

ORD-26

December 17, 2019

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare an Ordinance amending Section 5.57 of Title 5 of the Long Beach Municipal Code, relating to the regulation of hotels and motels in the City, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

In October 2017, the City Manager directed the Office of Civic Innovation to coordinate an interdepartmental team to explore strategies to address nuisance activities of motel uses that affect the quality of life in the City of Long Beach (City). The interdepartmental team consisted of staff from the City Prosecutor's and City Attorney's Offices, and the Development Services, Health and Human Services, Police, Fire, and Financial Management Departments. The team subsequently developed and tested a nuisance motel compliance plan at six select locations as part of a nine-month Citywide pilot program. A motel is determined to be a nuisance if it meets the definition and criteria already established in the Long Beach Municipal Code (LBMC) Section 9.37, Long Beach Nuisance Code.

The six motels included in the pilot program were selected based on analysis of data from the Long Beach Police Department (LBPD) for all hospitality locations in the City, using calls for service and incident reports to determine locations with high rates of police activity relative to their size. Compliance plans were developed for the motels that were aimed at reducing crime and calls for service, as well as nuisance activities at these locations. The compliance plans incorporated best practices for motel operations, as well as existing City regulations, with a focus on property security measures, and the use of crime prevention through environmental design (CPTED) tools and techniques (Pilot Program).

At the November 13, 2018 City Council meeting, staff presented the nuisance motel Pilot Program findings, which demonstrated that crime and nuisance activity had decreased at all pilot motel locations following the Pilot Program's implementation, with some properties showing a significant decrease in nuisance activity. Based on the results of the Pilot Program, the City Council directed staff to prepare a Nuisance Motel Program Ordinance (Ordinance) to codify regulations that would grant the City authority to more specifically address nuisance conditions at motels in the City.

HONORABLE MAYOR AND CITY COUNCIL

December 17, 2019

Page 2 of 3

The proposed LBMC amendments would establish a new Section in Title 5 Regulation of Business Trades and Professions, to establish a complaint-based process by which nuisance motels and hospitality locations in the City could be identified and brought into compliance. The proposed Ordinance also includes the following:

- Establishes an Interdepartmental City Team (ICT) to administer the program;
- Identifies a range of potential measures that can be included in future compliance plans for targeted motels that would be applied based on the type and severity of the nuisance activities;
- Compliance measures found in the proposed Ordinance represent a menu of potential measures that may be recommended by the ICT on targeted motels to address the specific circumstances of each case; and,
- Establishes an administrative review process for hospitality locations that are the source of complaints from the public or City staff, and the ICT would monitor compliance plan results at targeted motels and oversee the review process at any hotel or motel that have complaints levied against them.

The ICT will be managed by the Development Services Department, and will review all complaints levied against hospitality establishments, including those submitted to the Code Enforcement Bureau. Any complaint deemed valid by the ICT would be followed up with an investigation of the establishment, including an analysis of calls for service and other activity at the site, such as police incident reports. This analysis would be conducted using the same data and methodology as the nuisance motel Pilot Program. The ICT will also be responsible for determining if a business is compliant with the applicable LBMC regulations and compliance measures and determine whether they are adequately engaging in efforts to address the relevant nuisance issues.

The proposed amendments to the LBMC Title 5 provisions will work in tandem with the existing Title 9 provisions. Title 9 of the LBMC defines nuisance activity and will augment Title 5 by adding the menu of operational conditions that may be imposed on nuisance motels to bring them into compliance with the LBMC. Establishments that exhibit elevated levels of police activity or are considered a nuisance as defined in LBMC will be required to meet with the ICT and, if deemed necessary, be subject to additional regulations established in Title 5 to address the documented nuisance activity. The threshold for elevated levels of police activity will be determined by the ICT on a case-by-case basis and incorporate contextual information regarding the location, such as the severity of the complaint and the site's proximity to schools, parks, and other sensitive receptors. The proposed Ordinance is intended to provide flexibility for staff to assess which compliance measures and other LBMC regulations will be applicable to a given establishment following a meeting and site visit.

If an establishment refuses to collaborate with the ICT to achieve compliance or reduce nuisance issues, it may be issued a citation by the City for noncompliance. If multiple citations are issued and the nuisance concerns remain, the establishment may be subject to business license suspension or revocation, in accordance with the City's administrative citation process.

As the proposed code amendments pertain specifically to Title 5 of the LBMC, public hearing notices and posting are not required.

This matter was reviewed by Deputy City Attorney Sarah E. Green on November 25, 2019 and by Budget Analysis Officer Julissa José-Murray on November 27, 2019.

TIMING CONSIDERATIONS

City Council action on this matter is not time critical.

