

ORDINANCE NO. 22-1192U

AN URGENCY ORDINANCE OF THE CITY OF WEST HOLLYWOOD EXTENDING THE AUTOMATIC 18-MONTH EXTENSION OF THE TIME LIMITS SET FORTH IN THE ZONING CODE FOR APPROVED DISCRETIONARY PLANNING ENTITLEMENTS TO HOUSING PROJECTS EXPIRING THROUGH JUNE 2023; AND EXTENDING THE AUTOMATIC 12-MONTH EXTENSION OF PLAN CHECK AND PERMIT APPLICATIONS TO HOUSING PLAN CHECKS EXPIRING THROUGH JUNE 2023; AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION.

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

SECTION 1. Findings.

- A. International, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes which has been named "coronavirus disease 2019," abbreviated COVID- 19, ("COVID-19").
- B. On March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19.
- C. On March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID- 19.
- D. On March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19.
- E. On March 16, 2020, the City Council proclaimed the existence of a local emergency to ensure the availability of mutual aid and an effective City

response to the novel coronavirus (“COVID-19”) and those emergencies remain in place.

- F. On September 28, 2020, the Governor of the State of California approved Assembly Bill (AB) 1561, an act to amend Section 65583 of, and to add Section 65914.5 to the Government Code, that extended by 18-months the period for expiration, effectuation, or utilization of a housing entitlement that was issued before, and was in effect on, March 4, 2020 and that will expire before December 31, 2021. The City Council of West Hollywood adopted a companion urgency ordinance on December 20, 2020 to provide extensions to all entitlements and an extension to plan checks expiring before December 31, 2021. At that time, the length and extend of the pandemic was unknown.
- G. Throughout 2022 the pandemic has continued, and supply and other delays have continued to cause delays and disruptions to the construction industry. Closure-related delays and fiscal impacts related to the recent COVID-19 related economic downturn are anticipated to continue to affect many project proponents of both commercial and housing developments, thereby delaying project implementation in many cases. Accordingly, projects and plan checks expiring through June 30, 2023 should receive the same extensions of time to the projects already covered by the original ordinance.
- H. The City of West Hollywood recognizes these short-term, but substantial, impacts to project schedules and desires to provide relief to project applicants through the extension of time limits of project approvals in the City that expire through June 30, 2023.
- I. The City of West Hollywood, pursuant to the provisions of the California Environmental Quality Act (“CEQA”) (California Public Resources Code Sections 21000 et seq.) and State CEQA Guidelines (Sections 15000 et seq., Title 14 of the California Code of Regulations) has determined that the Ordinance is exempt from the provisions of CEQA pursuant to the following sections of the CEQA Guidelines: Section 15269(C)(specific actions necessary to prevent or mitigate an emergency); and Section 15061(b)(3) because it can be seen with certainty that the adoption of this Ordinance will not have an effect on the environment. The action would provide an extension of time for commencement of use of entitlements that are subject to time limits. Such entitlements have been subject to review under the California Environmental Quality Act (CEQA) at the time of approval and the extension of time would not result in any new significant effects.

**SECTION 2.** Amendment to the 18-Month Extension of the Time Period for Existing Residential Planning Entitlements or Permits Set Forth in Section 19.62 (Permit Time Limits and Extensions) of Title 19 of the West Hollywood Municipal Code

(WHMC).

- A. Notwithstanding any provision of the West Hollywood Municipal Code or any condition of approval on an existing entitlement, the initial 36-month permit time limit by which any permit or approval must be exercised, the extended time limit, or other time limit specified in a condition of approval that is subject to WHMC Section 19.62.020, shall be automatically extended for a period of either 12 or 18 additional months from the applicable date of expiration.
- B. The 18-month extension shall be automatically applied to all discretionary planning entitlements or permits issued pursuant to Title 19 of the WHMC for housing projects that were approved prior to, and active as of March 4, 2020 (the date of the Governor of the State of California's Executive Order N-28-20) and that would expire on or before December 31, 2022. The 12-month extension shall be automatically applied to all discretionary planning entitlements or permits issued pursuant to Title 19 of the WHMC for housing projects that were approved prior to, and active as of March 4, 2020 (the date of the Governor of the State of California's Executive Order N-28-20) and that would expire on or after January 1, 2023, and on or before June 30, 2023. The extensions provided by this ordinance shall begin on the day following the current effective expiration date of the entitlement. The extensions of time allowed by this ordinance shall extend the current time limit in effect for each entitlement and shall not decrease the number or length of any other extension allowable under Section 19.62.030 of the WHMC. Entitlements that are currently within the initial 36-month time limit are considered to have an extended initial time limit and remain eligible for further extension pursuant to Section 19.63.030.C.4. A project is considered a residential project if it is a 100% residential project or a mixed-use project that is a least 2/3 residential or includes at least 50 dwelling units.

