



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: APRIL 28, 2014

ITEM NUMBER:

PH-4

**SUBJECT: CODE AMENDMENT CO-13-03 - TO TITLE 13, CHAPTER IX, ARTICLE 8
GOVERNING MOTELS**

DATE: APRIL 7, 2014

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

**PRESENTATION BY: Yolanda M. Summerhill, Deputy City Attorney
JERRY GUARRACINO, AICP
INTERIM ASSISTANT DIRECTOR OR DEVELOPMENT SERVICES**

**FOR FURTHER INFORMATION CONTACT: JERRY GUARRACINO, AICP (714) 754-5631
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DESCRIPTION

Staff brings to the Planning Commission for consideration modifications to Title 13, Chapter IX, Article 8 governing motels ("Motel Ordinance").

RECOMMENDATION

Planning Commission provide direction to staff regarding amendments to Title 13, Chapter IX, Article 8 governing "Motels."

BACKGROUND

The Planning Commission and the City Council have discussed modifications to the City's Motel Ordinance. Tonight's meeting is intended to hear from the Planning Commission and the community regarding potential changes.

DISCUSSION

Zoning Ordinance Background

Currently, motels are governed by Title 13, Chapter IX, Article 8 ("Motel Ordinance"). Those provisions require motel owners to provide twenty-four (24) hours a day security; regularly-scheduled maid and housekeeping services at least once every three (3) days during any consecutive occupancy and between occupancies; in-room emergency telephone service; guest information including their identification, license number, vehicle information, and occupancy dates; and remittance to the City of the transient occupancy tax.

Additionally, the Motel Ordinance authorizes a maximum of twenty-five percent (25%) of the total rooms in any motel to be rented long term, or in excess of twenty-five percent (25%), subject to motel owner obtaining a conditional use permit. According to the Motel Ordinance “long-term” is defined as twenty-eight days within a sixty (60) day period.

The City adopted Section 13-173 in order to satisfy the Housing Element of the General Plan. Specifically, under its previous Housing Element, the City is required to provide a certain percentage of very-low and low income housing according to a Regional Housing Needs Assessment (“RHNA”) provided by the Southern California Area Governments. At the time, the City lacked a sufficient amount of affordable housing opportunities to satisfy its RHNA requirements. For instance, according to the 2008-2014 Housing Element, the City was allocated 353 very low-income housing units and 289 low-income housing units, whereas currently, the City is allocated one very-low income housing unit and one low-income housing unit. Thus, it is no longer essential to authorize long-term stays to satisfy the City’s housing needs.

Existing Motels

Currently, the City’s has 28 motels, a list of the motels is provided as Attachment No. 3. Of these motels, two (2) have received a conditional use permit authorizing forty percent (40%) of rooms for long-term occupancy (Sandpiper Inn and Costa Mesa Motor Inn).¹ According to the Return on Hotel, Motel Transient Occupancy Tax remittance submitted by motel owners operating within the City of Costa Mesa, eleven (11) of the existing property owners/motel proprietors operating under Title 13, Chapter IX, Article 8 utilize some portion of the twenty-five (25%) of the units as long-term stays.

Items to Consider for New Motel Ordinance

The Planning Commission can consider amending Title 13, Chapter IX, Article 8 to:

- Reduce the percentage of rooms used for Long-Term Stay;
- Modifying the definition of long-term stay from 28 days to 30 days to match the transient occupancy tax (TOT) definition of long-term motel stays;
- *Grandfather* existing Long-Term Occupants;
- Require quarterly reporting of Long-Term Occupants;
- Allow Motel meeting certain Development criteria to apply for a CUP to have Long-Term Stay rooms; and
- Based on any additional proposals brought by the Planning Commission.

General Plan Consistency

Any changes to the Motel Ordinance would be subject to a finding of consistency with the General Plan.

¹ On April 14, 2014, the Planning Commission voted to revoke the Sandpiper Inn’s conditional use permit. That decision is currently on appeal to the City Council.

Environmental Review

Depending upon the breadth of the changes, these may be exempt under Title 14 of the California Code Regulations Section 15305 of the California Environmental Quality Act as a minor alteration in land use limitations.

CONCLUSION



JERRY GUARRAGINO, AICP
Economic and Development Services
Interim Assistant Director



Gary Armstrong, AICP
Economic and Development Services
Director/Deputy CEO

Attachments: 1. Existing Ordinance
2. Draft Ordinance
3. List of Motels

cc: Director of Economic & Development Services/Deputy CEO
Senior Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
Staff (6)
File (2)

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Costa Mesa Zoning Code

ARTICLE 8. MOTELS**Sec. 13-172. PURPOSE AND INTENT**

The purpose of this article is to establish operational and development standards, and requirements for motels which will ensure the continued availability of transient visitor and automobile tourist lodging within the City and to ensure the continued use of motels in the manner intended to provide such lodging.

Sec. 13-173. OPERATIONAL AND DEVELOPMENT STANDARDS

The following operational and development standards shall apply to all motels in the city and shall be included in conditions imposed upon the granting of any conditional use permit for such business, unless specifically modified by the conditional use permit:

- (a) No more than 25 percent of the total number of rooms in any motel shall be rented to persons whose occupancy exceeds 28 consecutive days or 28 days in any 60 consecutive day period, except where a conditional use permit has been obtained as permitted in Section 13-174 CONDITIONAL USE PERMIT FOR EXTENDED OCCUPANCIES. This provision shall not apply to a maximum of 2 units per motel designated for occupancy by paid employees.
- (b) On-site management shall be available 24 hours a day.
- (c) Each guest room shall be provided regularly-scheduled maid and housekeeping services. Such services shall be provided at least once every 3 days during any consecutive occupancy and at least once between each occupancy.
- (d) In-room telephone service for emergency response purposes shall be provided in all guest rooms of the motel.
- (e) Persons responsible for the renting of a room in any motel shall provide their name and permanent address, as verified by presentation of a valid driver's license or other valid identification, and the license number, state of license, make, model and year of any vehicle parked on-site or off-site. The registration information shall also include the dates of occupancy, length of stay and room rate. Such information shall be maintained for at least 30 days past the last day of stay of the guest and shall be made available for inspection upon request by sworn personnel of the Costa Mesa Police Department or City Building Official.
- (f) No room, suite or bed shall be assigned or rented more than twice within any 24-hour period.
- (g) The property owner/motel operator shall comply with the provisions of Chapter IV of Title 16 of the Costa Mesa Municipal Code pertaining to the operator's responsibility for the collection of transient occupancy tax.
- (h) The business shall be conducted, at all times, in a manner that will allow the safe and quiet enjoyment of the surrounding neighborhood which includes, but is not limited to, security and operational measures to comply with this requirement.

Sec. 13-174. CONDITIONAL USE PERMIT FOR EXTENDED OCCUPANCIES

- (a) Notwithstanding Section 13-173(a) OPERATIONAL AND DEVELOPMENT STANDARDS, a motel operator/owner may rent rooms for extended periods exceeding 28 consecutive days or 28 days in any 60 consecutive day period, upon approval of a conditional use permit. In reviewing the conditional use permit, the Planning Commission shall consider the following criteria:

- (1) Whether or not the overall site design and the floor plans of individual rooms proposed are conducive to extended occupancy.

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- (2) Whether or not adequate parking and other amenities are provided to support extended occupancy.
 - (3) Whether or not the renting of rooms for more than 28 consecutive days is likely to lead to or, in the case of existing motels, has lead to, police problems due to the design of the motel and/or the nature of the surrounding area.
- (b) In applying for the conditional use permit, the owner/operator shall determine the number and/or percentage of rooms to be offered for extended occupancy. The Planning Commission may approve the request as submitted or may establish an alternate number and/or percentage based upon the review of the above criteria.

Sec. 13-175. APPLICATION TO EXISTING BUSINESSES

- (a) Any motel actually and lawfully doing business in the City before the effective date of this article shall be permitted to continue to do so, subject to all applicable provisions of state law and this code, and subject to all conditions of the conditional use permit(s) issued for the site; provided, however, that after January 1, 1998, such businesses shall also comply with all the conditions and operational standards set forth in Sections 13-173(a) through 13-1731(h) OPERATIONAL AND DEVELOPMENT STANDARDS inclusive, of this article.
- (b) Motels with existing long-term occupancies and long-term occupancies entered into after the adoption of this article shall notify such tenants of the provisions of this article and future regulations applicable to long-term occupancies. Such notice shall be provided to current long-term occupancies at least 30 days prior to January 1, 1998, and to new long-term occupancies established after the adoption of this article at the time of occupancy. For the purposes of this section, the phrase "long-term occupancy" shall mean an occupancy for periods exceeding 28 consecutive days or 28 days in any 60 consecutive day period.
- (c) The provisions of this article shall not be used to avoid the application of tenant's rights in violation of the State Civil Code Section 1940.1.
- (d) Motels with existing long-term occupancies in excess of 25 percent of the rooms shall not re-rent units for subsequent long-term occupancies after such units are vacated by long-term occupancy tenants after the effective date of this article, unless a conditional use permit has been obtained, as provided in Section 13-174 CONDITIONAL USE PERMIT FOR EXTENDED OCCUPANCIES.

TITLE 13 - PLANNING, ZONING AND DEVELOPMENT
CHAPTER IX. - SPECIAL LAND USE REGULATIONS

ARTICLE 8. MOTELS

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Sec. 13-171. Purpose and intent.

Sec. 13-172. Definitions.

Sec. 13-173. Operational and development standards.

Sec. 13-174. Application to existing businesses.

Sec. 13-175. Application to existing tenants.

Sec. 13-176. Procedure for compliance.

Sec. 13-177. Conditional use permit for long-term occupancies.

Sec. 13-178. Termination of tenancy.

Sec. 13-171. Purpose and intent.

The purpose of this article is to establish operational and development standards, and requirements for motels which will ensure the continued availability of transient visitor and automobile tourist lodging within the city and to ensure the continued use of motels in the manner intended to provide such lodging.

(Ord. No. 97-11, § 2, 5-5-97)

Sec. 13-172. Definitions.

A. "Long-term occupancy" shall mean any occupancy in a motel in the city for a period exceeding thirty (30) consecutive days or thirty (30) days within any sixty (60) consecutive day period.

B. "Short-term occupancy" shall mean any occupancy of a motel in the city for a period that does not fall within the definition of a long-term occupancy.

Sec. 13-173. Operational and development standards.

The following operational and development standards shall apply to all motels in the city and shall be included in conditions imposed upon the granting of any conditional use permit for such business, unless specifically modified by the conditional use permit:

- A. No property owner, motel operator or manager shall rent a room for a period that exceeds thirty (30) consecutive days or thirty (30) days within any sixty (60) consecutive day period, unless the property owner or motel operator has obtained a conditional use permit authorizing long-term occupancies pursuant to section 13-177.

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- B. On-site management shall be available twenty-four (24) hours a day.
- C. Each guest room shall be provided regularly-scheduled maid and housekeeping services. Such services shall be provided at least once every three (3) days during any consecutive occupancy and at least once between each occupancy.
- C. In-room telephone service for emergency response purposes shall be provided in all guest rooms of the motel.
- E. Persons responsible for the renting of a room in any motel shall provide their name and permanent address, as verified by presentation of a valid driver's license or other valid identification, and the license number, state of license, make, model and year of any vehicle parked on-site or off-site. The registration information shall also include the dates of occupancy, length of stay and room rate. Such information shall be maintained for at least one hundred eighty (180) days past the last day of stay of the guest and shall be made available for inspection upon request by sworn personnel of the Costa Mesa Police Department or City Building Official.
- F. No room, suite or bed shall be assigned or rented more than twice within any twenty-four (24) hour period.
- G. The property owner/motel operator shall comply with the provisions of Chapter IV of Title 16 of the Costa Mesa Municipal Code pertaining to the operator's responsibility for the collection of transient occupancy tax.
- H. The business shall be conducted, at all times, in a manner that will allow the safe and quiet enjoyment of the surrounding neighborhood which includes, but is not limited to, security and operational measures to comply with this requirement.

(Ord. No. 97-11, § 2, 5-5-97)

Sec. 13-174. Application to existing businesses.

The requirements of this chapter, specifically including the long-term occupancy restrictions in Sections 13-173A, shall apply to all motels in the city, whether it is new or was in existence prior to the effective date of this ordinance.

Sec. 13-175. Application to Existing Tenants.

- A. Nothing in this chapter shall require an existing tenant of a long-term occupancy, established prior to the effective date of this chapter, to move out of a unit they are already occupying. Those pre-existing long-term occupancies may continue pursuant to the terms of the existing lease or agreement, until that tenancy terminates by its own terms under the law.
- B. Whenever a long-term occupancy terminates, for whatever reason, the property owner/motel operator shall not re-lease that unit for a new long-term occupancy, except to the degree the motel will be in compliance with the requirements of this chapter.

