



Legislation Details (With Text)

| | | | | | |
|-----------------------|--|----------------------|---|----------------------|----------------------------|
| File #: | 19-1269 | Version: | 2 | Name: | DS - Hotels/Motels Title 5 |
| Type: | Ordinance | Status: | | Status: | Adopted |
| File created: | 11/19/2019 | In control: | | In control: | City Council |
| On agenda: | 12/17/2019 | Final action: | | Final action: | 1/7/2020 |
| Title: | Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Section 5.57 related to the regulation of nuisance motels, read and adopted as read. (Citywide) | | | | |
| Sponsors: | Development Services | | | | |
| Indexes: | | | | | |
| Code sections: | | | | | |
| Attachments: | 1. 121719-ORD-26sr&att.pdf, 2. 121719-ORD-26 PowerPoint.pdf, 3. 010720-ORD-31sr.pdf, 4. ORD-20-0002.pdf | | | | |

| Date | Ver. | Action By | Action | Result |
|------------|------|--------------|---|--------|
| 1/7/2020 | 2 | City Council | approve recommendation and adopt | Pass |
| 12/17/2019 | 1 | City Council | declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading | Pass |

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Section 5.57 related to the regulation of nuisance motels, read and adopted as read. (Citywide)

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.

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.

City Council action on this matter is not time critical.

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.

Approve recommendation.

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

LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

THOMAS B. MODICA
ACTING CITY MANAGER