

RESOLUTION NO. PC 24-XXXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE TEXT AMENDMENT ZTA 23-0011 TO AMEND CHAPTERS 19.10, 19.20, AND 19.36 OF THE WEST HOLLYWOOD MUNICIPAL CODE TO INCREASE THE PERMITTED PROJECTIONS ABOVE THE ALLOWED HEIGHT FOR HOTEL ROOFTOP STRUCTURES FOR EXPANDED FEATURES AND AMENITIES WITH A CONDITIONAL USE PERMIT IN THE CITY OF WEST HOLLYWOOD.

The Planning Commission of the City of West Hollywood hereby finds, resolves, and orders as follows:

SECTION 1. The City of West Hollywood initiated amendments to the Zoning Ordinance, Article 19 of the Municipal Code to increase the permitted projections above the allowed height for hotel rooftop structures for expanded features and amenities.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of June 6, 2024, by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 by May 23, 2024. On June 6, 2024, the Planning Commission held a public hearing to consider this matter.

SECTION 3. The proposed zone text amendment (ZTA) is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines. Section 15061(b)(3) 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. Hotel rooftop projects will be required to meet all local, state, and federal health and safety regulations to ensure that there are no significant environmental impacts and will be subject to further CEQA review in accordance with the accompanying discretionary permit approval. These regulations do not change the physical characteristics of the projects themselves.

SECTION 4. By setting predefined standards for hotel rooftop structures, the city can ensure a formal review process allowing for better integration of community input and concerns, ensuring that developments are considerate of residents' quality of life, particularly in terms of noise and privacy. Allowing additional height for hotels rooftop structures for expanded features and amenities allows hotels to enhance their rooftop spaces that can attract more visitors and generate additional revenue. These amenities add significant value to the hospitality offerings and can make the City a more attractive destination. Implementing a specific amendment tailored for rooftop expansions can

make the process more predictable for developers and hotel operators. By implementing the proposed zoning regulations to accommodate hotel rooftop structures, the City Council can foster a more vibrant urban environment while maintaining control over development standards and community impact.

SECTION 5. The proposed Hotel Rooftop Amenities ZTA is consistent with the Primary Strategic Goal (PSG) and the Ongoing Strategic Program (OSP): Promote Economic Development while Maintaining Business Vitality & Diversity. The proposed ZTA is compliant with the City of West Hollywood General Plan Economic Development Element goals ED-1 "Maintain a diverse and resilient economy," ED-4 "Monitor and evaluate economic conditions affecting the City's economic climate" And ED-7 "Enhance the City as a regional, national and international destination for the entertainment, nightlife, dining and retail industries that are key to West Hollywood's fiscal health." The proposed ZTA would allow further development of hotel rooftop amenities above the height limit with a CUP and would not impede the City's ability to meet these general plan goals and policies. Approval of the proposed ZTA would promote economic stability of existing hotels and new hotel developments. In addition to the foregoing, the ordinance is consistent with the City's general plan as a matter of law (Gov. Code, § 65852.2(a)(1)(C)).

SECTION 6. Based on the foregoing, the Planning Commission of the City of West Hollywood hereby recommends approval to the City Council of Zoning Text Amendment ZTA 23-0011, 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 6 day of June 2024 by the following vote:

AYES: Commissioner:

NOES: Commissioner:

ABSENT: Commissioner:

ABSTAIN: Commissioner:

ROGERIO CARVALHEIRO, CHAIRPERSON

ATTEST:

FRANCISCO J. CONTRERAS, AICP
MANAGER, LONG RANGE PLANNING DIVISION

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.

ORDINANCE NO. 24-

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 AMEND CHAPTERS 19.10, 19.20, AND 19.36 OF THE WEST HOLLYWOOD MUNICIPAL CODE TO ADOPT NEW REGULATIONS FOR HOTEL ROOFTOP AMENITIES AND TO ALLOW ROOFTOP AMENITIES ABOVE THE HEIGHT LIMIT IN COMMERCIAL ZONES WITH A CONDITIONAL USE PERMIT IN THE CITY OF WEST HOLLYWOOD.

