



PLANNING COMMISSION

AGENDA REPORT

MEETING DATE: APRIL 14, 2014

ITEM NUMBER: PH-2

SUBJECT: PLANNING APPLICATION PA-99-09; REVIEW OF PREVIOUSLY APPROVED
CONDITIONAL USE PERMIT ALLOWING EXTENDED OCCUPANCY ROOMS AT THE
SANDPIPER MOTEL LOCATED AT 1967 & 1977 NEWPORT BOULEVARD

DATE: APRIL 3, 2014

FROM: PLANNING DEPARTMENT/DEVELOPMENT SERVICES DIVISION

PRESENTATION BY: MEL LEE, SENIOR PLANNER

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP (714) 754-5611
mel.lee@costamesaca.gov

DESCRIPTION

On direction of City Council, review Conditional Use Permit PA-99-09 to determine the following:

- Determine whether the Sandpiper Motel has operated in violation of Conditional Use Permit PA-99-09 and/or as a public nuisance such that revocation of the Conditional Use Permit is appropriate; or, in lieu of revocation, impose additional conditions.

RECOMMENDATION

Recommend that the Planning Commission direct staff to prepare a resolution consistent with its findings as follows:

- Make findings that the Sandpiper Motel has been operated in violation of the conditions of approval in Conditional Use Permit PA-99-09 and/or as a public nuisance, such that revocation of the CUP is justified; and revoke, or in lieu of revocation, amend the conditions of the CUP; or
- Conclude that there are insufficient findings that the Sandpiper Motel has been operated in violation of the conditions of approval of Conditional Use Permit PA-99-09 or as a public nuisance. The existing conditions of approval regulating the motel would remain as originally approved.

BACKGROUND

In March 1999, the Planning Commission adopted Resolution No. 99-17 approving Planning Application PA-99-09 which extended the time needed to complete conditions of

approval from a previously approved Conditional Use Permit (PA-98-44). PA-98-44 allowed 40% of the 46 total rooms at the Sandpiper Motel located at 1967 and 1977 Newport Boulevard to be designated as extended occupancy rooms. The conditions of approval under PA-99-09 included a number of operational requirements. A copy of Conditional Use Permit PA-99-09 is provided in the evidence packet, Tab 1. The staff report which outlines the background of the motel site since its development in 1959 is attached to this report as Attachment 1.

ANALYSIS

Staff contends that several grounds exist to revoke or amend the Sandpiper's CUP:

- (1) The Sandpiper has been operated in violation of condition of operation 12, to wit, the motel has not utilized more than 25% of its rooms for extended occupancy for over 180 days;
- (2) The Sandpiper has been further operated in violation of condition of operation 12, to wit, by allowing a significant number of health and safety violations to occur at the property, including severe hoarding conditions and vermin infestation;
- (3) The Sandpiper has been operated in violation of condition of operation 9, to wit, required monthly inspections have not been conducted to ensure that no unauthorized activity is occurring, no unauthorized improvements have been made, and that no maintenance or code compliance problems have developed; and
- (4) The Sandpiper Motel has been operated as a public nuisance pursuant to Civil Code Section 3479, 3480, and pursuant to Section 20-12 of the CMMC, to wit, hoarding, vermin, mildew, non-functioning or missing smoke detectors, improperly installed water heaters, and premises not in compliance with all the conditions of approval issued.

Condition of approval number 12 stipulates that:

The conditional use permit herein approved shall be valid until revoked, but shall expire if the conditions of approval and code requirements included as a part of this staff report are not complied with within a period of 180 from Planning Commission approval, or if long-term occupancy drops to 25% or less of the units for 180 days or more. Once the use has been established (by the completion of the conditions of approval and code requirements, with completion confirmed by Planning Staff), the conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable.

Long-term occupancy has dropped well below 25% for a period of 25 months.

City Staff has reviewed Transient Occupancy Tax (TOT) documents as they relate to extended-occupancy rooms at the Sandpiper Motel. Review of the TOT documents revealed that one long-term tenant has utilized extended occupancy rooms in the motel for approximately 2 years¹. According to the property owner, the only long-term occupant recently moved from the property. No other long-term occupants currently utilize the extended occupancy rooms as of the date of this report. During the period between January 2012 and January 2014, inclusive, the motel averaged 2.8% long-term occupancy. This figure was based on the motel's TOT forms submitted to the City during that period of time.

Of note, TOT reporting is self-reported by the motel owner. A forensic audit would need to be conducted to definitively conclude the total number of rooms that have been and are currently occupied by extended-occupancy guests. The City has explored hiring outside consultants to complete forensic audits at motel sites throughout the City due to the time intensive nature of these audits.

In the case of the subject motel, it does not appear that greater than 25% of the rooms have been utilized due to the low number (one) of long-term occupancies reported at the motel. Based on the above TOT documents, full adherence to condition of approval number 12 has not been practiced in that the long-term occupancy rate has dropped below 25% of the extended-occupancy for 180 days or more. As such, the conditional use permit appears to have effectively expired.

Code violations

Condition of approval number 12 also provides that the CUP can be referred to the Planning Commission for revocation in the event that the motel is operating in violation of law.

City staff monitored the conditions of approval to varying degrees since 1998. Planning staff conducted inspections of the outside environs of the motel property on or near March 8 of odd-numbered years and generally found the exterior of the property to be in compliance with the conditions of approval. Additionally, Code Enforcement and Environmental Health Care Agency staff conducted annual inspections of the property which included inspections of the outside environs and inspection of a sampling of the rooms. Based on Code Enforcement files, violations such as inoperative vehicles, ripped window screens, and other substandard conditions, occurred from 1998 to 2009 and that violations found on the property were generally addressed and remedied. Any other enforcement efforts regarding the interior of the rooms from 1999 to 2012 were complaint-driven. The total number of Code Enforcement cases at the motel property since 1998 are as follows:

¹ Section 13-173 of Zoning Code currently allows up to 25% of a motel's rooms to be rented to persons whose occupancy exceeds 28 consecutive days or 28 days in any 60 consecutive day period without conditional use approval.

Twelve cases between 1998 and 2009 consisting of:

- Illegal mobile home – 1 case
- Banners – 3 cases
- Miscellaneous trash and debris/illegal storage – 3 cases
- Living in RVs – 2 cases
- Missing smoke detector – 1 case
- Ripped/torn window screens – 1 case
- General compliance inspection – 1 case

All twelve cases are closed.

Inspections of the all of the motel rooms were initiated in May 2013. Results from the recent inspections (and subsequent re-inspections) of all rooms are included in the evidence packet provided, Tabs 4 through 20.

The inspection conducted on May 8 and May 10, 2013, revealed a significant number of violations: unpermitted construction, severe hoarding conditions, unsanitary conditions, vermin, peeling paint, mildew, missing or damaged window screens, improperly installed water heater, damaged windows, graffiti, damaged fixtures, missing smoke detectors, damaged walls and door knobs.

Of particular significance was the condition of Room 139, where severe hoarding conditions were found. The conditions were not corrected until November 2013.

In November of 2014, the City conducted a further inspection at the property, and found new violations. Out of 36 rooms inspected, 21 violations were observed in 16 rooms: evidence of vermin, missing smoke detectors, peeling paint/holes, missing light bulbs, broken/missing window screens, and mildew. All violations were corrected in short order.

Condition of approval number 9 from PA-99-09 reads as follows:

Monthly inspections of the long-term occupancy units shall be conducted by the on-site manager to ensure that no unauthorized activity is occurring, no unauthorized improvements have been made, and that no maintenance or code compliance problems have developed.

Although code enforcement issues have been identified as a result of periodic inspections, the motel has had a relatively limited number of enforcement cases compared to other motel properties in the City, especially since 2009 when present ownership took control of the property. Property management has demonstrated in the past that it has sought corrective remedies for any code compliance issues that may arise. Accordingly, City staff believes property management has taken a proactive role in the maintenance of the property and in resolving code compliance problems.

According to property management, some guests refuse the room service and remove smoke detectors. However, the CUP provides that monthly inspections to ensure that no unauthorized activity is occurring, such as smoke detectors being removed, or that code compliance problems have developed, such as hoarding conditions. While smoke detectors can be removed within seconds, the hoarding conditions found in room 139 were either undetected or ignored over a long period of time. The hoarding conditions constitute circumstantial evidence that the monthly inspections were not conducted by the operator.

Public nuisance.

Additionally, Section 13-29(o)(1)(a) provides that the Planning Commission may require the modification or revocation of a conditional use permit when the use is being operated as a public nuisance, as defined in Civil Code Section 3479 and 3480.

A nuisance is “[a]nything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property” A public nuisance “is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.” Civ. Code §§ 3479, 3480.

Conditions such as hoarding, vermin, mildew, non-functioning or missing smoke detectors constitute public nuisances, as they are the type of conditions that are likely to affect a considerable number of persons.

In addition, the following conditions, which have been observed at the property, are public nuisances per se pursuant to Title 20 of the Costa Mesa Municipal Code:

- Any condition determined to be in violation of the California Building Code or other applicable technical codes. Examples include but are not limited to unpermitted construction, improperly installed water heaters, missing or broken smoke detectors, mold. (CMMC 20-12(a)).
- Inadequate sanitation, including vermin infestation (CMMC 20-12(r)(1)).
- Hoarding conditions (CMMC 20-12(aa)(4)).
- Operating premises not in compliance with all the conditions of approval issued (CMMC 20-12(ii)).

PUBLIC NOTICE

Code-required public notice was provided via the following methods:

1. Publication of a display ad in the local newspaper (Daily Pilot).

2. Notice of the public hearing was mailed to property owners within a 500 foot radius of the site and two (2) notices were posted at the site.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15321 for Enforcement Actions by Regulatory Agencies.

LEGAL REVIEW

The City Attorney has reviewed this report and its attachments and has been approved as to the form by the City Attorney's Office.

PLANNING COMMISSION OPTIONS

The Planning Commission may take the following actions:

- Make findings that the Sandpiper Motel has been operated in violation of the conditions of approval in Conditional Use Permit PA-99-09 and/or as a public nuisance, such that revocation of the CUP is justified; and revoke, or in lieu of revocation, amend the conditions of the CUP; or
- Conclude that there are insufficient findings that the Sandpiper Motel has been operated in violation of the conditions of approval of Conditional Use Permit PA-99-09 or as a public nuisance. The existing conditions of approval regulating the motel would remain as originally approved.

CONCLUSION

In sum, the following grounds for revocation are being presented to the Planning Commission:

- The condition of operation that allowed the Sandpiper Motel to have up to 40% extended occupancies was not used during the period from January 2012 through January 2014, in violation of condition of operation 12.
- The poor conditions at the Sandpiper Motel and the recurring maintenance issues throughout the property also violate conditions of operation 9 and 12.
- Conditions at the Sandpiper Motel constitute nuisances per se, in violation of Sections 3479, 3480 of the Civil Code, and Section 20-12 of the Costa Mesa Municipal Code.


MEL LEE, AICP
Senior Planner


JERRY GUARRACINO, AICP
Interim Assistant Director of
Development Services

Distribution: Director of Economic & Development/Deputy CEO
Senior Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
Director of Community Improvement Division
Staff (4)
File (2)

Motel Owner:
Leader Venture, Inc.
c/o Mike Lin
1951 Newport Boulevard
Costa Mesa, CA 92627-2250

Attachments: 1. Original Staff Report for PA-99-09
 2. Aerial Photos and Plans
 3. Evidence Packet (Under Separate Cover)
 4. Draft Resolutions Revoking or Amending PA-99-09 (To Be Sent
 as a Separate Transmittal)

ATTACHMENT 1
ORIGINAL STAFF REPORT

PA-98-44

1992 4th NOV 1992

RESOLUTION NO. PC-99-17

ATTACHMENT 2

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
COSTA MESA APPROVING EXTENSION OF TIME REQUEST PA-99-09**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Robert Washer, with respect to the real property located at 1967 & 1977 Newport Boulevard, requesting an extension of time to complete conditions of approval 1, 2, 4, 5, and 16 for PA-98-44, a previously-approved conditional use permit for the Sandpiper Motel to rent more than 25% of its rooms for long-term occupancies in the C2 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 8, 1999.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in exhibit "A", and subject to the conditions contained in exhibit "B", the Planning Commission hereby **APPROVES** conditional use permit PA-99-09 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Interoffice Memorandum for extension of time request PA-99-09, and upon applicant's compliance with each and all of the conditions contained in exhibit "B". Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, then this Resolution, and any approvals herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 8th day of March, 1999.


Chair, Costa Mesa
Planning Commission

EXHIBIT "B"

CONDITIONS OF APPROVAL

Plng. 1. Within 30 days of Planning Commission action, the applicant shall contact the Building Division to schedule and pay for a residential building inspection to determine compliance with Building Code requirements as well as any potential safety issues. Required improvements/modifications shall be shown on plans submitted for plan check, and shall include, but are not limited to:

- ✓ Restriping of the parking lot.
- ✓ Replacement of any deteriorating wood trim on the buildings.
- ✓ Repainting the trim and west elevations of all buildings to match the other elevations.
- ✓ Repair/replacement of the irrigation system.
- ✓ Removal or legalization of structures attached to Building 2 and attached to trailer behind Building 2.
- ✓ Removal of northerly trailer in its entirety.
- ✓ Installation of security lighting. (see condition of approval #18)

These items shall be completed within ~~6 months~~ 1 year (July 27, 1999) of final Planning Commission action.

2. ✓ Create an outdoor patio, with minimum dimensions of 25' by 30', where the northerly trailer is currently located. The patio area shall be fenced off from the southerly (remaining) trailer, and a clear, attractive access to the patio area shall be provided between Buildings 2 and 3. This condition shall be completed to the satisfaction of Planning staff within ~~9 months~~ 1 year (July 27, 1999) of final Planning Commission action.

3. ✓ The patio area shall be designed to include a concrete slab, turf area, landscaping, tables, chairs and umbrellas and a trash receptacle. Details shall be included in plans submitted for all other work at this site.

4. Remove asphalt areas to provide:

- ✓ Landscaping strips, with at least 3 feet of clear planter width along the Newport Boulevard frontage behind the sidewalk, and in-between the Pyrus Kawakamii tree wells;
A landscape planter at the southeasterly corner of the parking lot (where the AAA sign is currently located);
- ✓ A landscape planter, with at least a 5-foot clear planter width, along the northerly property line from Building 3 to the front setback landscaping. This planter shall include canopy trees. A wrought iron fence may be installed in the planter,

- at the owner's option.
- A landscape planter, with at least a 3-foot clear planter width, along the southerly property line from Building 1 to the front setback landscaping. This planter shall include canopy trees.

These planters shall include a variety of shrubs, groundcover and mulch material, and shall be watered on an automatic irrigation system, per Code. This condition shall be completed to the satisfaction of the Planning staff by July 27, 1999.

5. ✓ A minimum of 5 planters, of a large enough size to support a canopy tree and several shrubs, shall be provided adjacent to entrance driveways, as shown on the plan submitted by the applicant, dated July 20, 1998, under the direction of the Planning Division. Irrigation shall be provided and a tree, shrubs, and groundcover shall be planted in each of the planters, under the direction of Planning staff. This condition shall be completed to the satisfaction of the Planning staff by July 27, 1999.
6. No storage of vehicles not normally driven by tenants of the units shall be permitted on the site. No inoperative vehicles or "for sale" vehicles may be stored or placed on site. There shall be no vehicle repair work conducted at this site. Vehicle parking shall not be permitted to obstruct driveway access to this site, nor to the Rolling Homes Mobile Estates.
7. Twenty-four hour management shall be provided. The manager shall ensure compliance with all applicable conditions of approval and code requirements.
8. Comply with all requirements of the Orange County Health Care Agency, including, but not limited to, allowing and cooperating with biannual inspections.
9. Monthly inspections of the long-term occupancy units shall be conducted by the on-site manager to ensure that no unauthorized activity is occurring, no unauthorized improvements have been made, and that no maintenance problems have developed.
10. The manager shall possess current, operable keys to all units at all times.
11. No businesses shall be conducted in and/or from any unit without a valid Home Occupation Permit (HOP) and business license.
12. The conditional use permit herein approved shall be valid until revoked, but shall expire if the conditions of approval and code requirements included as a part of this staff report are not complied with within a period of 180 days from Planning Commission approval, or if long-term occupancy drops to 25% or

less of the units for 180 days or more. Once the use has been established (by the completion of the conditions of approval and code requirements, with completion confirmed by Planning Staff), the conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable.

13. Street addresses shall be displayed on the complex identification sign or, if there is no complex identification sign, on the building fascia adjacent to the main entrance or front door in a manner visible to the public street. Street address numerals shall be a minimum 6" in height with not less than ½" stroke and shall contrast sharply with the background. Identification of individual units shall be provided on doors or adjacent to the unit entrances. Letters or numerals shall be 4" in height with not less than ¼" stroke and shall contrast sharply with the background.
14. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
15. The conditions of approval and ordinance or code provisions of conditional use permit PA-98-44 shall be blueprinted on the face of the site plan.
16. The applicant shall contact the Planning Division to arrange for a "special requirements" inspection of the site when all modifications and improvements have been completed or within ~~six (6) months~~ one (1) year of Planning Commission action (July 27, 1999), whichever occurs first. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
- Police 17. Provide illuminated address numerals on either the buildings or the freestanding sign, and identify room numbers on the sides of each building, under the direction of the Police Department.
18. Parking lot lighting, which provides for sufficient illumination of at least 1 foot-candle (no dark spots), without spilling into the windows or onto adjoining properties, shall be installed in the parking lot. Walkway lighting shall be provided with illumination of at least .25 foot-candles. Continuous illumination shall be provided between dusk and dawn.
19. Stairwells shall be well-lighted with the lights on dusk-to-dawn

- timers. Stairwells shall be kept clear of debris.
20. The manager's unit shall be located to allow visibility of the entire parking lot. It is recommended that the window be enlarged to facilitate this requirement.
 21. It is recommended that cash not be accepted for rent payments.
 22. Plants and shrubs shall be trimmed to 3' or lower, or 7' or higher, to allow for visibility.
 23. A minimum of one parking space per unit shall be provided. If the spaces are assigned to the individual units, the identification shall be a different system than room identification.
 24. If parking spaces are assigned, extra parking shall be marked and used as guest and registration parking. If assigned, the guest parking shall be clearly marked "Guest", and several stalls in front of the manager's unit be clearly marked "Registration Parking Only."
 25. "No Trespassing" signs are recommended to be posted at all entrances to the property.

CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Plng. 1. All contractors and subcontractors must have valid business licenses to do business in the city of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
2. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance. This includes a permit for the AAA sign at the southeasterly corner of the parking lot, which shall be installed in a planter area, per Code.
 3. Parking stalls shall be double-striped in accordance with City standards.
 4. All compact parking spaces shall be clearly marked "compact" or "small car only".
 6. Landscape and irrigation plans shall meet the requirements set forth in Costa Mesa Municipal Code Sections 13-103 through 13-108.
 7. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
 8. All property line walls or fences shall be repaired or replaced as necessary under the direction of the Planning Division.
 9. Persons responsible for the renting of a room 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 the license, and make, model and year of any vehicle parked on or off the motel premises. The registration information shall also include the date of occupancy, length of stay and room rate. The information is required to be maintained for at least 30 days past the last day of the stay of the guest and shall be made available for inspection by sworn personnel of the Costa Mesa Police Department or the Building Official.

10. For the short-term occupancy units, no room, suite or bed shall be assigned or rented more than twice within any 24 hour period.
11. Transient occupancy tax shall be charged on all rooms which are occupied on a short-term basis, consistent with the provisions of Chapter IV of Title 16 of the Costa Mesa Municipal Code.
12. The business be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood which includes, but is not limited to, security and operational measures to comply with this requirement.
13. In-room telephone service for emergency response purposes shall be installed and maintained in all rooms.
- Fire 14. Provide fire extinguishers with a minimum rating of 2A to be located within 75 feet of travel distance from all areas. Extinguishers may be of a type rated 2A, 10BC as these extinguishers are suitable for all types of fires and are less expensive.
15. Provide approved smoke detectors to be installed in accordance with the 1991 Edition of the Uniform Fire Code.
- Bldg. 16. Comply with the requirements of the Uniform Building Code as to design and construction and CCR Title 24 pertaining to "Disabled Access Regulations".
17. All improvements requiring building permits that are not permitted shall be legalized (if allowed) or removed in their entirety within 60 days of final Planning Commission action.
18. If any grading of the site is necessary, prior to issuance of any grading permits, applicant shall submit a Water Quality Management Plan (WQMP) that identifies the application and incorporation of those routine structural and non-structural Best Management Practices (BMPs) outlined in the countywide National Pollution Discharge Elimination System (NPDES) Drainage Area Management Plan (DAMP), Appendix G. The WQMP shall detail implementation of BMPs not dependent on specific land uses, for review and approval by the Development Services Department.

CITY OF COSTA MESA
Development Service Department
P.O. Box 1200, Costa Mesa, CA 92628-1200

PROJECT NO: PA-99-09

DATE: March 11, 1999

TO: Bob Washer
Sandpiper Motel
1967-1977 Newport Boulevard
Costa Mesa, CA 92627

At the regular meeting of Costa Mesa Planning Commission held on March 8, 1999 the above-referenced item was considered and the following action taken:

Approved extension of time by adoption of Planning Commission Resolution PC-99-17, based on information and analysis contained in the Planning Division memorandum dated February 23, 1999, and findings contained in exhibit "A" and revised conditions contained in exhibit "B" with a modification to condition of approval #4 as follows:

Conditions of Approval

4. ~~-Condition-#5-~~ This condition shall be completed to the satisfaction of the Planning Staff by July 27, 1999.

(5-0)

Should you have any questions concerning the Commission's decision or wish to appeal to the City Council, please contact your project Planner Carol Proctor at March 11, 1999.

Sincerely,



Donald D. Lamm, Development Services Director

cc:



City of Costa Mesa

Inter Office Memorandum

To: PLANNING COMMISSION
From: Carol C. Proctor, Associate Planner *CP*
Date: February 23, 1999
Subject: EXTENSION OF TIME REQUEST PA-99-09 FOR COMPLETING
CONDITIONS OF APPROVAL FOR PA-98-44
SANDPIPER MOTEL 1967-1977 NEWPORT BOULEVARD
PLANNING COMMISSION MEETING OF MARCH 8, 1999

RECOMMENDATION

Approve 6-month final extension of time request (July 27, 1999) to complete all conditions of approval for PA-98-44.

BACKGROUND & ANALYSIS

On July 27, 1998, Planning Commission approved PA-98-44, a conditional use request to allow the Sandpiper Motel to rent more than 25% of the 46 units for long-term occupancies. Approval of 41 percent long-term units was conditioned upon compliance with many deadline-related improvements.

The applicant was reminded of the compliance date for many of the conditions and requirements by staff on January 14, 1999 (letter attached). The applicant responded that many of the conditions for renovating the site are in progress, and stated that all conditions would be met within an additional six months period (letter attached).

Staff met with the applicant at the motel premises and noted that although not completed, many of the improvements required under PA-98-44 were being made. However, both trailers behind building 2 were still occupied, so conditions requiring the removal of the northerly trailer, and the installation of the outdoor patio, as well as the access to it, have not been complied with. Staff has prepared an updated schedule identifying the status for each time-related condition.

The applicant has made good progress in complying with the conditions of PA-98-44, and both the Building Division and the County Health Department have

reported that the rooms are in compliance with applicable codes and are in good condition. Therefore, staff believes an additional six (6) months from the original deadline of January 27, 1999, would provide ample time to complete all the outstanding conditions.

The extension would mean that the conditions originally given 6 months and those given 9 months to comply would now be required to comply by the same deadline of July 27, 1999—one year after the original approval date. Additionally, all other conditions and code requirements are expected to be satisfied by this date. There should be no justification to request additional time for compliance, given the remaining outstanding conditions.

Attachments: Schedule for PA-98-44 - Sandpiper Motel
 Inspection Report from Health Department (dated 9-24-99)
 Letter from Carol Proctor (dated 1-14-97)
 Letter from Bob Washer (dated 1-21-99)
 Memo from Building Division (dated 1-26-99)
 Memo from Police Department (dated 2-24-99)
 Staff Report PA-98-44

cc: Bob Washer
 Sandpiper Motel
 1967-1977 Newport Boulevard
 Costa Mesa CA 92627

SCHEDULE FOR PA-98-44 SANDPIPER MOTEL

(Approved by Planning Commission on July 27, 1998)

CONDITION #	REQUIREMENT	DATE DUE	DATE COMPLETE
1	contact Bldg Div. to schedule & pay for a residential building inspection to determine compliance with Bldg Code requirements & potential safety issues	30 days (8-27-98)	Building Division: 8-98 Health Dept.: 9-98
1	(a) restripe parking lot (b) replace any deteriorating wood trim on bldgs (c) repaint trim and west elevations of all bldgs to match other elevations (d) repair/replace irrigation system (e) remove or legalize all structures attached to bldg 2 and attached to trailer behind bldg 2; <u>remove northerly trailer in its entirety</u> (f) install security lighting per condition 18	6 months (1-27-99)	(a) not done (b) in progress (c) 1-26-99 (d) in progress (e) not done (f) not done per Police Dept: 2-99
2	create outdoor patio (25' x 30' min. dimensions) & clear, attractive access between bldgs 2 & 3	9 months (4-27-99)	not done
4	remove asphalt areas to provide landscaping strips along Newport Blvd; a min. 5' clear landscape planter along north p/l; a 3' clear landscape planter along south p/l	6 months (1-27-99)	in progress
5	provide a min. of 5 planters (large enough to support canopy trees, shrubs & groundcover), with automatic irrigation, adjacent to driveway entrances	6 months (1-27-99)	in progress
16	the applicant shall contact the Planning Division to arrange for a "special requirements" inspection of the site when all modifications & improvements have been completed or within 6 months of PC action, whichever occurs first.	6 months or earlier (up to 1-27-99)	site is not in full compliance; condition is not applicable at this time
Code 2 & Condition 4	legalize AAA freestanding sign upon completion of landscape planter at SE corner of property	6 months or earlier (1-27-99)	1-26-99: observed the sign was removed

HOUSING INSPECTION REPORT
ANGE COUNTY HEALTH CARE AGENCY
ENVIRONMENTAL HEALTH DIVISION
 2009 E. Edinger Ave., Santa Ana, CA 92705
 Telephone: (714) 667-3600

BUSINESS ADDRESS 1967 Newport Blvd, Costa Mesa		DATE 9-24-98	
DBA/OWNER'S NAME Sand Piper Motel		RECHECK DATE	
MAILING ADDRESS Liberty Way		COMPUTER NUMBER 1196	
APPLICABLE LAW CCHFL UHC 42.100.03	PROGRAM ELEMENT 24-13	SERVICE 03	TIME IN TIME OUT

OFFICE USE			The marked items represent Health Code violations and must be corrected as follows:	
PUBLIC AREAS	STR	MAN		
Elect Wiring	1	2	Intelligence reinspection to determine compliance with August 26, 1998 inspection notice to correct.	
Plumbing	3	4		
Foundation	5	6		
Laundry	7	8		
Mech Equip.	9	10		
Floors	11	12		
Roof	13	14		
Ext Walls	15	16		
Ice Machine	17	18		
Stairs	19	20		
Toilet/Baths	21	22	All of the violations listed on the August 26, 1998 inspection report have been corrected.	
Light & Vent	23	24		
Occupancy	25	26		
Vermun	27	28		
Refuse	29	30		
Utensils	31	32		
UNITS				
Elect Wiring	33	34		The property appears very well maintained.
Plumbing	35	36		
Walls	37	38		
Floors	39	40		
Ceilings	41	42		
Light & Vent	43	44		
Occupancy	45	46		
Vermun	47	48		
H & C Water	49	50		
Toilets	51	52		
Sinks	53	54	Room sanitation and condition looks good. Laundry is done on property. Room appears well maintained. Ice bucket is disposable. Food and beverage service is for a 16-17 year.	
Baths	55	56		
Kitchen Fac	57	58		
Maintenance	59	60		
Misc	61	62		
40 TOTAL				
CONDITION				
Excellent	<input type="checkbox"/>			
Good	<input type="checkbox"/>			
Satisfactory	<input type="checkbox"/>			
Unsatisfactory	<input type="checkbox"/>			
Poor	<input type="checkbox"/>			

RECEIVED BY J. W. Wasker	SPECIALIST J. H. Hutton (12)	PAGE 1	OF 1
-----------------------------	---------------------------------	-----------	---------

City of Costa Mesa

Inter Office Memorandum

To: Carol Proctor, Associate Planner
From: Victor Clift, Chief of Inspection *VC*
Date: January 26, 1999
Subject: STATUS REPORT - SANDPIPER MOTEL - PA-98-44
BUILDING COMPLIANCE INSPECTION

Approximately forty (40) units were inspected at the subject location. No significant building code violations were found. Some minor items needing correction were observed and noted. A follow-up inspection was conducted and the determination was made that all minor corrections had been completed. The Building Division compliance inspection was considered finalized in August 1998. Bob Washer notified by letter.

cc: Don Lamm
Rick Brown

PLANNING DIVISION STAFF REPORT

AGENDA NO. 7.c.

SITE LOCATION 1967 & 1977 Newport Blvd. APPLICATION NO. PA-98-44

AP # 419-221-10 MANDATORY ACTION DATE September 1, 1998
(Owner of Record)

APPLICANT Robert Washer AUTHORIZED AGENT _____

ADDRESS 1967 Newport Boulevard ADDRESS _____
Costa Mesa, CA 92627

APPLICANT IS REMINDED THAT ALL ORDINANCES AND REGULATIONS GOVERNING THE USE OF THE LAND OR BUILDING(S) TO WHICH THIS APPLICATION PERTAINS MUST BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT.

PREPARED BY Carol Proctor, Associate Planner *CP/CP*

DATE PREPARED July 21, 1998

LAST UPDATE _____

REQUEST:

A conditional use permit to allow an existing 46-unit motel (Sandpiper Motel), to rent more than 25% of its rooms for long-term occupancies.

STAFF RECOMMENDATION:

Approve, subject to modifications and conditions.

FINAL COMMISSION ACTION: July 27, 1998

Approved by adoption of Planning Commission Resolution PC-98-44, based on information and analysis contained in the Planning Division staff report and findings contained in exhibit "A", subject to conditions in exhibit "B".

(3-2, Linda Dixon and Chris Fewel voted no)

APPLICANT NOTIFIED na DATE July 30, 1998

CITY OF COSTA MESA, 77 FAIR DRIVE, COSTA MESA, CA 92628-1200



I. PLANNING COMMISSION MEETING OF JUNE 22, 1998

This application has been deemed incomplete because of the illegible quality of the site plan, and because of discrepancies between that shown on the plan compared to what is on site. A two-week continuance to the July 13, 1998, meeting is therefore recommended by staff.

II. PLANNING COMMISSION ACTION - MEETING OF JUNE 22, 1998

Continued to the July 13, 1998, Planning Commission meeting (5-0).

III. PLANNING COMMISSION MEETING OF JULY 13, 1998**DESCRIPTION****A. Subject Property**

1. Location - 1967 Newport Boulevard
2. General Plan designation - General Commercial
3. Zone - C2
4. Present Development - 46-unit Sandpiper Motel
5. Lot Area - Irregular,
6. CEQA - Exempt, Class 1

B. Surrounding Property

1. Northwest - C2, Ponderosa Mobile Estates
2. Northwest, West - C2, Rolling Homes Mobile Park
3. Southwest - C2, storage yard for Starving Artists Movers
4. East - Newport Boulevard and Costa Mesa Freeway

C. Request

Conditional use permit to allow an existing 46-unit motel (Sandpiper) to rent more than 25% of its rooms for long-term occupancy.

D. Background

In 1959, a permit was issued to relocate a 2-story, 16-unit motel building from one area of the property to another. (This building is identified on the site plan as Building 2.) In 1960, another 2-story, 16-unit motel building was added to the site (identified as Building 1 on the site plan). During this time, an easement access was

recorded, allowing the occupants and guests of the Rolling Homes Mobile Park to use the driveway between Buildings 1 and 2 to enter and exit their property from Newport Boulevard.

In 1978, ZE-77-116 was approved by the Planning Commission, granting a conditional use permit for a third motel building, consisting of 14 units, each with a kitchenette (Building 3). Approval for this addition to the then-named Colonial Motel also included a variance from required front landscape setback requirements (30' required at that time; 3' primarily proposed, except for a 19' landscape setback on the northerly 27 feet of the property). Approval for the variance was based on findings that construction of the future 55 Freeway extension would result in removal of the entire motel complex. Thus, the variance was to be temporary in nature. The alignment has since changed, bypassing this property.

In 1982, Planning Commission approved ZE-82-79, a conditional use permit to legalize two residential trailers behind the motel complex (now called Sandpiper Motel), with variances from building separation (10' required; 6' proposed and provided), and parking requirements. Parking was found to be adequate for the number of units and use; 53 spaces for the 48-unit motel including the units with kitchenettes, plus 6 spaces for the two trailers. Approval of ZE-82-79 included conditions by Planning Commission which restricted the occupancy of the two trailers. One of the trailers is to be used solely as housing for the on-site maintenance person; the other trailer is to be used for temporary emergency housing through a program administered through agencies such as S.O.S. or Orange Coast Interfaith Shelter. The applicant currently uses one motel unit, with a kitchenette, for temporary housing through an agreement with the City and S.O.S. The second trailer is occupied by one of the maids.

The current owner modified the motel complex in the 1980s by converting one unit in Building 1 to an expanded lobby and rear office as part of the existing manager's office/unit. A unit in Building 2 was also converted to a laundry room. Consequently, there are currently 15 units in Building 1, 15 units in Building 2, and 14 units in Building 3, plus the 2 trailers, for a total of 46 units.

In 1995, the City formed a "Motel Task Force", comprised of various City departments and the Orange County Health Care Agency, in an effort to eliminate specific code violations and crime

problems at a number of motels in the City. An inventory of the motels was conducted, as well as listings of police calls for service and Automobile club rating for each applicable lodging facility, using 1994 records. The motels were then ranked according to the need to address the building/safety conditions, level of crime, etc. The Sandpiper Motel was ranked under the "High" priority category (using a system with 5 categories from "Very Low" to "Very High" priority). One issue that was identified by the Motel Task Force and study was the number of motels providing long-term occupancy.

In early 1997, City Council adopted a new motel ordinance that required, among other things, approval of a conditional use permit to allow more than 25% of the total number of rooms in any motel to be occupied by the same person for more than 28 consecutive days or 28 days in any 60 consecutive day period. The applicant is applying for the conditional use permit as allowed by this code section.

IV. PROJECT DESCRIPTION

The applicant proposes to rent a maximum of 19 of the 46 (41%) units for long-term occupancy. The long-term occupancy units would include all 14 units in Building 3, 4 units in Building 2, plus the rear trailer not occupied by the on-site maintenance person. (Code allows a maximum of 2 units per motel designated for occupancy by paid employees.) The applicant stated that typical long-term occupants are, for the most part, business people. These guests include general contractors, construction workers, people between homes, and people who cannot immediately secure permanent housing. Most of these guests stay for approximately 3 to 5 months. There are a few who make the motel their permanent residence. The applicant believes the long-term occupancy units meet an existing need. At this time, 16 units are occupied by long-term residents.

The type, number, and area of units in the three-building motel are as follows:

Building 1

Type of Unit	Number of Units	Area
Single room, no kitchenette	12	257 sq. ft.
Double room, no kitchenette	2	324 sq. ft.
Manager's Unit	1	approx. 700 sq. ft.

Building 2

Type of Unit	Number of Units	Area
Single room, no kitchenette	12	196 sq. ft.
Single room, kitchenette	1	276 sq. ft.
Double room, no kitchenette	2	324 sq. ft.

Building 3

Type of Unit	Number of Units	Area
Single room, kitchenette	12	332 sq. ft.
Double room, kitchenette	2	418 sq. ft.

Two trailer units behind Building 2 bring the total number of units to 46.

Although approved site plans from the 1980s identified 59 parking spaces, the site plan submitted with this application notes 80 parking spaces. It appears that several landscape areas have been removed since the last City review of this site and parking has been redesigned with spaces now at a 90-degree angle. Some of the spaces are now in the setback area where previously, driveway access was located at the southeast corner of the property. The parking lot does not include handicap access.

There are no special amenities (such as a pool, patio or enclosed greenbelt area, recreation or banquet room) provided or proposed at this motel. Consequently, the policy of the motel is to discourage families with small children. The motel does offer free continental breakfast in the lobby, and has private security, mandatory maid service, and a laundry facility. Vending machines exist near the manager's unit and stairwells of Building 1.

V. PLANNING STAFF ANALYSIS

Section 13-173(a) of the Municipal Code states that a motel operator/owner may rent more than 25% of the 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 applying for the conditional use permit, the owner/operator shall determine the number and/or percentage of rooms to be offered for extended occupancy, and the Planning Commission may approve the request as submitted or may establish an alternate number and/or percentage. In considering the conditional use permit request as well as the number and/or percentage of rooms for extended occupancies, code requires that the following criteria be examined:

1. Whether or not the overall site design and the floor plans of individual rooms proposed are conducive to extended occupancy.
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 led to police problems due to the design of the motel and/or the nature of the surrounding area.

Staff visited the site on several occasions. The Sandpiper Motel was originally designed for short-term tenancy for travelers on Newport Boulevard when it was the main north-south highway through the City. The number of driveways, along with the lack of open space (landscape areas), amenities, and the small size of the units support this fact. Since the extension of the Costa Mesa Freeway, this motel (along with others) has lost traditional visitor trade and has limited visibility from the freeway. Consequently, the applicant indicates that, in order to stay profitable, the motel needs to have the extended-stay tenants.

The units have been designed for transient occupancy; the following is a discussion of items staff feels should be provided to ensure livability of the project for a change to long-term occupancy (motel-apartments) for the 19 units:

Kitchens/Interior Improvements

Two units were inspected, one with a kitchenette, and one without. The units without kitchenettes are not designed for extended occupancy, although these units are equipped with a bar-type refrigerator. Building Code requires the provision of minimum improvements to allow for preparation of meals in residential units. Motel management will provide a small microwave for the extended-stay units without kitchen amenities in Building 2. The rear trailers, all units in Building 3, and one unit in Building 2 have kitchenette facilities. However, staff will want to ensure that the appliances are operational, in good condition, and do not present a safety hazard.

Staff will not be requiring fire sprinklers, new carpeting, furniture, window coverings, etc., unlike the Travel Lodge (at 2450 Newport Boulevard), which was required by the City to totally remodel its interiors in order to become a single room occupancy (SRO) facility. However, the motel

operator/owner shall comply with the Orange County Health Department on an on-going basis relating to inspections of the facility. The intent is not to displace the tenants, but to bring the property up to an appropriate standard for long-term tenancy and to gain compliance with all applicable codes.

The units are not large enough for washer/dryers. Residential apartment projects normally provide a laundry room facility for tenants. However, as noted in the Background section, the Sandpiper Motel has an indoor laundry facility located in Building 2.

Other deficiencies may exist inside the units. Wall heaters, plumbing, water heaters, electrical wiring, etc., may need to be repaired or replaced for compliance with Building Code requirements. The building inspection required as a condition of approval will help determine what items need to be repaired or replaced.

This motel has a "one diamond" Automobile Club (AAA) rating, which means it met minimum standards set by AAA. According to the Automobile Club, 40 percent of the lodging industry cannot meet the minimum AAA standards in North America. Attached to the report is a compilation of the lodging requirements needed to obtain AAA's one diamond rating.

Parking Lot/Parking

A minimum of one parking space per unit should be provided. This site exceeds that requirement (46 units with a minimum of 59 spaces). However, some of the parking that is shown on the submitted plans has replaced the landscaping areas identified on City-approved plans. This landscaping should be reinstalled, particularly because the site has little setback and interior landscaping. Additionally, the AAA sign located at the southeasterly corner of the parking lot, adjacent to the southernmost driveway, has been installed without benefit of City approvals or permits. This sign needs to be located in a planter area, per the Sign Ordinance.

The parking lot needs to be striped according to City standards, including compliance with the Uniform Building Code and Title 24 regulations pertaining to disabled access. Exhibit B of this report includes code requirement reminders detailing these items.

The use of the parking lot will be restricted to the parking of operable vehicles only. Storage of RVs, trailers, boats, and miscellaneous items will

be prohibited. RVs will be permitted if they are the tenant's only means of transportation.

Safety Issues

The Police Department felt that lighting of the property is inadequate. It is recommended that the parking lot provide a minimum of one foot-candle of light on the surface during the hours of darkness. Walkways within the building complex need to be illuminated with an intensity of at least .25 foot-candles. The lighting shall be designed so that there are no dark areas. This can probably be accomplished by installing security lighting on the buildings.

The Police Department requested that address numerals be illuminated at night and meet minimum requirements for commercial buildings, including identification of individual room numbers on the sides of each building (i.e. Rooms 8-15 [second floor]; Rooms 1-14 [first floor]).

Other recommended safety issues include:

- using solid core construction entry doors;
- providing quality door and window locking devices;
- installing panoramic door viewers (already installed at this motel)
- placing "No Trespassing" signs at all entrances to the property to define the property as private;
- installing a low hedge or shrub between the sidewalk and the parking stalls facing Newport Boulevard to act as a natural barrier and further define the property as private;
- increasing the area of the manager's office window to provide better visibility of the parking lot and walkway areas;
- ensuring sufficient parking for each unit, several guest spaces and several stalls in front of the manager's unit clearly marked "registration parking only."

The Police Department also had a concern with the number of driveways/ access points to this property. One driveway, north of the property, is the entry access for the Ponderosa Trailer Park. However, the motel site can be accessed from this driveway. In order to better control who enters this property as well as promote a semi-private property, the Police Department recommends that the access from the Ponderosa Trailer Park driveway be blocked off with fencing and/or landscaping. For the same reasons, the Police Department recommends that the southerly driveway be blocked off and parking and/or landscaping be provided. This would leave two driveways serving the motel and the Rolling Homes Mobile Park.

The Fire Department has included a requirement for the installation of smoke detectors in each unit. Installation of fire extinguishers is also required.

One manager's unit exists at the Sandpiper Motel. Code requires that motels provide on-site management, available 24 hours a day. The manager and property owner have both assured staff that such management will continue to be provided because they feel this will allow them to maintain a quality motel business.

Code requires the provision of an in-room telephone service for emergency response purposes. Staff will include this as a code requirement, but notes that the Sandpiper Motel is currently employing such service (see attached brochure).

Overall appearance of the site

The property is in good condition with very little disrepair. Staff noted a cracked window on one unit, but generally observed a clean, quiet, motel with sparse landscaping. The age of this facility, like many along Newport Boulevard, somewhat hampers its appearance in terms of the image it projects from Newport Boulevard as well as the interior design and condition. The interiors of the two units staff inspected were simple, yet neat and clean. Attractive, well-maintained, and well-managed motels provide positive reinforcement for the viability of an area.

The site has little landscaping, primarily because of the variance granted in 1978, but also because interior landscaping was either not installed per the approved plans or was removed at a later date. There is a fenced-in lawn area behind (west of) each building but these areas are not accessible to the motel customers. The two trailers are located in the fenced-in area behind Building 2, with the other fenced areas used for storage for the motel. As noted under the Parking Lot/Parking section, little-to-no required interior landscaping exists. Conditions have, therefore, been included requiring the replacement of some of the asphalt parking spaces with landscape planters or "fingers" along the parking area facing the buildings. Landscaping strips shall also be installed along the street frontage, between the existing Pyrus Kawakamil trees. A landscape planter shall be installed along the northerly property line as well, to block off entry into the motel-apartment site from the Ponderosa Mobile Estates driveway. As required by Code, all planter areas shall be automatically irrigated.

The view from both the Rolling Homes Trailer Park and the Ponderosa Mobile Estates properties revealed that the rear (west) elevations of all three buildings have not been painted to match the remaining elevations. Furthermore, the wood trim is deteriorating and the paint on the trim is peeling. A condition is included for painting the rear elevations to match the front and sides of each building. As it relates to the trim, the Uniform Building Code dictates that all dry rot and deteriorating wood be removed, all peeling paint be stripped, and the trim repainted to match the trim on the other elevations.

A couple of structures were noted behind Building 2. One appears to be a structure containing a "boiler unit"; the other is attached to the southerly trailer. These will need to be inspected by the Building Division and verified for permits. Any construction and additions conducted without benefit of permits will need to satisfy all code requirements; then obtain any required permits. A condition is included, advising the applicant of the required Building Division inspection on these structures.

Recreational area

Because this project was originally designed and constructed as a motel, adequate recreation space for long-term residents was not a consideration. Even though the applicant informed staff that families are discouraged from extended stays at the motel for this reason, staff has a concern because this cannot be enforced since it would be discriminatory.

The request is basically a conversion of 41% of the motel to a use more similar to apartments. Most apartment units are larger than the units at this facility, therefore, it is staff's opinion that an indoor recreation area should be provided. However, since the applicant stressed that only on rare occasions will he allow families to stay at the motel, this provision will not be included at this time. Staff will be monitoring the motel through inspections and complaints, should this application be approved. If the number of families staying at the facility increases dramatically, or if staff notes the need for additional (interior) recreational area, this conditional use permit will be brought back to the Planning Commission for inclusion of an indoor recreation room next to the manager's office.

This site does contain yard area at the rear of both Buildings 1 and 2, offering potential for open space/yard area, although the area is fenced and not available to guests and residents of the motel. Since the long-term occupancy units are primarily in Building 3, it would make most sense to remove the trailer not being used for emergency housing (see Background section), and fence off that area for outdoor play/recreation

area. Based on the number of units at the motel, open space recreation needs to be considered. Therefore, staff recommends the following:

- The trailer not used for emergency housing or maintenance personnel shall be removed. The resulting yard area shall be fenced off from the remaining trailer, and the yard area shall be relandscaped and irrigated to provide a recreational area. Amenities such as gas barbecue(s), chairs, tables, umbrellas, benches, and trash receptacles shall be provided. The area can be gated and keyed, if need be, with keys provided to motel guests/residents. The area shall be monitored by the motel management in terms of hours of use, tenant/guest use, and appearance.

Miscellaneous

The Health Department will still be involved in inspecting the property on a biannual basis. The applicant will be required to comply with all requirements of the Health Department.

Unless waived by Planning Commission, Code requires the motel manager to maintain a list of all current tenants, including their valid driver's license or other valid identification, as well as their vehicle license number, State of the license, and make, model and year of any vehicle parked on or off the motel premises. The registration information is to include the date of occupancy, length of stay and room rate. The information is required to be maintained for 30 days past the last day of the stay of the guest and must be made available for inspection by sworn personnel of the Costa Mesa Police Department or the Building Official. Staff feels that this is still a valid requirement even though some of the units may be rented on a long-term, rather than short-term, basis. Code also prohibits the renting or assignment of a room, suite or bed more than twice within any 24-hour period.

Regularly-scheduled maid and housekeeping services are also required by Code. This will still be required, to minimize the possibility of illicit activities or unauthorized improvements being conducted in any of the units. Additionally, to ensure that no unauthorized modifications or maintenance problems take place or develop, the management will be responsible for inspecting the long-term occupancy rooms on a monthly basis.

The transient occupancy tax will not be required for the long-term occupancy rooms. However, if the applicant rents any of the rooms for

short-term occupancies (less than 30 days), they will be required to pay the transient occupancy tax.

Lastly, Code requires that the business be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood which includes, but is not limited to, security and operational measures to comply with this requirement.

Police response to the request

Since this is one of the first long-term occupancy conditional use permits the City has processed, the Police Department is uncertain what impact this conversion may have on on-site crime. There has been a higher number of calls to this site, when compared to other low-rent motels in the City. Disturbances are the most frequent type of call to this location.

The Police Department hopes that conversion to a long-term occupancy, operated in compliance with conditions of approval, will result in a lessening of the number of calls for Police service at this site. Recommended conditions from the Police Department have been included.

Conclusion

Staff has conditioned these improvements to allow tenants to enjoy a reasonable quality of life even though they may have no other option but to live in a motel for an extended period of time. To ensure that all the improvements are made to the site, staff will include a condition stating that the conditional use permit is not active (i.e., that no more than 25% of the rooms may be occupied by long-term occupancies) unless all the conditions of approval, code requirements and special district requirements are complied with. The applicant will be given 6 months to comply; failure to do so will result in the expiration of the conditional use permit and the need to revert to 25% or less long-term occupancy of the total rooms

VI. PLANNING STAFF RECOMMENDATION

Approve by adoption of Planning Commission resolution, based on findings contained in exhibit "A", subject to conditions contained in exhibit "B".

VII. PLANNING COMMISSION MEETING OF JULY 13, 1998

The applicant requested a 2-week continuance to provide additional time to review the report and conditions.

VIII. PLANNING COMMISSION ACTION - MEETING OF JULY 13, 1998

Continued to the July 27, 1998, Planning Commission meeting (5-0).

IX. PLANNING COMMISSION MEETING OF JULY 27, 1998

The applicant met with staff regarding several of the recommended conditions of PA-98-44. The following were discussed:

- (1) Restriping the parking lot and handicap parking (Condition #1 and Code Requirement #12)
- (2) Parking lot landscaping fingers (Condition #5)
- (3) Automatic irrigation, as opposed to hand watering (Condition #4 and Code Requirements #s 6 & 7)
- (4) Installation of a wrought iron fence instead of landscaping to close off the access from the Ponderosa Mobile Estates driveway. (Condition #4)
- (5) Reducing the area of the outdoor patio (Condition #2)
- (6) Parking on the side of the driveway access to the Rolling Homes Mobile Estates (Condition #6)


Staff has agreed to modifications in the conditions dealing with parking lot landscaping (condition #5), area of the outdoor patio (condition # 2), and parking next to the driveway leading to Rolling Homes Mobile Estates (condition # 6). Exhibit B has been modified to incorporate those revisions. Staff feels the remaining conditions are reasonable and warranted as originally written. Some of the conditions are necessitated by other conditions, depending on the situation. For example, if the conditional use permit is granted, and the landscaping planters are required, restriping of the parking lot will be required. Also, if the building inspection reveals structures or improvements that need legalization, the lot will be required to be brought up to meet the California Codes and Regulations, Title 24, pertaining to "Disabled Access Regulations".

X. PLANNING STAFF RECOMMENDATION

Approve by adoption of Planning Commission resolution, based on findings contained in exhibit "A", subject to conditions contained in exhibit "B".

City of Costa Mesa

Interoffice Memorandum

To: Planning Commission
From: Perry L. Valentine 
Date: July 22, 1998
Subject: **PA-98-44 - SANDPIPER MOTEL
SUMMARY OF POLICE ACTIVITY**

Attached is a summary of Police calls to the Sandpiper Motel, the neighboring mobile home parks and the Travel Lodge Motel for the last year. The Police Department indicates that some (perhaps 25%) of the calls registered to 1991 Newport Boulevard (Ponderosa Mobile Estates) may have involved guests of the Sandpiper Motel, and/or interactions between motel guests and mobile home park residents. A more precise determination would require additional time for the Police Department to pull and thoroughly review reports for each of the incidents.

Statistics provided to the motel task force indicate the number of calls per room for motels in 1996 ranged from 0.19 to 3.37. The Sandpiper Motel ranked as the 11th highest, with 0.88 calls per room in 1996, and the Travel Lodge ranked 17th, with 0.43 calls per room.

Attachment

c: Jerry Schoer, Assistant City Attorney
Sue Hupp, Community Services Specialist, CMPD

Robert Washer
1967 Newport Boulevard
Costa Mesa, California 92627

POLICE CALLS FOR SERVICE FOR THE PAST ONE YEAR AT:	
1973 NEWPORT BL. (ROLLING HOMES MOBILE PARK)	
Disturbance	1
Suspicious activity	1
Information on a possible theft	1
Total:	3
1967 NEWPORT BL. (SANDPIPER MOTEL)*	
Contact Parolees & Probationers	4
Disturbance	8
Arrests:	
Spousal abuse	2
Child neglect	1
Warrant	1
Drunk in public	1
Resist or obstruct Police	1
Under influence of drugs	1
Assault on spouse	1
Assault and battery	1
Assault with a deadly weapon	1
Total:	22
1977 NEWPORT BL (SANDPIPER MOTEL)	
Disturbance	3
Subtotal:	3
Total for Sandpiper Motel:	25
1991 NEWPORT BL (PONDEROSA MOBILE ESTATES)	
Disturbance	31
Disturbance with a warrant arrest	1
Suspicious person/vehicle	4
Child custody	1
Hard to control child	1
Child safety concerns	1
Keep peace re: property and money	1
Arrests:	
False info to Police Officer	1
Warrant	2
Assault on spouse	1
Juvenile arrested for making threats	1
Probation contacting probationer re: selling drugs	1
Theft	1
Assault and battery	2
Mental person	1
Total:	50

*Approximately 11 of the 46 units were involved in these calls.

1951 NEWPORT BL (TRAVEL LODGE)	
Disturbance	5
Keep Peace	2
Vehicle Burglary	2
Commercial Burglary (In hotel room)	1
Arrests:	
Warrant (served for non support)	1
Drug under Influence*	1
Spousal abuse	1
Total:	13

*Manager called regarding someone trespassing on the Travel Lodge property. Officers arrive, suspect under influence, and arrested.

RESOLUTION NO. PC-98-44

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
COSTA MESA APPROVING CONDITIONAL USE PERMIT PA-98-44

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Robert Washer, with respect to the real property located at 1967 & 1977 Newport Boulevard, requesting A conditional use permit to allow an existing 46-unit motel (Sandpiper Motel), to rent more than 25% of its rooms for long-term occupancies in the C2 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 27, 1998.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in exhibit "A", and subject to the conditions contained in exhibit "B", the Planning Commission hereby **APPROVES** conditional use permit PA-98-44 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for conditional use permit PA-98-44, and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, then this Resolution, and any approvals herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 27th day of July, 1998.


Chair, Costa Mesa
Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Perry L. Valantine, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on July 27, 1998, by the following votes:

AYES: COMMISSIONERS Davenport, Sutro, Robertson
NOES: COMMISSIONERS Dixon, Fewel
ABSENT: COMMISSIONERS None
ABSTAIN: COMMISSIONERS None


Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS

- A. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed long-term occupancy for 19 of the 46 units of the Sandpiper Motel is substantially compatible with developments in the same general area. Although the property is commercially-zoned, it abuts commercially-zoned but residentially-used property to the north and west (Ponderosa Trailer Park and Rolling Hills Estates Trailer Park). Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity, assuming compliance with conditions of approval, code requirements and special district requirements. Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and specific plan for the property.
- B. The proposed long-term occupancy of 19 units of the motel, with satisfaction of the conditions and code requirements included by staff, is consistent with Costa Mesa Municipal Code Section 13-174, in that the site design and the floor plans of these individual rooms are conducive to extended occupancy; adequate parking and other amenities are provided or required by conditions of approval to support extended occupancy; and the renting of rooms for more than 28 consecutive days, in compliance with the conditions of approval, code requirements and special district requirements, should lead to a reduction in police problems.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- D. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. Within 30 days of Planning Commission action, the applicant shall contact the Building Division to schedule and pay for a residential building inspection to determine compliance with Building Code requirements as well as any potential safety issues. Required improvements/modifications shall be shown on plans submitted for plan check, and shall include, but are not limited to:
- Restriping of the parking lot.
 - Replacement of any deteriorating wood trim on the buildings.
 - Repainting the trim and west elevations of all buildings to match the other elevations.
 - Repair/replacement of the irrigation system.
 - Removal or legalization of structures attached to Building 2 and attached to trailer behind Building 2.
 - Removal of northerly trailer in its entirety.
 - Installation of security lighting. (see condition of approval #18)
- These items shall be completed within 6 months of final Planning Commission action.
2. Create an outdoor patio, with minimum dimensions of 25' by 30', where the northerly trailer is currently located. The patio area shall be fenced off from the southerly (remaining) trailer, and a clear, attractive access to the patio area shall be provided between Buildings 2 and 3. This condition shall be completed to the satisfaction of Planning staff within 9 months of final Planning Commission action.
3. The patio area shall be designed to include a concrete slab, turf area, landscaping, tables, chairs and umbrellas and a trash receptacle. Details shall be included in plans submitted for all other work at this site.
4. Remove asphalt areas to provide:
- Landscaping strips, with at least 3 feet of clear planter width along the Newport Boulevard frontage behind the sidewalk, and in-between the Pyrus Kawakamii tree wells;
A landscape planter at the southeasterly corner of the parking lot (where the AAA sign is currently located);
 - A landscape planter, with at least a 5-foot clear planter width, along the northerly property line from Building 3 to the front setback landscaping. This planter shall include canopy trees. A wrought iron fence may be installed in the planter,

at the owner's option.

- A landscape planter, with at least a 3-foot clear planter width, along the southerly property line from Building 1 to the front setback landscaping. This planter shall include canopy trees.

These planters shall include a variety of shrubs, groundcover and mulch material, and shall be watered on an automatic irrigation system, per Code.

5. A minimum of 5 planters, of a large enough size to support a canopy tree and several shrubs, shall be provided adjacent to entrance driveways, as shown on the plan submitted by the applicant, dated July 20, 1998, under the direction of the Planning Division. Irrigation shall be provided and a tree, shrubs, and groundcover shall be planted in each of the planters, under the direction of Planning staff.
6. No storage of vehicles not normally driven by tenants of the units shall be permitted on the site. No inoperative vehicles or "for sale" vehicles may be stored or placed on site. There shall be no vehicle repair work conducted at this site. Vehicle parking shall not be permitted to obstruct driveway access to this site, nor to the Rolling Homes Mobile Estates.
7. Twenty-four hour management shall be provided. The manager shall ensure compliance with all applicable conditions of approval and code requirements.
8. Comply with all requirements of the Orange County Health Care Agency, including, but not limited to, allowing and cooperating with biannual inspections.
9. Monthly inspections of the long-term occupancy units shall be conducted by the on-site manager to ensure that no unauthorized activity is occurring, no unauthorized improvements have been made, and that no maintenance problems have developed.
10. The manager shall possess current, operable keys to all units at all times.
11. No businesses shall be conducted in and/or from any unit without a valid Home Occupation Permit (HOP) and business license.
12. The conditional use permit herein approved shall be valid until revoked, but shall expire if the conditions of approval and code requirements included as a part of this staff report are not complied with within a period of 180 days from Planning Commission approval, or if long-term occupancy drops to 25% or less of the units for 180 days or more. Once the use has been

established (by the completion of the conditions of approval and code requirements, with completion confirmed by Planning Staff), the conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable.

13. Street addresses shall be displayed on the complex identification sign or, if there is no complex identification sign, on the building fascia adjacent to the main entrance or front door in a manner visible to the public street. Street address numerals shall be a minimum 6" in height with not less than 1/2" stroke and shall contrast sharply with the background. Identification of individual units shall be provided on doors or adjacent to the unit entrances. Letters or numerals shall be 4" in height with not less than 1/4" stroke and shall contrast sharply with the background.
14. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
15. The conditions of approval and ordinance or code provisions of conditional use permit PA-98-44 shall be blueprinted on the face of the site plan.
16. The applicant shall contact the Planning Division to arrange for a "special requirements" inspection of the site when all modifications and improvements have been completed or within six (6) months of Planning Commission action, whichever occurs first. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
- Police 17. Provide illuminated address numerals on either the buildings or the freestanding sign, and identify room numbers on the sides of each building, under the direction of the Police Department.
18. Parking lot lighting, which provides for sufficient illumination of at least 1 foot-candle (no dark spots), without spilling into the windows or onto adjoining properties, shall be installed in the parking lot. Walkway lighting shall be provided with illumination of at least .25 foot-candles. Continuous illumination shall be provided between dusk and dawn.
19. Stairwells shall be well-lighted with the lights on dusk-to-dawn timers. Stairwells shall be kept clear of debris.
20. The manager's unit shall be located to allow visibility of the

- entire parking lot. It is recommended that the window be enlarged to facilitate this requirement.
21. It is recommended that cash not be accepted for rent payments.
 22. Plants and shrubs shall be trimmed to 3' or lower, or 7' or higher, to allow for visibility.
 23. A minimum of one parking space per unit shall be provided. If the spaces are assigned to the individual units, the identification shall be a different system than room identification.
 24. If parking spaces are assigned, extra parking shall be marked and used as guest and registration parking. If assigned, the guest parking shall be clearly marked "Guest", and several stalls in front of the manager's unit be clearly marked "Registration Parking Only."
 25. "No Trespassing" signs are recommended to be posted at all entrances to the property.

CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

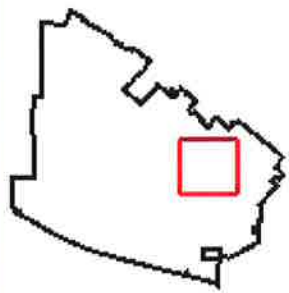
- Plng. 1. All contractors and subcontractors must have valid business licenses to do business in the city of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
2. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance. This includes a permit for the AAA sign at the southeasterly corner of the parking lot, which shall be installed in a planter area, per Code.
 3. Parking stalls shall be double-striped in accordance with City standards.
 4. All compact parking spaces shall be clearly marked "compact" or "small car only".
 6. Landscape and irrigation plans shall meet the requirements set forth in Costa Mesa Municipal Code Sections 13-103 through 13-108.
 7. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
 8. All property line walls or fences shall be repaired or replaced as necessary under the direction of the Planning Division.
 9. Persons responsible for the renting of a room 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 the license, and make, model and year of any

vehicle parked on or off the motel premises. The registration information shall also include the date of occupancy, length of stay and room rate. The information is required to be maintained for at least 30 days past the last day of the stay of the guest and shall be made available for inspection by sworn personnel of the Costa Mesa Police Department or the Building Official.

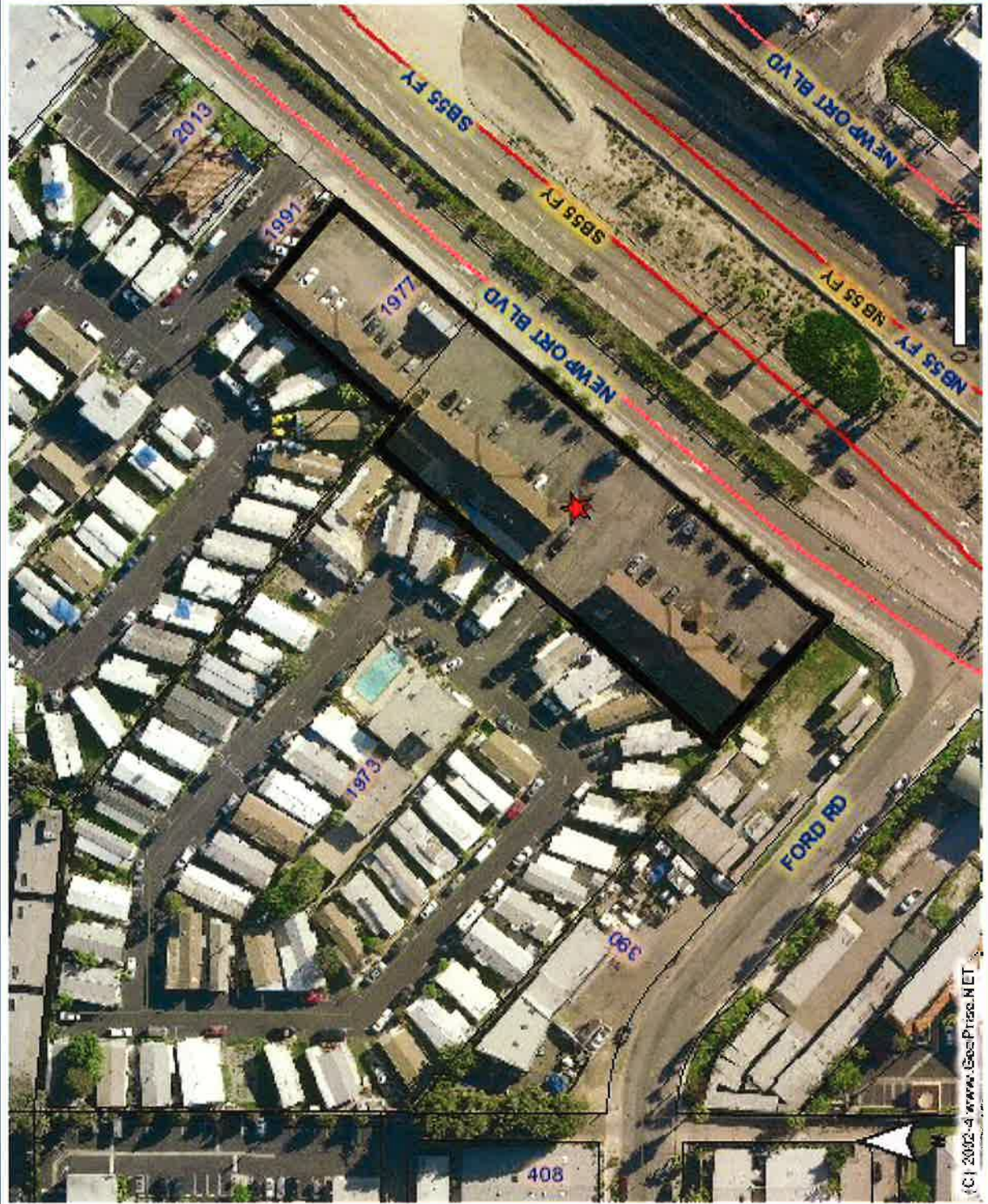
10. For the short-term occupancy units, no room, suite or bed shall be assigned or rented more than twice within any 24 hour period.
11. Transient occupancy tax shall be charged on all rooms which are occupied on a short-term basis, consistent with the provisions of Chapter IV of Title 16 of the Costa Mesa Municipal Code.
12. The business be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood which includes, but is not limited to, security and operational measures to comply with this requirement.
13. In-room telephone service for emergency response purposes shall be installed and maintained in all rooms.
- Fire 14. Provide fire extinguishers with a minimum rating of 2A to be located within 75 feet of travel distance from all areas. Extinguishers may be of a type rated 2A, 10BC as these extinguishers are suitable for all types of fires and are less expensive.
15. Provide approved smoke detectors to be installed in accordance with the 1991 Edition of the Uniform Fire Code.
- Bldg. 16. Comply with the requirements of the Uniform Building Code as to design and construction and CCR Title 24 pertaining to "Disabled Access Regulations".
17. All improvements requiring building permits that are not permitted shall be legalized (if allowed) or removed in their entirety within 60 days of final Planning Commission action.
18. If any grading of the site is necessary, prior to issuance of any grading permits, applicant shall submit a Water Quality Management Plan (WQMP) that identifies the application and incorporation of those routine structural and non-structural Best Management Practices (BMPs) outlined in the countywide National Pollution Discharge Elimination System (NPDES) Drainage Area Management Plan (DAMP), Appendix G. The WQMP shall detail implementation of BMPs not dependent on specific land uses, for review and approval by the Development Services Department.

ATTACHMENT 2
AERIAL PHOTOS AND PLANS

Overview Map

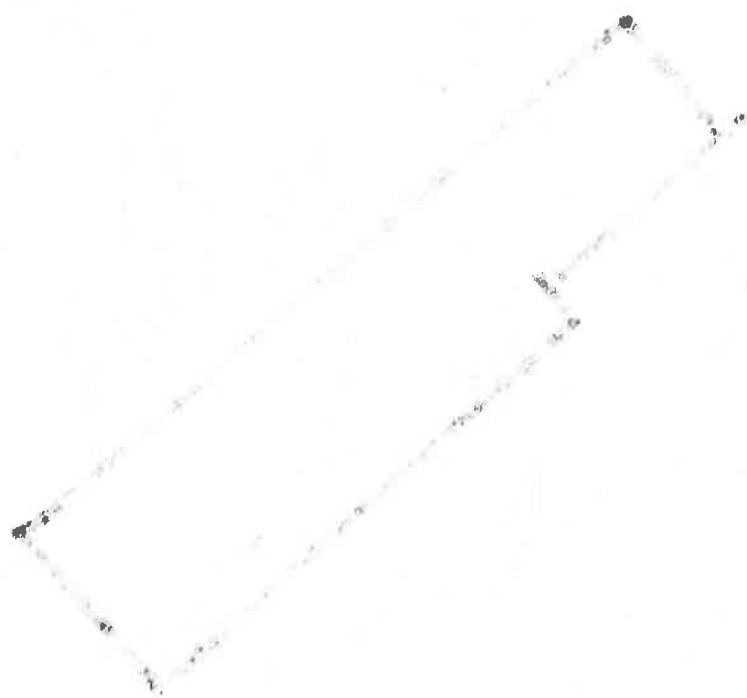


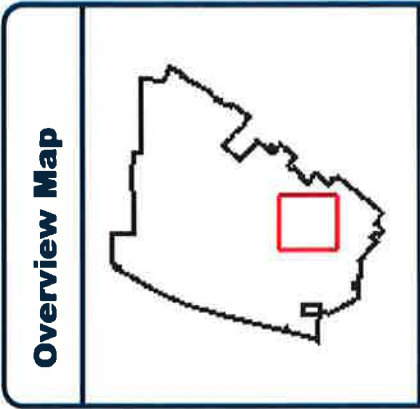
Map Display



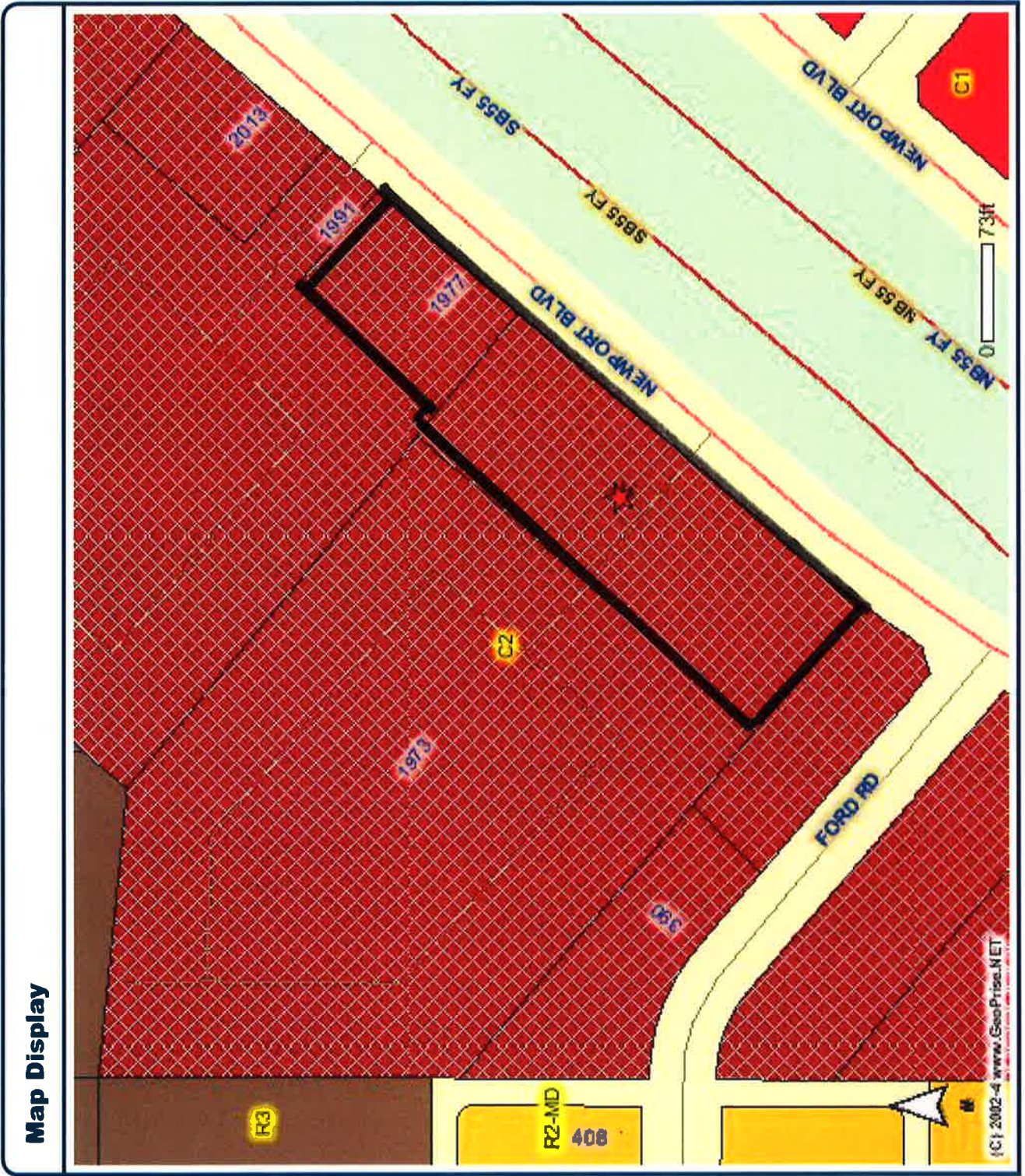
Legend

- | | |
|---------------------|--------------------|
| Address Medium | Primary |
| Address Points | SECONDARY |
| Freeway | Hydrology |
| Roads | Channels |
| Collector | Street Names |
| Freeway | Street Centerlines |
| Major | |
| Newport BLVD (cont) | |





Overview Map



Map Display

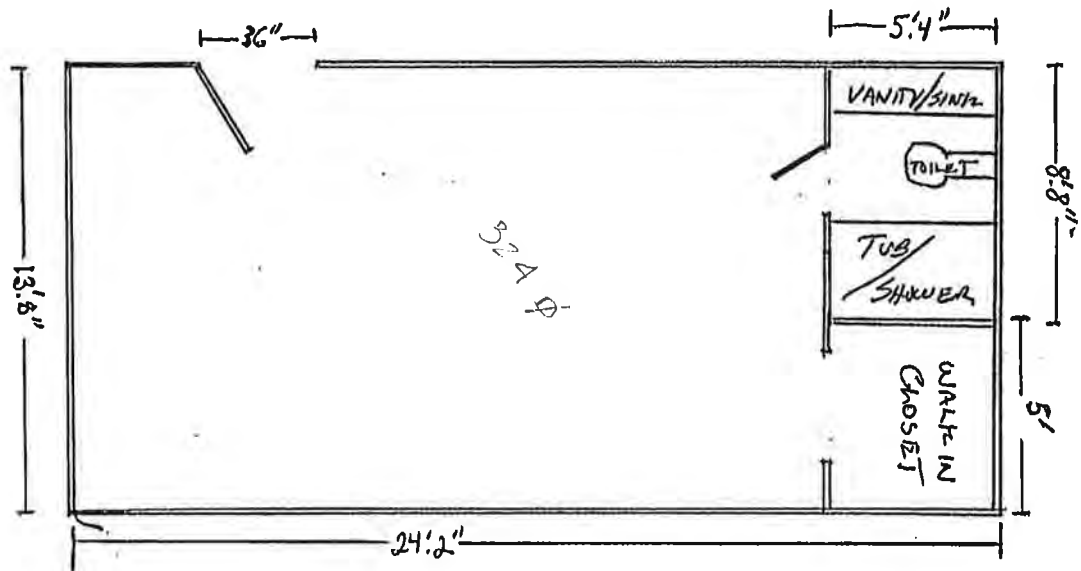
Legend

Address Medium	Primary	SECONDARY	Hydrology	Channel	Street Names	Street Centerlines
Address Points	Freeway	Roads	Collector	Freeway	Major	Newport Blvd (cont)



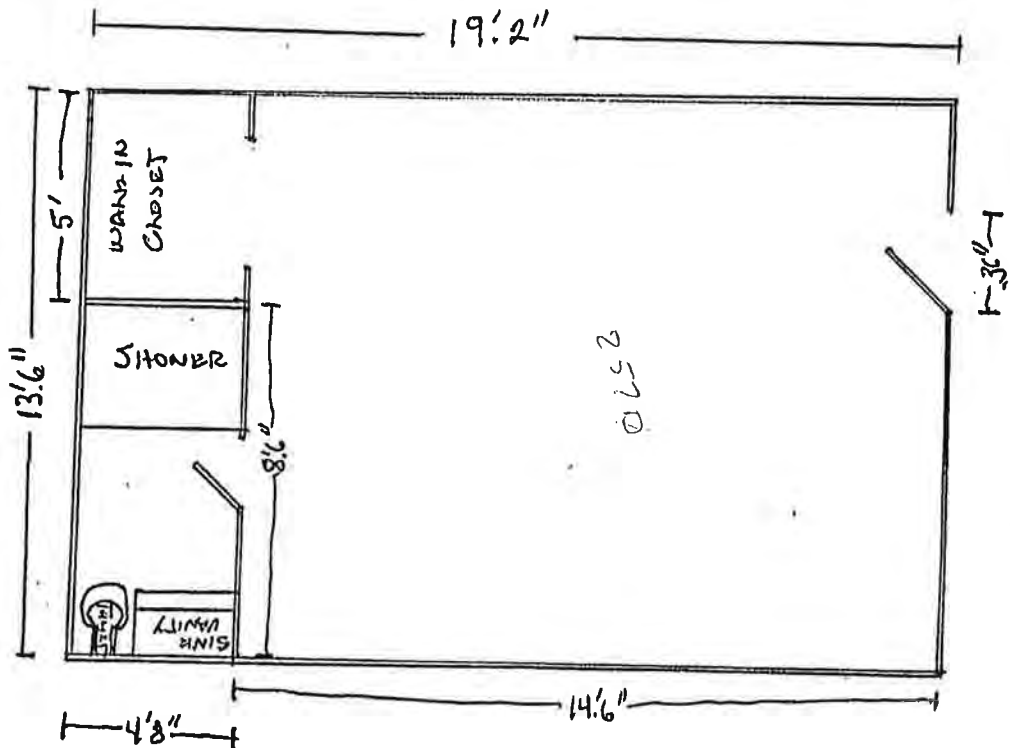


**TYPICAL DOUBLE ROOM
BUILDING #1**



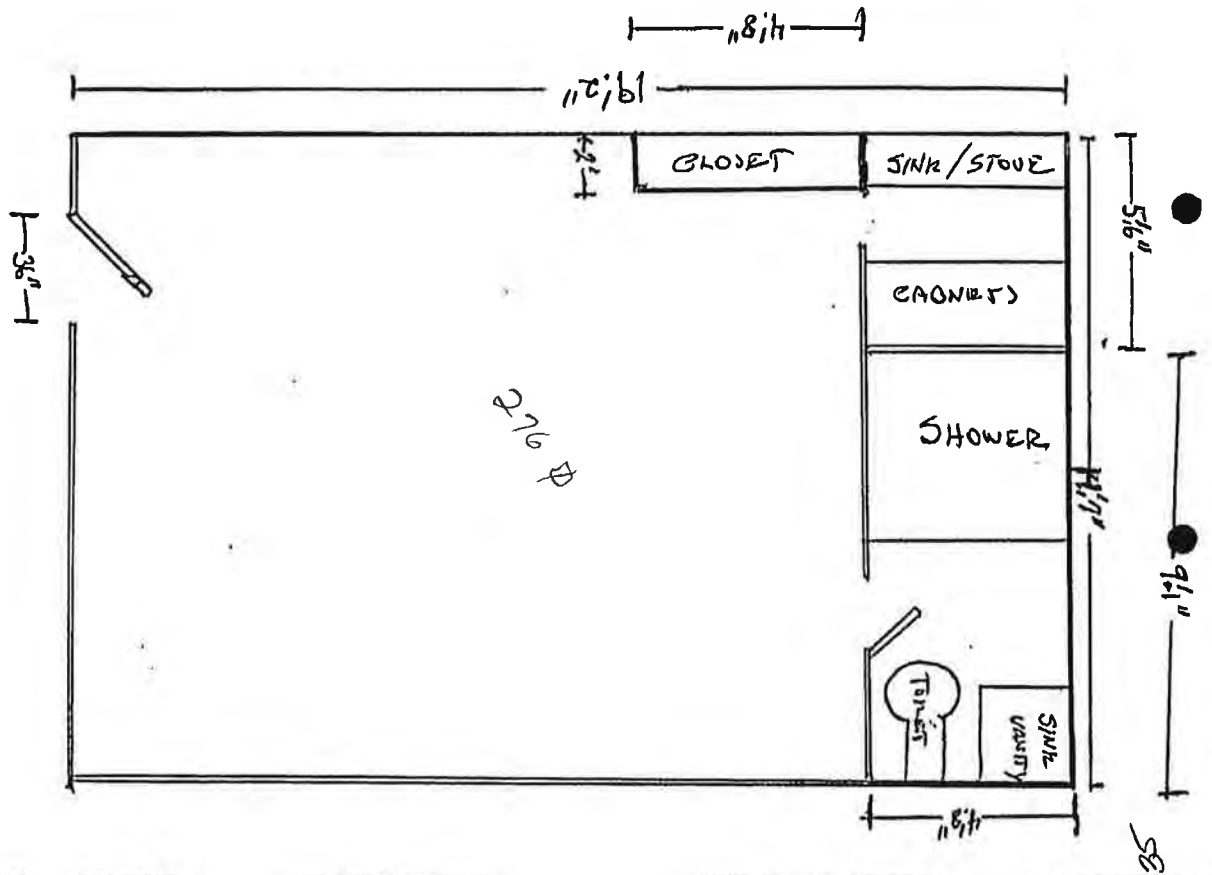
35

**TYPICAL SINGLE ROOM
BUILDING #1**

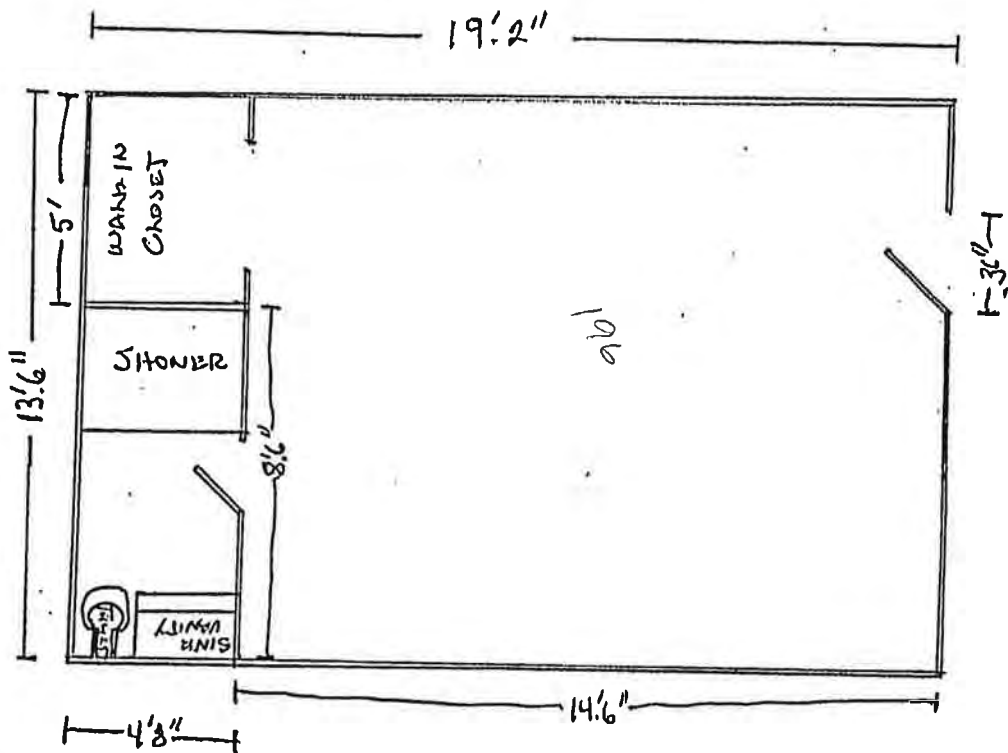


DA-99-44

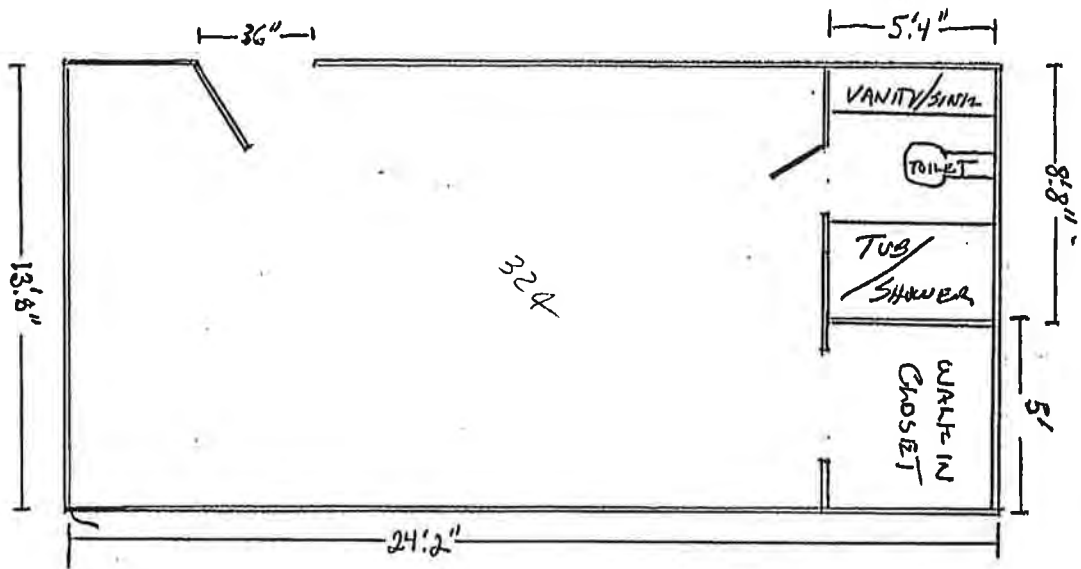
ONE SINGLE KITCHENETTE
BUILDING #2



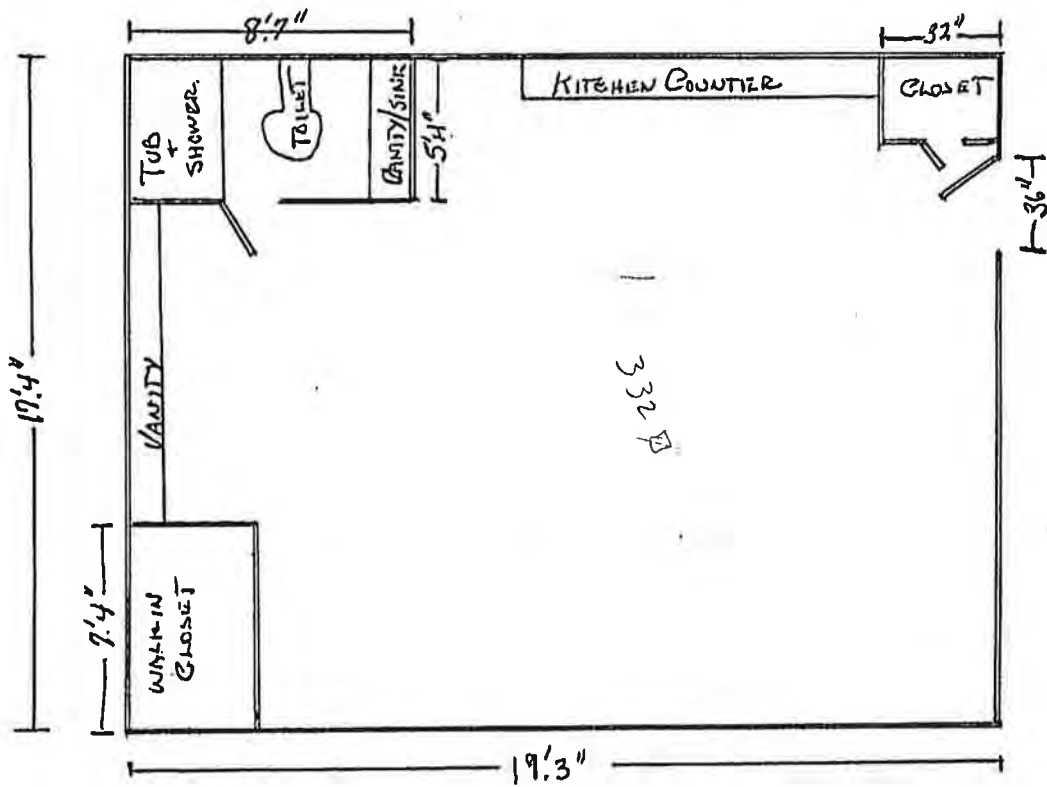
TYPICAL SINGLE ROOM
BUILDING #2



**TYPICAL DOUBLE ROOM
BUILDING #2**

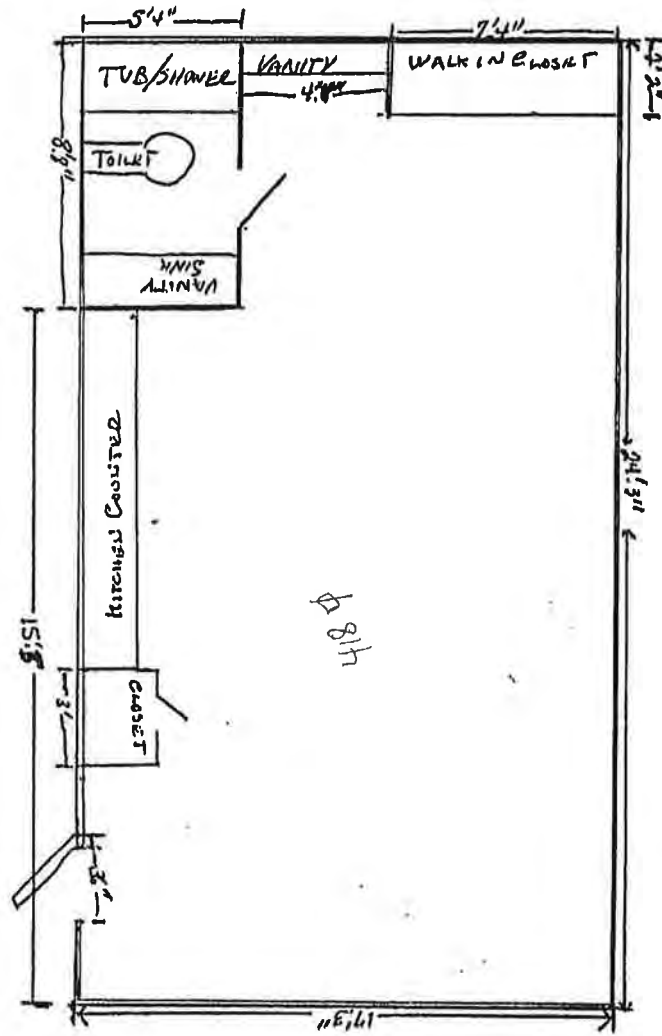


**51 TYPICAL SINGLE ROOM
KITCHENETTE - BUILDING #3**



PA-86-11

TYPICAL DOUBLE ROOM
KITCHENETTE - BUILDING #3



38

PA-98-44

**ATTACHMENT 3
EVIDENCE PACKET
(UNDER SEPARATE COVER)**

**ATTACHMENT 4
DRAFT RESOLUTIONS
(TO BE SENT NEXT WEEK – NOT
AVAILABLE AT TIME OF
AGENDA DISTRIBUTION)**

RESOLUTION NO. PC-14-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA REVOKING CONDITIONAL USE PERMIT PA-99-09 FOR THE SANDPIPER MOTEL TO RENT UP TO 40% OF ITS ROOMS TO LONG-TERM TENANTS

WHEREAS, on March 8, 1999, the Planning Commission of the City of Costa Mesa approved Conditional Use Permit PA-99-09 under Resolution No. PC-99-17 to extend the compliance period for PA-98-44, which allowed 40 percent of the total rooms at the Sandpiper Motel, located at 1967 and 1977 Newport Boulevard, to be dedicated to long-term occupancy; and

WHEREAS, on April 14, 2014, a duly noticed public hearing on the revocation of CUP PA-99-09 was held before the Planning Commission, which included a staff report, presentation of evidence by staff wherein the applicant and applicant's counsel were allowed to cross-examine members of the City staff and provide oral arguments to the Planning Commission. In addition, public comments both in favor of and opposed to revocation were received by the Planning Commission; and

WHEREAS, based upon its review and due consideration of all materials presented to it, the Planning Commission makes the following findings regarding the revocation of PA-99-09.

NOW THEREFORE, the Planning Commission of the City of Costa Mesa finds and resolves as follows:

- A. The Costa Mesa Development Services Department has identified the following Conditions of Approval that have been violated by the Sandpiper Motel during the period from January 2012 through January 2014, inclusive:
 - 1. Condition of approval number 12 provides that the CUP "shall expire...if long-term occupancy drops to 25% or less of the units for 180 days or more."
 - a. Long-term occupancy is defined in Section 13-173 of the Costa Mesa Municipal Code as occupancies that exceed 28 consecutive days or 28 days in any 60-day period.
 - b. The Costa Mesa Municipal Code provides for a tax exemption if hotel/motel guests remain longer than 30 days (CMMC §§ 16-67, 16-68). Tax exemption can be obtained by submitting TOT forms to the City.

- c. TOT forms submitted by Sandpiper indicate a maximum of 5% of the units occupied by long-term residents for the period January 2012 through January 2014.
 - d. The Sandpiper Motel having submitted no evidence to the contrary, the Planning Commission finds that for the period between January 1, 2012 and January 31, 2014, the property operated extended occupancies at a percentage and for a time period which triggered the expiration of the CUP in accordance with condition of approval 12 of the CUP.
- 2. Condition of approval number 12 further provides that "the conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances."
 - a. The Sandpiper Motel has been operated in violation of applicable laws and ordinances. To wit:
 - i. On May 8, 2013, an inspection of the Sandpiper Motel was conducted by the Orange County Health Department, the Costa Mesa Fire Department, the Costa Mesa Building Department and the Costa Mesa Code Enforcement Division. 8 rooms were inspected.
 - ii. On May 8, 2013 the following violations were found in rooms 106, 113, 119, 123, 126, 129, 139 and 140, as well as the laundry room:
 - a. Unpermitted construction. 2010 California Building Code ("CBC") § 105.1; former CMMC § 20-4(b).
 - b. Severe hoarding conditions. 2007 International Property Management Code §§ ("IPMC") 307.1, 308.1; Health & Safety Code § 17920.3; 1997 Uniform Housing Code ("UHC") §§ 1001.2, 1001.9, 1001.11.
 - c. Unsanitary conditions. UHC § 1001.2.
 - d. Vermin. UHC § 1001.2(12); former CMMC § 20-7(r).
 - e. Peeling paint. IPMC § 305.3; former § CMMC 20-7(e).
 - f. Mildew. UHC § 1001.2(11).

- g. Missing or damaged window screens. Former CMMC § 20-7(i); IPMC § 304.14.
 - h. Improperly installed water heater. 2010 California Plumbing Code ("CPC") §§ 1.8.4.1, 503.0.
 - i. Damaged windows. Former CMMC § 20-6(g).
 - j. Graffiti. Former CMMC § 20-6(e).
 - k. Damaged fixtures. IPMC § 305.3; former CMMC § 20-7(e).
 - l. Missing smoke detectors. IPMC § 704.1.
 - m. Damaged walls and door knobs. UHC § 1001.2(13); IPMC § 304.15.
- b. Unpermitted construction was brought into compliance by June 14, 2013. All other violations, other than the conditions in room 139, were corrected by May 31, 2013.
- c. Severe hoarding conditions continued in room 139 for several months. The violations were fully corrected by November 15, 2013. Reinspections were conducted on May 30, June 7, August 9, August 27, September 20, October 16 and November 15, 2013.
- d. While the violations were eventually corrected, it is unclear how long they were allowed to stand, and were only corrected due to the City's enforcement action, which required two inspections by the City on May 8 and May 10, 2013, and repeated reinspections over a period of several months. The Sandpiper should be operating in compliance with the law at all times, not only when the City catches the violations and forces the motel to comply. Despite the corrections, therefore, the Sandpiper Motel operated for a period of several months, maybe longer, in violation of applicable law.
- e. The Sandpiper's annual inspection followed on November 1, 2013. City found an additional 21 violations in 16 rooms that had not been previously inspected in May 2013, as follows
 - i. Peeling paint. IPMC § 305.3; CMMC § 20-6(d) (former CMMC § 20-7(e)).
 - ii. Vermin infestation. UHC § 1001.2(12); CMMC §§ 20-6(q), 20-12(r)(1) (former CMMC § 20-7(r)).

