

1 [Interim Zoning Controls - Hotel Conversion Ordinance]

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3 **Resolution imposing interim zoning controls for an 18-month period for all Residential**  
4 **Hotels, requiring Conditional Use authorization for any application for a permit to**  
5 **convert Residential Hotel Units under Administrative Code, Chapter 41; and making**  
6 **environmental findings and findings of consistency with the General Plan, and with the**  
7 **eight priority policies of Planning Code, Section 101.1.**

8

9 WHEREAS, Planning Code, Section 306.7 provides for the imposition of interim zoning  
10 controls that promote the public interest, including but not limited to development and  
11 conservation of the City’s commerce and industry to maintain the City’s economic vitality and  
12 maintain adequate services for its residents, visitors, businesses, and institutions, and the  
13 preservation of neighborhoods and areas of mixed residential and commercial uses and their  
14 existing character; and

15 WHEREAS, The City faces a shortage of decent, safe, sanitary, and affordable rental  
16 housing, and this shortage affects most severely the elderly, the disabled, and low-income  
17 people who are most vulnerable to becoming homeless; and

18 WHEREAS, The conversion of the City’s limited number of residential hotel units  
19 affects those persons who are least able to cope with displacement; and

20 WHEREAS, Existing zoning controls and the Administrative Code procedures for  
21 converting residential hotel units have allowed the City’s stock of residential hotel units to  
22 decline in the 26 years since the City last revised the residential hotel unit conversion process;  
23 and

24 WHEREAS, Administrative Code, Chapter 41 requires that the Planning Department  
25 review applications for permits to convert residential hotel units for consistency with the

1 Planning Code, but Planning Code, Section 317(g)(4) provides that Planning Commission  
2 approval is not required for such applications; and

3 WHEREAS, The interim controls established by this Resolution will allow time for the  
4 orderly completion of a planning study and for the adoption of appropriate legislation; and

5 WHEREAS, This Board of Supervisors (“Board”) has considered the impact on the  
6 public health, safety, peace, and general welfare if these interim controls are not imposed;  
7 and

8 WHEREAS, The Board has determined that the public interest will best be served by  
9 imposition of these interim controls to ensure that the legislative scheme which may be  
10 ultimately adopted is not undermined during the planning and legislative process for  
11 permanent controls; and

12 WHEREAS, The Board makes the following findings of consistency with the Priority  
13 Policies set forth in Planning Code, Section 101.1: By requiring Conditional Use authorization  
14 for all permits to convert residential hotel units, this interim control advances Priority Policy 2,  
15 that existing housing and neighborhood character be conserved and protected to preserve the  
16 cultural and economic diversity of our neighborhoods; and Priority Policy 3, that the City's  
17 supply of affordable housing be preserved and enhanced; and this interim control does not  
18 conflict with the other Priority Policies of Section 101.1; and

19 WHEREAS, The Planning Department has determined that the actions contemplated in  
20 this Resolution are in compliance with the California Environmental Quality Act (California  
21 Public Resources Code, Sections 21000 et seq.). Said determination is on file with the Clerk  
22 of the Board of Supervisors in File No. 160599 and is incorporated herein by reference. The  
23 Board hereby affirms this determination; now, therefore, be it

1 RESOLVED, That pursuant to Planning Code, Section 306.7, the Board hereby  
2 requires that for all residential hotels, a Conditional Use authorization pursuant to Planning  
3 Code Section 303 is required for any permit to convert a residential unit; and, be it

4 FURTHER RESOLVED, That the Planning Commission shall only grant a Conditional  
5 Use authorization allowing the conversion of a residential unit upon finding that the conversion  
6 will not adversely impact the housing stock of affordable residential units in the City; and, be it

7 FURTHER RESOLVED, That upon imposition of these interim controls, the Planning  
8 Department shall conduct a study of the contemplated zoning proposal and propose  
9 permanent legislation to address the issues posed by conversion of residential hotel units;  
10 and, be it

11 FURTHER RESOLVED, That these interim controls shall apply to all applications for  
12 permits to convert where the application has not been received as of the effective date of this  
13 Resolution; and, be it

14 FURTHER RESOLVED, That these interim controls shall remain in effect for a period  
15 of eighteen (18) months unless extended in accordance with Planning Code, Section 306.7(h)  
16 or until permanent controls are adopted; and, be it

17 FURTHER RESOLVED, That the Planning Department shall provide reports to the  
18 Board pursuant to Planning Code, Section 306.7(i).

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20 APPROVED AS TO FORM:  
21 DENNIS J. HERRERA, City Attorney

22 By: \_\_\_\_\_  
23 ROBB KAPLA  
24 Deputy City Attorney

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