

APPROVED
Revised Ordinance and
additional direction given.

MS 12/2/19

DECEMBER 2, 2019

CITY COUNCIL
PUBLIC HEARING

SUBJECT: AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING NEW PUBLIC NUISANCE STANDARDS THAT ADDRESS PROPERTY MAINTENANCE AND VACANT PROPERTY ISSUES BY ADDING CHAPTERS 9.60 (PUBLIC NUISANCES), 9.64 (VACANT PROPERTIES), AND 9.66 (RECORDING NOTICE OF VIOLATION) TO NEW ARTICLE 5 (NEIGHBORHOOD PRESERVATION) IN TITLE 9 (PUBLIC PEACE AND SAFETY); REPEALING CHAPTER 7.24 (VACANT PROPERTIES); AMENDING CHAPTER 19.30 (PROPERTY MAINTENANCE) OF TITLE 19 (ZONING CODE) TO REFERENCE CHAPTER 9.60; AMENDING CHAPTER 1.08 (GENERAL PENALTY PROVISIONS); AMENDING THE MASTER FEE SCHEDULE TO ADD VIOLATIONS OF CHAPTERS 9.60 (PUBLIC NUISANCES) AND 9.64 (VACANT PROPERTIES) TO SCHEDULE D OF THE ADMINISTRATIVE CITATION FEE SCHEDULE; AND ADD VACANT PROPERTY REGISTRATION FEES TO THE CODE COMPLIANCE FEE SCHEDULE.

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STATEMENT ON THE SUBJECT:

The City Council will consider adopting an ordinance that establishes new public nuisance standards that address property maintenance and vacant property issues by creating new Chapters 9.60 (Public Nuisances), 9.64 (Vacant Properties), and 9.66 (Recording Notice of Violation) in new Article 5 (Neighborhood Preservation) in Title 9 (Public Peace and

Safety), amends Chapter 19.30 (Property Maintenance) in Title 19 to reference new Chapter 9.60, repeals Chapter 7.24 (Vacant Properties), and amends Chapter 1.08 in Title 1, and adds violations of the new chapters to the list of Municipal Code chapters and sections that are subject to the administrative penalty procedures. A fee resolution will also be considered adopting a fee for violations of the new chapters and adding vacant property registration fees to the code compliance fee schedule. The purpose of these new standards is to provide clear standards to promote the continued maintenance of properties located in the City of West Hollywood.

RECOMMENDATIONS:

- 1) Introduce on first reading Ordinance No. 19-___ **“AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING NEW PUBLIC NUISANCE STANDARDS THAT ADDRESS PROPERTY MAINTENANCE AND VACANT PROPERTY ISSUES BY ADDING CHAPTERS 9.60 (PUBLIC NUISANCES), 9.64 (VACANT PROPERTIES), AND 9.66 (RECORDING NOTICE OF VIOLATION) TO TITLE 9 (PUBLIC PEACE AND SAFETY), REPEALING CHAPTER 7.24 (VACANT PROPERTIES), AMENDING CHAPTER 19.30 (PROPERTY MAINTENANCE) OF TITLE 19 (ZONING CODE) TO REFERENCE CHAPTER 9.60; AND AMENDING CHAPTER 1.08 (GENERAL PENALTY PROVISIONS).”**
- 2) Adopt Resolution 19-____: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE MASTER FEE RESOLUTION FOR FISCAL YEAR 2019-20 TO INCLUDE VIOLATIONS OF CHAPTERS 9.60 (PUBLIC NUISANCES) AND 9.64 (VACANT PROPERTIES) TO SCHEDULE D OF THE ADMINISTRATIVE CITATION FEE SCHEDULE; AND ADD VACANT PROPERTY REGISTRATION FEES TO THE CODE COMPLIANCE FEE SCHEDULE.”**

BACKGROUND / ANALYSIS:

On December 17, 2018, the City Council directed staff to draft an amendment to the City's Municipal Code to allow for the demolition of problematic vacant buildings (including commercial) at the discretion of the Director of Planning and Development Services if a new project has been entitled on the site and is actively moving through the City's development planning process; and also directed staff to develop and return to City Council with additional recommendations to address problematic vacant buildings (including commercial), such as developing stricter requirements for boarding, fencing, and securing properties, requiring a 24-hour hotline for constituent calls, or creating a residential vacant property registration program.

The Zoning Code guides the orderly growth and development of the City consistent with the goals and policies of the General Plan. It regulates the manner in which a property is developed and falls under the oversight of the Director of Planning and Development Services. Once a project is complete, the property is required to be maintained in a manner that is consistent with how it was built under the oversight of the Code Compliance Division and the Director of Public Works.

To address the second half of Council's direction, there are a number of changes proposed to the Municipal Code addressing vacant properties and property maintenance concerns. The proposed Zone Text Amendment removes the property maintenance language found in Chapter 19.30 and replaces it with language that references a new proposed chapter, 9.60 (Public Nuisances). To increase accountability and consolidate current vacant property standards, staff strengthened and relocated two West Hollywood Municipal Code sections (7.24.010 and 19.30.030.O) into one.

Public nuisance codes are important to the health and vitality of a community as they ensure that responsible persons maintain private property in a manner that protects the public health, safety, and general welfare. These requirements are incumbent upon any owner of improved or unimproved property in the City. Creating new chapters in Title 9 that address property maintenance and vacant property nuisances allows residents, property owners, and developers easier access to be able to locate the standards governing how properties throughout the City are required to be maintained, thus raising the level of service the City provides to the public.

Proposed Change to the Zoning Code

Staff recommends amending Section 19.30.010 to reference the new public nuisance chapter found in Title 9 and repealing Sections 19.30.020 through 19.30.060 of Title 19 based on Planning Commission Resolution No. PC 19-1340.

Proposed Change to Chapter 7.24

Staff recommends repealing Chapter 7.24 as the existing vacant property requirements in this chapter have been consolidated, strengthened, and relocated to the new vacant properties chapter in Title 9.

New Article 5 in Title 9 (Neighborhood Preservation)

In Title 9, Public Peace and Safety, staff recommends creating a fifth article titled Neighborhood Preservation that will house separate chapters, including one for public nuisances (property maintenance), one for vacant properties, and another addressing the recording of a notice of violation.

New Public Nuisance Standards (Chapter 9.60)

The proposed public nuisance chapter (9.60) is based on the existing property maintenance standards language found in the Zoning Code but has been expanded to strengthen certain provisions. A summary of the proposed changes is below:

Definitions (9.60.020)

This section contains key terms that are used throughout Chapter 9.60.

Nuisances Designated (9.60.040)

- *Discarded appliances* – Any appliance that is left outdoors for disposal must have the doors removed.
- *Roof maintenance* – This section provides more in-depth requirements for roof maintenance.

- *Fences and Gates* – This section provides more detailed requirements for the maintenance of fences, gates, and operating systems.
- *Rodent and Insect Infestation* – Rodent and insect infestations shall be exterminated by a licensed professional in a manner that does not endanger human life. Additionally, measures must be taken to prevent future harborage and infestation.
- *Use of Space Heaters* – The proposed language requires property owners to seek the consent of the Building Official before space heaters are permitted to be used temporarily as the primary source of heat in a unit. Staff has experienced a number of Code Compliance cases where the heater stopped functioning in a unit. Rather than promptly fixing or replacing the heater, the landlord provides the tenant a space heater. The lack of proper heat is a violation of the California Health and Safety Code and space heaters are not designed to be used as a permanent heat source. If the Building Official approves their use for 30 days, then the heater would be required to be functional within that time period. If the heater is not fixed by that time, the property owner can seek an extension from the Building Official. If it is determined that an extension is not warranted, then the unit may be deemed uninhabitable and the landlord would be required to pay for alternate housing for the tenant until the heater is brought into working condition.
- *Plumbing Maintenance* – This section expands the plumbing maintenance requirements. Additionally, the proposed language addresses grease interceptors that are used in restaurants. The current language is silent on these items. The proposed language places maintenance and record keeping requirements on the business owners.
- *Building Entry Systems* – Building entry and intercom systems provide a layer of security for the building's residents. The current code is silent on these systems. The proposed language requires they be maintained in proper working order.
- *Vegetation Standards* – The current code prohibits overgrown, dead, or dying vegetation but is silent on what these terms mean. The proposed language includes standards for the maintenance of vegetation including prohibiting vegetation from encroaching into the sidewalks or within three feet of an overhead utility line.
- *Uninhabitable Units/Buildings* – The proposed language includes standards for when the City may deem a unit or building to be uninhabitable. These standards are largely tied to the lack of required utilities. Violations of the California Health and Safety Code may render a unit uninhabitable if the Director deems the conditions severe enough.
- *Substandard Housing* – Section 17920.3 of California Health and Safety Code establishes standards for what constitutes substandard housing. The proposed language makes clear that all residential buildings must be maintained in a manner that is consistent with this code.

New Vacant Property Standards (Chapter 9.64)

The proposed vacant properties chapter (9.64) consolidates and expands upon the language found in Chapters 19.30 and 7.24, thus creating a single location in the Municipal Code where vacant property standards can be found, rather than two separate

code sections which are enforced by different means. The proposed Vacant Properties chapter creates a vacant property registration program, mandates the submittal of a Vacant Property Mitigation Plan, and places more onerous regulations on owners of vacant properties with the goal of encouraging owners to develop their properties faster or keep them inhabited, thus keeping them from becoming vacant in the first place. A summary of the proposed language is below:

Definitions (9.64.010)

This section provides definitions for specialized terms that are used throughout the rest of the chapter.

- Vacant Properties are now defined as any property that is unoccupied for more than 45 days or where construction has substantially ceased for 90 days or more. Properties that are occupied by a Resident Caretaker are not considered vacant. Properties where fewer than 25% of the units are occupied are considered to be substantially vacant and are subject to the provisions of the proposed ordinance.

General Vacant Property Standards (9.64.020)

This section establishes the requirements that are applicable to all vacant properties in the City of West Hollywood and requires all vacant properties to be maintained in conformance with the property maintenance standards found in the proposed Chapter 9.60 (Public Nuisances).

Vacant Property Registration Program – This section requires all persons in control of a vacant property to register the property with the City and pay the associated fees. As part of the registration process, the owner will be asked to provide some basic information about themselves and the property, the name and contact information for a person responsible for the maintenance and security of the property, whether the property is covered by fire and liability insurance, and a statement of intent regarding the plans for future use of the property. Additionally, a Letter of Agency is required to be submitted at the time of registration.

Each vacant property will be classified into one of four categories based on the overall condition of the property.

- 1) “Stable” properties are those that are well maintained, require few if any repairs, and can easily be reoccupied.
- 2) “At-Risk” properties are those that are fairly well-maintained but may have a few minor repairs that are needed (e.g. peeling paint, dead vegetation, graffiti, broken fence slats, etc.). At-Risk properties show no signs of intrusion into the interior of the property and the owners are responsive to City requests.
- 3) “Problematic” properties are those properties that do not appear to be maintained by the owners. The structures are not determined to be unsafe but require significant repairs and/or there is evidence of intrusion into the property.
- 4) “Failed” properties are those that are completely unmaintained and pose a significant threat to the broader community. Structures are likely unsafe to occupy and there is evidence of intrusion by transients.

The vacant property registration fees required for each property are determined by which of the above categories the property falls. "Stable" properties would be required to pay a relatively small fee as few staff resources are required to monitor these properties. All Stable properties would be inspected no less frequently than quarterly and the recommended fee covers the costs associated with these inspections. Avoiding the larger fees associated with other categories serves as an incentive to continue maintaining the property in good condition. "At-Risk" properties are also required to pay the fees once per year but at a higher rate as they will require more frequent monitoring by Code Compliance and Sheriff's Department personnel, but not to the level of problematic or failed properties. At-Risk properties would be inspected no less frequently than monthly. "Problematic" properties would be required to pay the fees bi-annually and are likely to be inspected every two weeks. "Failed" properties would be required to pay the fees quarterly and would be inspected every week. The registration fee is calculated based on the costs incurred for one (1) Code Compliance Officer and two (2) Sheriff's Deputies to conduct a single thirty (30) minute inspection.

If a property were to change categories, either to a higher or lower category, the fees would be owed on the payment schedule established for the new category. For instance, if a property went from Stable to At-Risk, the property owner would owe the registration fee when the next set of fees is owed for At-Risk properties. Similarly, if the property went from At-Risk to Stable, the property owner would not be required to pay any future registration fees as long as the property remains in "Stable" condition. Staff recommends requiring fees on the following schedule:

- Stable – \$740 due on July 1 of each year.
- At-Risk – \$2,220 due on July 1 of each year.
- Problematic – \$2,220 due on January 1 and July 1 of each year (\$4,440 per year).
- Failed – \$2,220 due on January 1, April 1, July 1, and October 1 of each year (\$8,880 per year).

Vacant Property Mitigation Plan – Under the proposed ordinance, owners of vacant properties will be required to submit a vacant property mitigation plan that details how the property will be secured and maintained in a manner that will protect the health, safety, welfare and aesthetics of the community.

General Maintenance Requirements – All vacant properties will be required to adhere to certain maintenance standards including:

- Keeping the property watered, weeded, and free of trash and debris.
- Groundcover, hardscape, and/or softscape must be installed and maintained.
 - Any hedges or bushes must be trimmed to no higher than 36" to allow for a clear view to the interior of the property.
- Pests and rodent infestations must be promptly abated.
- Curtains, blinds, or other window treatments must be removed from ground floor windows in order to allow a clear view to the interior of any structures. This allows

law enforcement personnel to quickly see what type of activity may be taking place inside of a vacant structure.

- All furniture or personal property must be removed from the interior of any structure. If law enforcement personnel inspect a vacant property, look through the windows, and see personal items or furniture, they will have strong reason to believe that the property is being accessed by transients.

General Security Requirements - All vacant properties will be subject to certain security requirements, including:

- Installation of Fencing – All vacant properties may be required to have transparent fencing installed if the Director determines that a fence is necessary to protect the community. A City issued lock shall be installed on all gates or entrances if a fence is already in place on the property. The cost of the lock is the responsibility of the owner of the property.
- No Trespassing Signs – Signs shall be posted at locations designated by the City.
- Letter of Agency (LOA) – A current LOA is required to be on file with the Sheriff's Department during the entire period of vacancy.
- Motion-Activated lighting shall be installed and maintained at all entrances, sides, and exits from dusk until dawn.
- Motion-Activated security cameras shall be installed surrounding all areas and views on vacant properties, with the ability to provide two-way communication and provide live-view video.
- On-site Security Guards – All vacant properties may be required to provide 24-hour seven day a week security personnel to prevent trespassers from entering the property.
- Documentation of security measures – The owner must provide written documentation of all security measures taken, including alarms, cameras, roaming or on-site security. The Director is granted the authority to modify the security requirements based on the particular factual circumstances.
- At least one exterior door must be provided that allows authorized personnel to easily enter the structure yet provides sufficient security against intruders. Windowless, solid core doors made of wood or steel door are sufficient as is hinged sheeting material (1/4" shatter-proof polycarbonate) or 3/4" plywood. If plywood or polycarbonate is used, it must be secured using case-hardened hinges, hasps, and padlocks.
- *Boarding requirements* – If the Director deems it necessary, all doors and windows must be boarded using sheeting that provides an appearance approximating glass in the window casings, and consistent in appearance with the surrounding surface in the case of all other openings that require securing. The use of plywood is not permitted beyond 30 days but allowed to repair vandalism or damage caused by unauthorized persons.

- Properties that are actively marketed for rent or sale and are maintained in accordance with the property maintenance requirements are exempt from the vacant property requirements.
- All non-occupied units in multi-family dwellings must be secured against entry by transients.
- All other areas, including garages, sheds, etc., shall be secured against entry.

Violations, Penalties, and Performance Bond (9.64.030)

In addition to clarifying that violations of the Vacant Property ordinance are subject to the Administrative Citation program or the Public Nuisance provisions of the code, this section permits the Director to require a performance bond to be submitted by the property owner to cover the costs of securing the property or abating any issues that may arise. This performance bond may be required once the Vacant Property code has been violated two or more times.

Community Safety and Protection (9.64.040)

This section authorizes the Director to waive or modify any provision of the Vacant Property code if they determine it is warranted and establishes standards by which this determination is to be made.

New Recording Notice of Violation (Chapter 9.66)

Staff recommends adding a method of recording code violations with the County of Los Angeles Recorders Office for City code violations. This will inform prospective buyers of violations that exist on the property and minimize certain real estate transactions from occurring without first bringing the property into compliance.

Proposed Changes to Chapter 1.08

Staff recommends deleting the requirement in Chapter 1.08 (1.08.010.f) of having to wait for a fourth occurrence within a twelve-month period to charge as a misdemeanor. This will allow for greater flexibility and increased efficiency when dealing with problematic violations.

Demolition of Problem Properties

In recent years, the City has received a growing number of complaints regarding vacant properties being broken into and used by transients for shelter or other purposes. This has created a public safety concern as issues of trespassing, drug usage, and other lewd behaviors have been reported.

Part of the direction from the City Council in December 2018 was for staff to draft an amendment to the Municipal Code to make it possible for problematic vacant buildings that are currently in the development planning process to be issued demolition permits at the discretion of the Director of Planning and Development Services.