SECTION 3. Amendment to the 12-Month Extension for Residential Plan Check and Permit applications issued under the provisions set forth in the West Hollywood Building Code in Section 106.4 (Application for Permits) and Section 106.5 (Permits) of Title 13 of the West Hollywood Municipal Code.

- A. Notwithstanding the provisions of Section 13.04.010, Sections 106.4 and 106.5 of the California Building Code, as incorporated into Title 26 of the Los Angeles County Code, are amended to add the following additional language:

In addition to the time periods provided under Sections 106.4 and 106.5, the expiration date for plan check applications and building permits for residential projects issued and still active as of March 4, 2020, or issued between March 4, 2020 and June 30, 2023, shall be automatically extended by the Building Official for an additional 12-month period, in addition to any other extensions authorized by the Building Official under Section 106.4 and

106.5. A project is considered a residential project if it is a 100% residential project or a mixed-use project that is a least 2/3 residential or includes at least 50 dwelling units.

SECTION 4. This ordinance shall be effective immediately.

SECTION 5. Severability.

If any section, subsection, sentence, clause, phrase or word of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this Ordinance.

SECTION 6. Urgency Declaration; Effective Date.

The City Council declares this Ordinance to be an emergency measure, to take effect immediately upon adoption pursuant to California Government Code Section 36934. The facts constituting the emergency are as follows: Due to the declared and prolonged State of Emergency, substantial disruptions have occurred and continue to occur in people's lives and the marketplace. Said disruptions have resulted in many local businesses either closing due to the executive order or as a result of illness or the prevention of the spread of illness. Such business closures and other supply chain disruptions have resulted in delays and fiscal impacts related to the recent COVID-19 related economic downturn and business closures are anticipated to affect many project proponents, thereby delaying project implementation. A temporary emergency measure is necessary to protect the public by extending the terms of residential land use entitlements set to expire during or soon after the declared State of Emergency that would otherwise be hindered or delayed by the provisions of the Zoning Code and/or project approvals. There is a severe housing crisis in the state and if these projects are not extended, it will further delay the production of critical housing stock, especially housing stock that is already entitled. Requiring these projects to re-do the entitlement and plan check process will add to the already high cost to build housing in California and further exacerbate the housing crisis. There are projects that fell outside the original extensions provided in 2020 and experienced the same COVID delays as the projects otherwise covered by the original ordinance. Many of the same factors present in 2020 still remain that warrant providing extensions through the end of this year. Failure to provide extensions will result in multiple projects stalling and being forced to undertake timely and expensive review processes that will further delay creation of much needed housing and other developments.

The Council therefore finds and determines that the immediate preservation of the public peace, health and safety, and protection of life and property, require

that this Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937 and take effect immediately upon adoption by four-fifths of the City Council.

SECTION 7. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published or posted in the manner required by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 3<sup>rd</sup> day of October, 2022 by the following vote:

|          |                |  |
|----------|----------------|--|
| AYES:    | Councilmember: | D’Amico, Erickson, Horvath, Mayor Pro Tempore Shyne, and Mayor Meister |
| NOES:    | Councilmember: | None.  |
| ABSENT:  | Councilmember: | None.  |
| ABSTAIN: | Councilmember: | None.  |

/s/ Lauren Meister

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LAUREN MEISTER, MAYOR

ATTEST:

/s/ Melissa Crowder

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MELISSA CROWDER, CITY CLERK

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES        )  
CITY OF WEST HOLLYWOOD        )

I, MELISSA CROWDER, City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 22-1192U was duly passed, approved, and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 3<sup>rd</sup> day of October, 2022.

I further certify that this ordinance was posted in three public places as provided for in Resolution No. 5, adopted the 29<sup>th</sup> day of November, 1984.

WITNESS MY HAND AND OFFICIAL SEAL THIS 4<sup>TH</sup> DAY OF OCTOBER, 2022.

/s/ Melissa Crowder

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MELISSA CROWDER, CITY CLERK

AFFIDAVIT OF POSTING

State of California )  
County of Los Angeles )  
City of West Hollywood )

I declare under penalty of perjury that I am employed by the City of West Hollywood in the Office of the City Clerk, and that this document was posted on:

Date: October 4, 2022  
Signature: \\Alyssa T. Poblador\  
Office of the City Clerk