

REVISED LEGISLATIVE DIGEST

(2/6/2017, Amended in Committee)

[Administrative Code - New Hotels and Motels Near Places of Entertainment]

Ordinance amending the Administrative and Planning Codes to authorize the Entertainment Commission to hold a hearing on noise issues related to proposed projects for construction of new hotels and motels, or conversions of existing structures to hotel or motel uses, to be located within 300 feet of a Place of Entertainment, and to provide recommendations to the Planning Department and/or Department of Building Inspection regarding such projects, and require the Planning Department and Planning Commission to consider noise issues when reviewing proposed hotel and motel projects; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Chapter 116 of the Administrative Code, titled "Compatibility and Protection for Residential Uses and Places of Entertainment," provides a hearing process at the Entertainment Commission for new residential construction and conversion projects within 300 radial feet of a Place of Entertainment ("POE") that has been permitted by the Entertainment Commission for 12 or more consecutive months. The law prohibits the issuance of development permits for such residential projects until the Entertainment Commission hearing process has been completed, and the Entertainment Commission has submitted its comments and recommendations regarding noise issues related to the proposed residential project and the existing POE, if any, to the Planning Department and Department of Building Inspection.

Chapter 116 also provides that a permitted POE shall not constitute a public or private nuisance on the basis of noise for residents of residential buildings constructed or converted for residential use on or after January 1, 2005.

The Planning Code directs the Planning Commission and Planning Department to consider the compatibility of uses when approving residential uses adjacent to or near existing permitted POEs and to take all reasonably available means through the City's design review and approval processes to ensure that the design of new residential development projects takes into account the needs and interests of both the POEs and the future residents of the new development. (Planning Code § 314.)

Amendments to Current Law

The proposed ordinance would expand the Entertainment Commission hearing and comment process under Chapter 116 of the Administrative Code to apply to proposed projects for new

construction of hotels or motels, or conversion to a hotel or motel use, to be located within 300 radial feet of an existing permitted POE.

The ordinance would also broaden the nuisance provision in Chapter 116 of the Administrative Code to provide that no permitted POE shall be or become a public or private nuisance on the basis of noise disturbance if the POE operates in compliance with the Municipal Code and the terms of its permits.

The proposed ordinance would also amend Section 314 of the Planning Code to require the Planning Department and Commission to (1) consider the compatibility of uses when approving hotel uses or motel uses adjacent to or near existing POEs, and (2) take all reasonably available means through the City's design review and approval processes to ensure that the design of such a new hotel or motel takes into account the needs and interests of both the POE and the future guests of the hotel or motel.

Background Information

In 2015, the Board of Supervisors passed Ordinance No. 70-15, amending the Building, Administrative, Planning and Police Codes to address noise associated with Places of Entertainment (POEs) that impact nearby residents of newly constructed or converted residential buildings. This ordinance would expand that legislation to apply to newly constructed or converted hotels or motels, as opposed to just residential developments, to address the growing number of hotels and/or motels being developed close to POEs and potential noise impacts on guests of those hotels or motels.

n:\legana\as2016\1600859\01140579.docx