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

SECTION 1. Findings.

- A. City of West Hollywood initiated amendments to the Zoning Ordinance, Article 19 of the Municipal Code to allow additional height for hotels to accommodate an expansion of rooftop amenities.
- B. 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 to promote public convenience and general prosperity, as well as public health, welfare, and safety.
- C. A public hearing was duly noticed for the Planning Commission meeting of May 2, 2024 by publication in the Beverly Press newspaper and on the City website. The publication date, mailings, and legal postings took place on June 6, 2024. Following the public hearing, the Planning Commission recommended approval of the proposed zone text amendment to the City Council.
- D. A public hearing was duly noticed for the City Council meeting of XXXX, by publication in the Beverly Press newspaper and on the City website. The publication date, mailings, and legal posting took place on XXXX.

SECTION 2. Environmental Review. The proposed zone text amendment is statutorily exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15061(b)(3), provided that this activity does not have the potential to result in an effect on the environment. Pursuant to this section, 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. Hotel rooftop amenity projects will be required to meet all local, state, and federal health and safety regulations to ensure that there are no significant environmental impacts and will be subject to further CEQA review in accordance with the accompanying discretionary permit

approval. These regulations do not change the physical characteristics of the projects themselves.

SECTION 3. General Plan Consistency. The Planning Commission of the City of West Hollywood hereby finds the Zone Text Amendment (ZTA23-0011) is consistent with the Goals and Policies of the General Plan, as it promotes economic development for an important sector of the City’s economy and can help diversify operations at hotels that may make them more economically resilient. Expanding hotel rooftop amenities can enhance the City as a regional, national and international destination for the hospitality, entertainment, nightlife, dining, and retail industries that are key to West Hollywood’s fiscal health.

SECTION 4. Amendment to Municipal Code. Table 2-5 Allowed Uses and Permit Requirements for Commercial and Public Zoning Districts, of Section 19.10.030 Commercial and Public District Land Uses and Permit Requirements, Article 19-2 Zoning Districts and Allowable Land Uses, of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

LAND USE ²	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	CN	CC/SSP	CA	CR	PDCSP	PF ³	
Hotel rooftop amenities above the height limit	CUP	CUP	CUP	CUP			19.36.150

SECTION 5. Amendment to Municipal Code. Table A Allowed Projections Above Height Limits, of Section 19.20.080, Height Measurement and Exceptions, Article 19-3, Site Planning and General Development Standards, of Title 19 of the West Hollywood Municipal Code is amended to update and add the following regulations to read as follows:

Structure	Maximum Aggregate Coverage of Building’s Roof Area (% or total gross square footage)	Maximum Vertical Projection (ft.)	Other Requirements
Projections for Hotel Rooftop Structures in All Zoning Districts			
Occupiable enclosures, noise walls, fences, shade structures, retractable roofs, restrooms, movie screens, stages, pools, recreation space, mechanical equipment, landscaping, or other similar improvements as determined by the review authority.	50%	15 ft. above the height limit or existing roofline height as of (date of ordinance adoption).	See Section 19.36.150.C

SECTION 6. Amendment to Municipal Code. Section 19.36.150 (A. 2. b.) Hotels and Motels. Article 19-3 Site Planning and General Development Standards, Standards for Specific Land Uses, of Title 19 of the West Hollywood Municipal Code to read as follows:

b. Hotel height and density shall be consistent with the underlying residential zoning district except for rooftop amenities, which may exceed the height limit in the CC/SSP, CA, and CR commercial zones with approval of a conditional use permit (see Subsection 19.36.150.C and Section 19.20.080);

SECTION 7. Amendment to Municipal Code. Section 19.36.150 (A. 3.) Hotels and Motels. Article 19-3 Site Planning and General Development Standards, Standards for Specific Land Uses, of Title 19 of the West Hollywood Municipal Code to add Subsection e. to read as follows:

e. Ancillary uses proposed on hotel rooftops shall comply with the requirements in Section 19.36.150.C.

SECTION 8. Amendment to Municipal Code. Section 19.36.150 Hotels and Motels. Article 19-3 Site Planning and General Development Standards, Standards for Specific Land Uses, of Title 19 of the West Hollywood Municipal Code to read as follows:

C. Hotel Rooftop Amenities Above the Height Limit

1. *Review Requirement.* Hotel Rooftop amenities below the height limit of the zone where it is located shall require approval of a conditional use permit. Hotel rooftop amenities above the height limit of the zone where it is located shall only be allowed in the CC/SSP, CA, and CR commercial zones with approval of a conditional use permit.

2. *Neighborhood Meeting.* A neighborhood meeting shall be held for all projects that request new or expanded hotel amenities in accordance with the following requirements:

a. The applicant shall conduct a meeting with property owners and tenants located within a 500-foot radius of the subject site to present the project and discuss identified concerns prior to action by the Planning Commission.

b. The neighborhood meeting shall be held not more than 60 days after the application date and not less than 28 days before the public hearing.

3. *Hours of Operation.* The hours and days of operation of any hotel rooftop amenities shall be between 8:00 am and 10:00 pm unless conditioned otherwise in the conditional use permit.

4. *Lighting.* Illuminated outdoor hotel rooftop use areas shall incorporate lighting, installed to prevent glare onto, or direct illumination of, any adjacent property or use.

5. *Noise Study.* A noise study shall be prepared by a consultant hired by the applicant for each application for hotel rooftop amenities above the height limit. The noise study shall be submitted to staff for peer review. The applicant is responsible for any associated fees.

6. *Noise Reduction Measures.* Noise reduction measures for hotel rooftop amenities shall include, but are not limited to the following requirements:

a. All mechanical equipment such as HVAC, refrigeration, pool/hot tub motors, and exhaust fans shall be properly enclosed and maintained per Chapter 9.08 of the WHMC.

b. Construction of noise barriers of at least five feet in height, or a height determined by the noise study (as measured from the rooftop floor) around the required area as determined by the noise study. Materials for the barriers shall include solid masonry, plexiglass, 1/4-inch-thick glass, stucco veneer over wood framing or foam core, or a combination thereof. The barriers shall be continuous from bottom to top, with no cracks or gaps.

c. If amplified sound or music is proposed, the noise study shall include a sound system design plan to minimize noise at nearby residences to comply with the City's noise standards. Design measures shall include, but are not limited to, bandwidth and peak limiter installation, and speaker angle and directivity techniques. Prior to project approval, the project applicant shall perform a system check, along with the City's Code Enforcement staff to verify the sound system meets the sound system design plan and submit the results of the system to the Community Development Director. If an amplified sound system is proposed after project approval, the applicant shall follow the procedures of Section 19.62.070 of the WHMC to modify the approved permit.

d. The noise study shall provide a setback of the noise source at a specified distance from the edge of the roof.

e. If activities are proposed outside of the regular hours of operation, the noise study shall demonstrate that the City's noise standards would not be exceeded at residential receptors through the use of retractable roof enclosures or other measures.

7. *Design Standards.* The following design standards are intended to ensure compatibility with surrounding uses and a high standard of design quality for hotel rooftop amenities:

a. *Landscaping.* All hotel rooftop areas shall include landscaping. At least 10% of the rooftop area shall be landscaped with raised beds or planters. All landscaped areas shall be equipped with automatic irrigation systems and be properly drained.

b. *Design Compatibility.* Hotel rooftop amenities use areas and associated structural elements, awnings, covers, furniture, umbrellas, or other physical elements which are visible from the public rights-of-way or adjacent properties shall be compatible with the overall design of the main structure and any existing amenities.

SECTION 7. *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 8. *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 9. Effective Date. This ordinance (i.e., Zone Text Amendment) shall take effect 30 days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 6th day of June, 2024 by the following vote:

AYES: Councilmember:

NOES: Councilmember:

ABSENT: Councilmember:

ABSTAIN: Councilmember:

JOHN ERICKSON, MAYOR

ATTEST:

MELISSA CROWDER, CITY CLERK