FISCAL IMPACT

At this time, implementation of this program is not anticipated to have an impact on staffing beyond the budgeted scope of duties and is consistent with existing City Council priorities. As demonstrated by the Pilot Program, implementation of the compliance plan through the coordinated efforts of multiple departments has led to a reduction in the number of calls for service. The unified efforts of the involved departments appear to have created efficiencies by minimizing duplicated efforts. By expanding the scope of the compliance plan's implementation Citywide, it is anticipated the number of calls for services will diminish, leading to further efficiencies. Staff will continue to monitor the level of staffing and other resources required to implement this program, and provide recommendations for resources allocation, if necessary. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:


THOMAS B. MODICA
ACTING CITY MANAGER

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING SECTION 5.57 RELATED
TO THE REGULATION OF NUISANCE MOTELS

WHEREAS, some motels are responsible for a disproportionate share of
police resources because of repeated calls for service and complaints of crime and
nuisance activity and this activity is a real and compelling concern to the City of Long
Beach, the residents of the City of Long Beach as well as visitors to the City of Long
Beach, and the motel industry itself; and

WHEREAS, requiring certain minimum information to be maintained in
motel registers and inspection of motel registers by the City is a significant factor in
reducing crime in motels; and

WHEREAS, it is imperative that owners and proprietors of motels train the
employees who check persons into these establishments so that the employees can
obtain the information required by this ordinance.

NOW, THEREFORE, the City Council of the City of Long Beach ordains as
follows:

Section 1. Chapter 5.57 is added to the Long Beach Municipal Code to
read as follows:

CHAPTER 5.57

NUISANCE MOTEL REGULATION

5.57.010 Purpose and intent.

The purpose of this Chapter is to promote the public health,

1 safety and welfare as follows by imposing anti-nuisance standards on
2 motels located within the City of Long Beach and creating an
3 interdepartmental team led by the Planning Bureau in the Department of
4 Development Services to monitor and enforce these standards.

5
6 5.57.020 Definitions.

7 A. "Calls for service" includes, but is not limited to, any and all
8 calls to emergency services (police, fire, medical) that result in a City
9 representative being dispatched or directed to the motel. This shall include
10 any calls for service within the surrounding neighborhood that, through
11 information or investigation, can be traced to the motel staff and/or
12 registered guest(s) and/or visitor(s). Calls for service include any self-
13 initiated activity and/or investigation based on the observation(s) of an
14 emergency services representative.

15 B. "Drug-related arrests" include, but are not limited to, those that
16 involve the manufacture, cultivation, importation into the State,
17 transportation, possession, possession for sale, sale, furnishing,
18 administering, giving away, or providing a place to use any controlled drug,
19 narcotic or drug paraphernalia.

20 C. "Guest" shall mean any person that occupies a guestroom.

21 D. "Guestroom" shall mean a sleeping room in a motel designed
22 and intended to be used as lodging as documented by the City Building
23 Official or their designee.

24 E. "Interdepartmental Team" shall mean a team of City staff from
25 multiple Departments, including but not limited to; the Health Department,
26 Department of Development Services Code Enforcement and Planning
27 Bureaus, and if necessary, the Fire Department, Police Department, City
28 Prosecutor's Office and City Attorney's Office.

1 F. "Manager" means any person who, in connection with the
2 activities of a motel, manages the business's operations, including but not
3 limited to the collection of rental charges, issuing of keys, direction of
4 maintenance personnel, assigning of rooms to guests, and handling guest
5 affairs and overseeing security. The term shall also include the resident
6 manager and assistant manager.

7 G. "Motel" means a commercial land use for the rental of six (6)
8 or more guestrooms or suites to primarily transient occupants for a period of
9 not more than thirty (30) consecutive days. Motel is distinguished from hotel
10 by having entry individually and independently from outside the building or
11 buildings. Motel also includes tourist court, motor court, motor lodge or any
12 other designation intended to identify the premises as providing rental or
13 overnight accommodations primarily to motorists.

14 H. "Operator" means any person who is the proprietor of any
15 motel, whether in the capacity of owner, lessee, receiver, sublessee,
16 franchisee, mortgagee in possession, manager or agent of any of the
17 aforementioned, who offers and accepts payment for rooms, guestrooms,
18 sleeping accommodations, or board and lodging, and retains the right of
19 access to, and control of, the dwelling unit.

20 I. "Owner" means any person, persons, corporation or other
21 legal entity who is the owner of record with the Los Angeles County
22 Recorder's office. Also, any person or persons acting with the authorization
23 of the owner on behalf of the owner.

24 J. "Person" means and includes any individual, partnership,
25 corporation, organization, association, federal, State and local
26 governmental entity or political subdivision or agency thereof.

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5.57.030 Regulations.

A. A motel that is deemed a nuisance site shall retain its business license only if it conforms to any and all combination of the following regulations as deemed required by the City Interdepartmental Team. The owner or operator shall:

1. Completely limit pedestrian and vehicle access to the property and rooms by a fence, gate, security guard or other means to control access to the site and allow surveillance of arrivals, departures, and the parking areas from the office.

