

HOTEL/MOTEL ORDINANCE



**CITY OF PASADENA
PLANNING DEPARTMENT
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HOTEL/MOTEL ORDINANCE CHECKLIST

(This should not be considered a complete list of City of Pasadena requirements. Please use full City of Pasadena codes in determining code compliance)

- _____ No hotel/motel shall be developed with fewer than sixty (60) separate units.
- _____ A hotel/motel with 120 or fewer units may only be located on a tract that is contiguous to and abuts the right-of-way of a limited access highway or tollway and takes access from the frontage road and shall not take secondary access from any residential street.
- _____ A hotel/motel with more than 120 units may only be located on a tract that is contiguous to and abuts the right-of-way of a limited access highway or tollway and takes access from the frontage road OR from a major thoroughfare and shall not take secondary access from any residential street.
- _____ Extended stay facility can have no more than 200 units and no more than 18 units per acre.
- _____ In a traditional hotel/motel, each unit must be at least 200 sq. ft.
- _____ In an extended stay facility, each unit shall be at least 250 sq. ft.
- _____ All units in an extended stay facility must have cooking and eating facilities including a kitchen sink, refrigerator, stove top system with burners and a convection or microwave oven.
- _____ All hotel/motel rooms must have sleeping facilities and a separate enclosed bathroom containing a shower and a toilet. A sink is required but may be placed separate from the bathroom.
- _____ FAR (floor area ratio) must not exceed 0.4 in an extended stay facility. *FAR is defined as the square foot amount of total floor area of all stories for each square foot of land area of the site for the proposed development.*
- _____ Parking shall be provided at a minimum of 1 parking space per hotel/motel unit in a traditional facility and at a minimum of 2 parking spaces per unit in an extended stay facility. No multi-level parking is allowed for extended stay facilities.
- _____ A minimum of 10 ft. of open space is required adjacent to the entire perimeter of the development.
- _____ A minimum of 35% of the ground area shall be green space.
- _____ Hotel/motels of one (1) story shall be set back from any property lines abutting a residence a minimum of 25 ft. Hotel/motels of two (2) stories shall be set back by a minimum of 50 ft. and three (3) stories or more shall be set back a minimum of 100 ft.
- _____ No units shall access directly from a parking area or the exterior of a building. Primary access must be from a hallway that is internal to the hotel/motel building.

_____ Where the hotel/motel development adjoins a residential property or subdivision, an opaque fence not less than 8 ft. high shall be required along the entire common property line.

_____ All waste receptacles (dumpsters) shall be screened from view from the street and must be located a minimum of 200 ft. from any residence or subdivision.

ARTICLE III. HOTEL OCCUPANCY TAX

Sec. 34-31. Definitions.

The following words, terms, and phrases are, for the purposes of this article and except where the context clearly indicates a different meaning, defined as follows:

Assessor-collector shall mean the assessor-collector of taxes of the City of Pasadena.

Consideration shall mean the cost of the room in such hotel only if the room is one ordinarily used for sleeping and shall not include the cost of any food served or personal services rendered to the occupant of such room not related to the cleaning and readying of such room for occupancy.

Extended stay facility means a hotel/motel where the facility is made available to the public for periods of one (1) week or more and may be rented by the week.

Hotel shall mean any building or buildings in which the public may, for a consideration, obtain sleeping accommodations. The term shall include hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses, or other buildings where rooms are furnished for a consideration but "hotel" shall not be defined so as to include hospitals, sanitariums or nursing homes.

Hotel or *motel* means a building or structure, or any part thereof, with or without service facilities, kept, used, maintained, advertised as, or rented out to the public on a temporary basis to be an enclosure where sleeping accommodations and working sink, shower and toilet facilities are furnished to the public. Such term shall specifically include both extended stay and traditional facilities as the definition is not in conflict with the definitions hereafter.

Major thoroughfare means any of the roadways regardless of functional classification listed in the Pasadena Major Thoroughfare Plan adopted by Ordinance No. 77-130 as amended.

Occupancy shall mean the use or possession, or the right to the use or possession, of any room in a hotel if the room is one ordinarily used for sleeping and if the occupant's use, possession, or right to use or possession extends for a period of less than thirty (30) days.

Occupant shall mean anyone who, for a consideration, uses, possesses or has a right to use or possess any room in a hotel if the room is one ordinarily used for sleeping.

Person shall mean any individual, company, corporation, or association owning, operating, managing or controlling any hotel.

Quarterly period shall mean the regular calendar quarters of the year, the first quarter being composed of the months of January, February and March, the second quarter being the months of April, May and June, the third quarter being the months of July, August and September, and the fourth quarter being the months of October, November and December.

Residence means any permanent building or structure containing habitable rooms for non-transient occupancy, that is designed and used primarily for living, sleeping, cooking and eating, and is intended to be occupied as a dwelling place for residential purposes, whether or not attached, including single family homes, town homes, patio homes and duplexes. Hotels, motels, triplexes, quadplexes, condominiums, apartments, boarding houses, group homes, halfway houses, nursing homes, hospitals, nursery schools, schools and child care facilities are not considered residences for the purposes of this article.

Residential means the use of land for a residence.

Residential street means a street where thirty (30) per cent or more of the land frontage along both sides of the street within a distance of two hundred fifty (250) feet or the distance to the nearest four-way public street intersection, whichever is greater, from the tract on which a hotel/motel would be located consist, in each direction of residential uses. For purposes of this article, a major thoroughfare may also be classified as a residential street, in which case the residential street classification shall control.

Traditional facility means a hotel/motel where the facility is made available to the public usually for periods of less than one (1) week and may be rented by the day.

Sec. 34-32. Tax levied; amount; exceptions.

There is hereby levied a tax upon the cost of occupancy of any sleeping room furnished by any hotel where such cost of occupancy is at the rate of two dollars (\$2.00) or more per day, such tax to be equal to seven (7) per cent of the consideration paid by the occupant of such room to such hotel; provided, however, that no tax shall be hereby imposed on a corporation or association that is organized and operated exclusively for a religious, charitable or educational purpose if no part of the net earnings of the corporation or association inure to the benefit of a private shareholder or individual.

Sec. 34-33. Collection of tax.

Every person owning, operating, managing or controlling any hotel shall collect the tax imposed by section 34-32 hereof for the city.

Sec. 34-34. Quarterly reports to tax assessor-collector.

On the last day of the month following each quarterly period, every person required in section 34-33 hereof to collect the tax imposed herein, shall file a report with the assessor-collector of taxes showing the consideration paid for all room occupancies in the preceding quarter, the amount of the tax collected on such occupancies and any other

information the assessor-collector of taxes may reasonably require. Such person shall pay the tax due on such occupancies at the time of filing such report.

Sec. 34-35. Reimbursement for tax collection.

The person required to file a report under this article may deduct and withhold from the taxes otherwise due to the city on the quarterly return, as reimbursement for the cost of collecting the tax, one per cent of the amount of the tax due as shown on the report. If taxes due under this article are not paid to the city within the time required or if the person required to file a report fails to file the report when due, the person forfeits the claim to reimbursement that could have been taken if the tax had been paid or the report filed when due.

Sec. 34-36. Rules and regulations of tax assessor-collector; access to books and records.

The assessor-collector of taxes shall have the power to make such rules and regulations as are reasonable and necessary to effectively collect the tax levied hereby. After the assessor-collector gives reasonable notice to a person that the assessor-collector intends to inspect the books or records of the person, the assessor-collector has access to the person's books or records necessary for the assessor-collector to determine the correctness of a report filed under this article or the amount of taxes due under this article.

Sec. 34-37. Penalties for delinquent reports and payments.

(a) If any person shall fail to file a report as required herein or shall fail to pay to the assessor-collector of taxes the tax imposed herein when said report or payment is due, the city attorney may bring suit against the person to collect such tax and to enjoin the person from operating a hotel in the city until the tax is paid or the report filed, as applicable, as provided by the court's order. In addition to the amount of any tax owed under this article, the person is liable to the city for the city's reasonable attorney's fees and a penalty equal to fifteen (15) per cent of the total amount of the tax owed. The first report and payment required by this article shall be on the last day of the month following the fourth quarterly period, as hereinabove defined, of 1982.

(b) Section 16.061, Civil Practice and Remedies Code, applies to the collection of a tax under this article. A limitation period provided by Title 2 relating to the time allowed to assess taxes and bring a suit to collect taxes does not apply to a tax imposed under this chapter or to a suit brought under this section.

Sec. 34-38. Use of funds derived from levy of hotel occupancy tax.

The revenue derived from the hotel occupancy tax shall be used for the following purposes and none other:

- (a) The acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities including, but not limited to, civic center convention buildings, auditoriums, coliseums, civic theaters, museums, and parking areas or facilities for the parking or storage of motor vehicles or other conveyances located at or in the immediate vicinity of the convention center facilities;
- (b) The furnishing of facilities, personnel and materials for the registration of convention delegates or registrants;
- (c) For advertising for general promotional and tourist advertising of the city and its vicinity and conducting a solicitation and operating program to attract conventions and visitors either by the city or through contracts with persons or organizations selected by the city;
- (d) The encouragement, promotion, improvement and application of the arts, including music (instrumental and vocal), dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, television, radio, tape and sound recording, and the arts related to the presentation, performance, execution, and exhibition of these major art forms;
- (e) Historical preservation and restoration projects or activities at or in the immediate vicinity of convention center facilities or historical preservation and restoration projects or activities located elsewhere in the city that would be frequented by tourists and visitors to the city.

Any revenues from the hotel occupancy tax in excess of four (4) per cent of the consideration paid by an occupant of the sleeping room to the hotel may only be used for the purposes specified in subsections (a), (b) and (c) of this section. No more than one (1) per cent of the consideration paid by an occupant of the sleeping room to a hotel may be used for the purposes specified in subsection (d) of this section. Provided that a portion of the said tax revenue equal to at least one (1) per cent of the cost of occupancy of hotel rooms shall be reserved for the purpose of advertising and conducting solicitation programs to acquaint potential users with public meeting and convention facilities, and for promotion of tourism and advertising of the city and its vicinity either by the city or through contract with organizations or persons selected by the city.

Revenues derived from the hotel occupancy tax authorized by this chapter are to be expended in a manner directly enhancing and promoting tourism and the convention and hotel industry. Such revenues may be also used to retire bonds issued for the enumerated purposes.

Sec. 34-39. Hotel/motel location and size requirements

- (a) No hotel/motel shall be developed with less than sixty (60) separate, rentable units.

(b) A hotel/motel that has one hundred twenty (120) or fewer separate, rentable units may only be located on a tract that is contiguous to and abuts the right-of-way of a limited access highway or tollway and takes its access from the frontage road of said highway or tollway provided that the hotel/motel(s) shall not take secondary access from any residential street.

(c) A hotel/motel that has more than one hundred twenty (120) separate, rentable units may only be located on a tract that is contiguous to and abuts the right-of-way of a limited access highway, tollway or major thoroughfare and takes its access from the frontage road of said highway or tollway or from the major thoroughfare provided that the hotel/motel(s) shall not take secondary access from any residential street.

(d) No extended stay facility will have more than two hundred (200) rentable units nor shall they have more than eighteen (18) units per acre.

Sec. 34-40. Hotel/motel registers.

(a) Every person operating a hotel/motel shall keep at all times a suitable record, to be known as the hotel/motel register, in which it shall be required that every person to whom a room is let or assigned shall have his, her or their name or names registered therein in ink, the date and the hour of the day at which the room was let or assigned, the license number of all vehicles associated with the hotel/motel stay, the correct number or other designation of the room and the number of occupants assigned to the unit as well as the date of birth for each and every person occupying the room.

(b) It shall be unlawful for any person operating a hotel/motel under the provision of this chapter to let or assign any room for sleeping accommodations or otherwise more than once in any period of twenty-four (24) hours.

(c) All such registers shall be preserved for one (1) year after the last entry is made therein, and in case the register is in the form of a loose-leaf book, all of such sheets shall be preserved for one (1) year after the last entry on such sheets. All of the pages of said register or the loose-leaf sheets shall be dated and consecutively numbered. No person shall knowingly make or permit or allow others to make any false entries in said register, including entering the name or names of any person or persons not actually guests at such hotel/motel. Any person making any such false registry entries shall be guilty of violating this chapter. Making false entries in said register shall include registration under another name than the true name of the person registered or registering. A valid picture ID must be presented to verify identification at the time of registration. Anyone with care and control at the time of a false entry shall be held responsible under this Code.

(d) These hotel/motel registers must be immediately produced to any law enforcement agency requesting them and will contain the name and date of birth of each and every occupant as well as any vehicle or vehicles associated with the occupant.

Sec. 34-41. Facility requirements.

(a) *Tenure.* A hotel/motel room shall not be used as a permanent or voting residence by any person, unless that person is the on site owner, or bonafide resident manager for the hotel/motel.