The existing demolition regulations in Section 19.50.050 of the West Hollywood Municipal Code state that a demolition permit shall be approved if *“A. All other applications for discretionary permits necessary for the new project to be constructed on the site have been approved, or, alternatively, the requirements of Section 19.50.040(C) are satisfied;*

and B. The building or structure is not a designated historic resource, is not being formally considered for this designation, and is not listed on the city's List of Potential Resources or, alternatively, the building is a designated resource, but is being demolished or remodeled pursuant to a certificate of appropriateness issued by the Historic Preservation Commission." So, this existing regulation can address Council's initial direction to allow projects to be demolished after they have received planning entitlement but have yet to receive a building permit.

Some members of the community have called for allowing for the demolition of properties based on transient activity, the lack of maintenance of the property, or the number of calls for service by the Sheriff's Department. There are concerns that allowing a property owner to demolish properties based on the fact that the property is being accessed by transients may encourage property owners to not take the requisite action to prevent this in the hopes of forcing the City to require the demolition of the structures. Doing so may lead to the demolition of housing that can be otherwise converted back for use on the long-term housing market.

Staff is considering an alternative that allows for the demolition of structures but is based on an independent appraisal of the damage to the property and the costs associated with repairing it. The idea is to treat structures in the same way that an insurance company treats vehicles. If the cost to repair the structure, or portion of structure exceeds 50% of the value of the structure or portion of structure, then the City may give the option to the property owner to either repair the structure or demolish it. If the cost of repairs does not exceed the 50% threshold, then the property owner will be required to repair the structure. As mentioned above, the appraisal would be performed by an independent third-party. The City would retain the services of a licensed property appraiser and the costs of the services performed would be the responsibility of the property owner.

Staff believes that this may be an evidence-based solution that would address many of the concerns surrounding problem properties and would provide a logical rationale for permitting the demolition of structures that are not inherently unsafe.

Staff is not prepared to present formal language for such a proposal at this time for a few reasons. First, the Zoning Code would need to be amended in order to do this. When this item was heard by the Planning Commission, the demolition language was not included in the Vacant Property language.

Second, there are issues that need to be more fully vetted before a formal recommendation is made to the City Council. Such a proposal represents a major change in policy regarding vacant properties. In the past, the City's position was one that protected existing housing, despite its vacant status, unless the structures were declared to be unsafe.

CEQA issues may arise out of such a proposal that need to be addressed as well. Once the City Council provides clarity on the above-mentioned concerns, staff will return at a future date with a fully vetted concrete proposal for consideration.

Public Outreach

This item was heard by several groups prior to coming before the City Council. On August 12, 2019, the Public Safety Commission heard this item and was supportive of this item

being taken up by the City Council. Similarly, the Governmental Affairs Committee of the West Hollywood Chamber of Commerce had no issues with the proposed language when it was presented the item on August 13, 2019.

The Long-Range Planning Subcommittee heard this item on August 15, 2019. A minor change was requested, and the item was presented to the full Planning Commission on September 5, 2019, with that change made. The Planning Commission was very supportive of the item as written with another minor amendment surrounding the definition of "groundcover" in the Property Maintenance ordinance. This concern has been addressed in the final language that is presented to the West Hollywood City Council.

CONFORMANCE WITH VISION 2020 AND THE GOALS OF THE WEST HOLLYWOOD GENERAL PLAN:

This item is consistent with the Primary Strategic Goal(s) (PSG) and/or Ongoing Strategic Program(s) (OSP) of:

- PSG-1: Maintain the City's Unique Urban Balance with Emphasis on Residential Neighborhood Livability.

In addition, this item is compliant with the following goal(s) of the West Hollywood General Plan:

- LU-8: Maintain and enhance residential neighborhoods.
- H-2: Maintain and enhance the quality if the housing stock and residential neighborhoods.

EVALUATION PROCESSES:

Upon adoption of this ordinance, the Code Compliance Division will administer the vacant property registration program and continue the enforcement of the property maintenance and vacant property requirements in conjunction with the Sheriff's Department. Staff will return to City Council with recommendations for any amendments to these standards if the need arises.

ENVIRONMENTAL SUSTAINABILITY AND HEALTH:

The zone text changes are 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. In this case, the proposed zone text amendment and associated municipal code amendments will create updated standards for property maintenance and vacant properties that will prevent negative impacts on neighborhoods while projects are under construction, vacant or otherwise. Additionally, many of the provisions and requirements already exist and are being relocated and strengthened in Title 9 of the West Hollywood Municipal Code. Preserving neighborhoods and residential quality of life

will result in no environmental impacts and will maintain the environmental status quo.

COMMUNITY ENGAGEMENT:

As noted in the background section, this item was heard by the Public Safety Commission, the Governmental Affairs Committee of the Chamber of Commerce, the Long-Range Planning Subcommittee, and by the Planning Commission.

OFFICE OF PRIMARY RESPONSIBILITY:

DEPARTMENT OF PUBLIC WORKS / CODE COMPLIANCE DIVISION

FISCAL IMPACT:

Assuming there are 41 vacant properties in the City at any given time, 15 of which are Stable, 20 are At-Risk, 5 are Problematic, and 1 is Failed, the City can expect to receive \$86,580 in revenue from the Vacant Property Registration Program. These numbers are just an estimate and may fluctuate from year-to-year.

	Stable	15	At-Risk	20	Problematic	5	Failed	1
July 1	\$740		\$2,220		\$2,220		\$2,220	
October 1							\$2,220	
January 1					\$2,220		\$2,220	
April 1							\$2,220	
Total	\$11,100.00		\$44,400.00		\$22,200.00		\$8,880.00	

AMOUNT	DESCRIPTION
\$86,580	This item will generate new City revenues.

ATTACHMENTS:

Attachment A – Proposed Ordinance No. 19-_____

Attachment B – Proposed Resolution No. 19-_____

Attachment C – Planning Commission Resolution No. PC 19-1340

Attachment D – Minutes from September 5, 2019, Planning Commission

Attachment E – Minutes from August 12, 2019, Public Safety Commission

ORDINANCE NO. 19-_____

AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING NEW PUBLIC NUISANCE STANDARDS THAT ADDRESS PROPERTY MAINTENANCE AND VACANT PROPERTY ISSUES BY ADDING CHAPTERS 9.60 (PUBLIC NUISANCES), 9.64 (VACANT PROPERTIES), AND 9.66 (RECORDING NOTICE OF VIOLATION) TO TITLE 9 (PUBLIC PEACE AND SAFETY), REPEALING CHAPTER 7.24 (VACANT PROPERTIES), AMENDING CHAPTER 19.30 (PROPERTY MAINTENANCE) OF TITLE 19 (ZONING CODE) TO REFERENCE CHAPTER 9.60; AND AMENDING CHAPTER 1.08 (GENERAL PENALTY PROVISIONS)."

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

SECTION 1. Article XI, Section 7 of the California Constitution authorizes the City to enact, amend, and enforce ordinances to promote social, economic or aesthetic considerations and/or that regulate conditions which may be public nuisances or create health hazards. The City has determined that many of the existing provisions in the West Hollywood Municipal Code (WHMC) that address unmaintained and vacant properties are in need of amendment in order to eliminate redundant requirements and procedures, provide City staff with greater enforcement flexibility, and address emerging and evolving problems within the community.

SECTION 2. For the amendments to Title 19, a public hearing was duly noticed for the Planning Commission meeting of September 5, 2019, by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 by August 22, 2019. The Planning Commission made a recommendation for the City Council to approve this ordinance following the public hearing. For the amendments to Titles 1, 7, 9, and 19, a public hearing was duly noticed for the City Council meeting of December 2, 2019, by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 on November 21, 2019.

SECTION 3. The amendments to Titles 1, 7, 9, and 19 are 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

ATTACHMENT A

activity is not subject to CEQA. In this case, the proposed zone text amendment and associated municipal code amendments will create updated standards for properties to prevent negative impacts on neighborhoods. Additionally, many of the provisions and requirements already exist and are being relocated and strengthened to Title 9 of the WHMC. Preserving neighborhoods and residential quality of life will result in no environmental impacts and will maintain the environmental status quo.

SECTION 4. Subsection f. to Section 1.08.010, Classifications of Offenses – Definitions, of Chapter 1.08 of Title 1 of the West Hollywood Municipal Code is amended to read as follows:

f. Administrative Citations Which May Be Treated as Misdemeanors. Unless this code expressly provides otherwise, any person who violates any provision in this code more than once within a twelve-month period shall be guilty of a misdemeanor for each violation committed thereafter within that same twelve-month period. Any person who violates or fails to comply with any provisions in this code and who possesses no photo identification or refuses to identify him or herself to an enforcement officer, making it impossible to issue an administrative citation, shall be guilty of a misdemeanor.

SECTION 5. Chapter 7.24, Vacant, Abandoned or Undeveloped Property of Title 7 of the West Hollywood Municipal Code is hereby repealed in its entirety.

SECTION 6. A new Chapter 9.60, entitled “Public Nuisances” and containing Sections 9.60.010 through 9.60.070, is added to new Article 5, entitled “Neighborhood Preservation” in Title 9 of the West Hollywood Municipal Code (the “Code”) to read as follows:

**Title 9 Public Peace and Safety
Article 5 - Neighborhood Preservation
Chapter 9.60 Public Nuisances**

Sections:

- 9.60.010 Purpose**
- 9.60.020 Definitions**
- 9.60.030 Nuisance Generally**
- 9.60.040 Nuisances Designated**
- 9.60.050 Notice of Violation**
- 9.60.060 Abatement of Violations**
- 9.60.070 Violations and Penalties**

Chapter 9.60 – Neighborhood Preservation

9.60.010 Purpose

This chapter is adopted pursuant to the City’s police powers; Government Code Sections 38771 through 38773.7 and 53069.3, including any successor statutes; and Civil Procedure Code Section 731, including any successor

statutes, for the purposes of identifying public nuisances; authorizing abatement of such nuisances; and imposing criminal and civil penalties upon persons for causing or permitting such public nuisances. Nothing contained in this chapter is intended to, nor will it, preclude the City from pursuing any other available civil or criminal remedies concurrently or in addition to the proceedings established by this chapter to enforce this code.

9.60.020 Definitions

If a word is not defined in this Chapter, then the applicable definitions in Title 19 or other specific cited code section shall apply. If a word is not defined, then the most common dictionary definition is presumed to be correct:

“City” shall mean the City of West Hollywood, State of California, referred to in the West Hollywood Municipal Code as the “city.”

“City Council” shall mean the West Hollywood City Council, referred to in the West Hollywood Municipal Code as the “Council.”

“Conveyance” means any elevator, dumbwaiter, escalator, moving platform lift, stairway chairlift, material lift or dumbwaiter with automatic transfer device, automated people mover, or other equipment subject to this chapter.

“Director” shall mean the Director of Public Works, or designee.

“Enforcement Officer” or an “enforcement officer” shall mean a Sheriff Deputy, a City Code Compliance Officer, or other designated City Officer as designated by the City Manager.

“Hardscape” shall mean the man-made features used in landscape architecture, e.g. paths or walls, as contrasted with vegetation. This term includes, but is not limited to paved areas, driveways, retaining walls, sleeper walls, stairs, walkways, and any other landscaping made up of hard-wearing materials such as wood, stone, and concrete.

“Improvement” shall mean any real property on which a structure is located.

“Inoperable vehicle” means any motor vehicle that is mechanically incapable of being driven or prohibited from being operated on a public street or highway pursuant to the provisions of Vehicle Code Sections 4000 (unregistered vehicles), 5202 (failure to display license plate), 24002 (unsafe conditions, improper equipment, load) and 40001 (all violations apply to driving or operating on highways).

“Landscape” shall mean an area set aside from structures and parking/driveway uses, which is developed to include predominately living, thriving, trees, vines, shrubs, flowers, grasses, and other plants. Porous materials, such as rock, mulch, decomposed granite, and synthetic turf, can be used in conjunction with

living plant materials; however, landscaped areas must be predominantly of living materials and in compliance with Title 19.

“Materials of construction” shall mean any man-made or natural material which is used in the construction of and contributes to the structural integrity of any structure.

“Municipal Code” shall mean the City of West Hollywood Municipal Code, as it may be amended from time to time by the Council.

“Operator system” shall mean any device which assists the opening, closing, or locking or unlocking of a door, garage door, or gate. This includes, but is not limited to, call boxes, door phones, intercom systems, and remote entry systems for multi-family properties.

“Parkway” shall mean the portion of the public right-of-way located between the street curb and the sidewalk.

“Property” shall mean any land, and anything growing on, affixed to, or built upon the land.

“Person,” “responsible person” or “responsible party” shall mean any individual or entity who an enforcement officer determines is responsible for causing or maintaining a violation of this code, or applicable state codes or causing or maintaining a public nuisance. The terms “person,” “responsible person” or “responsible party” include, but are not limited to, a property owner, tenant, person with a legal interest in real property or person in possession of real property, the president or other head of a corporation or a person authorized by a corporation to receive service of process in a civil action, a business owner or manager of a business.

“Structure” shall mean anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this chapter, the term “structure” includes “buildings.”

9.60.030 Nuisance Generally

Anything that is detrimental or injurious to health; is indecent; offensive to the senses; obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property; or obstructs the free passage or use in the customary manner of any public park, sidewalk, parkway, street or highway is a public nuisance.

9.60.040 Nuisances Designated

It is unlawful and it is declared to be a public nuisance for any person owning, renting, leasing, occupying, or having charge or possession of any property within the city to maintain such property in such a manner that any of the conditions listed below are found to exist. This section is not the exclusive

definition or designation of what constitutes a nuisance within this city. It supplements and is in addition to other regulatory codes, statutes, and ordinances enacted by the city, State, or any other legal entity or agency having jurisdiction. Designated public nuisances include the following:

A. *Nuisances Possibly Dangerous to Children.* The storing or allowing the storage of any abandoned or broken appliances and equipment or neglected machinery on private property or the parkway for any length of time.

1. Any appliances, equipment, machinery, or accumulation of materials shall be removed immediately upon notification by the Director.
2. Appliances left unsecured outside for disposal shall have all doors removed.

B. *Deteriorating and Defective Structures.* Any and all improvements located on private property shall be presumed to be in violation of this section if any of the following conditions exist:

1. Peeling paint in excess of a total of four-square feet of the entire façade (e.g., any exterior side) of a structure;
2. Excessive cracked or broken stucco or other exterior or interior covering as determined by the Director;
3. Structure exteriors or interiors that are improperly maintained, neglected, or damaged, or in need of repairs (e.g., weatherproofing, insect extermination or water intrusion);
4. Broken, cracked, or missing windows or doors;
5. Damaged, poorly fitting, or missing window screens, or screens covering vent areas (under floors, in ceilings), or damaged, poorly fitting screens for entrance or balcony doors, or deteriorated metal security doors;
6. Roofs missing shingles, tile, or other material used as roof composition or the material is loose or unstable;
7. Roof and flashing that is not sound, tight and weatherproof. Roof drainage that fails to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts that are not maintained in good repair and free from obstructions. Roof water that is discharged in a manner that creates a public nuisance;
8. Improperly maintained awnings;
9. Fences, walls, posts, cross-members, slats, and gates that are not plumb and true, not in good repair, rotted, fire damaged, have peeling

paint, broken bricks, broken mortar, cracked or broken stucco, or are not constructed of materials treated in a uniform manner;

10. Exterior gates, gate assemblies, operator systems if provided, hardware, and latches that are not maintained in good repair or proper operating condition;
11. Unpainted structures experiencing dry rot, termite infestation, or warping;
12. Any decoration, design, device, graffiti, fence, structure, or clothesline which is unsightly by reason of its condition or its inappropriate location as determined by the Director or a designated City official;
13. Faulty materials of construction in any improvements including those materials which are not allowed or approved by the Building Code as adopted by the City and as reported to the Director by the Building Official, or which have not been maintained in a good and safe condition; and
14. A conveyance in a multi-unit residential building that the State of California Division of Occupational Safety and Health, Elevator Ride and Tramway Unit, or other agency designated by the Director, has found to be inoperable, or not maintained in a proper, safe and good working condition.

C. *Rodent, Insect, Pest Infestation.* Harborage and infestation of rodents, insects, and pests. When found, these conditions shall be exterminated by a licensed professional in a manner that is not injurious to human health. After extermination, documentation of treatment by a licensed professional shall be provided to the Director, and proper precautions and measures shall be taken to prevent future harborage and infestation.

D. *Fire Hazard.*

1. All violations of applicable conditions of the Fire Code as adopted by the city in Municipal Code Section 14.04.010, and as reported to the Director by the Los Angeles County Fire Department.
2. All dry, dead shrubs, dead trees, combustible refuse and waste, or any material growing or found upon public or private property, which by reason of their size, condition, manner of growth, or location constitute a fire hazard to any structure, improvements, crops, or other property, or when dry will, in reasonable probability, constitute a fire hazard.

E. *Hazardous and Unsanitary Conditions.*

1. Accumulating, discharging, or releasing any human or animal waste material or substances, stagnant water, or any combustible or hazardous materials or substances, fluid or solid on any part of or in any structure on real property.