2. Install closed circuit television (CCTV) in common areas and/or at entry points on premises.

3. Display crime-prevention signage, including notices of 24-hour recording, human trafficking prevention awareness and contact information, and 24-hour contact telephone number of the local property management company.

4. Install deadbolt locks, peepholes, window locks and door chains or swing bars on all guest room doors.

5. Provide a motel manager and/or staff member on site on a 24-hour basis.

6. Provide adequate lighting for visibility and safety.

7. Provide uniform lighting throughout site and avoid light trespass by using full cutoff fixtures.

8. Ensure the motel does not have any interior or exterior areas where stagnant water has accumulated.

9. Ensure all necessary means have been employed to eliminate and control infestation of insects, bed bugs and rodents on the premises.

10. Employ exterior monitoring traps for rodents and

1 establish contracts for pest control services if necessary.

2 11. Provide a clean and working lavatory, along with soap,
3 toilet tissue, individual towels, and suitable waste receptacles in each
4 guestroom.

5 12. Maintain plumbing throughout the premises and in
6 each guestroom in good condition, without leaks or drips.

7 13. Maintain floors, walls, and ceilings of guestrooms,
8 along with all bedding materials in clean and good repair.

9 14. Ensure all eating and drinking utensils are either single-
10 use or are washed and sanitized after each guest.

11 15. Ensure ice machines are clean and only accessible to
12 guests and staff and are inaccessible to the general public.

13 16. Maintain all waste containers, trash bins, and
14 dumpsters on the premises free of the accumulation of refuse, dirt and
15 waste products.

16 17. If applicable, maintain motel pool in compliance with all
17 sections of the California Code of Regulations, Title 22, with clear water and
18 safety equipment on hand.

19 18. Ensure that no unregistered adult visitors occupy a
20 guestroom between 10:00 p.m. and 6:00 a.m. of the following day.

21 19. Post house rules in the lobby and all guestrooms, and
22 require a guest and visitor signature acknowledging posted rules.

23 20. Owner/ operator cannot rent out a guestroom more
24 than once within any twelve (12) hour period.

25 21. Comply with Chapter 3.64 ("Transient Occupancy Tax")
26 of this Code and locate all books and records related to Transient
27 Occupancy Tax on the motel site.

28 22. Collect and visually verify the vehicle license number of

1 any guests and/or visitors and issue a parking permit for each vehicle, with
2 vehicle towing enforced.

3
4 5.57.040 Administration and enforcement.

5 A. Upon receiving a complaint from the public, Police
6 Department, Code Enforcement or any interested person that the operation
7 of a hotel or motel is such that it is or has negatively impacted the health,
8 safety, or welfare of its guests or the residents or business of the
9 neighboring community, the following procedure shall be followed:

10 1. The City shall assess the nature and validity of the
11 complaint and the validity by conducting an investigation of the premises to
12 assess the motel's compliance with the applicable regulations. The City
13 shall provide the owner and/or operator, as appropriate, with written notice
14 of any complaint received or investigation commenced by the City relative
15 to the motel's failure to abide by the regulations set forth in this Chapter.

16 2. Upon establishing the validity of the complaint, the City
17 Interdepartmental Team shall conduct additional analysis of the site in
18 question, including analysis of Calls for Service and other activity at the site.
19 If deemed necessary by the Interdepartmental Team, the owner and/or
20 operator shall meet with City staff to discuss how to correct the violation,
21 including compliance with regulations in 5.57.030. The owner and/or
22 operator shall correct the violation, or take reasonable action to begin
23 correction, and shall diligently pursue completion of the correction within
24 Thirday (30) days after receiving written notification of the violation.

25 3. If, at the end of the correction period, the City
26 determines the violation has not been corrected, an administrative citation
27 may be issued, pursuant to Chapter 9.65, or the Nuisance Abatement
28 process may be initiated, pursuant to Chapter 9.37, depending on the

1 nature of the violation.

2 4. The administrative citation process described in this
3 Chapter does not preclude the City from recovering any other nuisance
4 abatement costs incurred by the City in performing its code enforcement
5 duties.

6 5. The City may collect a fee to recover costs associated
7 with the inspection and enforcement of this Chapter in accordance with the
8 City Council adopted fee resolution.

9 6. In the event the City is unable to gain compliance
10 through administrative citations and penalties, a business permit for a motel
11 may be suspended or revoked according to the procedures outlined in
12 Chapter 5.06, or a deemed approved conditional use status may be
13 revoked as provided in Chapter 21.

14 B. The following City departments may conduct enforcement
15 efforts in response to a valid complaint: Health Department, Development
16 Services, Fire Department, Police Department, City Prosecutor's Office or
17 City Attorney's Office, or any other relevant department as designated by
18 the City Manager.

19
20 Section 2. The City Clerk shall certify to the passage of this ordinance by
21 the City Council and cause it to be posted in three (3) conspicuous places in the City of
22 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
23 Mayor.

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2019, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor