EXCERPTS FROM THE UNOFFICIAL MINUTES OF THE JUNE 23, 2013 PLANNING COMMISSION MEETING
PUBLIC HEARING NO. 2 – CODE AMENDMENT 13-03

2. **Application No.:** CO-13-03
Site Address: Citywide
Zone: City of Costa Mesa
Project Planner: Mel Lee
Environmental Determination: Exempt- per Section 15061(b)(3) General Rule

Description: An ordinance of the City Council of the City of Costa Mesa amending Title 13, Chapter IX, Article 8, Governing Motels, of the Costa Mesa Municipal Code:

- The Costa Mesa Planning Commission will hold a public hearing to consider Code Amendment CO-13-03 related to Motels. The amendments would reduce the total number of rooms that could be utilized as extended occupancy rooms at any motel site from 25% to as low as 0%.

Mel Lee, Senior Planner presented the staff report recommending the Planning Commission's recommendation to the City Council that they find that the draft Ordinance to Limit Long-Term Occupancy (LTO) at Motels to be exempt from CEQA and give first reading to the ordinance.

Mr. Lee responded to questions from Commissioner McCarthy regarding the RHNA revision to the Housing Element as a request from the public; proposed revisions to the 28-days and any impacts with the State regarding creation of tenancy; mechanics for current residents not getting displaced and origins of proposed criteria in Section 13-175 (number of rooms, fireproof safety deposit boxes, maid service, on-site laundry service, etc.).

Commissioner Sesler asked if staff had inquired about Buena Park's basis for adopting the various requirements for motels serving long-term residents. Counsel Yolanda Summerhill provided information regarding Civil Code Section 19-40 which governed some of the criteria, factors for short-term residents and reasonable room size.

Commissioner McCarthy asked if Civil Code Section 19-40 spoke of minimum requirements for 30-days plus tenancy or short-term. Ms. Summerhill clarified that Section 19-40 specified what constitutes a long or short-term tenant.
Interim Assistant Development Services Director Jerry Guarracino gave an explanation about how staff came up with the recommended minimum room size.

PUBLIC COMMENTS

Jay Humphrey, Costa Mesa resident, stated three points – 1) two national in scope motels would qualify under the proposed ordinance and the family-owned motels in the

community would no longer be able to qualify in the process, 2) he did not see a quote under the Costa Mesa Affordable Housing Coalition specifying that FROs (family resident occupancy) were not appropriate for families, and 3) of all the housing projects the current Planning Commission and City Council have approved, not one project has an affordable housing unit associated with it either on or off-site. Clearly this Commission and City Council had no desire to deal with affordable housing or increasing it and were actively removing affordable housing with the projects they were approving.

Kathy Esfahani, Costa Mesa Affordable Housing Coalition, stated the Coalition has opposed the proposed ordinance many times; she was not going to repeat those arguments because she had other points she wanted to raise. She disabused two notions on the staff report (that this ordinance would have no effect on affordable housing in Costa Mesa and that the City removed long-term motel stays from the Housing Element as a component of the City's affordable housing mix and at the behest of housing advocates). Ms. Esfahani cited her letter from the Coalition requesting that the most recent Housing Element reinstate Program 12 which was part of the 2008-2014 Housing Element. She emphasized that in asking to reinstate Program 12 they we asking the Commission to encourage motels to use the full 25% of their units for extended stay. Ms. Esfahani pointed out other false representations in the staff report.

Mike Lin, motel owner, mentioned it is not the decision of the motel operator when people become long-term stay at motels. There is a need for temporary housing in motels due to low-income status, financial burdens that do not allow them to afford an apartment, etc. The need for temporary housing in motels is not something that is created by the motel operator, it is created because people have a need. Approving the proposed ordinance will only force long-term occupants to move every 29 days or less. Every 29 days the long-term occupants will move from Motel A to Motel B then from Motel B to Motel C and then from Motel C to Motel D. The issue is not the motel operator, the issue is the need that people have.

Tamar Goldman, Costa Mesa resident, said this new set of regulations attacked three groups of people – the unfortunate who cannot afford better, private businessmen who are filling a need that is in demand and the public at large who object to people sleeping on the streets or in our parks. The cheap accommodations that the City keeps attacking are a private, free market solution to a difficult problem. Anyone who thinks those accommodations are not good, should provide something better at a price that unfortunate fellow human beings can afford including the perks that the ordinance seems to think are necessary. Ms. Goldman has stayed in a lot of motels that did not offer the minimum requirements that the Commission is requesting.

Linda Tang, Kennedy Commission and Costa Mesa Affordable Housing Coalition, clarified for the record that they did not advocate for the elimination of long-terms stays in motels as indicated in the staff report. Ms. Tang stated that in May 2013 when the City released the draft of the 2014-2021 Housing Element to the public, Program 12 (SRO / FRO extended stays) had already been eliminated and replaced it with Program 10 (Adaptive reuse for multi-family housing). Ms. Tang stated the City eliminated Program 12 prior to their input on the draft and prior to the discussion of eliminating long-term stays at motels.

Their comment letter dated June 21, 2013, was in response to the City eliminating Program 12 which allowed conversion of motels to residential that would be affordable to lower income families. Ms. Tang spoke in detail about Program 12 and Program 10.
Chair Fitzpatrick granted Kathy Esfahani, Costa Mesa Affordable Housing Coalition, 30 seconds to raise another point. Ms. Esfahani suggested a condition of approval for getting a conditional use permit be that motels include 20% of their units to be affordable units to serve low and very low income families.

Commissioner McCarthy gave staff the opportunity to rebut comments from the public speakers. Mr. Guarracino provided an explanation regarding comments on the staff report.

MOTION: Find that Code Amendment CO-13-03 to Title 13, Chapter IX, Article 8, Governing Motels, is exempt from CEQA (California Environmental Quality Act), Section 15061(b)(3) General Rule; recommend to the City Council approval the proposed ordinance and give first reading. Moved by Commissioner McCarthy, seconded by Commissioner Mathews. (PC Resolution No. 14-30)

It was suggested that the motion be amended to include a definition for kitchenette or element of food preparation in the ordinance. The Maker of the Motion and the Second were in agreement with the amendment.

The motion carried by the following roll call vote:

Ayes:	Fitzpatrick, McCarthy, Mathews, Sesler
Noes:	None
Absent:	Dickson
Abstained:	None

Mr. Guarracino reported the Code Amendment item would go to City Council in one month.