(b) *Minimum unit size.*

Traditional facility: Each motel/hotel unit shall contain not less than two hundred (200) square feet habitable floor area enclosed by walls and roof. Any sleeping room shall not be less than twelve (12) by fifteen (15) feet horizontal dimensions, exclusive of the bath.

Extended stay facility: Each motel/hotel unit shall contain not less than two hundred fifty (250) square feet habitable floor area enclosed by walls and roof. Any sleeping room shall not be less than twelve (12) by fifteen (15) feet horizontal dimensions, exclusive of the bath and cooking areas.

(c) *Cooking facilities.*

Traditional facility: Cooking or eating facilities shall be permitted in any individual motel/hotel unit.

Extended stay facility: All individual rentable units shall be required to have cooking and eating facilities including a kitchen sink, refrigerator, stove top system with burner(s), a convection oven or a microwave oven.

(d) *Other facilities.* All hotel/motel units shall have sleeping facilities and a separate enclosed bathroom containing a shower and toilet. A bathroom lavatory is required but may be placed separate from the other bathroom facilities.

(e) *Density.*

Extended stay facility: FAR (floor area ratio) shall not exceed 0.4.

Traditional facility: FAR (floor area ratio) shall not be regulated.

(f) *Provision of parking.*

Traditional facilities. Shall provide a minimum of one (1) parking space per hotel/motel unit.

Extended stay facilities. Shall provide a plan with the permit application delineating minimum of two (2) parking spaces on property per rentable unit, however, applicant is only required to construct a minimum of one (1) parking

space per rentable unit prior to occupancy. Extended stay facilities shall not have multi-level parking.

- (g) *Open space.* A minimum of ten (10) feet of open space shall be adjacent to perimeter edges of the development in addition to any required parking reserved for future development. The project must comply with the provisions of the landscape Ordinance No. 88-6 as amended. A minimum of thirty-five (35) per cent of the ground area shall be held in green space.
- (h) *Parking (operational requirements).* All vehicles owned by guests or their visitors on property shall be registered with the hotel/motel management. Management shall issue a parking permit to any guests and visitors which shall be placed on the dashboard of the vehicle. Vehicles without said parking permit can be towed at the owners expense.
- (i) *Distance from residential uses.* Hotel/motels shall be set back from any property lines abutting a residence, whether or not the residence is part of a residential subdivision. The distance of the set-back shall be dependent on the height of the hotel/motel. Hotel/motels of one (1) story shall be set back by a minimum of twenty-five (25) feet. Hotel/motels of two (2) stories shall be set back by a minimum of fifty (50) feet. Hotel/motels of three (3) or more stories shall be set back by a minimum of one hundred (100) feet from the residential property line.
- (j) *Utilities underground.* All hotel/motels shall have all underground utilities.
- (k) *Complex design.* Each hotel/motel unit shall be designed so that primary access is from a hallway that will be internal to the hotel/motel building. No units shall access directly from a parking area or the exterior of building unless that entrance is a secondary patio entrance which is incapable from being locked/unlocked from the exterior of the building.
- (l) *Illumination.* All hotel/motels shall be designed so as to provide illumination along all drives, parking areas, open spaces, and pedestrian walkways to be lighted with a minimum intensity of two-tenths (0.2) foot candles illumination. All outdoor lighting shall be directed away from any residence or residential subdivision.
- (m) *Fence/wall.* Where the hotel/motel development adjoins a residence or a residential subdivision, an opaque fence not less than eight (8) feet in height shall be required along the entire common property line and shall be constructed in accordance with subsection 9-4(c)(2) of this Code.
- (n) *Waste screening.* All waste receptacles at a hotel/motel shall be screened from view from the street. All trash bins shall be placed a minimum of two hundred (200) feet from any residence or residential subdivision.

Sec. 34-42. Pre-existing hotel/motels.

(a) Hotel/motels that have already been constructed or have received permit approval prior to final adoption of this ordinance shall be required to comply with all restrictions of section 34-40, hotel/motel registers. At such time as the project ceases to operate for business or the units are vacated for any purpose, the project shall be required to fully comply with these provisions.

Secs. 34-43--34-47. Reserved.

Sec. 34-48. Penalties.

(a) Fines for violating this ordinance shall be in accordance with the Pasadena general penalty provisions as enumerated in section 1-7 of this Code.

(b) Each day shall constitute a separate offense.