

CITY OF BELLFLOWER

ORDINANCE NO. 1320

AN ORDINANCE APPROVING ZONING ORDINANCE TEXT AMENDMENT CASE NO. ZOTA 16-04 AMENDING SECTIONS 17.44.235, 17.88.050, AND 17.88.100 OF TITLE 17 OF THE BELLFLOWER MUNICIPAL CODE, RELATING TO REQUIREMENTS FOR HOTELS, MOTELS, AND ROOMING HOUSES; AND THE APPLICABILITY OF PARKING FOR LARGE CONCENTRATIONS OF PEOPLE; APPLICANT: CITY OF BELLFLOWER

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. The proposed revisions to the various portions of the BMC will be illustrated with *italic strikethrough* for existing language that is proposed for elimination and **bold and underlined** for proposed new language.

SECTION 2. BMC Section 17.44.235, entitled (Hotel, Motel or Rooming House), is amended to read as follows:

“Section 17.44.235 Hotel, Motel, or Rooming House.

In addition to any other requirement of this Code, the following apply to any hotel, motel or rooming house:

- A. The minimum area of the parcel or lot *shall not* **cannot** be less than *forty thousand (40,000)* **35,000** square feet.
- B. Each lot *shall* **must** have a minimum frontage of not less than *one hundred (100)* feet on a major **or secondary** street as depicted on the Land Use and Circulation Element of the General Plan.
- C. The owner and/or operator of a hotel, motel, and/or rooming house *shall not* **cannot** permit any person to occupy a room or unit in such a hotel, motel, or rooming house for a period *in excess of* **exceeding** *thirty (30)* consecutive calendar days; **This prohibition does not apply to an employee of the hotel, motel, or rooming house who is occupying** *except for one (1) room designated as a permitted manager’s unit.*
- D. Side yard and rear yard setbacks, when adjoining residential zoned properties, *shall* **must** be as set forth in Section 17.32.080 of this ~~the~~ **code**. The setback requirements *shall* **will** be considered as minimum setback requirements.
- E. Off-street parking *shall* **must** be provided as follows:
 1. *One (1) off-street parking space per sleeping room.* **Off-street parking must be provided at a minimum ratio of 0.8 parking spaces per room.**
 2. *Two (2) off-street parking spaces for full-time manager’s unit.*
 2. One *(1)* off-street parking space per ten *(10)* guest rooms for employees.

- ~~3. All off-street parking spaces must be paved to a minimum 8'-3" in width by 18'-0" in length.~~
- ~~4. One (1) recreational vehicle space of ten (10) feet by thirty (30) feet for every twenty-five (25) sleeping rooms.~~
- ~~F. No more than forty percent (40%) of the lot area is to be devoted to the use of main or accessory building~~
- F. All hotels, motels, and rooming houses must provide guest room corridors. The corridors must comply with the Building Code or the following, whichever is more restrictive:**
 - 1. A minimum 5 foot, 6 inch-wide with no room entrances protruding into the corridors, or;**
 - 2. A minimum 5 foot wide corridor with a 6 inch recess at doors on both sides of the corridor;**
 - 3. Notwithstanding subparagraph 1, a minimum 5 foot-wide corridor is allowed only if serving four or fewer guest rooms.**
- G. Recreational and landscaped areas shall be provided as follows:**
 - ~~1. A minimum of forty (40) square feet per unit shall be provided for common recreation areas.~~
 2. A minimum of ~~ten percent~~ (10%) of the total lot area ~~is to~~ **must** be landscaped.
- H. Public areas must be provided as follows:**
 - 1. A lobby must be provided at a minimum size of 400 square feet or ten square feet per room for 40 to 150 rooms, whichever is greatest.**
 - 2. A continental breakfast area, coffee shop, or lounge must be provided specifically for guest. The minimum area must be calculated based on the following formula:**
 - i. (Number of guest rooms X .20) X 15 square feet = minimum floor area for continental breakfast areas and coffee shops.**
 - ii. (Number of guest rooms X .20) X 18 square feet = minimum floor area for lounge areas.**
- I. A minimum of two common amenities must be provided on-site. The types of amenities must include fitness centers, guest laundry facilities, a business center, or swimming pool.**
 - 1. The minimum sizes for fitness center are as follows:**
 - i. For Hotel, Motel, or Rooming House with one to 50 rooms, a fitness center must be a minimum of 200 square feet.**
 - ii. For Hotel, Motel, or Rooming House with 51 to 200 rooms, a fitness center must be a minimum of 275 square feet.**
 - iii. For Hotel, Motel, or Rooming House with 201 and more rooms, a fitness center of at least 350 square feet.**
 - 2. A business center must contain the following:**
 - i. Fax machine, copier, and printer must be available for guest use.**
 - ii. One computer for 50 guest rooms or less; two computers for 51 to 100 guest rooms; three computers for 101 to 150 guest rooms; and four computers for over 150 guest rooms.**
 - 3. The minimum size for a swimming pool is 400 square feet and the minimum sizes for the pool deck area are as follows:**

- i. For Hotel, Motel, or Rooming House with one to 50 guest rooms, a deck must be a minimum 650 square feet.
 - ii. For Hotel, Motel, or Rooming House with 51 to 100 guest rooms, a deck must be a minimum 800 square feet.
 - iii. For Hotel, Motel, or Rooming House with 101 to 200 guest rooms, a deck must be a minimum 1,000 square feet.
 - iv. For Hotel, Motel, or Rooming House with more than 200 guest rooms, a deck must be a minimum 1,200 square feet.
4. Other amenities the Planning Director, or designee, finds substantially similar to those listed above will be considered, based on a minimum area of 40 square feet per unit.
- HJ. Covenants, conditions and restrictions (CC&Rs), in a form approved by the Planning Director and City Attorney, shall must be recorded ~~prior to~~ before final Building Department inspection. ~~Said~~ CC&Rs shall must ~~set forth~~ include required development standards and limitations on use.
- JK. The owner and/or operator of any hotel, motel, or rooming house ~~shall not~~ cannot permit any room or unit in such hotel, motel, or rooming house to be rented by any person or persons more than once in any consecutive ~~twenty-four (24)~~ hour period; ~~and~~
- JL. The owner and/or operator of each hotel, motel, and rooming house ~~shall~~ must have and maintain only one ~~(1)~~ meter for each utility service to such hotel, motel, or rooming house use; ~~and~~
- KM. The owner and/or operator of any hotel, motel, and rooming house ~~shall not~~ cannot ~~permit~~ allow ~~the placement of~~ laundry facilities ~~in~~ within a guest room or guest unit; laundry facilities for use of guests may be placed at one ~~(1)~~ convenient location in the hotel, motel, or rooming house; ~~and~~
- LN. The owner and/or operator of any hotel, motel, or rooming house ~~shall~~ must provide daily cleaning service for each guest room in each such hotel, motel, or rooming house; ~~and~~
- MO. The owner and/or operator of each hotel, motel, or rooming house ~~shall~~ must comply with all provisions of this Code ~~including, but not limited to, Chapter 3.16 (Uniform Transient Occupancy Tax Ordinance) and Chapter 5.88 (Hotel Rentals).~~
- NP. Notwithstanding any other provision of this Code, all nonconforming uses ~~shall~~ must be made to comply with the following provisions of this Code within the following time periods:
1. Subsections (C), (K) and (N) of this section ~~shall~~ must be complied with July 9, 2001 (within ~~ninety (90)~~ days of the enactment of these provisions); and
 2. Subsections (L), (M) and (O) of this section ~~shall~~ must be complied with within the time periods specified in Chapter 17.92 of this Code.”

SECTION 3. BMC Section 17.88.050 (Other Parking Space Requirements) is amended to read as follows:

“For buildings or structures other than dwellings and for uses involving large concentrations of people in any ~~R or A District~~ **zone**, there shall **must** be at least one ~~(1)~~ parking space on the same lot with the main building or lots immediately contiguous thereto and available for use by the occupants in the following ratios, **unless otherwise required in any particular zone,** for the specific type of uses:

- A. For religious facilities, theaters, auditoriums and similar places of assembly, at least one ~~(1)~~ parking space for every seven and one-half (7½) permanent seats. A “seat” shall ~~mean~~ **mean**s eighteen (18) lineal inches of seating space when seats are arranged in rows or pews. For auditoriums, with no permanent seats, a “seat” shall ~~mean~~ **mean**s seven ~~(7)~~ square feet of floor area.
- B. For hospitals and similar institutions, there shall **must** be at least one ~~(1)~~ parking space for every bed provided for in said building, plus one ~~(1)~~ parking space provided for the maximum staff on any one ~~(1)~~ **work** shift of the institution.
- C. For an ambulance service use, parking spaces shall **must** be provided at not less than the minimum rate established for the zone in which the use is located, plus adequate separate parking area shall **must** be provided for the storage of ambulance vehicles in such amount as necessary to accommodate the vehicles permitted under the ambulance service use’s ~~C~~**o**nditional ~~U~~**se** ~~P~~**ermit.**”

SECTION 4. BMC Section 17.88.100(B) (Loading Requirements for Various Uses) are amended to read as follows:

“B. Loading Requirements for Various Uses. All hospitals, institutions, hotels, commercial and industrial uses shall **must** provide loading space of not less than ten ~~(10)~~ feet in width, ~~twenty~~ (20) feet in length, and ~~fourteen~~ (14) feet in height as follows:”

[TABLE CONTINUES ON FOLLOWING PAGE]

	Square Feet of Building Space (gross floor area)	Loading Space Required
<u>A-C Districts Commercial Uses other than Office</u>	3,000—15,000	1
	15,100—45,000	2
	45,100—75,000	3
	Over 75,000	4
Industrial Buildings	33,500—40,000	1
	40,100—80,000	2
	Over 80,000	3
Hospitals & Institutions	3,000—20,000	1
	20,000—50,000	2
	Over 50,000	3
Hotels & Office Buildings	3,500—50,000	1
	Over 50,000	2
<u>Hotel, Motel, or Rooming House</u>	<u>1 – 99 Rooms</u>	<u>1</u>
	<u>100 – 199 Rooms</u>	<u>2</u>
	<u>200 Rooms <</u>	<u>3</u>

SECTION 5. Recitals.

- A. The City has reviewed the Project’s environmental impacts under the California Environmental Quality Act (Pub. Res. Code §§ 21000, et seq., “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Reg. §§ 15000-15387). In accordance with the provisions of CEQA, an Initial Study and Negative Declaration have been prepared.**
- B. The Planning Commission opened the public hearing to receive public testimony and other evidence regarding the application including, without limitation, information provided to the Planning Commission, and closed the hearing at the September 6, 2016, Meeting.**
- C. The Planning Commission passed and adopted Resolution No. PC 16-11, recommending adoption of Negative Declaration No. ND 16-04 and recommending approval of Zoning Ordinance Text Amendment Case No. ZOTA 16-04 to the City Council.**
- D. Notice of a Public Hearing before the City Council was duly given and published in the time, form, and manner as required by law.**
- E. The City Council opened the public hearing to receive public testimony and other evidence regarding the application including, without limitation, information provided to the City Council on September 26, 2016, and closed the hearing at the October 24, 2016, Meeting.**

F. The City Council considered the information provided by City staff, Planning Commission, and public testimony. This Ordinance, and its findings, are made based upon the evidence presented to the City Council at its September 26, 2016 and October 24, 2016, Public Hearing including, without limitation, the Staff Report.

SECTION 6. *Environmental Determination.* ~~Resolution No. XXX, adopted September 26, 2016, which makes findings pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq.) is incorporated by reference. In accordance with Resolution No. XXX, adoption of this ordinance will not result in significant environmental impacts and that no further environmental review is required.~~

Environmental Review Findings. The City Council finds as follows:

A. An Initial Study (IS) of Environmental Impacts and a Negative Declaration (ND) of Environmental Impact were prepared for Zoning Ordinance Text Amendment Case No. ZOTA 16-04 in accordance with the provisions of the California Environmental Quality Act (CEQA), State CEQA Guidelines, and the City of Bellflower's Procedures for implementing CEQA.

B. That the Initial Study and Negative Declaration were made available to the public for review and comment from August 18, 2016, to and including September 6, 2016.

C. A duly noticed Public Hearing was held by the City Council of the City of Bellflower on September 26, 2016 and October 24, 2016, at which time evidence was heard on the Initial Study and Negative Declaration and Staff Report. At the hearing, the City Council fully reviewed and carefully considered the Initial Study and Negative Declaration, together with any comments received during the public review period, and determined that the Negative Declaration was consistent with CEQA. The adoption of this Ordinance will not result in significant environmental impacts and that no further environmental review is required.

SECTION 7. *Validity of Previous Code Sections.* If the entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal of the BMC or other regulation by this Ordinance will be rendered void and cause such BMC provision or other regulation to remain in full force and effect for all purposes.

SECTION 8. *Reliance on Record.* Each and every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 9. *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in

evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are limitations on the City's ability to solve what are in effect regional, state, and National problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 10. *Preservation.* Repeal or amendment of any previous Code Sections does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 11. *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provision or application and, to this end, the provisions of this Ordinance are severable.

SECTION 12. The City Clerk, or her duly appointed deputy, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Bellflower's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 13. *Effective Date.* This Ordinance will become effective on the 31st day following its passage and adoption.

ORDINANCE NO. 1320 HAD ITS FIRST READING ON OCTOBER 24, 2016, ITS SECOND READING ON NOVEMBER 14, 2016, AND WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER AT ITS REGULAR MEETING OF NOVEMBER 14, 2016.

Dan Koops, Mayor

Attest:

Mayra Ochiqui, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney