

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, ADDING SECTION 15-2737.5 TO THE FRESNO MUNICIPAL CODE, RELATING TO LODGING-TO-DWELLING CONVERSION REQUIREMENTS; AMENDING TABLE 15-1102 RELATING TO USE REGULATIONS FOR MIXED-USE DISTRICTS; AMENDING TABLE 15-1202 RELATING TO LAND USE REGULATIONS FOR COMMERCIAL DISTRICTS; AMENDING TABLE 15-1302 RELATING TO LAND USE REGULATIONS FOR EMPLOYMENT DISTRICTS; AND AMENDING TABLE 15-1502 RELATING TO USE REGULATIONS FOR DOWNTOWN DISTRICTS AND AMENDING SECTION 15-6702 RELATING TO DEFINITIONS FOR RESIDENTIAL USE CLASSIFICATIONS.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 15-2737.5 is added to the Fresno Municipal Code to read:

SECTION 15-2737.5. LODGING-TO-DWELLING CONVERSION REQUIREMENTS.

A. Purpose. The purpose of this section is to allow for the conversion of existing hotels or motels from a commercial lodging use to a residential use which will provide housing to non-transient residents and facilitate bringing these hotel or motel buildings into safe and habitable condition as required by State and local law.

B. Applicability.

1. Hotels and motels that were constructed prior to January 1, 2020 and have previously accommodated or currently accommodate non-transient residents are eligible to apply for a lodging-to-dwelling conversion.

1 of 10

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: _____

Ordinance No.

2. Lodging-to-Dwelling Conversions shall be permitted in any Base District and/or Overlay District in which an Eligible Hotel may exist, including any Base District and/or Overlay District that does not permit Residential Use Classifications.

3. This section shall not apply to a conversion that involves the construction of new structures for residential use or a significant enlargement of existing structures. For purpose of this section, the term “significant enlargement” shall mean a new building or expansion of existing buildings such that the number of individual units is increased.

C. Permit required. An application for a Lodging-to-Dwelling Conversion shall require a Conditional Use Permit subject to Article 53 and an assessment pursuant to the California Environmental Quality Act (CEQA) shall be conducted.

D. Definitions.

1. “Eligible Hotel” shall be defined as an existing hotel or motel building, constructed prior to January 1, 2020, that offers lodging to non-transient residents, for all or a portion of the facility that and is eligible to apply for a lodging-to-dwelling conversion. Provision of one residential unit for an on-site manager shall not disqualify a hotel or motel from being defined as an “Eligible Hotel.”

2. “Non-transient residents” shall be defined as a person who resides in a non-transient facility for a period of thirty-one or more consecutive days.

E. Compliance with Existing Regulations. The following requirements shall apply to all lodging-to-dwelling conversions and are currently enforceable in relation to existing hotels, motels and non-transient facilities under state and local laws and regulations:

a. An Eligible Hotel shall bring the subject hotel or motel building into full compliance with the California Building Code, the California Fire Code, and the California Electrical Code, as may be amended and any local amendments thereto.

b. An Eligible Hotel shall be subject to the occupancy classifications and change of occupancy requirements in the California Building Code based upon the classification most similar to the primary use of the facility, as determined by the Building Official.

c. An Eligible Hotel offering rooms to non-transient residents shall not operate if the facility or any portion of the facility exists with any of the conditions necessary to be declared a substandard building within the meaning of California Health and Safety Code section 17920.3, as may be amended.

d. In the event an Eligible Hotel is declared a substandard building or otherwise exists with any of the conditions necessary to be declared a substandard building, the Eligible Hotel shall be subject to the provisions of Fresno Municipal Code sections 1-301 et. seq.

- F. Minimum Standards for Lodging-to-Dwelling Conversions.
- a. Fire Safety. Eligible Hotels shall either:
 - i. Be built with fire-resistive construction; or
 - ii. Be equipped with fire-extinguishing systems or equipment as set forth in the California Building Code and California Health and Safety Code.
 - b. Lavatory. All bedrooms shall provide private lavatory and bathing facilities in each unit, including but not limited to the following:
 - i. Bathroom sink.
 - ii. Toilet.
 - iii. Shower or tub and shower combined facility.
 - c. Heating and Cooling. Eligible hotels shall provide heating and cooling equipment in each unit.
 - d. Food Storage and Preparation. Eligible hotels shall provide access to cooking and refrigeration spaces to non-transient residents by either:
 - i. Providing a refrigerator of at least two thirds the size of a standard refrigerator, a separate sink for food preparation, microwave, a cooking appliance such as an oven and stove or efficiency cooktop with unobstructed ventilation, and a non-porous washable surface suitable for

food preparation, constructed in compliance with the California Building Code, and an optional microwave; or

ii. Providing a dedicated common-use space on the premises with kitchen facilities to be used by non-transient residents. A full kitchen will be required for every 6 units. A full kitchen is defined as being a minimum of 100 square feet in size and containing the following fixtures: a sink, food preparation counter, storage cabinets, and permanent cooking facilities such as an oven and range or cooktop. Kitchen and food storage facilities shall be constructed in compliance with the Americans with Disabilities Act, California Code of Regulations, California Building Code, California Plumbing Code, California Electrical Code, and California Fire Code, as may be amended (including local amendments). In addition to the requirements of the above applicable codes, kitchen facilities shall be constructed with unobstructed ventilation for all cooking appliances, non-porous materials shall be used for all food preparation surfaces, and all surfaces shall be washable.

e. Electrical Capacity. Eligible hotels shall provide electrical capacity, subject to review, inspection, and approval of the Building Official as follows:

i. A main electrical panel sufficient to accommodate non-transient occupants in all units; and

ii. A sub-electrical panel for each unit in the facility. Each sub-electrical panel shall have sufficient capacity to accommodate a refrigerator, a cooktop, and a microwave, in addition to any electrical capacity needs generated by lighting, heating and cooling appliances, televisions, and personal appliances including but not limited to computers or cellular phones; and

iii. Any other improvements related to the provision of electricity deemed necessary by the Building Official to preserve the public health and safety.

G. Maximum Density. Density limitations set forth in the applicable Base District and/or Overlay District shall not apply to Lodging-to-Dwelling Conversions. The number of dwelling units that are created shall not exceed the number of lodging units that are removed from the Eligible Hotel.

H. Other Capacity Inspections. Eligible Hotels shall complete plumbing, structural, and mechanical improvements sufficient to accommodate non-transient residents, and as deemed necessary by the Building Official to preserve the public health and safety. These improvements are subject to review, inspection, and approval of the Building Official.

I. Legal Non-Conforming Uses, Structures and Site Features. Except for any and all changes, including but not limited to structural changes, required

for the conversion of an Eligible Hotel, the provisions of FMC 15-404 and 15-405 will apply to uses, structures and site features that are related to an Eligible Hotel. An Eligible Hotel is permitted to convert any use, structure or site feature to become a conforming use that is compliant will all state and local codes.

SECTION 2. Table 15-1102 relating Use Regulations for Mixed-Use Districts is amended as follows:

TABLE 15-1202: LAND USE REGULATIONS – MIXED-USE DISTRICTS				
<i>Use Classifications</i>	<i>NMX</i>	<i>CMX</i>	<i>RMX</i>	<i>Additional Regulations</i>
Residential Use Classifications				
Group Residential				
<i>Small (6 persons or less)</i>	P(1)	P(1)	P(1)	
<i>Large (7 persons or more)</i>	P(1)	P(1)	P(1)	
[Lodging-to-Dwelling Conversion]	[C]	[C]	[C]	[§ 15-2737.5. Lodging-to-Dwelling Conversion Requirements.]
Residential Care Facilities				

SECTION 3. Table 15-1202 relating Land Use Regulations for Commercial Districts is amended as follows:

TABLE 15-1202: LAND USE REGULATIONS – COMMERCIAL DISTRICTS							
<i>Use Classifications</i>	<i>CMS</i>	<i>CC</i>	<i>CR</i>	<i>CG</i>	<i>CH</i>	<i>CRC</i>	<i>Additional Regulations</i>
Residential Use Classifications							
Group Residential							
<i>Small (6 persons or less)</i>	P(1)	-	P(2)	-	-	-	
<i>Large (7 persons or more)</i>	P(1)	-	P(2)	-	-	-	
[Lodging-to-Dwelling Conversion]	[C]	[C]	[C]	[C]	[C]	[C]	[§ 15-2737.5. Lodging-to-Dwelling Conversion Requirements.]
Re-Entry Facility	-	-	-	P	-	-	

SECTION 4. Table 15-1302 relating Land Use Regulations for Employment Districts is amended as follows:

TABLE 15-1302: LAND USE REGULATIONS – EMPLOYMENT DISTRICTS						
<i>Use Classifications</i>	<i>O</i>	<i>BP</i>	<i>RBP</i>	<i>IL</i>	<i>IH</i>	<i>Additional Regulations</i>
Residential Use Classifications						
Caretaker Residence	-	-	-	P(2)	P(2)	
[Lodging-to-Dwelling Conversion]	[C]	[C]	[C]	[C]	[C]	[§ 15-2737.5. Lodging-to-Dwelling Conversion Requirements.]
Public and Semi-Public Use Classifications						

SECTION 5. Table 15-1502 relating Use Regulations for Downtown Districts is amended as follows:

TABLE 15-1502: LAND USE REGULATIONS – DOWNTOWN DISTRICTS										
<i>Use Classifications</i> <i>Activity Class</i>	<i>DTN</i>			<i>DTG</i>			<i>DTC</i>			<i>Additional Regulations</i>
	<i>A</i>	<i>B</i>	<i>C</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>See Figure 15-1501 for Activity Classifications Map</i>
Residential Use Classifications										
Group Residential										
<i>Small (6 persons or less)</i>	P(1)	P	P	P(1)	P	P	P(1)	P	P	
<i>Large (7 persons or more)</i>	P(1)	P	P	P(1)	P	P	P(1)	P	P	
[Lodging-to-Dwelling Conversion]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[§ 15-2737.5. Lodging-to-Dwelling Conversion Requirements.]
Re-Entry Facility	P(1)	P	P	P(1)	P	P	P(1)	P	P	

SECTION 6. Section 15-6702 relating to definitions for Residential Use Classifications is amended as follows:

Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes clean and sober facilities, other types of organizational housing, private residential clubs, and farmworker housing, but excludes Hotels and Motels, Residential Care Facilities, and Re-Entry Facilities.

Small. A facility that houses six or fewer persons.

Large. A facility that houses seven or more persons.

[Lodging-to-Dwelling Conversions. The conversion of existing hotels or motels from a commercial lodging use to a residential use which will provide housing to non-transient residents and facilitate bringing such hotel or motel buildings into safe and habitable condition as required by State and local law.]

Mobile Home Parks. A development designed and occupied by mobile homes including development with facilities and amenities used in common by occupants who rent, lease, or own spaces for mobile homes through a subdivision, cooperative, condominium, or other form of resident ownership.

SECTION 7. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2020.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2020
Mayor Approval/No Return: _____, 2020
Mayor Veto: _____, 2020
Council Override Vote: _____, 2020

YVONNE SPENCE, MMC CRM
City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Rina M. Gonzales Date
Deputy City Attorney

**CITY OF FRESNO
ENVIRONMENTAL FINDING OF NO POSSIBILITY OF SIGNIFICANT EFFECT
ENVIRONMENTAL ASSESSMENT NO. P20-00460**

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO HAVE NO
SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO ARTICLE 20 OF THE
STATE OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES

APPLICANT: City of Fresno
Planning and Development Department,
2600 Fresno Street Room 3043
Fresno, California 93721

PROJECT LOCATION: Areas within the jurisdiction of the City of Fresno, generally located within the corporate boundaries

PROJECT DESCRIPTION:

A proposed Text Amendment P20-00460 (Text Amendment) to provide an application process for owners of hotels and motels which were constructed prior to 2020 to convert an existing building from a commercial use to a residential use to accommodate non-transient residents, with requirements that an applicant bring their building into compliance with all applicable State codes, including the Building, Fire and Electrical codes. The proposed project will also include an amendment to the use table for certain commercial zone districts to allow for conversion of pre-2020 hotel/motels to accommodate non-transient residents without requiring an amendment to the site's land use or zone district.

This project is exempt under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.

Finding:

Staff has conducted a preliminary review of the project and has determined that it is exempt from CEQA pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) under the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Because the proposed Text Amendment is for Council to approve in order to establish a framework for future land use planning and approvals and does not commit the City to any specific project, and it also does not intensify the use of hotel/motel buildings beyond what is already in existence, it can be seen with certainty that there is no possibility that accepting the Strategy document may have a significant effect on the environment. Therefore, this action is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3)

Evidence:

The proposed Text Amendment states the requirements for conversion of existing hotels and

motels, and establishes a process consistent with public health and safety laws and plans including the State Building, Fire and Electrical Codes, Fresno Municipal Code, Fresno General Plan and Housing Element. Hotels and motels are eligible to apply for a conversion from lodging-to-dwelling use if they currently offer lodging to non-transient residents, for all or a portion of their hotel/motel. The term Non-transient residents is defined as a person who resides in a non-transient facility for a period of thirty-one or more consecutive days.

There will be no physical change to the environment as a result of the adoption of this Text Amendment as it is a framework for an application process for existing hotel and motel buildings. The Text Amendment does not relate to any physical project.

Existing hotels and motels have no residential density assumed because they are commercial uses. The proposed conversion process would not require a rezone to a residential zone district, and would allow hotels and motels to retain their current non-residential zoning. The proposed process also does not allow for an intensified use (i.e., adding units) as there is a one-to-one ratio requirement for replacement units; in short, if one hotel/motel unit is removed, then one dwelling unit is allowed to be created with a conversion. As such, the proposed Text Amendment will permit conversions but will not intensify the existing uses.

All individual hotel and motel conversion projects under the proposed Text Amendment will be subject to discretionary review with a Conditional Use Permit (CUP). Each individual CUP will be evaluated pursuant to the requirements of CEQA and the appropriate level of environmental review will be completed when the scope and impacts of each individual entitlement are known.

Approval of this Text Amendment does not permit the immediate conversion of lodging units to residential units. Rather, it creates a procedure for property owners to request conversion of sites from lodging to dwelling uses. In this way, the actual conversion of sites is not yet approved and is subject to future discretionary approval. Because this Text Amendment does not effectuate any conversion approvals, and does not result in any changes in use or intensity, it can be seen with certainty that there is no possibility that approval of this Text Amendment will have a significant effect on the environment or a reasonably foreseeable indirect effect on the environment.

Therefore, Text Amendment P20-00460 is exempt from CEQA pursuant to the common sense exemption set forth in Section 15061(b)(3) of the CEQA Guidelines.

Date:

Prepared By: Kelsey George
Planner

Submitted By: XXXX XXXXX
Planning Manager
City of Fresno
Planning and Development
Department