

**City of Whittier
City Council**

**REPORT OF MEASURES TAKEN TO ALLEVIATE
CONDITIONS LEADING TO MORATORIUM**

California Government Code Section 65858 requires that, prior to the expiration of an interim urgency ordinance adopted to temporarily prohibit land uses, the City Council must issue a report describing the measures taken to alleviate conditions leading to the adoption of the moratorium. This report will satisfy this requirement.

As set forth in the prior Agenda Report provided to the City Council at its meeting on August 8, 2017 relating to the adoption of Urgency Ordinance No. 3072 (the "Moratorium"), the purpose of the City's Zoning Code and Specific Plan is to consistent policies and standards that allow for the orderly growth of land uses within the City. Since the adoption of the Moratorium, staff has reviewed various relevant planning documents, including the Zoning Code, Whittier Boulevard Specific Plan, Uptown Whittier Specific Plan and Whittwood Town Center Specific Plan. In addition, Planning Staff has obtained input on the issue of parking standards from the Public Works and Police Departments. This preliminary review has confirmed that further in-depth study is needed in order to fully evaluate the regulations in the Zoning Code and Specific Plans as to hotel and motel uses and what changes may need to be made to such regulations. Based on the information set forth below, an extension of the expiration date of the Moratorium is necessary and justified. Further, the City Council can make the findings required by Section 65858, subsection (c) as to the effect of the extension of the Moratorium on the issuance of all development entitlements and permits for new hotel and motel projects, namely all of the following:

"(1) The continued approval of the development of new hotel and motel projects would have a specific, adverse impact upon the public health or safety. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date that the [Moratorium extension] ordinance is adopted by the legislative body.

(2) The interim ordinance is necessary to mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1).

(3) There is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1) as well or better, with a less burdensome or restrictive effect, than the adoption of the proposed interim ordinance."

The purpose of the proposed urgency ordinance is to create a temporary moratorium on new hotel and motel development within City as the City Council has expressed concern that the purpose and intent of the City's Zoning Code may be undermined if additional properties within the City are also developed with hotels or motels in the future.

The vision of the Municipal Code, Whittier Boulevard Specific Plan and Uptown Whittier Specific Plan needs to be reevaluated to determine if hotels and motels should be permitted, conditionally permitted or prohibited in the Whittier Boulevard Specific Plan, Uptown Whittier Specific Plan, or C-2, C-3, and M Zones Citywide. In doing so, it will ensure that the right balance of lodging is achieved to facilitate the City's vision of this type of service land use and provide development certainty for developers interested in these areas.

Factual Investigation and Findings

Hotels and Motels are conditionally permitted in the City's Municipal Code within the Commercial (C-2 and C-3) Zones as well as Manufacturing (M) Zones and are defined as follows:

"Hotel" means any building or portion of any building with access provided through a common entrance, lobby or hallway, to one or more guestrooms, which have no cooking facilities and which are designed and intended to be used or are used, rented or hired out as temporary or overnight accommodations for guests.

"Motel" means one or more buildings containing rooms without kitchen facilities, each having a separate entrance leading directly from the outside of the building or from an inner court, which rooms are designed for rental for temporary or overnight accommodations for guests, and are offered primarily to automobile tourists or transients by signs or other advertising media. One unit, for use by a resident manager, may have kitchen facilities. "Motel" includes auto courts, motor lodges and tourists' courts.

While no definition for hotel or motel exists in the Whittier Boulevard Specific Plan or the Uptown Whittier Specific Plan, lodging facilities are specifically called out in the allowable use matrix in both Specific Plans. Within Table 4-1 of the Whittier Boulevard Specific Plan, "Lodging Facilities" are conditionally permitted (requiring a Conditional Use Permit) in the Shopping Cluster and Neighborhood Spine Districts, prohibited in the Gateway, Workplace and Workplace Residential Districts, and permitted by right in the Center District. Within Table 4-1 of the Uptown Whittier Specific Plan, Lodging – Bed & Breakfast Inns are prohibited in the Uptown Core District and conditionally permitted in the Uptown Center, Uptown General and Uptown Edge Districts. Within the same table, Lodging – Hotel is permitted in the Uptown Core and Uptown Center Districts, conditionally permitted in the Uptown General District and prohibited in the Uptown Edge District.

Therefore, hotels and motels are only permitted by right within the Whittier Boulevard Specific Plan Center District while hotels are permitted by right in the Uptown Core and Center Districts. In all other locations where not prohibited, a Conditional Use Permit is required and the following findings must be met:

1. That the site proposed for the use is adequate in size, shape and topography;
2. That the site proposed for the use has sufficient access to streets which are adequate, in width and pavement type, to carry the quantity and quality of traffic generated by the proposed use;
3. That the proposed use will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;
4. That the proposed use will be compatible with the permitted uses of surrounding and adjacent properties; and
5. That the use will, as to location, operation and design, be consistent with the general plan, any applicable specific plan, and the Whittier zoning regulations.

In addition to there being no definition of hotel or motel in either of the aforementioned specific plans, the City of Whittier does not have defined parking standards for lodging facilities. As such, applications are reviewed on a case by case basis without a consistent, adopted standard. Similarly, the lack of continuity in terms of security standards presents a problem when trying to evaluate hotels and motels consistently. As discussed herein, potentially unlimited hotel and/or motel development as permitted uses, both in number of units and in time, is reasonably expected to have significant impacts which were not previously analyzed. Without the Moratorium and the required studies by the City, there is the reasonable potential to have unlimited hotel and/or motel development within the Whittier Boulevard and Uptown Whittier Specific Plans.

Conclusion

Based on all of the above preliminary evidence and evaluation that the City's staff has conducted, it is reasonably clear that there is a need to investigate and further analyze in greater detail the existing regulations in the City as to the potentially unlimited development of hotel and motel units. Since the primary purpose of the Zoning Code and Specific Plans is to facilitate and support consistent land use regulation and community character, the potentially unlimited development of hotel and motel units within the Whittier Boulevard and Uptown Whittier Specific Plans could be detrimental to, and severely undermine, that purpose. These land uses need to be re-evaluated and studied in light of the potentially unlimited development previously discussed.