

ORDINANCE NO. 14-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA FOR CODE AMENDMENT CO-13-03 AMENDING TITLE 13, CHAPTER IX, ARTICLE 8 GOVERNING MOTELS.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 13 of the Costa Mesa Municipal Code is hereby amended as follows:

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.
- 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.
- 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 one year past the last day of stay of the guest.
- F. No room, suite or bed shall be assigned or rented more than once 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.

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:

- A. The motel must have a minimum of at least seventy-five (75) rooms.
- B. Fireproof safety deposit boxes must be available to all occupants of the motel.
- C. Each guest room shall be provided regularly-scheduled maid, mail 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.
- D. Each room shall be a minimum of three hundred seventy five (375) square feet.
- E. The motel shall maintain on-site laundry services, available for use by guests.
- F. The proposed use is compatible with the surrounding neighborhood, uses, zoning and general plan.
- G. Each guest room shall have a fully equipped kitchen with an area for the preparation of food, and include the following: sink, cook top, oven and/or microwave oven, and refrigerator.

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.

SECTION 2: ENVIRONMENTAL DETERMINATION. Pursuant to the California Environmental Quality Act (CEQA), the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (General Rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this ordinance amending the zoning code will have a significant effect on the environment.

SECTION 3: INCONSISTENCIES. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 4: SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 5: PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

JIM RIGHEIMER
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

CITY CLERK OF THE
CITY OF COSTA MESA

CITY ATTORNEY

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, BRENDA GREEN, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above Council Ordinance Number 14-11 as considered at a regular meeting of said City Council held on the ____ day of ____, 2014, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the ____ day of ____, 2014, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this ____ day of _____, 2014