F. All violations of applicable conditions of the Health Code as adopted by the city in Municipal Code Section 7.04.010, and as reported to the Director by the Los Angeles County Department of Public Health, or any similar agency providing services to the City under the Health Code. *Improper Parking or Storage of Goods, Equipment, and Vehicles.*

1. Any violation of Section 19.28.030(C) (Location of Parking), Section 19.20.150(D)(4) (Storage), or any other Zoning Ordinance provisions pertaining to parking or storing vehicles and equipment on private or public property.
2. Using or allowing use of any hardscape area for parking which prevents or hinders access to elevators, entrances, exits, or trash receptacles or blocks access to any structure for emergency vehicles or personnel.
3. The keeping or storing, or allowing the keeping or storage, of boats, camper shells, inoperable vehicles, trailers, cargo containers, and other equipment for more than 72 hours in the public right-of-way without a permit, in yard areas or driveways in which storage is not allowed, where the items are not screened from view of public streets or highways.
4. Outdoor storage or display in violation of Section 19.36.230.

G. *Inadequate or Faulty Mechanical Equipment.*

1. Lack of safe, adequate heating facilities in any dwelling unit or units, hotel, or motel.
 - a. The use of space heaters as the primary source of heat shall not be permitted without prior written consent from the Building Official.
2. All violations of applicable conditions of the Mechanical Code as adopted by the city in Municipal Code Section 13.16.010, and as reported to the Director or designated city official by the Building Official.
3. Mechanical equipment and required screening, including vents, that does not conform with all applicable laws in effect at the time of installation, or which has not been maintained in good and safe condition.

H. *Inadequate or Faulty Plumbing.*

1. Lack of plumbing fixtures required by the Building Code as adopted by the city, as reported to the Director by the Building Official.
2. All violations of applicable conditions of the Plumbing Code as adopted by the city in Municipal Code Section 13.12.010, and as reported to the Director by the Building Official.
3. Plumbing which does not conform with applicable laws in effect at the time of installation or which has not been maintained in good condition and free of cross connections.
4. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.
5. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the Director upon request.

I. *Inadequate or Hazardous Electrical Supply, Lighting, and Wiring.*

1. Lack of required or improperly maintained electrical lighting or convenience outlets in existing residential or commercial occupancies as reported to the Director by the Building Official.
2. Lack of maintenance and repair of lighting fixtures inside dwelling units and in common areas of residential and commercial structures, including courtyards, garages, hallways, lobbies, parking areas and lots, public toilets, and walkways.
3. Broken, malfunctioning, or improperly installed or maintained building entry and intercom systems.
4. All violations of applicable conditions of the Electrical Code as adopted by the city in Municipal Code Section 13.08.010, and as reported to the Director by the Building Official.
5. Wiring that does not conform to applicable laws in effect at the time of installation or which has not been maintained in good condition and used in a safe manner.

J. *Inadequate Sanitation and Ventilation.*

1. Lack of hot or cold running water to plumbing fixtures as reported to the Director by the Building Official.
2. Lack of the minimum amounts of natural light and ventilation required by the Building Code as adopted by the city, in Municipal Code Section 13.04.010.
3. Room and space dimensions less than required by the Building Code as adopted by the city.
4. Dampness in habitable rooms.

K. Non-Maintenance of Landscape and Hardscape.

1. A violation of Municipal Code Sections 11.16.060 (Obligation to Maintain), 11.16.070 (Cleaning of Sidewalks), 19.36.280(B)(5) (Front Yard Paving), 19.36.320(C) (Front Yard Paving), Chapter 19.26 (Landscaping Standards), and Chapter 19.28 (Off-Street Parking and Loading Standards), or any other Zoning Ordinance provisions or permit conditions pertaining to the installation and upkeep of landscaped or hardscaped areas located on private property or abutting parkways.
2. Maintaining or allowing the maintenance of private property or parkway with a lack of adequate landscaping or ground cover sufficient to prevent blowing dust or erosion, or allowing the landscaping on private property or in a parkway to cause a hazard or inconvenience to pedestrians using the public sidewalk.
3. Maintaining or allowing the maintenance of any paved areas for vehicle parking and access, porches, steps, or walkways in a hazardous condition due to cracked, raised, or missing surface materials.

L. Overgrown, Dying or Dead Vegetation. Overgrown, dying or dead vegetation on private property or within parkway areas. The following additional requirement shall apply to all vegetation on private property and within parkway areas:

1. Groundcover, weeds, and similar vegetation shall not be permitted to grow taller than 6 inches.
2. Dead or fallen branches, palm fronds, or similar vegetation shall be promptly removed from the ground or plant.
 - a. Fallen leaves or other yard waste shall not be permitted to accumulate on any paved surface. Use of leaves as mulch in dirt areas is exempt from this requirement.
3. Vegetation shall be continuously trimmed back to ensure that it does not grow within three (3) feet of overhead power or utility lines.

4. Vegetation, excluding street trees, shall not be permitted to encroach on or obstruct any portion of the street, alley, or sidewalk.
5. Vegetation shall not be permitted to grow in a manner that:
 - a. Blocks, obstructs, or interferes with public improvements, streetlights, or signage to any degree as determined by the Director;
 - b. Obstructs a person's view, to any degree, of approaching or nearby pedestrians or vehicles on public property;
 - c. Obstructs any person's view, to any degree, of signs or traffic lights on public property; or
 - d. Obstructs access to, or use of, a sidewalk, street or highway, or a public easement or dedication to any degree.

A determination that vegetation on private property or on an adjoining parkway is dead or dying may include, without limitation, consideration of the following factors: any physical characteristic of appearance evidencing a lack of proper watering or feeding; the creation or promotion of a fire hazard by reason therefor; the existence of an infestation of any kind that is injurious to such vegetation; or when diseased or dying vegetation does not substantially respond to remedial care. The city shall require replacement of dead or dying vegetation and the abatement of such a condition. In this event, a responsible person shall first obtain applicable permits and comply with all applicable landscape regulations and requirements in the Municipal Code.

M. *Polluted Water.* A pond, spa, swimming pool, fountain, or other body of water which is abandoned, unattended, unfiltered, or not otherwise properly maintained, resulting in polluted or stagnant water. Such structures shall be covered or filled with soil to prevent the accumulation of water. Standing water shall be immediately drained or removed.

N. *Refuse and Waste.* Refuse and waste material which by reason of its location or character may constitute a fire hazard or threat to the health, safety, and general welfare, including aesthetic impacts, of the surrounding residential area. This includes maintaining or allowing to be maintained refuse and waste materials on private or public property. Compost piles are not considered refuse and waste.

O. *Structural Hazards.*

1. Deteriorated, damaged, or inadequate foundations.
2. Defective, deteriorated, or inadequate size flooring or floor supports.
3. Defective, deteriorated, or inadequate size members of partitions, walls, or other vertical supports.

4. Defective, deteriorated, damaged, or inadequate size ceiling, roof, or other horizontal supports.

5. Defective, damaged, or inadequately constructed fireplace or chimney.

P. *Uninhabitable Buildings or Dwelling Units.* Buildings or dwelling units may be deemed uninhabitable if any of the following conditions exist:

1. Lack of safe, potable water for more than 72 consecutive hours;

2. Lack of hot water for more than 5 days;

3. Lack of a fixed, permanent heat source for more than 30 days;

4. Lack of electricity for 72 hours;

5. Lack of gas service for 72 hours;

6. Any substandard building condition listed in the California Health and Safety Code Section 17920.3 where the condition is severe enough to be unsafe for human habitation as determined by the Director or Building Official.

Q. *Vacant or Abandoned Properties.* Vacant properties shall be maintained in compliance with all requirements found in this Chapter and in Chapter 9.64 of the Municipal Code.

R. *Other Provisions of the Municipal Code.* A violation of any other provision of the Municipal Code or the Building Code as adopted by the city that pertains to real property, structures, or which otherwise concerns the public health, safety, and general welfare.

S. *Impact on Viability of Surrounding Area.* To maintain or fail to maintain property, or any structure on it, in a way that its condition contributes to the establishment of a prevalence of depreciated values, impaired investments, and social and economic maladjustments to the extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered.

T. *Substandard Housing Conditions.* To the extent not otherwise articulated above, for residential property and dwellings, any condition of a substandard building listed in California Health and Safety Code 17920.3.

9.60.050 Notice of Violation

A. *Violation Notice.* Upon inspection of a property where a violation is identified, the Director may fill out a notice of violation, indicating the sections that are violated and stating the specific violation, the corrections required, as well as the required compliance date in the appropriate spaces.

B. *Delivery of Notice.* The Director shall give a copy of the notice of violation to any person owning, renting, leasing, occupying, or having charge or possession of the property who is present at the time of inspection. If a person is not present, the Director may send it by first-class or certified mail to the appropriate persons at the last known address recorded through the Los Angeles County Assessor's office or post a copy of the notice of violation on any real property within the city in which the city has knowledge that the responsible party has a legal interest. The service shall be deemed complete at the time of deposit in the mail or when the notice was posted. Failure of any person notified by mail or posting to receive the notice of violation shall not affect the validity of any proceedings conducted in compliance with this chapter.

9.60.060 Correction of Violations

The correction of any conditions described in this chapter shall be performed in a way that conforms to the maintenance practices and aesthetic standards of the surrounding neighborhood, maintains the value and enjoyment of surrounding properties, and promotes the public health, safety, and general welfare of the city.

- A. *Code and Ordinance Compliance.* Corrections of violations and repairs shall comply with all applicable Building, Electrical, Mechanical, and Plumbing Codes as adopted by the city, and city Zoning Ordinance requirements, including all required permits and inspections.
- B. *Manner of Repair.* Corrections and repairs of violations shall be performed in a sightly manner in recognition of manufacturer's standards and, where applicable, in compliance with the standards of workmanship of acknowledged trades and as deemed acceptable by the Director.
- C. *Conformity with Existing Materials.* Exterior repairs and corrections of violations shall conform with the materials and colors of the complete structures being brought into compliance, unless otherwise approved by the Director.
- D. *Content.* Colors, forms, materials, and shapes used as design elements for any exterior repairs or corrections of violations shall be uniform in content.
- E. *Drought-Resistant Plantings.* Landscaping that is installed or replaced shall use in whole or in part, drought-resistant plantings and, where applicable, shall comply with the design standards and guidelines in Chapter 19.26 (Landscaping Standards) and Chapter G-26 (Landscape Design Guidelines).

9.60.070 Violations and Penalties

Any person (whether an individual, corporation, partnership, joint venture, or other entity) who violates any of the provisions of this chapter or who does not

correct violations in compliance with the requirements of this chapter, is subject to the administrative penalty provisions of Municipal Code Section 1.08.030. Each day or portion thereof wherein the violation is committed, continued, or permitted constitutes a separate and distinct violation.

The city's authority to prosecute violations of this chapter shall be in addition to its authority to pursue remedies under Municipal Code Chapter 1.32 (Abatement of Nuisances).

SECTION 7. A new Chapter 9.64, entitled "Vacant Properties" is added to new Article 5, entitled "Neighborhood Preservation" in Title 9 of the West Hollywood Municipal Code (the "Code") to read as follows:

Title 9 Public Peace and Safety
Article 5 - Neighborhood Preservation
Chapter 9.64 Vacant Properties

Sections:

- 9.64.010** **Definitions**
- 9.64.020** **General Vacant Property Standards**
- 9.64.030** **Violations, Penalties, and Performance Bond**
- 9.64.040** **Community Safety and Protection**

9.64.10 Definitions.

If a word is not defined in this Chapter or Title 19, or other provisions of the West Hollywood Municipal Code, the most common dictionary definition is presumed to be correct:

"At-Risk Vacant Property", or "At-Risk Property", shall mean a Vacant Property that exhibits some or all of the following characteristics:

1. The Structure is maintained to a lesser degree than a stable property;
2. The property can be converted to residential use with minimal or minor repairs necessary;
3. There are no cracked or broken windows on the structures on the property;
4. There are no signs of intrusion by transients into the interior of the property;
5. The property is beginning to fall into disrepair, which may include conditions such as, but not limited to, peeling paint, dead or dying groundcover, overgrown vegetation, or graffiti; or
6. The owner is responsive to city requests but does not proactively and regularly monitor the property.

"Director" shall mean the Director of Public Works, or designee.

“Failed Vacant Property”, or “Failed Property”, shall mean a property that exhibits some or all of the following characteristics:

1. The structure and property are not being maintained;
2. The structure is unsafe to enter or occupy;
3. The structure or property poses significant health or safety risks, or significant disturbances to the community; or
4. The owner is unresponsive or unknown and there does not appear to be any monitoring of the property.

“Groundcover” shall mean any low plant that conceals the bare ground and protects the topsoil from erosion or drought. Examples include, but are not limited to, grass, moss, thyme, and clover.

“Hardscape” shall mean any non-vegetative feature or manmade material that is incorporated into a landscape. Examples include, but are not limited to, pavers, stone, bricks, wood chips, and decomposed granite.

“Multi-Family” shall mean the same as defined in Title 19 of this code.

“Problematic Vacant Property”, or “Problematic Property”, shall mean a Vacant Property that exhibits some or all of the following characteristics:

1. The structure is not being maintained but the structure is not determined to be unsafe;
2. The property can be converted to residential use with some significant repairs;
3. Evidence of intrusion by transients into the interior of the property; or
4. Owner is unresponsive to city requests or does not proactively monitor the property.

“Resident Caretaker” shall mean an individual who:

1. Resides on the property;
2. Is responsible for ensuring the security, maintenance, and upkeep of the property; and
3. Is employed by or under contractual obligation by the owner of the property to provide these services and is not a Tenant under Title 17 of this Code.

“Sheeting Material”, or “Sheeting”, shall mean a minimum of ¼-inch thick clear or semi-clear shatter-proof polycarbonate material with strength capable of sustaining impact without breaking or shattering, absent excessive force.

“Single-Family Dwelling” shall mean the same as defined in Title 19 of this code. Accessory Dwelling Units are included in this definition.

“Softscape” shall mean any live vegetation that is incorporated into landscaped areas.

“Stable Vacant Property”, or “Stable Property”, shall mean a Vacant Property that exhibits the following characteristics:

1. The structure is well maintained and can easily be lived in or used for its intended use;
2. Little or no maintenance or repairs are necessary;
3. The property is well maintained and is not obviously vacant;
4. There is no evidence of intrusion by transients into the interior of the property; and
5. The owner is responsive to city requests and regularly monitors the property on a proactive basis.

“Substantially Vacant” shall mean any property where fewer than 25% of the units are occupied.

“Vacant Property” shall mean any property that is substantially vacant, unoccupied, or abandoned for more than forty-five (45) days, and where construction, pursuant to an active building permit, is not taking place or where an inspection by the Building and Safety Division, pursuant to an active building permit, has not been conducted within the previous ninety (90) days. Notwithstanding, Vacant Property shall not include a residential property where a Resident Caretaker resides on-site during the period that the property would otherwise be considered Vacant Property under this Chapter.

9.64.020 General Vacant Property Standards

- A. Every person who owns, possesses or has control of a Vacant Property, shall maintain and secure said property in accordance with all provisions in Chapter 9.60, and in such a way that it will not become a public nuisance.
- B. Every person who owns, possesses or is in control of a Vacant Property shall do all of the following, unless any particular condition is determined by the Director to be not applicable or necessary to meet the standards for maintaining and securing a Vacant Property set out in subsection A of this section:
 1. Register the property, on a form provided by the city, and pay any required fees for the administration of this chapter, including, but not limited to, monitoring the subject property and city site inspections. Such fees shall be established by City Council resolution. The form shall provide the following information:

- a. A description of the methods by which the person who owns, possesses or is in control of Vacant Property has or will secure the Vacant Property against unauthorized entry;
- b. A contact phone number for the property owner and individual responsible for the maintenance and security of the Vacant Property;
- c. The most recent legal use of the Vacant Property;
- d. The square footage of the Vacant Property and any future plans for the Vacant Property;
- e. Whether there is fire and liability insurance coverage;
- f. A Letter of Agency to the West Hollywood Sherriff's Department empowering the Sherriff's Department to remove all unauthorized persons from the property; and
- g. Any other information as the Director may require.

This form will be forwarded to the West Hollywood Sheriff's Station throughout the duration of the vacancy. The Letter of Agency shall be current and effective at all times during the period of vacancy.

2. Vacant Property Registration fees shall be paid on the following schedule, with the category of property as determined by the Director:
 - a. "Stable Property" – yearly payment.
 - b. "At-Risk Property" – biannual payment.
 - c. "Problematic Property" – quarterly payment.
 - d. "Failed Property" – monthly payment.
3. Submit a Vacant Property Mitigation Plan which demonstrates how the property will be secured and maintained in a manner that protects the health, safety, general welfare, and aesthetic standards of the community.
 - a. This plan shall be submitted on a form provided by the Director or in a format approved by the Director.
4. General Maintenance and Requirements. Vacant properties shall be continually maintained in compliance with all provisions reflected in Chapter 9.60, and the following as determined by the Director:
 - a. The property shall be kept cleaned, watered and weeded;
 - b. Dead or dying plant material shall be removed;
 - c. Groundcover vegetation shall not be permitted to grow taller than 6 inches; and

- d. All bushes and shrubs shall be maintained no higher than 36” to allow for a clear view from the public right-of-way to the entire interior of the property.
5. Groundcover, hardscape, or softscape shall be installed and maintained on all Vacant Property throughout the duration of the vacancy. Such landscaping is subject to the approval from the Director of Planning and Development Services, or designee, and shall comply with the following:
 - a. Plants used for groundcover shall not be allowed to grow taller than 6 inches; and
 - b. Irrigation, adequate for the health and growth of groundcover plants, shall be provided and maintained throughout the duration of vacancy.
6. All trash, debris, rubbish, discarded furniture or defective or discarded equipment or appliances or items of similar nature shall be removed from the property.
7. “No Trespassing” signs shall be installed at locations on the property as determined by the Director.
 - a. Additional signage may be required by the Director to include the name and phone number of an individual that can promptly respond to complaints regarding the property.
8. As determined by the Director, any Vacant Property must be enclosed by a wrought iron fence or similar material that is at least six feet tall and non-view obscuring. This provides for clear and open visibility of the Vacant Property. The fence must be self-supporting and may not be attached to any part of adjacent property without the adjacent owner’s written permission. The fence’s location, type, and method of installation is subject to approval of the Director of Planning and Development Services, or designee, before installation; provided, however, that in no event shall the fence be chain-link, unless the property is actively being developed pursuant to a current and valid building permit.
 - a. Fences shall be maintained in a safe and aesthetically pleasing manner and shall be kept free of posters, graffiti, artwork, or similar decoration unless it is approved art on construction fences, as authorized by Section 19.20.240 of the Municipal Code. All unauthorized postings and graffiti shall be immediately removed or painted over.
 - b. Missing or damaged fencing shall be repaired or replaced within 72 hours.

9. All gates or entrances to Vacant Property shall be equipped with a lock provided by the city as determined by the Director. The property owner shall deposit with the city a sum equal to the cost of the lock.
10. The property shall be kept free of parked, abandoned, or inoperable vehicles except where a parking permit or other appropriate approval has been obtained from the city.
11. Any swimming pool on a Vacant Property shall be drained, kept free of standing water, and comply with following:
 - a. Filled-in with soil or any other fill approved and to the satisfaction of the Director; or
 - b. Covered in such a way that water cannot collect in the swimming pool or on top the cover.
12. The property shall be inspected each week and these inspections documented and submitted in writing to the satisfaction of the Director.
 - a. The Director may require increased frequency of inspections if it is determined that doing so is necessary to safeguard the community from impacts that are injurious to public health, safety, and general welfare, or where the property becomes attractive to unauthorized persons and trespassers.
13. Motion-activated security lighting shall be installed and maintained in working condition at all entrances and exits of the property to the satisfaction of the Director from dusk until dawn.
14. Motion-activated video surveillance cameras shall be installed and maintained in working condition that provide two-way communication and mobile live-view video to the satisfaction of the Director.
15. Additional building locks and entry control including bars on windows shall be installed and maintained as determined by the Director to prevent unauthorized access to the property and any structure.
16. Documentation shall be provided that adequate security is provided by onsite security personnel, roaming security patrol, or some other means; and twenty-four hours seven day a week security may be required as determined by the Director.
17. Pest and rodent infestation shall be abated on the property and documentation shall be provided verifying the abatement from a licensed professional.
18. Landscaping that contributes to an unsafe condition on the property shall be eliminated or trimmed to the satisfaction of the Director.

19. All curtains, blinds, and window coverings shall be removed from all windows located on the ground level of a structure allowing for a clear view to the interior of vacant buildings and units.
 20. All furniture and personal property shall be removed from the interior of vacant buildings.
- C. All buildings and structures upon the property shall be secured, locked, and closed as determined and approved by the Director and the Building Official. Securing of any or all structures by boarding unsecure windows, doors, and other openings with sheeting material shall be done in accordance with this section. As used herein, "sheeting material" or "sheeting" means a minimum of ¼-inch thick clear or semi-clear shatter-proof polycarbonate material with strength capable of sustaining impact without breaking or shattering, absent excessive force. Sheeting shall be installed in a manner intended to provide an appearance approximating glass in the window casings, and consistent in appearance with the surrounding surface in the case of all other openings that require securing.
1. Exterior Access Door. At least one exterior door shall allow authorized persons access to the interior of the residential property. Such exterior access door may be secured by using:
 - a. A solid core wood or steel door with no windows or other openings in the door; or
 - b. Hinged sheeting material or ¾" plywood attached to the door entry with three case hardened strap hinges of the type specified by the Building Official and the sheeting material or plywood shall be secured by at least two case hardened steel hasps and minimum two-inch case hardened padlock also of the type specified by the Building Official.
 2. Use of Plywood:
 - a. Plywood shall only be used to secure Vacant Property to repair damage or vandalism for no more than 30 days and shall be painted in a color consistent with the exterior of the dwelling unit.
 - b. Plywood shall be of un-sanded CDX grade and shall have a minimum thickness of 1/2" for window openings, 5/8" for door openings and 3/4" for sliding door and French door openings.
 - c. Unless otherwise granted a variance by the Building Official from strict compliance herewith, materials such as oriented strand board (OSB), medium density fiberboard (MDF), particle board, wafer board, masonite or other similar material shall not be used to secure vacant or abandoned buildings or structures.

- d. Plywood used to secure vacant properties shall be installed in accordance with presently applicable FHA-standards.
3. Property that remains Vacant for more than 45 days shall secure all windows, doors, and other openings in accordance with this Section.
 - a. Sheeting shall be installed in a manner intended to provide an appearance approximating glass in the window casings, and consistent in appearance with the surrounding surface in the case of all other openings that require securing.
 - b. Security bars, laminate, or other methods approved by the Director and Building Official shall be installed on all windows.
 4. Only exterior-grade screws and round-head plated carriage bolts shall be used to secure a vacant property. Nails shall not be used.
- D. A unit that is vacant in a Multi-Family Dwelling Unit and is not currently in use as a residence shall be secured and locked, or otherwise made inaccessible in accordance with this section.

9.64.030 Violations, Penalties, and Performance Bond

This chapter shall not apply to a dwelling unit actively being sold or offered for rent if the unit is maintained in strict compliance with the provisions found in Chapter 9.60.

Any person (whether an individual, corporation, partnership, joint venture, or other entity) who violates any of the provisions of this chapter or who does not correct violations in compliance with the requirements of this chapter, is subject to the administrative penalty provisions of Municipal Code Section 1.08.030. Each day or portion thereof wherein the violation is committed, continued, or permitted constitutes a separate and distinct violation.

The City's authority to prosecute violations of this chapter shall be in addition to its authority to pursue remedies under Municipal Code Chapter 1.32 (Abatement of Nuisances), and shall be entitled to recover any costs from the property owner associated with monitoring, inspecting, and securing the subject property to meet the requirements of this Chapter.

In the event the Director determines that a Vacant Property has violated this Chapter two (2) or more times, the Director may require the person who owns, possesses or is in control of Vacant Property to submit a performance bond that the City may use to abate any future violations of this Chapter or other Municipal Code sections. The Director shall set the amount of the performance bond so that the City can secure and remediate any violations of this Chapter that may arise on the Vacant Property.

9.64.040 Community Safety and Protection

The Director is authorized to waive or modify any standard or condition found in this chapter if it is determined that, under the particular factual circumstances, the change is warranted to safeguard the property or the surrounding community from impacts that are injurious to public health, safety and general welfare or to the stability of real property so as to interfere with the comfortable enjoyment of life or property, nor become attractive to unauthorized persons, including but not limited to juveniles and transients, nor constitute a health, fire or safety hazard..

In making this determination, the Director shall consider:

1. The history of unlawful activity at this property;
2. The overall condition of the property and structures;
3. The willingness of the property owner to comply with City requests;
4. The likelihood that the change will result in improved protection of the property and the public writ large; and
5. Any other evidence pertaining to the property and its owners, or the effects of the proposed change.

SECTION 8: A new Chapter 9.66, entitled "Recording Notice of Violation" is added to new Article 5, entitled "Neighborhood Preservation" in Title 9 of the West Hollywood Municipal Code (the "Code") to read as follows:

**Title 9 Public Peace and Safety
Article 5 - Neighborhood Preservation
Chapter 9.66 Recording Notice of Violation**

9.66.010 Recording Notice of Violation

A. Whenever the Director determines that a violation of City codes or applicable State codes exists, the Director may issue a notice of violation to a responsible person who may include the property owner and/or a financial institution with an interest in the land. The notice of violation shall include the following information:

1. The street address of the property;
2. The name of the property's owner of record;
3. The code sections in violation;
4. A description of the property's condition which violates the applicable codes;
5. A list of necessary corrections to bring the property into compliance;

6. A deadline or specific date to correct the violations listed in the notice of violation;
 7. Reference to the potential consequences should the property remain in violation after the expiration of the compliance deadline including, but not limited to, administrative abatement, civil penalties, revocation of permits, recordation of the notice of violation, the withholding of future municipal permits, criminal prosecution and civil injunction.
- B. Once the Director has issued a notice of violation to any person and the property remains in violation after the deadline established in the notice of violation, the Director may record a notice of violation with the Recorder's Office of Los Angeles County.
1. The recorded notice of violation shall include the name of the property owner, the property's assessor's parcel number, the parcel's legal description, and a copy of the latest notice of violation.
- C. A copy of the recorded notice of violation shall be served on the responsible person and property owner pursuant to any of the methods of service set forth as follows:
1. Posting a notice in a conspicuous place on or in front of the property in question; or
 2. By personal service on the owner(s); or
 3. By first class mail or registered or certified mail addressed to the owner(s) of the property at their last known address. If there is no known address for the owner, lessee, occupant and other person having charge or control of the property, the notice shall be sent to the property address. Service shall be completed at the time of deposit into the United States mail.
- D. Notice of compliance procedures shall be as follows:
1. When the violations listed on the notice of violation have been corrected, the responsible person or property owner may file with the Director a written request for a notice of compliance.
 2. Once the Director receives this request, the Director shall reinspect the property within thirty (30) calendar days to determine whether the violations listed in the notice of violation have been corrected and whether all necessary permits have been issued and final inspections have been performed.
 3. The Director shall serve a notice of compliance to the responsible person or property owner in the manner provided in subsection (C) of this section if the Director determines that:
 - a. All violations listed in the recorded notice of violation have been corrected; and
 - b. All necessary permits have been issued and finalized; and
 - c. All civil penalties assessed against the property have been paid; and

- d. The party requesting the notice of compliance has paid an administrative fee to reimburse the City for all incidental and administrative expenses.
- E. If the Director denies a request to issue a notice of compliance, the Director shall serve the responsible person or property owner with a written explanation setting forth the reasons for the denial. The written explanation shall be served by any of the methods of service set forth in subsection (C) of this section. The Director's decision denying a request to issue a notice of compliance constitutes the final decision in the matter and is not appealable.
- F. The City of West Hollywood may withhold permits for any alteration, repair or construction pertaining to any existing or new structures or signs on the property identified in the notice of violation, or any permits pertaining to the use and development of the real property or the structure. The City of West Hollywood may withhold permits until a notice of compliance has been issued by the Director. The City of West Hollywood may not withhold permits which are necessary to obtain a notice of compliance or which are necessary to correct serious health and safety violations.
- G. The Director shall issue a signed notice of compliance stating that it cancels the notice of violation once all violations have been corrected and all fines, penalties, and costs have been paid. The notice of compliance shall be provided to the property owner within thirty (30) calendar days to record with the Recorder's Office of Los Angeles County. The notice of compliance shall have the effect of canceling the recorded notice of violation.

SECTION 9: Section 19.30.010 of Chapter 19.30 of Title 19 of the West Hollywood Municipal Code is amended to read as follows, and Sections 19.30.020 through 19.30.060 are repealed:

19.30.010 General Property Maintenance Requirements.

Any person owning, leasing, occupying, or having charge or possession of any property shall maintain it in a manner that is consistent with the property maintenance standards found in Chapter 9.60 of this Code.

SECTION 10: The list in Section 1.08.010(d) of municipal code chapters and sections that are subject to the Administrative Penalty Procedures in Section 1.08.030 through 1.08.070 in Section 1.08.010 in Chapter 1.08 of Title 1 of the West Hollywood Municipal Code is amended to add "Chapter 9.60 Public Nuisances" and "Chapter 9.64 Vacant Properties" to the list in numeric order and the remainder of the list is to remain unchanged.

SECTION 11: Effective Date. This ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code section 36937.

SECTION 12: Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of West Hollywood's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED, AND ADOPTED THIS ____ day of _____, 2019.

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

John D'Amico, Mayor

ATTEST:

Yvonne Quarker, City Clerk

MAYOR

ATTEST:

City Clerk

RESOLUTION NO. 19-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE MASTER FEE RESOLUTION FOR FISCAL YEAR 2019-20 TO ADD VIOLATIONS OF CHAPTERS 9.60 (PUBLIC NUISANCES) AND 9.64 (VACANT PROPERTIES) TO SCHEDULE D OF THE ADMINISTRATIVE CITATION FEE SCHEDULE; AND ADD VACANT PROPERTY REGISTRATION FEES TO THE CODE COMPLIANCE FEE SCHEDULE.

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

SECTION 1. Resolution 19- 5166 establishes fees and charges for certain services provided by the City of West Hollywood for fiscal year 2019-2020.

SECTION 2. Section 10 of Resolution 19- 5166 incorporates by reference the schedule of fees and charges for the Code Compliance Division Administrative Citation Program.

SECTION 3. The Administrative Citation Fee Schedule adopted by Section 10 of Resolution 19- 5166 is hereby amended to add violations of Chapter 9.60 (Public Nuisances) and 9.64 (Vacant Properties) to Schedule D.

DEPARTMENT OF PUBLIC WORKS CODE COMPLIANCE/ADMINISTRATIVE CITATION FEES FEE SCHEDULE FY 2019-2020	BASE FEE FY 18-19	Increase Decrease Same or New	ADOPTED FEE FY 19-20
MUNICIPAL CODE VIOLATIONS - Schedule D			
<i>Fee based on payment within 21 Days - For Late Penalties see below</i>			
<i>Fees and Late Penalties are adopted annually by the City Council at a Public hearing and are charged uniformly to ensure fairness.</i>			
Administrative Fees	\$50	same	\$50
First Offense	\$1,000	same	\$1,000
Second Offense	\$2,000	same	\$2,000
Third Offense	\$5,000	same	\$5,000
Section 19.54.030(B) Violations Only	Add Permit Cost to Citation Amount		Add Permit Cost to Citation Amount
<u>Schedule D Violations</u>			
Section 09.08.050(i) PROHIBITED NOISES - SPECIFIC			
EXAMPLES - Commercial Establishments Adjacent to Residential Properties			
<u>Chapter 9.60 PUBLIC NUISANCES</u>			

NEW

ATTACHMENT B

<p>Chapter 9.64 VACANT PROPERTIES Section 11.44 MOBILE BILLBOARDS Section 15.56.060(d) POLLUTION CONTROL - Non-stormwater Discharges Section 15.56.060(e) POLLUTION CONTROL - Violation of NPDES Permit</p>	<p>NEW</p>
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SECTION 4. The Fee Schedule for the Code Compliance Division adopted by Section 10 of Resolution 19- 5166 is hereby amended to add Vacant Property Registration Fees in the schedule of Miscellaneous Fees.

DEPARTMENT OF PUBLIC WORKS CODE COMPLIANCE FEE SCHEDULE FY 2019-2020	ORIGINAL FEE FY 18-19	Increase Decrease Same or New	REVISED FEE FY 19-20
MISCELLANEOUS FEES			
Special Event Monitoring (Per Hour)	\$100	Same	\$100
Food Truck Encroachment Permit Fee	\$20	Same	\$20
Valet Sign Encroachment Fee	\$250	Same	\$250
Drone Registration Fee	\$5	Same	\$5
New or Replacement Food Vendor Registration Decal	\$5	Same	\$5
<u>Stable Vacant Property Registration Fee (due on July 1 of each year)</u>		New	\$740
<u>At-Risk Vacant Property Registration Fee (due on July 1 of each year)</u>		New	\$2,220
<u>Problematic Vacant Property Registration Fee (due on January 1 and July 1 of each year)</u>		New	\$2,220
<u>Failed Vacant Property Registration Fee (due on January 1, April 1, July 1, and October 1 of each year)</u>		New	\$2,220

SECTION 5. The Mayor shall sign, and the City Clerk shall attest to the passage and adoption of this Resolution and enter it into the book of original resolutions. This Resolution will become effective immediately upon adoption.

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2019.

 JOHN D'AMICO, MAYOR

ATTEST:

YVONNE QUARKER, CITY CLERK
FEE JUSTIFICATION DOCUMENT
FY 2019-2020

DEPARTMENT: Public Works

DIVISION: Code Compliance

SUBMITTED BY: Daniel Mick

Ext: 6882

Name of fee: Stable Vacant Property Registration Fee

This fee is: NEW

INCREASE

DECREASE

FY 2018-19: \$ N/A

FY2019-20: \$ 740.00

JUSTIFICATION:

1 Code Officer (\$200/ hour) plus 2 Deputies (\$170/ hour) = \$370 per hour or \$185 per 30-minute inspection. 4 inspections per year total \$740.00 payable on July 1 of each year.

The above rates are calculated using the fully burdened labor rates as identified in the Cost of Services Study conducted in May 2016.