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(Ord. No. 97-11, § 2, 5-5-97)

Sec. 13-176. Procedure for Compliance.

- A. Within thirty (30) days of the effective date of this ordinance, the city shall notify the owners and operators of each motel in the city of the ordinance's adoption. The City shall send a copy of the ordinance, a "long-term occupancy form", and a schedule for compliance via certified return receipt mail. If a notice is returned, the city shall send the notice via standard U.S. Mail.
- B. Within thirty (30) days of the mailing of the notice in Section 13-176A, the property owner/motel operator shall submit a fully completed "long-term occupancy form" to the city that provides the total number of rooms used as long-term occupancies during the preceding sixty (60) days; identify the long-term occupant by a valid driver's license or other valid identification; the make, year, and model of any vehicle parked on-site or off-site; and any other information to demonstrate compliance with the ordinance. If a property owner/motel operator fails to submit the long-term occupancy form, in addition to taking any other action authorized by law, the city shall estimate the total number of rooms used as long-term occupancies at zero (0).

Sec. 13-177. Conditional Use Permit for long-term occupancies.

A property owner/motel operator may apply for a conditional use permit authorizing the facility to exceed the long-term occupancy limits in Section 13-173A, subject to restrictions of the issuing authority. In order to be granted a conditional use permit under this section, the property owner/motel operator must demonstrate compliance with, and the city shall make a finding that, each of the following standards have been met:

- (1) The motel must have a minimum of at least [INSERT AMOUNT] (XX) rooms.
- (2) Fireproof safety deposit boxes must be available to all occupants of the motel.
- (3) Each guest room shall be serviced daily with central maid, mail, and room services.
- (4) Each room shall be a minimum of [INSERT SIZE] (XX) square feet.
- (5) The motel shall maintain on-site laundry services.

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(6) The proposed use is compatible with the surrounding neighborhood, uses, zoning and general plan.

Sec. 13-178. Termination of Tenancy.

The provisions of this article shall not be used to terminate a tenancy in violation of the requirements of California Civil Code Section 1940 et. seq.

DRAFT

Attachment No. 3

PROPERTY NAME	JANUARY 2014 LONG TERM OCCUPANCY	# OF ROOMS OCCUPIED	Total # of Rooms
ALI BABA	NO		42
ANA MESA INN	YES	12 (23%)	52
BEST WESTERN	NO		94
BLVD HOTEL	NO		57(?)
COSTA MESA MOTOR INN	YES	49 (21%)	236
COZY NN	NO		27
CROWNE PLAZA	NO		228
DAYS INN	YES	1 (.03%)	31
HACIENDA INN -TRAVELODGE	NO		58
HARBOR BAY MOTEL	YES	6 (12%)	48
HOLIDAY INN EXPRESS	NO		62
LA QUINTA INN	YES	2 (.14%)	139
MOTEL 6 - NEWPORT BEACH	NO		87
MOTEL 6 #1347	YES	7 (.07%)	96
NEW HARBOR	YES	1 (.03%)	33
RAMADA LTD (RAMADA)	NO		139
REGENCY INN	YES	3 (.05%)	54
RESIDENCE INN	YES	38 (26%)	144
SANDPIPER MOTEL	NO		44
STAR INN	NO		33
SUPER 8 OAK CREEK	NO		49
TAHITI INN	NO		19
TERN INN	YES	3 (23%)	13
TRAVELODGE - OC AIRPORT	YES	15 (13%)	120
VAGABOND	NO		135

ROSALES, MARTHA

From: Kathy Esfahani <kmesfahani@att.net>
Sent: Monday, April 28, 2014 11:43 AM
To: Jim Fitzpatrick; PLANNING COMMISSION
Subject: agenda request

Hello Jim.

I have a request/suggestion re public hearing #4: the proposed motel ordinance.

Our Affordable Housing Coalition will have five speakers, talking 3 minutes each, in a coordinated presentation that is designed to cover our points efficiently. It would be very helpful, and enhance our efficiency, if we were able to speak first in the public comments. Otherwise it may be difficult for us to coordinate lining up in the proper order of our presentation, with other speakers also coming to the podium.

Thank you for considering this request.

Kathy Esfahani