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ORDINANCE NO. 24-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING AN AMENDMENT TO TITLE 19, ZONING ORDINANCE OF THE WEST HOLLYWOOD MUNICIPAL CODE, TO LENGTHEN THE INITIAL MINIMUM LEASE TERM OF INDIVIDUALLY OWNED CONDOMINIUM DWELLING UNITS AND SINGLE FAMILY RESIDENCES TO AT LEAST ONE YEAR AND FINDING THE ACTION STATUORILY EXEMPT FROM CEQA.

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

SECTION 1. Findings.

A. At a public hearing on August 17, 2023, the Planning Commission recommended City Council approval of a Zone Text Amendment to lengthen the initial minimum lease term of single-family residences and condominiums from 31 to 60 days.

B. On March 18, 2024, the recommended Zone Text Amendment was presented as a public hearing item to the City Council. After deliberation, the City Council directed staff to revise the initial minimum lease term for single-family residences and condominiums to at least one year, consistent with the requirement for all other residential units within the City (with the exception of those exclusions listed under WHMC Section 19.36.275). Additionally, the City Council requested an effective date of January 1, 2025 for the ordinance rather than the traditional 30 days following ordinance adoption to provide additional notice to the community.

C. At a public hearing on May 2, 2024, the Planning Commission recommended City Council approval of a Zone Text Amendment to lengthen the initial minimum lease term of single-family residences and condominiums from 31 days to one year.

D. As directed by the City Council, a Zone Text Amendment (ZTA) has been created to lengthen the dwelling unit lease term of individually owned condominiums and single-family residences, both existing and new from 31 days to one year.

E. Pursuant to the authority granted to the City of West Hollywood (the “City”) by Article XI, Section 7 of the California Constitution, the City has the police power to regulate the use of land and property within the City in a manner designed

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to promote public convenience and general prosperity, as well as public health, welfare, and safety.

SECTION 2. Environmental Review. The City Council finds that the proposed Ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) because it is not a "project" as defined in State CEQA Guidelines, Section 15378. Specifically, the Ordinance does not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because it establishes a longer initial minimum lease term for single-family residences and condos—it does not allow for or relate to any housing development projects or other development. For the same reasons, the Ordinance is exempt pursuant to CEQA Guidelines Section 15061(b)(3), which provides that CEQA applies only to projects that have the potential to result in an effect on the environment. Here, it can be seen with certainty that there is no possibility that extending the initial minimum lease term for specific dwelling units will have a significant effect on the environment, and therefore, the activity is not subject to CEQA. This Ordinance does not alter any available bonus, concession, or applicable development standard and only addresses the tenancy length rather than any material aspect of development.

SECTION 3. General Plan Consistency. The City Council of the City of West Hollywood hereby finds the Zone Text Amendment (ZTA23-0008) is consistent with the Goals and Policies of the General Plan, specifically Goal LU-8: "Maintain and enhance residential neighborhoods" and Goal H-2: "Maintain and enhance the quality of the housing stock and residential neighborhoods." Lengthening the initial minimum dwelling lease term for these particular housing types would enhance the quality of life in existing residential neighborhoods and promote stable housing stock.

SECTION 4. Amendment to Municipal Code. Section 19.36.275 (Residential Uses – Dwelling Unit Lease Term) of Chapter 19.36 (Standards of Specific Land Uses) of Title 19 (Zoning Ordinance) of the West Hollywood Municipal Code is renamed "Residential Uses – One Year Lease Minimum" and is amended to read as follows with the removal of Subsection B:

"19.36.275 **Residential Uses – One Year Lease Minimum**.

A. Dwelling units may be occupied by the owner or, if leased (as evidenced by a written rental or lease agreement, or by evidence of occupancy for over a year), by the tenant under such agreement for an initial lease term of at least one year. This provision does not apply to transitional housing, emergency shelters, congregate care facilities, supportive housing, or where a seller of a dwelling unit leases the subject dwelling unit from the buyer of said dwelling unit immediately following the sale of the dwelling unit for a period of less than one year. Home sharing in accordance with Chapter 5.66 of the West Hollywood Business License Code, may be permitted."

1. Notwithstanding any other provision of this Code, dwelling units located in a commercial zone in the Sunset Specific Plan that were leased for initial terms of less

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than one year (and more than 30 days) between January 1, 2018 and March 15, 2020 shall, upon certification by the city, constitute a legal nonconforming use whereby units may be leased for 31 days or more until December 31, 2029 (or the expiration of an existing lease, whichever date is later), upon approval of an administrative permit from the city prior to December 31, 2020; such administrative permit shall not expire until December 31, 2029 (or the expiration of an existing lease, whichever date is later). Use of the unit as described in this subsection must be documented through submittal of leases and other documentation satisfactory to the city as a prerequisite to issuance of the administrative permit. Affordable housing units are not eligible for the administrative permit in this Section and shall be rented for an initial lease term of one year.

2. Notwithstanding any other provision of this Code, owners of dwelling units granted an administrative permit pursuant to subsection (A)(1) of this section may request a conditional use permit to rent up to 30% of total dwelling units deemed a non-conforming use (not including affordable housing units) within a structure that was granted an administrative permit to lease for a minimum of 31 days pursuant to subsection (A)(1) of this section, for a minimum of five days, until such administrative permit expires, or until December 31, 2029, whichever is sooner. This subsection applies only to buildings with at least three dwelling units that are in possession of the administrative permit under subsection (A)(1) of this section."

SECTION 5. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; make a note of the passage and adoption in the records of this meeting; and cause it to be published or posted in accordance with California law.

SECTION 6. Record of Proceedings. The documents and materials associated with this Ordinance that constitute the record of proceeds on which these findings are based on located at West Hollywood City Hall, 8300 Santa Monica Boulevard, West Hollywood, California 90069. The City Clerk is the custodian of the record of proceedings.

SECTION 7. Effective Date; Operative Date. This ordinance (i.e., Zone Text Amendment) shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code Section 36937. The provisions of this ordinance shall become operative on January 1, 2025.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 15th day of July, 2024 by the following vote:

AYES:	Councilmember:	Heilman, Meister, Shyne, Vice Mayor Byers, and Mayor Erickson.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.

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DocuSigned by:
JOHN ERICKSON
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JOHN M. ERICKSON, MAYOR

ATTEST:

DocuSigned by:
Melissa Crowder
2072ACE2525D4B9...
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. 24-05 was duly passed, approved, and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 15th day of July 2024, after having its first reading at a regular meeting of said City Council on the 18th day of March, 2024.

I further certify that this ordinance was posted in three public places as provided for in Ordinance No. 24-03, adopted the 20th day of February 2024.

WITNESS MY HAND AND OFFICIAL SEAL THIS 18 DAY OF JULY, 2024.

DocuSigned by:
Melissa Crowder
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MELISSA CROWDER, CITY CLERK