



PLANNING COMMISSION

AGENDA REPORT

MEETING DATE: December 8, 2014

ITEM NUMBER:

CC-2

SUBJECT: PLANNING COMMISSION UPDATE ON COSTA MESA CONNECT & NUISANCE ABATEMENT ORDINANCE, SOBER LIVING ORDINANCE(S) FOR R2 AND R3 ZONES AND THE RECENT MOTEL INSPECTION DATA

DATE: NOVEMBER 26, 2014

FROM: COMMUNITY IMPROVEMENT DIVISION/DEVELOPMENT SERVICES DEPARTMENT

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Background

The Planning Commission requested an update on a number of issues of interest to the Commission and in response to resident inquiries, through the public comments process. More specifically staff was asked to provide information on the level of activity being experienced on the Costa Mesa Connect App, the status of any abatement proceedings started as a result of the Nuisance Abatement Ordinance, potential timing for a group home ordinance for the multi-family residential zones and an update on the results of the most recent motel inspections. This report will provide updates on all those topics of interest and include summary data where applicable to quantify recent activity and program outcomes.

Costa Mesa Connect App

The Costa Mesa Connect App (CM Connect) allows the community to report code enforcement complaints, maintenance needs and nuisance behaviors directly from their smart phone. The system tracks requests for service under 35 preset categories and provides updates to the user regarding the status and outcome of their request. Since the system went into operation in March of this year 263 individuals have used CM Connect to submit 550 requests for service. Although the app is being used by a good number of people the top 12 users reported 152 of the 550 requests.

All the requests were forwarded to the appropriate staff who have successfully closed 383 requests; this represents a completion rate of 69.6% of all requests. Nuisance behaviors were the most frequently reported requests for service with 163 requests; of which 154 requests have been closed for a completion rate of 94.5%. The top five requests submitted are shown in the table below.

Table No. 1: Top 5 - CM Connect Requests

Category	Requests Submitted	Requests Closed	Percentage Closed
Nuisance Behavior	163	154	94.5%
Building Code Violation	71	51	71.8%
Residential Property Maintenance Issues	71	55	77.5%
Inoperative Vehicles	36	34	94.4%
Sign or Banner Violation	25	23	92.0%

Nuisance Abatement Ordinance

In October of 2013 the City Council enacted a new Title 20 – Property Maintenance Ordinance, which replaced the previous ordinance. The purpose of this ordinance is to provide property maintenance standards, and to provide a procedure for the abatement of public nuisances within the city in order to effectively combat hazards to the public health, safety and welfare. The Ordinance provides an additional tool in the Code Enforcement arsenal to deal with chronic on going property maintenance issues and specific nuisance behaviors that have not been corrected through other code enforcement mechanisms.

The ordinance has been effective in that code enforcement officers have been able to enforce the various provisions of the ordinance through administrative citations and the real threat of criminal prosecution. At this time the city is not pursuing any nuisance abatement actions. This is primarily because other code enforcement procedures have been effectively addressing the majority of outstanding cases; as is demonstrated by the figures in the table above. Although nuisance reports are numerous, most are resolved through more immediate methods. The result is a low-cost, yet high abatement rate enforcement program.

Group Home Ordinance for Multi-Family Zones

Staff has started working on the group home ordinance for the Multi-family residential (R-2 and R-3) zones. The original intent was to have a draft for review in the 1st or 2nd quarter of 2015. Internal strategy meetings have taken place but have not progressed beyond initial discussion of the unique issues that need to be addressed in these zones.

As the Commission may be aware, there have been two lawsuits filed challenging the group home ordinance for the single-family residential (R-1) zone. A great deal of time and resources will likely be needed to defend the existing ordinance. Progress on the new ordinance may be slowed depending on the number and complexity of challenges to the current ordinance, in addition to any reasonable accommodation requests the city will be asked to process. For these reasons predicting a completion date for the multi-family ordinance would be highly speculative at this time. Staff will keep the Commission informed of the progress on the new ordinance as work progresses.

