West Hollywood Municipal Code are amended in their entirety to read as follows:

19.76.010 Purpose.

This chapter provides procedures for filing appeals of decisions rendered by the Director, Economic Development Director, Commission, or Historic Preservation Commission (HPC).

19.76.020 Allowed Appeals.

The following decisions may be appealed by the applicant or any party with a beneficial interest in the decision.

A. General Appeals.

- 1. Director Decisions. Any decision on a discretionary permit rendered by the Director may be appealed to the Commission, except that a decision regarding an adult business shall be appealed directly to the Council. Any decision by the Director on a ministerial permit (e.g., zone clearance, sign permit, etc.) may be appealed to the Commission, provided that the only allowed grounds for appeal shall be that the Director's decision has not complied with the applicable provisions of this Zoning Ordinance.
- 2. Commission Decisions. Any decision rendered by the Commission may be appealed to the Council.
- 3. HPC Decisions. Any decision rendered by the Historic Preservation Commission may be appealed to the Council.
- 4. Economic Development Director Decisions. Any decision rendered by the Economic Development Director on a special event permit may be appealed to the City Manager, followed by an appeal to the City Council.

SECTION 10. The alphabetical list of definitions in Section 19.90.020 is amended to amend the definition for "Special Events and Temporary Uses" to read as follows:

Temporary Uses. See Chapter 19.54 (Temporary Use).

SECTION 11. Section 19.90.020, Definitions of Specialized Terms and Phrases, West Hollywood Municipal Code, shall be amended to add the following new definitions to the alphabetical list of definitions to read as follows

Special Events. See Chapter 19.55

Special Event. Short-term activities associated with entertainment or business promotion that do not meet the normal development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary nature. See Chapter 19.55. (Special Event Permits). The following are definitions related to special events:

Activation. A short-term activity associated with entertainment or business promotion that does not require a special event permit, but does require an ancillary permit or license such as an Encroachment Permit, Temporary Valet Licensee, Sound Permit, or other permit issued by the City of West Hollywood, and/or causes impact(s) deemed by the review authority to count as an activation

Build Activity. Any work performed to add physical elements to the site of a special event or activation.

Deemed Complete. All information necessary for review of a permit has been received by staff, including but not limited to all fields on the application being addressed, insurance documents, site maps, and any other requirements outlined in the Special Event Application Guide established by the Director of Economic Development.

Strike Activity. Any work performed to dismantle and/or remove physical elements from the site of a special event or activation.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 19th day of November, 2018 by the following vote:

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



JOHN J. DURAN, 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. 18-1048 was duly passed, approved, and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 19th day of November, 2018, after having its first reading at the regular meeting of said City Council on the 5th day of November, 2018.

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 20th DAY OF NOVEMBER, 2018.


YVONNE QUARKER, CITY CLERK