Total Revised Revenue 2018: \$N/A

Total Current Revenue 2019: \$N/A

Net Increase or (Decrease): \$N/A

**FEE JUSTIFICATION DOCUMENT
FY 2019-2020**

DEPARTMENT: Public Works

DIVISION: Code Compliance

SUBMITTED BY: Daniel Mick

Ext: 6882

Name of fee: At-Risk Vacant Property Registration Fee (due on July 1 of each year)

This fee is: NEW

INCREASE

DECREASE

FY 2018-19: \$ N/A

FY2019-20: \$740.00

JUSTIFICATION:

1 Code Officer (\$200/ hour) plus 2 Deputies (\$170/ hour) = \$370 per hour or \$185 per 30-minute inspection. 12 inspections per year total \$2,220.00 payable on July 1 of each year.

The above rates are calculated using the fully burdened labor rates as identified in the Cost of Services Study conducted in May 2016. The Stable Vacant property registration fee (\$740) is used as an estimate because the goal of the program is to have all vacant properties maintained at the "Stable" level.

Total Revised Revenue 2018: \$N/A

Total Current Revenue 2019: \$N/A

Net Increase or (Decrease): \$N/A

**FEE JUSTIFICATION DOCUMENT
FY 2019-2020**

DEPARTMENT: Public Works

DIVISION: Code Compliance

SUBMITTED BY: Daniel Mick

Ext: 6882

Name of fee: Problematic Vacant Property Registration Fee (due on January 1 and July 1 of each year)

This fee is: NEW

INCREASE

DECREASE

FY 2018-19: \$ N/A

FY2019-20: \$740.00

JUSTIFICATION:

1 Code Officer (\$200/ hour) plus 2 Deputies (\$170/ hour) = \$370 per hour or \$185 per 30-minute inspection. 2 inspections per month total \$4,440.00 per year payable in 2 equal payments of \$2,220.00 on January 1 and July 1 of each year.

The above rates are calculated using the fully burdened labor rates as identified in the Cost of Services Study conducted in May 2016. The Stable Vacant property registration fee (\$740) is used as an estimate because the goal of the program is to have all vacant properties maintained at the "Stable" level.

Total Revised Revenue 2018: \$N/A

Total Current Revenue 2019: \$N/A

Net Increase or (Decrease): \$N/A

**FEE JUSTIFICATION DOCUMENT
FY 2019-2020**

DEPARTMENT: Public Works

DIVISION: Code Compliance

SUBMITTED BY: Daniel Mick

Ext: 6882

Name of fee: Failed Vacant Property Registration Fee (due on January 1, April 1, July 1, and October 1 of each year)

This fee is: NEW

INCREASE

DECREASE

FY 2018-19: \$ N/A

FY2019-20: \$740.00

JUSTIFICATION:

1 Code Officer (\$200/ hour) plus 2 Deputies (\$170/ hour) = \$370 per hour or \$185 per 30-minute inspection. 4 inspections per month total \$8,880.00 per year payable in 4 equal payments of \$2,220.00 on January 1, April 1, July 1, and October 1 of each year.

The above rates are calculated using the fully burdened labor rates as identified in the Cost of Services Study conducted in May 2016. The Stable Vacant property registration fee (\$740) is used as an estimate because the goal of the program is to have all vacant properties maintained at the "Stable" level.

Total Revised Revenue 2018: \$N/A

Total Current Revenue 2019: \$N/A

Net Increase or (Decrease): \$N/A

RESOLUTION NO. PC 19-1340

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO THE ZONING ORDINANCE TO RELOCATE THE REQUIREMENTS FOR PROPERTY MAINTENANCE, VACANT PROPERTIES, AND CONSTRUCTION MITIGATIONS FROM CHAPTER 19.30 TO A NEW PROPERTY MAINTENANCE CHAPTER FOUND IN CHAPTER 9.60 AND PROVIDE REFERENCE TO TITLE 9 IN THE ZONING ORDINANCE, WEST HOLLYWOOD, CALIFORNIA.

The Planning Commission of the City of West Hollywood does hereby resolve as follows:

SECTION 1. The City is considering a Municipal Code Amendment to create a new chapter in Title 9 for property maintenance standards, vacant property standards, and construction standards. The proposed Zone Text Amendments will provide reference in the Zoning Ordinance to those standards in Title 9 in multiple locations.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of July 18, 2019 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 by July 4, 2019. At their July 18, 2019 meeting, the Planning Commission continued this item to a date certain.

SECTION 3. The zone text changes are 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. In this case, the proposed zone text amendment and associated municipal code amendment will create updated standards for property maintenance, vacant properties, and construction mitigation that will prevent negative impacts on neighborhoods while projects are under construction, vacant or otherwise. Additionally, many of the provisions and requirements already exist and are being relocated and strengthened in Title 9 of the WHMC. The construction mitigation plan requirement has been a standard condition of approval on all development projects in the city and will now be codified in the Code, also preventing construction related impacts. Preserving neighborhoods and residential quality of life will result in no environmental impacts and will maintain the environmental status quo.

SECTION 4. The Planning Commission of the City of West Hollywood hereby finds that the proposed Zone Text Amendment is consistent with the Goals and Policies of the General Plan, specifically Goal LU-8, which calls for the city to maintain and enhance residential neighborhoods. The ZTA and associated municipal code amendments also comply with Goal H-2, maintain and enhance the quality of the housing stock and residential neighborhoods. The property maintenance standards set forth in this ordinance are consistent with the City's overall goals and policies for functional, safe, and well maintained properties and nothing in this ordinance will impede the City's ability to meet its General Plan Goals and policies. Further, preserving neighborhoods and residential quality of life will result in no environmental impacts and will maintain the environmental status quo.

SECTION 5. Based on the foregoing, the Planning Commission of the City of West Hollywood hereby recommends approval by the City Council of Zone Text Amendment ZTA19-0003 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 5th day of September, 2019 by the following vote:

AYES: Commissioner: Altschul, Buckner, Erickson,
Hoopingarner, Jones, Vice-Chair Bass,
Chair Carvalheiro.

NOES: Commissioner: None.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: None.



CHAIRPERSON

ATTEST:



RACHEL DIMOND, AICP, ACTING
LONG RANGE PLANNING MANAGER

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 19-0003 WEST HOLLYWOOD MUNICIPAL CODE SECTIONS TO BE MODIFIED

(New text indicated with underline, deleted text with ~~striketrough~~.)

Section 1. Paragraph (1) of Subsection A of Section 19.20.240 of Title 19 is amended as follows:

19.20.240 Art on Construction Fencing.

A. Applicability.

1. Required. Commercial properties under construction shall install temporary art along the street-facing perimeter construction fence of the property (excluding alleyways) if the construction is for a development project of 10,000 square feet or more and has one street-facing frontage of at least 75 linear feet.

The construction fence shall meet the requirements of the Building Code of the City of West Hollywood and the project's construction mitigation plan and Chapter 9.70 of this code and the temporary art shall comply with the provisions of this section.

Section 2. Chapter 19.30 of Title 19 of the West Hollywood Municipal Code is amended in its entirety to read as follows:

19.30.010 Purpose General Property Maintenance Requirements.

~~This chapter establishes a process to ensure that responsible persons maintain previously constructed or installed improvements on private property in a manner that protects the public health, safety, and general welfare.~~

Any person owning, leasing, occupying, or having charge or possession of any property shall maintain it in a manner that is consistent with the property maintenance standards found in Chapter 9.60 of this Code.

~~19.30.020 General Maintenance Requirements.~~

~~Any person owning, leasing, occupying, or having charge or possession of any property shall maintain it in a manner that is determined by the Director or a designated City official to not be detrimental or injurious to the public health, safety, and general welfare, and that does not interfere with the comfortable enjoyment of life or property.~~

19.30.030 Specific Violations.

~~It is unlawful to maintain or fail to maintain any property, or on-site improvements, in a manner that results in any of the following conditions:~~

~~A. *Nuisances Possibly Dangerous to Children.* The storing or allowing the storage of any abandoned or broken appliances and equipment or neglected machinery on private property or the parkway for any length of time. Any appliances, equipment, machinery, or accumulation of materials shall be removed immediately upon notification by the Planning and Development Services Director.~~

~~B. *Deteriorating and Defective Structures.* Any and all improvements located on private property shall be presumed to be in violation of this section if any of the following conditions exist:~~

~~1. Peeling paint in excess of a total of four square feet of the entire façade (e.g., any exterior side) of a structure;~~

~~2. Excessive cracked or broken stucco or other exterior or interior covering as determined by the Planning and Development Services Director;~~

~~3. Structure exteriors or interiors that are improperly maintained, neglected, or damaged, or in need of repairs (e.g., weatherproofing, insect extermination or water intrusion);~~

~~4. Broken, cracked, or missing windows or doors;~~

~~5. Damaged, poorly fitting, or missing window screens, or screens covering vent areas (under floors, in ceilings), or damaged, poorly fitting screens for entrance or balcony doors, or deteriorated metal security doors;~~

~~6. Roofs missing shingles, tile, or other material used as roof composition or the material is loose or unstable;~~

~~7. Broken rain gutters;~~

~~8. Improperly maintained awnings;~~

~~9. Fences, walls, and gates that are not plumb and true, not in good repair, have peeling paint, broken bricks, broken mortar, cracked or broken stucco, or are not constructed of materials treated in a uniform manner;~~

~~10. Unpainted structures experiencing dry rot, termite infestation, or warping;~~

~~11. Any decoration, design, device, graffiti, fence, structure, or clothesline which is unsightly by reason of its condition or its inappropriate~~

location as determined by the Planning and Development Services Director or a designated city official;

~~12. Faulty materials of construction in any improvements including those materials which are not allowed or approved by the Building Code as adopted by the city and as reported to the Planning and Development Services Director by the Building Official, or which have not been maintained in a good and safe condition; and~~

~~13. A passenger elevator in a multi-unit residential building that the State of California Division of Occupational Safety and Health, Elevator Ride and Tramway Unit, or other agency designated by the Planning and Development Services Director, has found to be inoperable, or not maintained in a proper, safe and good working condition.~~

~~C. Fire Hazard.~~

~~1. All violations of applicable conditions of the Fire Code as adopted by the city in Municipal Code Section 14.04.010, and as reported to the Planning and Development Services Director by the Fire Marshal.~~

~~2. All dry, dead shrubs, dead trees, combustible refuse and waste, or any material growing or found upon public or private property, which by reason of their size, condition, manner of growth, or location constitute a fire hazard to any structure, improvements, crops, or other property, or when dry will, in reasonable probability, constitute a fire hazard.~~

~~D. Hazardous and Unsanitary Conditions.~~

~~1. Accumulating, discharging, or releasing any human or animal waste material or substances, stagnant water, or any combustible or hazardous materials or substances, fluid or solid on any part of or in any structure on real property.~~

~~2. All violations of applicable conditions of the Health Code as adopted by the city in Municipal Code Section 7.04.010, and as reported to the Planning and Development Services Director by the Environmental Health Official.~~

~~E. Improper Parking or Storage of Goods, Equipment, and Vehicles.~~

~~1. Any violation of Section 19.28.030(C) (Location of Parking), Section 19.20.150(D)(4) (Storage) or any other Zoning Ordinance provisions pertaining to parking or storing vehicles and equipment on private or public property.~~

~~2. Using or allowing use of any hardscape area for parking which prevents or hinders access to elevators, entrances, exits, or trash~~

~~receptacles or blocks access to any structure for emergency vehicles or personnel.~~

~~3. The keeping or storing, or allowing the keeping or storage, of boats, camper shells, inoperable vehicles, trailers, cargo containers, and other equipment for more than 72 hours in the public right-of-way without a permit, in yard areas or driveways in which storage is not allowed, where the items are not screened from view of public streets or highways.~~

~~4. Outdoor storage or display in violation of Section 19.36.230.~~

~~F. *Inadequate or Faulty Mechanical Equipment.*~~

~~1. Lack of safe, adequate heating facilities in an apartment house, dwelling unit, hotel, or motel.~~

~~2. All violations of applicable conditions of the Mechanical Code as adopted by the city in Municipal Code Section 13.16.010, and as reported to the Planning and Development Services Director or designated city official by the Building Official.~~

~~3. Mechanical equipment and required screening, including vents, that does not conform with all applicable laws in effect at the time of installation, or which has not been maintained in good and safe condition.~~

~~G. *Inadequate or Faulty Plumbing.*~~

~~1. Lack of plumbing fixtures required by the Building Code as adopted by the city, as reported to the Planning and Development Services Director by the Building Official.~~

~~2. All violations of applicable conditions of the Plumbing Code as adopted by the city in Municipal Code Section 13.12.010, and as reported to the Planning and Development Services Director by the Building Official.~~

~~3. Plumbing which does not conform with applicable laws in effect at the time of installation or which has not been maintained in good condition and free of cross connections.~~

~~H. *Inadequate or Hazardous Electrical Supply, Lighting, and Wiring.*~~

~~1. Lack of required or improperly maintained electrical lighting or convenience outlets in existing residential or commercial occupancies as reported to the Planning and Development Services Director by the Building Official.~~

~~2. Lack of maintenance and repair of lighting fixtures inside dwelling units and in common areas of residential and commercial structures.~~

~~including courtyards, garages, hallways, lobbies, parking areas and lots, public toilets, and walkways.~~

~~3. All violations of applicable conditions of the Electrical Code as adopted by the city in Municipal Code Section 13.08.010, and as reported to the Planning and Development Services Director by the Building Official.~~

~~4. Wiring that does not conform with applicable laws in effect at the time of installation or which has not been maintained in good condition and used in a safe manner.~~

~~I. *Inadequate Sanitation and Ventilation.*~~

~~1. Lack of hot or cold running water to plumbing fixtures as reported to the Planning and Development Services Director by the Building Official.~~

~~2. Lack of the minimum amounts of natural light and ventilation required by the Building Code as adopted by the city, in Municipal Code Section 13.04.010.~~

~~3. Room and space dimensions less than required by the Building Code as adopted by the city.~~

~~4. Dampness in habitable rooms.~~

~~J. *Non-Maintenance of Landscape and Hardscape.*~~

~~1. A violation of Municipal Code Sections 11.16.060 (Obligation to Maintain), 11.16.070 (Cleaning of Sidewalks), 19.36.280(B)(5) (Front Yard Paving), 19.36.320(G) (Front Yard Paving), Chapter 19.26 (Landscaping Standards), and Chapter 19.28 (Off-Street Parking and Loading Standards), or any other Zoning Ordinance provisions or permit conditions pertaining to the installation and upkeep of landscaped or hardscaped areas located on private property or abutting parkways.~~

~~2. Maintaining or allowing the maintenance of private property or parkway with a lack of adequate landscaping or ground cover sufficient to prevent blowing dust or erosion, or allowing the landscaping on private property or in a parkway to cause a hazard or inconvenience to pedestrians using the public sidewalk.~~

~~3. Maintaining or allowing the maintenance of any paved areas for vehicle parking and access, porches, steps, or walkways in a hazardous condition due to cracked, raised, or missing surface materials.~~

~~K. *Overgrown, Dying or Dead Vegetation.* Overgrown, dying or dead vegetation on private property or within parkway areas. Overgrown vegetation~~

includes, but is not limited to, vegetation that: (1) obstructs a person's view, to any degree, of approaching or nearby pedestrians or vehicles on public property; (2) obstructs any person's view, to any degree, of signs or traffic lights on public property; (3) obstructs access to, or use of, a sidewalk, street or highway, or a public easement or dedication to any degree; or (4) blocks, obstructs, or interferes with, public improvements, street lights, or signage to any degree as determined by the Planning and Development Services Director or the Director's designee. A determination that vegetation on private property or on an adjoining parkway is dead or dying may include, without limitation, consideration of the following factors: any physical characteristic of appearance evidencing a lack of proper watering or feeding; the creation or promotion of a fire hazard by reason therefor; the existence of an infestation of any kind that is injurious to such vegetation; or when diseased or dying vegetation does not substantially respond to remedial care. The city shall require replacement of dead or dying vegetation and the abatement of such a condition. In this event, a responsible person shall first obtain applicable permits and comply with all applicable landscape regulations and requirements in the West Hollywood Municipal Code.

~~_____ L. _____ *Polluted Water.* A pond, spa, swimming pool, fountain, or other body of water which is abandoned, unattended, unfiltered, or not otherwise properly maintained, resulting in polluted or stagnant water.~~

~~_____ M. _____ *Refuse and Waste.* Refuse and waste material which by reason of its location or character may constitute a fire hazard or threat to the health, safety, and general welfare, including aesthetic impacts, of the surrounding residential area. This includes maintaining or allowing to be maintained refuse and waste materials on private or public property. Compost piles are not considered refuse and waste.~~

~~_____ N. _____ *Structural Hazards.*~~

~~_____ 1. _____ Deteriorated, damaged, or inadequate foundations.~~

~~_____ 2. _____ Defective, deteriorated, or inadequate size flooring or floor supports.~~

~~_____ 3. _____ Defective, deteriorated, or inadequate size members of partitions, walls, or other vertical supports.~~

~~_____ 4. _____ Defective, deteriorated, damaged, or inadequate size ceiling, roof, or other horizontal supports.~~

~~_____ 5. _____ Defective, damaged, or inadequately constructed fireplace or chimney.~~

~~_____ O. _____ *Vacant or Abandoned Properties.* If a property, area or place, including buildings thereon, has been abandoned, undeveloped, or substantially vacant for 90 days, any person owning, leasing, occupying or having charge or~~

possession of the property shall be subject to special conditions to maintain the subject property. These conditions include, but are not limited to, the following:

~~1. Weekly inspection of property by the property owner documented in writing to the Planning and Development Services Director;~~

~~2. Installation of security lighting;~~

~~3. Installation of additional building locks and entry control including bars on windows;~~

~~4. Installation of permanent fencing as required by Chapter 7.24;~~

~~5. Documentation that adequate security is provided via onsite security personnel, roaming security patrol, video surveillance cameras or some other means, subject to the approval of the Planning and Development Services Director;~~

~~6. Abatement of pest and rodent infestation on the property and providing documentation verifying the abatement; and~~

~~7. Elimination or trimming of any landscaping that contributes to a unsafe condition on the property;~~

~~8. Posting signage on the property for a 24-hour emergency contact number to report complaints regarding the property;~~

~~9. The property owner shall be responsible for all costs associated with complying with an order from a city official as required by this subsection; and~~

~~10. The city shall recover any costs associated with monitoring the subject property, including city site inspections.~~

~~The above conditions are required unless any particular condition is determined by the Planning and Development Services Director to be not applicable or necessary.~~

~~P. *Other Provisions of the Municipal Code.* A violation of any other provision of the Municipal Code or the Building Code that pertains to real property, structures, or which otherwise concerns the public health, safety, and general welfare.~~

~~Q. *Impact on Viability of Surrounding Area.* To maintain or fail to maintain property, or any structure on it, in a way that its condition contributes to the establishment of a prevalence of depreciated values, impaired investments, and social and economic maladjustments to the extent that the capacity to pay~~

~~taxes is reduced and tax receipts are inadequate for the cost of public services rendered.~~

~~19.30.040 Notice to Correct.~~

~~—— A. —— *Correction Notice.* Upon inspection of a property where a violation is identified, the official representative of the appropriate agency may fill out a correction notice, indicating the sections that are violated and stating the specific violation, the corrections required, as well as the required compliance date in the appropriate spaces.~~

~~—— B. —— *Delivery of Notice.* The inspecting official shall give a copy of the form to any person owning, possessing, or in charge of the property who is present at the time of inspection. If a person is not present, the inspecting official shall hand-deliver the notice or send it by first-class or certified mail to the appropriate persons. If the property owner is not present, they shall receive a copy of this notice by first-class or certified mail, at the last known address. The service shall be deemed complete at the time of deposit in the mail. Failure of any person notified by mail to receive the notice shall not affect the validity of any proceedings conducted in compliance with this chapter.~~

~~19.30.050 Abatement of Violations.~~

~~—— The abatement of any conditions described in this chapter shall be performed in a way that conforms to the maintenance practices and aesthetic standards of the surrounding neighborhood, maintains the value and enjoyment of surrounding properties, and promotes the health, safety, and general welfare of the City.~~

~~—— A. —— *Code and Ordinance Compliance.* Corrections of violations and repairs shall comply with all applicable Building, Electrical, Mechanical, Plumbing Code, and Zoning Ordinance requirements, including all required permits and inspections.~~

~~—— B. —— *Manner of Repair.* Corrections and repairs of violations shall be performed in a sightly manner in recognition of manufacturer's standards and, where applicable, in compliance with the standards of workmanship of acknowledged trades and as deemed acceptable by the Planning and Development Services Director.~~

~~—— C. —— *Conformity with Existing Materials.* Exterior repairs and corrections of violations shall conform with the materials and colors of the complete structures being brought into compliance, unless otherwise approved by the Planning and Development Services Director.~~

~~—— D. —— *Content.* Colors, forms, materials, and shapes used as design elements for any exterior repairs or corrections of violations shall be uniform in content.~~

~~— E. — *Drought-Resistant Plantings.* Landscaping that is installed or replaced shall use in whole or in part, drought-resistant plantings and, where applicable, shall comply with the design standards and guidelines in Chapter 19.26 (Landscaping Standards) and Chapter G-26 (Landscape Design Guidelines).~~

~~**19.30.060 Violations and Penalties.**~~

~~— Any person (whether an individual, corporation, partnership, joint venture, or other entity) who violates any of the provisions of this chapter or who does not correct violations in compliance with the requirements of this chapter, is subject to the administrative penalty provisions of Municipal Code Section 1.08.030. Each day or portion thereof wherein the violation is committed, continued, or permitted constitutes a separate and distinct violation.~~

~~— The City's authority to prosecute violations of this chapter shall be in addition to its authority to pursue remedies under Municipal Code Chapter 1.32 (Nuisance Abatement).~~



**PLANNING COMMISSION
SUMMARY ACTION MINUTES
Regular Meeting
September 5, 2019**

West Hollywood Park Public Meeting Room – Council Chambers
625 N. San Vicente Boulevard, West Hollywood, California 90069

THE CITY OF WEST HOLLYWOOD HAS ADOPTED BRIEF SUMMARY AND ACTION MEETING MINUTES; WHICH PROVIDE A SUMMARY OF THE ACTIONS TAKEN AND POINTS OF DISCUSSION ONLY. ADDITIONAL COMMENTS OR DISCUSSION REGARDING ANY ITEM SUMMARIZED IN THESE MINUTES MAY BE OBTAINED BY VIEWING THE ARCHIVED VIDEOS OF THE PLANNING COMMISSION MEETINGS AT www.weho.org/weho-tv/other-city-meetings

1. **CALL TO ORDER:** Chair Jones called the meeting of the Planning Commission to order at 6:33 p.m.

2. **PLEDGE OF ALLEGIANCE:** Stephanie Harker led the Pledge of Allegiance.

3. **SPECIAL ORDER OF BUSINESS:**

A. **ELECTION OF CHAIR.**

ACTION: Elect Rogerio Carvalheiro as Chair of the Planning Commission for a term through June 30, 2020. **Nominated by Chair Jones, seconded by Commissioner Bass and unanimously carried.**

B. **ELECTION OF VICE-CHAIR.**

Commissioner Erickson nominated Commissioner Bass as Vice-Chair. Seconded by Chair Carvalheiro.

Commissioner Buckner nominated Commissioner Erickson as Vice-Chair. **Commissioner Erickson respectfully declined the nomination.**

Commissioner Bass nominated Commissioner Hoopingarner as Vice-Chair. Seconded by Commissioner Jones.

ACTION: Elect Adam G. Bass as Vice-Chair of the Planning Commission for a term through June 30, 2020. **Nominated by Commissioner Erickson, seconded by Chair Carvalheiro and passes on a 4-3 vote:**

BASS: Commissioners Altschul, Buckner, Erickson, Chair Carvalheiro.

HOOPINGARNER: Commissioners Bass, Hoopingarner, Jones.

4. **ROLL CALL:**

Commissioners Present: Altschul, Buckner, Erickson, Hoopingarner, Jones, Vice-Chair Bass, Chair Carvalheiro.

Commissioners Absent: None.

Staff Present: Daniel Mick, Code Compliance Manager, Antonio Castillo, Associate Planner, Rachel Dimond, Acting Long Range Planning Manager, Jennifer Alkire, Acting Current & Historic Preservation Manager, Lauren Langer, Assistant City Attorney and David Gillig, Commission Secretary.

5. **APPROVAL OF AGENDA.**

ACTION: Approve the Planning Commission Agenda of Thursday, September 5, 2019 as presented. **Moved by Commissioner Jones, seconded by Commissioner Erickson and unanimously passes.**

6. **APPROVAL OF MINUTES.**

A. **August 15, 2019**

ACTION: 1) Approve the Planning Commission regular meeting minutes of Thursday, August 1, 2019 as presented. **Moved by Commissioner Erickson, seconded by Vice-Chair Bass and unanimously passes.**

7. **PUBLIC COMMENT.**

STEPHANIE HARKER, WEST HOLLYWOOD commented on legal noticing, public outreach and decisions regarding design.

8. **DIRECTOR'S REPORT.** None.

9. **ITEMS FROM COMMISSIONERS.**

A. **Commissioner Comments.**

Commissioner Jones congratulated newly elected Vice-Chair Bass and Chair Carvalho. She wished Commissioner Erickson a Happy Birthday, and reminded the commission the Congress of Commissions and Boards will be held on Wednesday, September 11, 2019. She stated for the record she will be absent from the next Planning Commission meeting on Thursday, September 19, 2019.

Commissioner Hoopingarner congratulated Chair Carvalho on his placement of second place for the design competition of a new roof for the Notre Dame Cathedral in Paris, France. She thanked outgoing Chair Jones for her leadership over the last year.

Commissioner Altschul congratulated newly elected Vice-Chair Bass and Chair Carvalho. He thanked outgoing Chair Jones for her leadership over the last year.

Commissioner Buckner congratulated newly elected Vice-Chair Bass and Chair Carvalho. She thanked outgoing Chair Jones for her leadership over the last year.

Commissioner Erickson congratulated newly elected Vice-Chair Bass and Chair Carvalheiro. He thanked outgoing Chair Jones for her leadership over the last year.

Chair Carvalheiro thanked outgoing Chair Jones for her leadership over the last year.

Vice-Chair Bass thanked outgoing Chair Jones for her leadership over the last year.

10. CONSENT CALENDAR. None.

11. PUBLIC HEARINGS.

A. Zone Text Amendment, Property Maintenance Standards:

Daniel Mick, Code Compliance Supervisor provided a verbal presentation and background information, as presented in the staff report dated Thursday, September 5, 2019.

He stated the Planning Commission will consider an amendment to the West Hollywood Zoning Ordinance to remove the property maintenance language from the Zoning Ordinance and reference a new chapter, Property Maintenance, found in Title 9 of the West Hollywood Municipal Code.

He provided a history of the request, stating City Council directed staff to draft an amendment to the City's Municipal Code to allow for the demolition of a problematic vacant buildings (including commercial) at the discretion of the Director of Planning Development Services if a new project has been entitled on the site and is actively moving through the City's development planning process; and also directed staff to develop and return to City Council with additional recommendations to address problematic vacant buildings (including commercial), such as developing stricter requirements for boarding, fencing, and securing properties, requiring a 24-hour hotline for constituent calls, or creating a residential vacant property registration program.

He provided an overview of Title 19, and spoke regarding the changes to W.H.M.C 19.20.240 – Construction Fence zone text amendment, W.H.M.C. 19.0 – Property Maintenance zone text amendment, Title 9 overview, Property Maintenance 9.60, Vacant Properties 9.64, and Construction Management 9.70.

Staff recommends deleting the entirety of the existing Chapter 19.30 and leaving in place a reference to the new property maintenance chapter to be found in Title 9. Additionally, a reference to Title 9 will be provided in the Art on Construction Fences section in order to ensure projects meet the requirements of their adopted construction mitigation plans, as well as the new requirements outlined in Title 9.

In Title 9, staff recommends creating three separate chapters, including property maintenance for developed properties, vacant properties, and a third chapter for construction mitigation. The property maintenance chapter (9.60) will be based on existing language in the Zoning Code but will be expanded to strengthen certain provisions and will include references to the California Health and Safety Code. Additionally, staff proposes to include specific conditions when a property may be deemed uninhabitable.

The proposed vacant properties chapter (9.64) consolidates and expands upon the language found in Chapters 19.30 and 7.24, thus creating a single location in the Municipal Code where vacant property standards can be found, rather than two separate code sections which are enforced by different means. The proposed Vacant Properties chapter creates a vacant property registration program, mandates the submittal of a Vacant Property Mitigation Plan, and places more onerous regulations on owners of vacant properties with the goal of encouraging owners to develop their properties faster or keep them inhabited, thus keeping them from becoming vacant in the first place.

The proposed construction mitigation chapter (9.70) outlines the requirements for projects under construction. Typically, all building permits require a construction mitigation plan, but requirements for these plans are not codified. This chapter will codify regulations that are already required by the City.

The commission questioned and requested clarification regarding community outreach.

Chair Carvalheiro opened the public hearing for Item 11.A.

The following chose not to publicly speak, but support staff's recommendation of approval: STEPHANIE HARKER, WEST HOLLYWOOD.

The commission had concerns regarding the interpretation regarding ground cover.

Staff stated they would look into a possible new definition.

The commission stated their support of the item.

ACTION: 1) Adopt Resolution No. PC 19-1340 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO THE ZONING ORDINANCE TO RELOCATE THE REQUIREMENTS FOR PROPERTY MAINTENANCE, VACANT PROPERTIES, AND CONSTRUCTION MITIGATIONS FROM CHAPTER 19.30 TO A NEW PROPERTY MAINTENANCE CHAPTER

FROM CHAPTER 19.30 TO A NEW PROPERTY MAINTENANCE CHAPTER FOUND IN CHAPTER 9.60 AND PROVIDE REFERENCE TO TITLE 9 IN THE ZONING ORDINANCE, WEST HOLLYWOOD, CALIFORNIA," and 2) Close the Public Hearing for Item 11.A. **Moved by Commissioner Erickson, seconded by Commissioner Hoopingarner and unanimously passes.**

B. 972 N. San Vicente Boulevard:

Antonio Castillo, Associate Planner provided a verbal presentation and background information, as presented in the staff report dated Thursday, September 5, 2019.

He provided a history of the property stating the proposal is a request to redevelop the existing residential property with an approximately 8,300-square-foot, three-story, preschool above a one-level subterranean parking garage and pick-up and drop-off area. The preschool is designed with six classrooms to accommodate a maximum of 72 students.

The project was continued to allow the applicant an opportunity to address the Commission's concerns regarding the drop-off and pick-up area, vehicular circulation and queuing, and noise.

Since the previous meeting, the building's design remains substantially the same, except for revisions to the subterranean parking garage to reflect the Commission's concerns and most recently, the elimination of the rooftop use.

The plans previously presented showed a bottleneck in the underground parking structure that prevented two vehicles from being able to drive up and down the base of the ramp simultaneously. Vehicles entering and exiting were expected to alternate as they approached the base of the ramp.

The previous ramp configuration constrained the clearances needed for the opposing vehicles to bypass each other without having to alternate.

The redesign allows the driveway ramp to be shortened, alleviating the bottleneck and increasing the pick-up and drop-off queue capacity to allow for up to 12 SUV-size vehicles – an increase of three vehicles in the queue.

The outdoor instructional spaces are designed to dampen sound by creating a cocoon of sound absorbing materials. The overhang caused by the cantilevered second floor covers over 70 percent of the outside surface area.

The applicant has redesigned the wall from six feet in height to ten feet around the side and rear perimeter.

The applicant is requesting a modification to reduce the width of two mechanical lifts from a standard 9 feet, for a space that is abutting an obstruction (column) to 8'-2", a total of 9% reduction.

He explained this modification was not addressed in the staff report, given that it was recently introduced along with the addendum parking sheet that was received earlier. Staff has reviewed the addendum and agrees with the revisions as a better solution for the layout that was previously included in the packets.

A revised draft resolution has been provided to include the modification request. That language is included in the revisions to Section 5 on page two of the draft resolution. The eight parking spaces within the 4 sets of lifts will only be for staff parking. Staff will be trained on the operation of the mechanical lifts.

In addition to increasing the drop-off and pick-up queuing capacity, the applicant added a third 30-minute pick-up and drop-off window to further relieve any vehicle congestion. The first time slot will begin at 8:00 a.m. and the third will end at 9:30 a.m. In the afternoon, the first time slot will begin at 3:00 p.m. and the third will end at 4:30 p.m. Additionally, an adult was added to the drop-off and pick-up rotation in the loading zone to assist the loading and unloading of children.

The applicant's traffic consultant conducted additional analysis to better understand the potential for vehicles entering the preschool to back up onto San Vicente Boulevard. The findings showed that the queue to drop-off and pick-up would not exceed nine vehicles. Therefore, the 12-car capacity underground allows more than adequate queuing for drop-off and pick-up to be contained on the property at all times.

Staff recommends Condition No. 8.6, requiring that the applicant provide a fourth 30-minute time slot for the drop-off and pick-up schedule in the event that the preschool queuing backs up onto San Vicente. Additionally, Condition 8.6 would require that when overflow parking occurs regularly, the operator will be required to secure additional off-site parking spaces.

Staff's stated that the project is thoughtfully designed and conforms to the West Hollywood General Plan. Specifically, General Plan Policy HS-1.11, encourages childcare facilities in new developments and allows childcare services in areas zoned for residential use. Additionally, the project meets the development standards for a non-residential building in a residential zoned site. The building is compatible with the scale, bulk, and mass of existing buildings in the vicinity and does not impair the integrity and character of the zoning district. As proposed and as conditioned, the required findings for the project can be satisfied.

Staff recommends that the Planning Commission approve the project request, as revised, subject to the findings and set forth in the draft resolution.

He recommended a revision to Condition 6.18 pertaining to encroachment permits and street parking. That would include eliminating the last sentence that references parking in the right-of-way. In doing so, the condition will not conflict with Condition 11.7 which prohibits construction workers from parking on any West Hollywood street.

The commission questioned the mechanical compact stackers and training. They requested clarification regarding drop off times, construction pedestrian routes, construction hauling routes and timelines, and safety of the cross walk.

Chair Carvalho opened the public hearing for Item 11.B.

NASIM PAHLAVAN, LOS ANGELES, applicant, presented the applicants report. She provided a history of the project, stating the concerns the commission had at the previous hearing regarding parking and acoustics. She spoke on the current redesign, including traffic concerns, on-site parking and circulation, parking structure, relocation of the trash bins, number of parking stalls, drop-off hours, and adult supervision.

DIANA SKIDMORE, WEST LOS ANGELES, Crain and Associates, continued the applicant's report. She spoke and detailed the traffic queuing data and analyses.

NASIM PAHLAVAN, LOS ANGELES, applicant, continued the applicants report. She spoke regarding acoustics, including additional wall height and sound plan simulation, neighborhood compatibility, parking and noise concerns.

The commission requested clarification regarding the traffic circulation study, turn lanes, enforcement of traffic impacts, required parking spaces, child safety, vehicle exhaust and mitigation, mechanical parking lift training, queuing impacts, and standard turn radiuses.

JASON KING, LOS ANGELES, Lorcan O'Herlihy Architects continued the applicants report. He spoke and detailed the design of the mechanical parking lifts and ventilation system.

Commissioner Buckner disclosed for the record she drives by the site several times a day.

Vice-Chair Bass disclosed for the record he made a site visit, and spoke to a neighbor. They discussed matters contained in the staff report.

Commissioner Altschul disclosed for the record he drives by the site several times a day.

Commissioner Jones disclosed for the record she spoke to members of the community. They discussed matters contained in the staff report.

Commissioner Erickson disclosed for the record he made a site visit, and spoke to members of the community. They discussed matters contained in the staff report.

Commissioner Hoopingarner disclosed for the record she made a site visit, and spoke to members of the community. They discussed matters contained in the staff report.

Chair Carvalheiro disclosed for the record he made a site visit.

JON VISCOTT, WEST HOLLYWOOD opposes staff's recommendation of approval for the pre-school.

MIGUEL PADILLA, LOS ANGELES spoke in support of staff's recommendation of approval for the pre-school.

JACOB SHELLEY, WEST HOLLYWOOD spoke in support of staff's recommendation of approval for the pre-school.

ROBYNN NICHOLS, LOS ANGELES spoke in support of staff's recommendation of approval for the pre-school.

KRISTI MORAS, LOS ANGELES spoke in support of staff's recommendation of approval for the pre-school.

STEPHANIE HARKER, WEST HOLLYWOOD opposes staff's recommendation of approval for the pre-school.

CATHY BLAIVAS, WEST HOLLYWOOD had concerns regarding this item. She spoke regarding traffic circulation, and mechanical parking lifts, and vehicle exhaust.

The following chose not to publicly speak, but oppose staff's recommendation of approval for a pre-school: ANNETTE KAZMERSKI, WEST HOLLYWOOD.

IAN DICKINSON, LOS ANGELES, Lorcan O'Herlihy Architects presented the applicants rebuttal. He spoke regarding the construction staging; attendant training for the mechanical parking lifts, sprinkler system, vehicle exhaust ventilation, and structural design.

DIANA SKIDMORE, WEST LOS ANGELES, Crain and Associates, continued the applicant's rebuttal. She spoke and detailed traffic queuing and analyses, and school hours.

NASIM PAHLAVAN, LOS ANGELES, applicant, continued the applicants rebuttal. She further clarified traffic circulation and parking concerns.

The commission spoke favorably on the redesign and the effort the applicant put into the requested changes and concerns. They spoke regarding the need for early education and more schools in the West Hollywood area.

They discussed and had concerns regarding vehicle exhaust and ventilation issues, traffic impacts, noise, parking, drop-off and pick-up times, queuing on San Vicente Boulevard, mechanical parking lifts, and neighborhood compatibility.

Discussion was held regarding the modification, schematic design, and the possibility of reducing the parking. Stating the project does not appear to be complete, the possibility of a continuance was discussed.

Commissioner Jones would like to see this item come back to the Planning Commission if there are significant changes to the parking which would necessitate additional changes to the structure of the building, or the traffic flow. She would be amicable to a three, six, and twelve month review of parent/driver behavior, or any other concerns raised by the community.

Vice-Chair Bass reiterated staff's recommendation regarding Condition 6.18 pertaining to encroachment permits and street parking, which would include eliminating the last sentence that references parking in the right-of-way. In doing so, the condition will not conflict with Condition 11.7 which prohibits construction workers from parking on any West Hollywood street.

Commissioner Hoopingarner suggested if one school room was removed and the load was reduced from 72 students to 60 students that would reduce the parking requirements; which would significantly reduce the additional traffic.

Commissioner Hoopingarner moved to: 1) approve staff's recommendation of approval, 2) remove the modification; with additional language to the effect that the bottom level of the mechanical parking stack would be opened up for drop offs and to mitigate the additional back-up on the street.

The commission requested clarification regarding the modification request and parking stall dimensions. They questioned code enforcement procedures if Condition No. 8.10 is violated.

Commissioner Erickson requested an additional condition; a) prior to permits being issued, the applicant shall submit an air quality report regarding the garage ventilation by a certified party.

The applicant agreed to this added condition.

Discussion was held regarding the traffic report. Commissioner Hoopingarner requested the traffic report return to the Planning Commission, to allow members of the public to address any issues or concerns.

Lauren Langer, Assistant City Attorney, stated the following conditions will be amended as follows:

8.6) The operator shall provide a follow up traffic report to the ~~Director of Planning and Development Services~~ Planning Commission for review within three months of opening, six months of opening and one year of opening. This report shall also provide a summary of all incidents exceeding parking capacity in the garage or queuing onto San Vicente Boulevard. Should overflow parking occur regularly, the operator shall be required to secure additional parking spaces off-site through a parking use permit. Should queuing of vehicles on San Vicente Boulevard occur regularly, the operator shall modify the operation to make parking spaces available to parents and implement other options ~~or caregivers and implement other options~~, including, but not limited to providing an additional 30-minute time slot for drop-off and pick-up to the satisfaction of the ~~Planning Commission~~ Director.

8.7) The operator shall provide a follow up noise study to the ~~Director of Planning and Development Services~~ Planning Commission within three months of opening, six months of opening and one year of opening. These reports shall analyze noise using the same methodology used in the initial noise study. Should noise begin to create impacts, the operator shall modify the operation to the satisfaction of the ~~Planning Commission~~ Director.

8.8) The ~~Director of Planning and Development Services~~ Planning Commission shall review the scheduled traffic and noise reports to determine if the preschool's programming, operation, or conditions of approval need to be modified to minimize any disturbances on the adjacent residential properties and neighborhood. Should a determination be made that modifications may be necessary, a modification hearing will be scheduled in compliance with the West Hollywood Municipal Code. (CHPP)

11.1) The project shall be designed and constructed with a total of ~~eight~~ ten (10) parking spaces, including eight parking spaces within four pairs of mechanical lifts, ~~two~~ one standard space, and one van-accessible space.

6.18) An Encroachment Permit must be approved by the City Engineer prior to commencement of any activities affecting the public right-of-way. Prior to issuance of each Encroachment Permit, the applicant shall submit to the satisfaction of the City Engineer plans and details regarding the scope activities covered by the Encroachment Permit. ~~Any encroachment permit issued for the construction project other than for parking requires at least 72 hours advance planning in a residential zone to ensure there are no conflicts with other work being performed on neighboring properties or public streets.~~

A condition will be added regarding the ventilation study.

Commissioner Hoopingarner requested the amended resolution return on Consent Calendar.

Lauren Langer, Assistant City Attorney stated the motion: 1) Direct staff to bring back a resolution of approval on Consent Calendar at the next Planning Commission meeting with the changes read into the record.

ACTION: 1) Bring back a resolution of approval with the changes read into the record on the next agenda of September 19, 2019 as a Consent Calendar item. **Moved by Commissioner Hoopingarner, seconded by Chair Carvalheiro and passes, noting Commissioner Altschul and Vice-Chair Bass voting NO.**

12. NEW BUSINESS.

A. City of West Hollywood Census 2020 Complete Count Committee.

ACTION: 1) Elect John Erickson to the Census 2020 Complete Count Committee. **Moved by Vice-Chair Bass, seconded by Commissioner Jones and unanimously passes.**

13. UNFINISHED BUSINESS. None.

14. EXCLUDED CONSENT CALENDAR. None.

15. ITEMS FROM STAFF.

A. Planning Manager's Update. None.

16. PUBLIC COMMENT. None.

17. ITEMS FROM COMMISSIONERS.

A. Commissioner Comments.

Commissioner Jones thanked Roy Huebner, John Altschul, David Aghaei and Sue Buckner for their leadership and mentoring.

Commissioner Erickson congratulated LA City Four for opening a new women's homeless shelter on Gardner Street in the City of Los Angeles.

B. Subcommittee Management.

Commissioner Jones stated she will be absent from the Long Range Planning Projects Subcommittee meeting on September 19, 2019.

- 18. ADJOURNMENT:** The Planning Commission adjourned in memory of the lives lost in the dive boat fire off of Santa Cruz Island at 9:15 p.m. to a regularly scheduled meeting on Thursday, September 19, 2019 beginning at 6:30 p.m. until completion at West Hollywood Park Public Meeting Room – Council Chambers, 625 N. San Vicente Boulevard, West Hollywood, California. **Motion carried by consensus of the Commission.**

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of West Hollywood at a regular meeting held this 17th day of October, 2019 by the following vote:

AYES: Commissioner: Altschul, Buckner, Erickson, Hoopingarner, Jones, Vice-Chair Bass, Chair Carvalho.

NOES: Commissioner: None.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: None.



ROGERIO CARVALHEIRO, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY

**CITY OF WEST HOLLYWOOD
PUBLIC SAFETY COMMISSION
SPECIAL MEETING MINUTES**

**MONDAY, AUGUST 12, 2019
6:30 P.M.**

**PLUMMER PARK COMMUNITY CENTER,
ROOMS 5 & 6
7377 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CA**

1. **CALL TO ORDER** at 6:30 PM
2. **PLEDGE OF ALLEGIANCE** led by Councilmember Lauren Meister
3. **ROLL CALL**

Commissioners Present: Balbone, Berger, Laflen, Norton, Sol, Waack, Williams

Commissioners Absent: None

Others present: Sergeant Jon Klaus, Los Angeles County Sheriff's Department; Acting Assistant Chief Michael Brown, Los Angeles County Fire Department; Battalion Chief Brian Kane, Los Angeles County Fire Department; Megan Currier, Community Services Liaison, Los Angeles County Fire Department; Shea Gibson, Block by Block; Lisa Belsanti, Director of Communications; Janet Jimenez, Assistant to the City Manager

4. **ADJOURNMENT REQUESTS**

Commissioner Norton requested that the meeting be adjourned in the memory of the victims of the recent mass shootings in Gilroy, El Paso and Dayton.

Commissioner Sol requested that the meeting be adjourned in the memory of the 22 law enforcement officers and firefighters who have passed away since the July meeting.

5. **APPROVAL OF THE AGENDA**

ACTION: Motion by Commissioner Sol to approve the August 12, 2019 agenda, seconded by Commissioner Williams and approved.

POSTING OF THE AGENDA

The agenda for the August 12, 2019 Public Safety Commission meeting was posted at City Hall, Plummer Park, the West Hollywood Sheriff's Station, and the West Hollywood Library.

6. APPROVAL OF MINUTES

ACTION: Motion by Commissioner Sol to approve the July 8, 2019 minutes, seconded by Commissioner Williams, and approved.

7. SWEARING IN OF NEW COMMISSIONER

Councilmember Meister swore in new Commissioner Kerri Balbone.

8. PUBLIC COMMENTS

Yola Dore, resident of West Hollywood, spoke regarding issues on the Eastside and the surrounding neighborhoods.

Daniel Harrington-Tyrell, resident of West Hollywood, spoke regarding a recent public safety related incident he experienced in Plummer Park, and suggested staff look into the possibility of installing emergency call buttons in the park.

Jasmine Duckworth, City of West Hollywood Staff, spoke regarding the recent National Night Out events and thanked the Commission for their support; and shared with the Commission that she will be sending out a post event survey.

Brian Rubenstein, resident of West Hollywood, spoke regarding Plummer Park and the ongoing safety issues at the restrooms and the southern outdoor patio off the senior center.

Cathy Blavis, resident of West Hollywood, spoke regarding various items on the Eastside: improvements that have been made to a private property on Vista and how it has cut down the number of individuals roaming in the area; anti-Semitic graffiti on private property; increased frustration and anger from residents on the eastside; the success of the recent town hall meeting on the eastside and how much everyone enjoyed it.

9. COMMISSIONER COMMENTS AND LIAISON REPORTS

Commissioner Williams asked if the Commission could make a recommendation to the City Council to take a stance on banning assault weapons. She shared her disappointment that the recent RSO newsletter didn't include a reminder about smoke detectors, and asked that staff work with work with Rent Stabilization to add such a reminder in the next RSO newsletter. She requested that the Commission's

2019-2020 work plan that was tabled at the July meeting, be agendaized for the September meeting. She echoed the comments of the public speakers, who suggested installing emergency call boxes in the park and organizing another town hall to discuss Public Safety

Commissioner Waack thanked Jasmine Duckworth for this year's National Night Out. He stated that there weren't as many events this year, but those groups that did have events did a great job. Thanked Fire, Sheriff and all those who attended the various events.

Commissioner Balbone thanked Jasmine Duckworth, Fire, and Sheriff for a great National Night Out.

Commissioner Berger commented on the success of this year's National Night Out events. He asked for an update on the status of the joint operation with the Red Cross on smoke detectors, and future self-defense classes the City may offer.

Chair Laflen commented that extra security guards have been added to patrol the parks. Requested an update from the Innovation Division regarding the status of installing call buttons in Plummer Park.

10. UNFINISHED BUSINESS

Staff requested that item 10B. be heard before 10A.

10B. REVIEW OF DRAFT PUBLIC SAFETY MASTER PLAN

Commissioners received presentation from the Communications Department on the draft Public Safety Master Plan.

Commissioner Sol expressed concerns with the text and layout of the document, as it appears that the pictures currently don't coincide with the topic/heading they are adjacent to. She commented on the grammar throughout the document, and the need for another review of the text.

Commissioner Berger asked for clarification regarding the Community Impact Team (CIT) and Entertainment Policing Team (EPT), as he was under the impression that EPT was replacing CIT.

Sergeant Klaus clarified that CIT is the overarching umbrella of policing in the City, and it includes both EPT and the Community Oriented Policing and Problem Solving Team (COPPS).

Commissioner Berger stated that in the past there was a monthly "Coffee with the COPPS" and asked if that event is still taking place.

Sergeant Klaus stated that the "Coffee with COPPS" is not a quarterly event and the next one is scheduled for Wednesday, August 28th.

Vice Chair Berger asked for an update of the Mental Evaluation Team(MET) and if there are available stats to show their success rate; and also asked if the City's Emergency Operations Plan is in digital format and available to the Commission and to the public. He also asked if the City could reinstate the Public Safety walk-about.

Commissioner Waack requested that the plan include information regarding scooters, bikes, wearing helmets, and riding on sidewalks. Additionally would like the plan to include information about CERT.

Commissioner Williams asked staff if the Ring camera program was still in effect, and if a section could be added in the plan to address about smoke detectors and a property owner's responsibility regarding such.

Commissioner Balbone stated that the draft plan is a great start, but she would like to see it be more actionable for the public. She stated that there are no phone numbers included for the City's various programs, Code Enforcement is not included, and the Public Safety Commission and its monthly meetings are not listed. She asked if a map can be included that shows where Public Safety resources are located throughout the City including: Public Safety facilities, defibrillators (AED's), cooling centers and shelters. Lastly she asked if a section on Public Safety Tips can be included.

Commissioner Norton stated that there appears to be conflicting information in the plan regarding the number of establishments in the City vs the number of establishments that the Sheriff's patrol each night. Recommended that in the text of the document, illegal hot dog vendors be changed to illegal food vendors.

Chair Laflen asked staff what is the purpose of the document.

Lisa Belsanti stated that the intent of the document is to lay out the overview and priorities of the City, as they relate to Public Safety. The document is not intended to be a workplan. She expressed that the feedback that the Commission has provided may already exist in current collateral material, or perhaps additional outreach about safety tips needs to occur.

Chair Laflen asked who the document is intended for.

Lisa Belsanti stated that the Public Safety Master Plan is similar to a visioning document, and the document serves as a guide for the public to be aware of the Public Safety arena throughout the City.

Chari Laflen stated that the document is a way to share with the public what the City does for safety, rather than a directory of all the services or resources related to public safety.

Lisa Belsanti stated that the City is currently updating a directory that will be available to the public, which includes the various services and resources available to the public.

10A. UPDATE ON THE EXTENSION OF RAIL SERVICE

Commissioners heard a brief presentation from the David Fenn and Joanna Hankamer of the Planning and Development Services Department regarding the progress of the extension of rail service through West Hollywood.

Commissioner Sol thanked staff for their presentation. She asked if staff was engaging voters who ultimately will be paying the taxes that will cover the costs associated with the construction of the rail, and asked that staff reach out to the younger generation and connection with local educational institutions.

David Fenn thanked Commissioner Sol for her comments and that staff will include such outreach efforts in future events.

Vice Chair Berger asked if staff there is a crime impact report or predictions on how crime will be affected by bringing rail through the City, and what preparation is staff doing to address any possible increases in crime. He stated that there will be a change in demographics as it pertains to vehicular use, and how will the City prepare for an increase in bike usage.

David Fenn stated that staff is currently looking at crime stats from other cities who have rail service and will come back to the Commission with an update; Metro is required to make improvements for the first and last mile around rail stations to anticipate the increased pedestrian and bike traffic near the stations.

Commissioner Balbone echoed Vice Chair Berger's comments on the need for a crime impact analysis, she also asked that staff look closely at evacuations plans for the various stations, and stated that public safety around the stations will be important as it relates to the City's various large scale special events.

Commissioner Waack asked what the Metro board will decide at their next meeting, if they will be deciding to move forward with the project or what route they will move forward with.

David Fenn stated that they will narrow down the current five route options to either two or three options and study those in further detail through an EIR, at the end of the EIR review the board will select the final route.

Commissioner Waack asked if after a route is chosen, if the City will then decide how to help pay for the project. He also asked how long of a process it is to dig the tunnels and ultimately finish the project.

Joanna Hankamer stated that before Metro will move forward with a project, a local jurisdiction needs to show the ability to bring additional funding to the project, and an EIR needs to start in the beginning of 2020 in order for the rail to be completed by 2028.

Commissioner Williams expressed concern with the negative impacts the construction of the rail will have on the business community and the City's special events. She stated that consideration needs to be given to existing businesses, and especially protecting the small businesses.

David Fenn stated that Metro is improving their programs and outreach to assist businesses during the construction phase, the work will be similar to the reconstruction of Santa Monica Blvd but not as impactful. The majority of the work will be underground, with the major disruptions on the street level being the stations located along the route.

Chair Laflen asked what intersection the stations will be located at.

David Fenn stated that the stations would be at the major intersections along the final route, but the exact placement of the station at a particular intersection will be determined after the EIR is completed.

Chair Laflen stated that crime will be impacted at the transit stations and asked who will be responsible for patrolling the station, if it will be Metro or West Hollywood Sheriff.

David Fenn stated that different stations throughout the Metro area are handled differently, and it's up to each City to work with Metro to determine how they will be patrolled.

Joanna Hankamer stated that Metro is responsible for patrolling the metro line from station to station and the City will be asked to supplement patrols.

Chair Laflen expressed her concerns regarding public safety with the station itself and around the station. She stated she's supportive of rail service, but has concerns will how the public safety issues will be handled.

Joanna Hankamer stated that once riders step off of Metro property, the City is responsible for public safety. Staff is looking at all aspects that will be affected by the proposed rail and how to best address them all.

10C. PLUMMER PARK SAFETY ISSUES

Staff shared that City Staff and members of West Hollywood Sheriff's station conducted a walkthrough of the park, in an effort to identify areas of improvement with regards to lighting, fencing and possibly cameras.

Chair Laflen asked if there have been any discussions to fence off the entire park.

Staff stated that there have been preliminary discussions to fence off specific areas in the park, but not the entire park.

Cathy Blavis, City of West Hollywood, stated that since the last town hall, they noticed quite a difference in the park and it felt safer, and that the door of the public restrooms near the tennis courts needs to be modified in order to increase safety.

Commissioner Williams thanked Brian Rubenstein for his letter and shared her concerns with the Commission purview regarding the restrooms. Asked staff if the Public Facilities Commission (PFC) has discussed the public restrooms in Plummer Park and is aware of the public safety concerns. If PFC is not aware of the issues, asked that the Commission make a recommendation to share Mr. Rubenstein's letter and the comments about the restrooms with PFC.

Staff stated that Mr. Rubenstein's letter was shared with Helen Collins, the PFC staff liaison, however unaware if PFC has discussed the matter in the past. Staff asked that Joanna Hankamer provide the Commission with an update about Plummer Park.

Joanna Hankamer shared with the Commission that an item will be coming to the City Council in September, to discuss short term and long term improvements in Plummer Park.

Commissioner Williams asked that an update about Plummer Park be brought to the Commission at the next meeting.

Commissioner Balbone asked that PFC be made aware of the recommendations regarding the public restrooms and the fencing in the southern area of the park.

Vice Chair Berger asked for a status update on the undercover operations and the additional security guards added to the park. Stated that he received complaints and videos of the public restrooms throughout the park being a mess, and that they weren't being cleaned. He shared that all park restrooms are checked and cleaned periodically throughout the day. He made a motion to recommend to City Council to mandate that the single use restrooms be remodeled and updated to multi-stall restrooms in the immediate future.

Chair Laflen shared concerns that restrooms are not the purview of the Public Safety Commission but rather the PFC; however she stated that a short term workable solution is to remove the doors from the single stall restrooms and partition the toilet from the sink area.

Commissioner Waack stated he will attend PFC on Wednesday and share the Commission's concerns with PFC.

Commissioner Williams stated she would second Vice Chair Berger's motion if it was amended to state that the recommendation would go to PFC and not City Council.

Staff provided clarification as to which body the Commission's recommendation would go to.

Commissioner Sol stated that changes can be done in a timely manner, if the Commission speaks to the right people.

Chair Laflen made a motion to recommend to City Council that in the short term the restrooms at Plummer Park be assessed so law enforcement can see what's happening, that the public not be able to lock them, that they not be single use and they be safe/useable for everyone.

ACTION: Motion by Chair Laflen, seconded by Commissioner Sol and approved.

Chair Laflen asked Commissioner Waack to report back at the next meeting after he attends the upcoming PFC meeting.

Commissioner Williams thanked Captain Ramirez and his staff for the increased patrols in the park and the eastside, as there has been a noticeable difference and the Commission greatly appreciates all the hard work.

10D. SEPTEMBER PUBLIC SAFETY COMMISSION MEETING – PROPOSED TIME CHANGE / EMERGENCY PREPAREDNESS EVENT

Staff provided a brief presentation on the item.

Chair Laflen asked for clarification on the item as to when the meeting would start and the location of the event.

Vice Chair Berger suggested that based on the feedback received by members of the community the event take place on a Saturday in Fiesta Hall, and that the name of the event be changed.

Chair Laflen stated that since the Commission is looking to do the event immediately, the Commission should move forward with holding the event after its September meeting and gauge the interest of the community for future events.

Vice Chair Berger stated that he believes that a Saturday date would be a better option for the community.

Commissioner Williams stated that the ad-hoc committee agreed that the event would happen in conjunction with the Public Safety Commission meeting, and that the Commission should move forward with the recommendation before them. Historically Saturday events hosted by the Commission have not been well attended.

Vice Chair Berger asked if it was a Brown Act violation for the ad-hoc committee to determine a date for the event, without first bringing it to the Commission.

Staff provided clarification and stated that it was not a Brown Act violation.

Commissioner Waack stated that it was too late to change the date of the event and they need to move forward with the recommended date, and asked that future events include self-defense training.

Commissioner Balbone stated that for the future a broader event on public safety be held on a Saturday, and that the Commission stays with the recommended date for emergency preparedness. She requested that even though the next agenda will be shortened to accommodate the event, that it still includes updates on the activity in Plummer Park

Staff confirmed that moving forward all agendas will include Plummer Park safety issues; and reminded the Commission that due to the abbreviated agenda for the September meeting, the Commission's work plan will be moved to the October meeting.

Commissioner Williams suggested that the ad-hoc committee follow up with Public Safety staff about the programming for the event.

Staff advised the Commission that the current ad-hoc committee will continue to work on the event until it's complete.

ACTION: Motion by Commissioner Balbone, seconded by Commissioner Waack and approved.

10E. REPORT FROM FIRE DEPARTMENT – MONTHLY REPORT

Battalion Chief Brian Kane introduced Acting Assistant Chief Mike Brown and reviewed the Fire Department statistics for July 2019, including suppression, rescue, and fire prevention activities. Stated that the Fire Department is currently preparing for CicLAvia

10F. REPORT FROM SHERIFF'S DEPARTMENT – MONTHLY REPORT

Sergeant Klaus reviewed the Sheriff's Department's statistics for July 2019, including crimes, response times, and calls for service. He spoke about increased patrols in Plummer Park, he shared a success story from the nuisance property at Poinsettia Place, and that undercover operations continue throughout the City.

Commissioner Sol asked that Rocco's be added to the list of stats for pickpockets and requested that the Sheriff's be proactive and schedule a DUI checkpoint in the near future.

Sergeant Klaus shared that a DUI checkpoint took place the Friday before the Commission meeting, and one individual was arrested for DUI.

Commissioner Williams asked if any information could be shared on the recent rapes that took place.

Sergeant Klaus shared that one of the incidents is being investigated the by the Department's sex crimes division, the victim of the second incident refused to cooperate with the investigating Deputy.

Vice Chair Berger requested clarification on whether the walkthroughs that the EPT and COPPS team conduct through Plummer Park are at the same time or if they are staggered.

Sergeant Klaus stated that the walkthroughs are staggered and there are additional Deputies that conduct foot beats during the day as well.

Chari Laflen asked if overall crime in the City is down.

Sergeant, Klaus shared that the 6-months stats show that crime is down.

Michael McCue, City of West Hollywood, asked if the City has a way for the members of the community to share various concerns with the City directly.

Chair Lafien shared with Mr. McCue that the City currently has an application called the West Hollywood App.

10G. REPORT FROM BLOCK BY BLOCK SECURITY AMBASSADORS – MONTHLY REPORT

Mr. Gibson reviewed the monthly report from July 2019, including pedestrian assistance, crosswalk assistance, homeless issues, and disturbances. He shared that the decrease in numbers in the last two weeks of July was due to mechanical issues with bikes; however a new fleet of bikes is already in circulation. He and his team have increased their patrols in Plummer Park. He and his staff are currently preparing for CicLAvia.

Commissioner Williams thanked Mr. Gibson and his team for the increased patrols at the 7-11 at Santa Monica Blvd and Martel Ave., but incidents are still taking place when ambassadors are not in the area. She asked if the ambassadors can focus on the trash receptacles near 7-11 when they are patrolling the area.

Vice Chair Berger reminded everyone that residents can text Block by Block directly to report an issue at 323-821-8604.

Commissioner Waack asked how the City is preparing for CicLAvia.

Staff shared that they have been working closely with LA County Fire, West Hollywood Sheriff's and LA City Fire to prepare for the event, listed the various street closures taking place the day of the event, and shared the various messaging efforts to let everyone know about the closures.

11. NEW BUSINESS

11A. CITY OF WEST HOLLYWOOD CENSUS 2020 COMPLETE COUNT COMMITTEE

Commissioner Williams stated she is happy to serve, as she has previously working with the census.

ACTION: Motion by Vice Chair Berger to elect Commissioner Williams to serve on the Complete Count Committee, seconded by Commissioner Norton and approved.

11B. NEIGHBORHOOD PRESERVATION

Commissioners received a presentation from Danny Rivas, Code Compliance Division on a proposed amendment to the Municipal Code, regarding property maintenance, vacant property, and construction mitigation standards that address quality of life issues.

Commissioner Williams stated that Athens Services had instructed residents that to leave the doors on freezers and refrigerators when left on the sidewalk for bulky item pick up.

Danny Rivas stated that staff will reach out to Athens Services and remind them of the City's municipal code.

Vice Chair Berger asked of if the Letter of Agency and extension on building permits after 180 is included in the proposed amendments.

Danny Rivas stated that the Letter of Agency is already in the municipal code, and the City Attorney is looking into the 180 day time frame extension.

Vice Chairs Berger asked if property owners can opt to not file a Letter of Agency.

Danny Rivas stated that property owners can't opt out on filing a Letter of Agency, they will be required to file on an annual basis.

Commissioner Balbone asked if the same provisions apply to vacant and abandoned properties in both residential and commercial zones.

Danny Rivas stated that property maintenance standards will apply to properties in all zones. He also shared with the Commission that Code Compliance will be coming to City Council in the near future with an ordinance regarding human trafficking notices.

Commissioner Williams asked if manicure establishments are include in the list of businesses that will be required to post notices.

Danny Rivas stated he will follow up on Commissioners Williams question.

12. ITEMS FROM SUBCOMMITTEES

None

13. ITEMS FROM STAFF

None

14. PUBLIC COMMENTS

None.

15. ITEMS FROM THE COMMISSION/COMMISSIONER COMMENTS

Commissioner Sol asked staff to have Hernan Molina to report back to the Commission on the new proposed state bill 223.

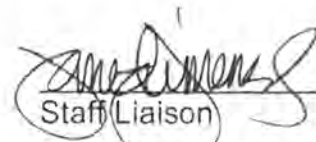
Vice Chair Berger reminded everyone that September is emergency preparedness month

Commissioner Williams commended Danny Rivas on his work with Code Compliance and the communication with the Commissions.

15. ADJOURNMENT

The Public Safety Commission adjourned at 8:53 PM in memory of the 22 law enforcement officers and firefighters who have passed away since the July meeting and the victims of the recent mass shootings in Gilroy, El Paso and Dayton. The next meeting is scheduled for September 9, 2019 at 5:30 PM at Plummer Park – Rooms 5/6 at 7377 Santa Monica Boulevard, CA 90046.


Public Safety Commission Chair


Staff Liaison

A copy of the audio recording of this meeting can be obtained from the City Clerk's office upon request.

(Disclaimer: Staff records the meetings for the sole purpose of composing the official meeting minutes; therefore the recordings are not of commercial quality.)

Memo

To: Mayor, City Councilmembers, City Manager, Assistant City Manager, and City Attorney

From: Alyssa T. Poblador, Administrative Specialist IV *ATP*

CC: J. ROCCO, D. RIVAS, D. MICK, J. KEHO, R. RICHMOND, B. GALAN, C. SCHROEDER, P. NOONAN, J. HOLUB

Date: December 2, 2019

Re: Correspondence Concerning Item 3.B. on the 12/2/19 Agenda

Attached please find correspondence received relating to Item 3.B. on the December 2, 2019 Council Agenda.

- 3.B. AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING NEW PUBLIC NUISANCE STANDARDS THAT ADDRESS PROPERTY MAINTENANCE AND VACANT PROPERTY ISSUES BY ADDING CHAPTERS 9.60 (PUBLIC NUISANCES), 9.64 (VACANT PROPERTIES), AND 9.66 (RECORDING NOTICE OF VIOLATION) TO NEW ARTICLE 5 (NEIGHBORHOOD PRESERVATION) IN TITLE 9 (PUBLIC PEACE AND SAFETY); REPEALING CHAPTER 7.24 (VACANT PROPERTIES); AMENDING CHAPTER 19.30 (PROPERTY MAINTENANCE) OF TITLE 19 (ZONING CODE) TO REFERENCE CHAPTER 9.60; AMENDING CHAPTER 1.08 (GENERAL PENALTY PROVISIONS); AMENDING THE MASTER FEE SCHEDULE TO ADD VIOLATIONS OF CHAPTERS 9.60 (PUBLIC NUISANCES) AND 9.64 (VACANT PROPERTIES) TO SCHEDULE D OF THE ADMINISTRATIVE CITATION FEE SCHEDULE; AND ADD VACANT PROPERTY REGISTRATION FEES TO THE CODE COMPLIANCE FEE SCHEDULE.

Alyssa Poblador

Subject: Item 3B

From: WHWRA <whwra90048@gmail.com>

Date: November 30, 2019 at 3:51:39 PM PST

To: "council@weho.org" <council@weho.org>

Cc: Jackie Rocco <jrocco@weho.org>, Danny Rivas <drivas@weho.org>, Dan Mick <dmick@weho.org>, John Keho <jkeho@weho.org>, bgalan@weho.org, cschroeder@weho.org, "pnoonan@weho.org" <pnoonan@weho.org>, jholub@weho.org, "yquarker@weho.org" <yquarker@weho.org>

Subject: Item 3B

CAUTION - EXTERNAL SENDER. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Dear Mr. Mayor and Council Members,

The West Hollywood West Residents Association strongly supports Item 3B. The proposed ordinance is an important step in addressing the residents' concerns about nuisances created by the many vacant buildings in our neighborhood over the past several years. The ordinance fairly defines nuisances, creates new standards, sets forth maintenance requirements and security measures, and increases accountability.

Thank you for your consideration.

Leslie Karliss

Executive Vice President, WHWRA

West Hollywood West



RESIDENTS ASSOCIATION

Alyssa Poblador

Subject: 3.B. AN ORDINANCE ESTABLISHING NEW PUBLIC NUISANCE STANDARDS THAT ADDRESS PROPERTY MAINTENANCE AND VACANT PROPERTY ISSUES

From: Manny Rodriguez <manny205@aol.com>

Date: November 29, 2019 at 8:50:52 PM PST

To: "council@weho.org" <council@weho.org>

Cc: Jackie Rocco <jrocco@weho.org>, Danny Rivas <drivas@weho.org>, Dan Mick <dmick@weho.org>, "jkeho@weho.org" <jkeho@weho.org>, rrichmond@weho.org, bgalan@weho.org, cschroeder@weho.org, "pnoonan@weho.org" <pnoonan@weho.org>, jholub@weho.org, Yvonne Quarker <yquarker@weho.org>

Subject: 3.B. AN ORDINANCE ESTABLISHING NEW PUBLIC NUISANCE STANDARDS THAT ADDRESS PROPERTY MAINTENANCE AND VACANT PROPERTY ISSUES

CAUTION - EXTERNAL SENDER. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Dear Mr Mayor and Council Members,

This item addresses many of the concerns that have frustrated residents, compromised public safety, and contributed to areas of blight in our residential neighborhoods during recent years.

It provides the tools for better enforcement, encourages accountability and reasonably penalizes absentee and/or irresponsible property owners who do not comply and do not respect the residents that actually live in the surrounding properties.

The proposed ordinance and its additions expands the city's protection of all its residents and neighborhoods in the great City of West Hollywood.

I hope you'll agree.

Sincerely,

Manny Rodriguez
West Hollywood