Motel Inspection Date

The motel inspection for 2014 have been completed and the number of violations per room continues to show steady and marked declines. The following results are for the ten motels with the most violations. This year (FY 2013/14) staff inspected a total of 428 rooms; and found and cited for 822 violations or 1.9 violations per room, see attachment No. 1 - Motel Inspection Violations. By comparison we found 3.9 violations per room in FY 2012/13, almost double the rate for this year. In addition to the decline in the actual number of violations, the quality of those violations in FY 2013/14 were also much less severe; for example grime on the wall rather than extensive mold or holes in the wall. All of the motels showed declines year over year in the number of violations per room except the Vagabond, which was virtually unchanged from the previous year, but was still below the average at 1.57 violations per room.

The Calls for Service (CFS) data at Hotels and Motels also showed progress with a sharp decline in the number of quarterly CFS. Due to a change over in the CAD RMS System in the 2nd Qtr. of 2014, the data available only allows us to compare the 1st Qtr. of 2014 to the 3rd Qtr. Of 2014, which shows a drop of 91 CFS, see attachment No. 2. This represents a 63% decrease in quarterly call volumes since the beginning of the year. None of the Hotels/Motels exceeded their quarterly threshold that would have triggered a penalty under the CFS Ordinance.

Long-Term Stay Ordinance

The ordinance became effective on September 4, 2014. As called for in the ordinance each of the Motels provided documentation indicating the number of long-term stay residents that are grandfathered in under the ordinance. Those results have been tabulated and are provided as attachment No. 3. They indicate that 188 residents residing in 131 rooms are protected by the grandfather provisions of the ordinance.

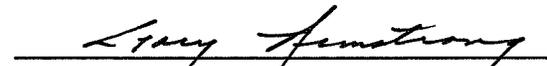
Pending Litigation

A lawsuit has been filed by Haynes and Boone, LLP and the Public Law Center on behalf of several existing and former motel residents and Costa Mesa Motel Residents Association, to overturn the Long-Term Stay Ordinance. On Monday November 25th Judge Gregory H. Lewis declined to issue a Temporary Restraining Order (TRO) to prevent implementation of the ordinance. A court date will be established soon to consider the Plaintiffs request for a Temporary Injunction to prevent implementation of the ordinance. We will not be providing further details at this time due to the pending litigation.

RECOMMENDATION

Staff recommends that the Planning Commission, Receive and File Staff's Report.


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Attachments: 1. Motel Inspection Violations
 2. Hotel and Motel Nuisance Police Calls For Service
 3. Long-Term Occupancy Statistics

Attachment No. 1

"Problem" Motel Inspection Violations fy2012/13 vs fy2013/14

Motel Name	Address	# of rooms at Motel
Alibaba	2250 Newport Blvd	42
Regency	2544 Newport Blvd	54
Sandpiper	1967 Newport Blvd	44
Star Inn	2656 Newport Blvd	33
Costa Mesa Motor Inn	2277 Harbor Blvd	236
Tern Inn	2154 Newport Blvd	18
Vagabond Inn	3205 Harbor Blvd	135
New Harbor	2205 Harbor Blvd	33
Motel 6	1441 Gisler Ave	96
La Quinta	1515 South Coast Dr	138
		Total

FY2012/13		
# of Rooms inspected	# of violations	Avg # of violations per room
12	45	3.75
13	43	3.31
8	42	5.25
7	26	3.71
14	68	4.86
10	98	9.80
9	14	1.56
5	13	2.60
10	14	1.40
9	11	1.22
97	374	3.86

FY2013/14		
# of Rooms inspected	# of violations	Avg # of violations per room
33	62	1.88
54	65	1.20
36	21	0.58
26	41	1.58
209	490	2.34
12	39	3.25
7	11	1.57
33	83	2.52
8	2	0.25
10	8	0.80
428	822	1.92

Difference 2013 to 2014
-1.87
-2.10
-4.67
-2.14
-2.51
-6.55
0.02
-0.08
-1.15
-0.42
-1.94

Attachment No. 2

Hotel and Motel Nuisance Police Calls For Service 1st Qtr vs 3rd Qtr 2014

Hotels-Motels	# of Rooms	Quarterly Threshold	Jan	Feb	Mar	1st Qtr Subtotal	Jul	Aug	Sep	3rd Qtr Subtotal	Difference 1st qtr to 3rd qtr
Ali Baba	42	5	1	1	0	2	0	1	0	1	-1
Ana Mesa	52	6	1	0	0	1	0	0	0	0	-1
Ayres Suites	284	29	0	0	0	0	0	0	0	0	0
Best Western	94	10	0	1	1	2	0	0	0	0	-2
BLVD	57	6	0	0	0	0	0	0	0	0	0
Costa Mesa Motor Inn	236	24	8	5	7	20	9	8	6	23	3
Cozy Inn	27	3	0	0	0	0	0	0	0	0	0
Crowne Plaza	228	23	2	0	0	2	1	0	0	1	-1
Days Inn	31	4	2	1	0	3	0	0	0	0	-3
Harbor Bay	48	5	2	1	2	5	0	0	0	0	-5
Hilton	485	49	0	1	2	3	2	0	0	2	-1
Holiday Inn Express	62	7	0	0	1	1	1	0	0	1	0
La Quinta	160	16	0	1	2	3	0	0	1	1	-2
Marriott	253	26	2	1	2	5	0	0	1	1	-4
Motel 6 Gisler	94	10	4	1	1	6	0	0	0	0	-6
Motel 6 Newport	87	9	2	3	6	11	0	0	0	0	-11
New Harbor	42	5	1	3	3	7	1	0	1	2	-5
Ramada	139	14	5	0	6	11	4	0	0	4	-7
Regency	57	6	4	2	1	7	1	1	0	2	-5
Residence Inn	144	15	1	1	1	3	0	0	1	1	-2
Sandpiper	44	5	2	1	4	7	0	0	1	1	-6
Star Inn	33	4	1	0	0	1	1	0	0	1	0
Super 8	72	8	2	4	4	10	0	2	0	2	-8
Tahiti	19	3	0	0	2	2	0	0	1	1	-1
Tern Inn	18	3	1	4	2	7	0	1	0	1	-6
Travel Lodge Bristol	58	6	0	1	0	1	1	0	1	2	1
Travel Lodge Newport	120	12	1	0	0	1	0	0	1	1	0
Vagabond Inn	135	14	8	3	7	18	1	0	3	4	-14
Westin	390	39	1	0	0	1	1	0	0	1	0
Wyndham	301	31	2	1	2	5	0	1	0	1	-4
			Jan	Feb	Mar	1st Qtr Subtotal	Jul	Aug	Sep	3rd Qtr Subtotal	Difference 1st qtr to 3rd qtr
Grand Totals		397	53	36	56	145	23	14	17	54	-91

Nuisance police calls for service are calls that are of a type that constitutes a nuisance activity as defined in the Excessive Use of Resources ordinance.

Attachment No. 3

Submitted Long-Term Occupancy Forms

Motel Name	# of Rooms	# of Tenants
Costa Mesa Motor Inn	63	89
Ana Mesa Inn	13	25
Regency	11	17
Days Inn	7	7
Harbor Bay	6	9
Sandpiper Motel	6	7
Travelodge - OC Airport*	6	6
New Harbor Inn	5	8
Tern Inn	5	7
Alibaba	3	6
Motel 6 Gisler	2	3
Star Inn	2	2
Motel 6 Newport	1	1
Travelodge - Hacienda Inn	1	1
Grand Totals	131	188

*Pending long-term occupancy form verification