- iii. Damaged walls (holes). UHC § 1001.2(13); IPMC § 305.3.
 - iv. Missing light bulbs. UHC § 1001.2(13).
 - v. Broken/missing window screens. CMMC § 20-6(h) (former CMMC § 20-7(i)); IPMC § 304.14.
 - vi. Mildew. UHC § 1001.2(11).
- f. While the code violations found during the November 1, 2013 inspection were also corrected, compliance followed inspection and enforcement by the City. The Sandpiper Motel should have been correcting violations as they occurred, and not waiting to be told by the City to do so.
3. Condition of operation number 9 provides that “[m]onthly inspections of the long-term occupancy units shall be conducted by the on-site manager to ensure that ... no maintenance problems have developed.”
- a. It is reasonable to infer that monthly inspections have not occurred at the property, based on the severe hoarding conditions of room 139, the unpermitted construction, and the multiple and repeatedly deteriorated conditions of windows, doors, etc. found during the inspection of May 8, 2013.
 - b. It is further reasonable to infer that monthly inspections were not conducted during the period between the May 8, 2013 and November 1, 2013 inspections, based on the additional violations found at the property.
4. The property has been operated as a public nuisance, pursuant to Section 13-29 of the Costa Mesa Municipal Code and Sections 3479 and 3480 of the Civil Code. Namely, the following conditions are found to be injurious to health, indecent or offensive to the senses, or constitute obstructions to the free use of property, so as to interfere with the comfortable enjoyment of life or property:
- a. Severe hoarding conditions, which constitute a fire hazard, as emergency workers, in the event of a fire, cannot enter the affected room to look for victims based on the lack of clearance. The conditions also may constitute a fire hazard depending on the flammability of the materials being hoarded. Such conditions further constitute a health hazard, due to the accumulation of garbage and debris, and constitute ideal conditions for vermin infestation. While the conditions were limited to one unit, the effects of such conditions are not. Vermin do not remain confined to one room, nor

would a fire. Finally, such conditions caused noxious odors based on the accumulation of garbage.

- b. Missing or broken smoke detectors constitute a condition that is injurious to health as an undetected fire can spread quickly and cause damage, injury and possibly death to the occupants of the room as well as other occupants.
 - c. Vermin carry disease and can contaminate food and drink. Vermin infestations are injurious to health and constitute obstructions to the free use of property, and interfere with the comfortable enjoyment of life and property.
- B. The cost for the above inspections and re-inspections has been borne by the City with taxpayer funds.
- C. Under the totality of the circumstances above, there is substantial evidence that the Sandpiper Motel used less than 25% of its rooms for extended occupancies for a period exceeding 180 days, and that the CUP has thus expired by operation of its own terms.
- D. Under the totality of the circumstances above, there is substantial evidence that the Sandpiper Motel has been operated by its management in disregard for the health, safety and general welfare of the neighborhood, its patrons and the people of the City of Costa Mesa, as well as in violation of law.
- E. The current and past operation of the Sandpiper Motel constitutes a public nuisance and is detrimental to the public health or safety so as to constitute a public nuisance.
- F. This revocation hearing of Conditional Use Permit PA-99-09 is deemed Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 (Class 21), Enforcement Actions of Regulatory Agencies.
- G. Chapter IX, Article 12, Transportation Demand Management, of Title 13 of the Costa Mesa Municipal Code does not apply to this revocation hearing.

The Secretary of the Commission shall attest to the adoption of this resolution and shall forward a copy to the applicant, and any person requesting the same.

BE IT RESOLVED, therefore, that based on the evidence in the record and the findings contained in this resolution, the Planning Commission hereby revokes Conditional Use Permit PA-99-09 with respect to the property described above.

REVOCATION OF CONDITIONAL USE PERMIT PA-99-09 PASSED AND APPROVED at the Planning Commission meeting of April 14, 2014, by the following vote:

PASSED AND ADOPTED this 14th day of April, 2014.

JIM FITZPATRICK, Chair,
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Claire Flynn, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on April 14, 2014, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

RESOLUTION NO. PC-14-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA IMPOSING ADDITIONAL CONDITIONS ON, IN LIEU OF REVOKING, CONDITIONAL USE PERMIT PA-99-09 FOR THE SANDPIPER MOTEL TO RENT UP TO 40% OF ITS ROOMS TO LONG-TERM TENANTS

WHEREAS, on March 8, 1999, the Planning Commission of the City of Costa Mesa approved Conditional Use Permit PA-99-09 under Resolution No. PC-99-17 to extend the compliance period for PA-98-44, which allowed 40 percent of the total rooms at the Sandpiper Motel, located at 1967 and 1977 Newport Boulevard, to be dedicated to long-term occupancy; and

WHEREAS, on April 14, 2014, a duly noticed public hearing on the revocation of CUP PA-99-09 was held before the Planning Commission, which included a staff report, presentation of evidence by staff wherein the applicant and applicant's counsel were allowed to cross-examine members of the City staff and provide oral arguments to the Planning Commission. In addition, public comments both in favor of and opposed to revocation were received by the Planning Commission; and

WHEREAS, based upon its review and due consideration of all materials presented to it, the Planning Commission makes the following findings regarding the revocation of PA-99-09.

NOW THEREFORE, the Planning Commission of the City of Costa Mesa finds and resolves as follows:

- A. The Costa Mesa Development Services Department has identified the following Conditions of Approval that have been violated by the Sandpiper Motel during the period from January 2012 through January 2014, inclusive:
 - 1. Condition of approval number 12 provides that the CUP "shall expire...if long-term occupancy drops to 25% or less of the units for 180 days or more."
 - a. Long-term occupancy is defined in Section 13-173 of the Costa Mesa Municipal Code as occupancies that exceed 28 consecutive days or 28 days in any 60-day period.
 - b. The Costa Mesa Municipal Code provides for a tax exemption if hotel/motel guests remain longer than 30 days (CMMC §§ 16-67, 16-68). Tax exemption can be obtained by submitting TOT forms to the City.

- c. TOT forms submitted by Sandpiper indicate a maximum of 5% of the units occupied by long-term residents for the period January 2012 through January 2014.
 - d. The Sandpiper Motel having submitted no evidence to the contrary, the Planning Commission finds that for the period between January 1, 2012 and January 31, 2014, the property operated extended occupancies at a percentage and for a time period which triggered the expiration of the CUP in accordance with condition of approval 12 of the CUP.
- 2. Condition of approval number 12 further provides that "the conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances."
 - a. The Sandpiper Motel has been operated in violation of applicable laws and ordinances. To wit:
 - i. On May 8, 2013, an inspection of the Sandpiper Motel was conducted by the Orange County Health Department, the Costa Mesa Fire Department, the Costa Mesa Building Department and the Costa Mesa Code Enforcement Division. 8 rooms were inspected.
 - ii. On May 8, 2013 the following violations were found in rooms 106, 113, 119, 123, 126, 129, 139 and 140, as well as the laundry room:
 - a. Unpermitted construction. 2010 California Building Code ("CBC") § 105.1; former CMMC § 20-4(b).
 - b. Severe hoarding conditions. 2007 International Property Management Code §§ ("IPMC") 307.1, 308.1; Health & Safety Code § 17920.3; 1997 Uniform Housing Code ("UHC") §§ 1001.2, 1001.9, 1001.11.
 - c. Unsanitary conditions. UHC § 1001.2.
 - d. Vermin. UHC § 1001.2(12); former CMMC § 20-7(r).
 - e. Peeling paint. IPMC § 305.3; former § CMMC 20-7(e).
 - f. Mildew. UHC § 1001.2(11).

- g. Missing or damaged window screens. Former CMMC § 20-7(i); IPMC § 304.14.
 - h. Improperly installed water heater. 2010 California Plumbing Code ("CPC") §§ 1.8.4.1, 503.0.
 - i. Damaged windows. Former CMMC § 20-6(g).
 - j. Graffiti. Former CMMC § 20-6(e).
 - k. Damaged fixtures. IPMC § 305.3; former CMMC § 20-7(e).
 - l. Missing smoke detectors. IPMC § 704.1.
 - m. Damaged walls and door knobs. UHC § 1001.2(13); IPMC § 304.15.
- b. Unpermitted construction was brought into compliance by June 14, 2013. All other violations, other than the conditions in room 139, were corrected by May 31, 2013.
- c. Severe hoarding conditions continued in room 139 for several months. The violations were fully corrected by November 15, 2013. Reinspections were conducted on May 30, June 7, August 9, August 27, September 20, October 16 and November 15, 2013.
- d. While the violations were eventually corrected, it is unclear how long they were allowed to stand, and were only corrected due to the City's enforcement action, which required two inspections by the City on May 8 and May 10, 2013, and repeated reinspections over a period of several months. The Sandpiper should be operating in compliance with the law at all times, not only when the City catches the violations and forces the motel to comply. Despite the corrections, therefore, the Sandpiper Motel operated for a period of several months, maybe longer, in violation of applicable law.
- e. The Sandpiper's annual inspection followed on November 1, 2013. City found an additional 21 violations in 16 rooms that had not been previously inspected in May 2013, as follows
 - i. Peeling paint. IPMC § 305.3; CMMC § 20-6(d) (former CMMC § 20-7(e)).
 - ii. Vermin infestation. UHC § 1001.2(12); CMMC §§ 20-6(q), 20-12(r)(1) (former CMMC § 20-7(r)).

- iii. Damaged walls (holes). UHC § 1001.2(13); IPMC § 305.3.
 - iv. Missing light bulbs. UHC § 1001.2(13).
 - v. Broken/missing window screens. CMMC § 20-6(h) (former CMMC § 20-7(i)); IPMC § 304.14.
 - vi. Mildew. UHC § 1001.2(11).
- f. While the code violations found during the November 1, 2013 inspection were also corrected, compliance followed inspection and enforcement by the City. The Sandpiper Motel should have been correcting violations as they occurred, and not waiting to be told by the City to do so.
3. Condition of operation number 9 provides that “[m]onthly inspections of the long-term occupancy units shall be conducted by the on-site manager to ensure that ... no maintenance problems have developed.”
- a. It is reasonable to infer that monthly inspections have not occurred at the property, based on the severe hoarding conditions of room 139, the unpermitted construction, and the multiple and repeatedly deteriorated conditions of windows, doors, etc. found during the inspection of May 8, 2013.
 - b. It is further reasonable to infer that monthly inspections were not conducted during the period between the May 8, 2013 and November 1, 2013 inspections, based on the additional violations found at the property.
4. The property has been operated as a public nuisance, pursuant to Section 13-29 of the Costa Mesa Municipal Code and Sections 3479 and 3480 of the Civil Code. Namely, the following conditions are found to be injurious to health, indecent or offensive to the senses, or constitute obstructions to the free use of property, so as to interfere with the comfortable enjoyment of life or property:
- a. Severe hoarding conditions, which constitute a fire hazard, as emergency workers, in the event of a fire, cannot enter the affected room to look for victims based on the lack of clearance. The conditions also may constitute a fire hazard depending on the flammability of the materials being hoarded. Such conditions further constitute a health hazard, due to the accumulation of garbage and debris, and constitute ideal conditions for vermin infestation. While the conditions were limited to one unit, the effects of such

conditions are not. Vermin do not remain confined to one room, nor would a fire. Finally, such conditions caused noxious odors based on the accumulation of garbage.

- b. Missing or broken smoke detectors constitute a condition that is injurious to health as an undetected fire can spread quickly and cause damage, injury and possibly death to the occupants of the room as well as other occupants.
 - c. Vermin carry disease and can contaminate food and drink. Vermin infestations are injurious to health and constitute obstructions to the free use of property, and interfere with the comfortable enjoyment of life and property.
- B. The cost for the above inspections and re-inspections has been borne by the City with taxpayer funds.
- C. Under the totality of the circumstances above, there is substantial evidence that the Sandpiper Motel used less than 25% of its rooms for extended occupancies for a period exceeding 180 days, and that the CUP has thus expired by operation of its own terms.
- D. Under the totality of the circumstances above, there is substantial evidence that the Sandpiper Motel has been operated by its management in disregard for the health, safety and general welfare of the neighborhood, its patrons and the people of the City of Costa Mesa, as well as in violation of law.
- E. The current and past operation of the Sandpiper Motel constitutes a public nuisance and is detrimental to the public health or safety so as to constitute a public nuisance.
- F. This revocation hearing of Conditional Use Permit PA-99-09 is deemed Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 (Class 21), Enforcement Actions of Regulatory Agencies.
- G. Chapter IX, Article 12, Transportation Demand Management, of Title 13 of the Costa Mesa Municipal Code does not apply to this revocation hearing.
- H. The Secretary of the Commission shall attest to the adoption of this resolution and shall forward a copy to the applicant, and any person requesting the same.

NOW THEREFORE, the Planning Commission also hereby finds that revocation of CUP PA-99-09 for the operation of the Sandpiper Motel is justified and hereby resolves to impose additional conditions on PA-99-09 as follows, in lieu of revocation at this time:

- A. The Sandpiper Motel shall contract with a bona fide pest control provider to inspect the property and spray to maintain the property free of vermin on a monthly basis. Monthly reports shall be provided to Development Services staff.
- B. Maid service shall be provided at least once every three (3) days while a guest remains in the same, and immediately after a guest leaves the premises or changes rooms, irrespective of the guest's wishes. Any guest who refuses to allow maid service or the monthly inspection shall be evicted forthwith.
- C. The purpose of maid service, in addition to the monthly inspections, shall be to maintain the rooms in a sanitary condition, ensure that linens and bedding are clean, and to ensure that the rooms are not being utilized in a manner contrary to applicable law. Damage, maintenance issues, smoke detectors that have been removed, etc. shall be reported to the management and promptly addressed.
- D. Any guest who removes or disables any smoke detector shall be evicted forthwith.
- E. Any guest who refuses access to City personnel following a noticed inspection shall be evicted forthwith.
- F. City may conduct up to two comprehensive inspections per year, and shall provide the property owner with notice no later than three business days prior to conducting the inspection. Property owner shall provide notice to the patrons and shall provide access to all the rooms.
- G. All conditions in CUP PA-99-09 that are likely to affect the privacy or quiet enjoyment of the premises by guests shall be prominently posted in the lobby and on the inside of each room's door.
- H. The premises shall not be maintained or operated in a manner that constitutes a public nuisance, pursuant Sections 3479 and 3480 of the Civil Code, and Title 20 of the Costa Mesa Municipal Code.
- I. The above conditions of approval shall be in addition to the conditions of approval for PA-99-09.
- J. The business owner and property owner at 1967 and 1977 Newport Boulevard shall consent in writing to all of these conditions of approval.

PASSED AND ADOPTED this 14th day of April, 2014.

JIM FITZPATRICK, Chair,
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Claire Flynn, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on April 14, 2014, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

PH-2



NOTICE OF TERMINATION OF TENANCY

To: David Miller Garland, and any other occupant(s) in possession of the premises located at: 1967-1977 Newport Blvd., Unit # 139, Costa Mesa, Ca. 92637 (hereinafter referred to as "Premises").

You are hereby notified that sixty (60) days after service of this notice, your tenancy, if any, in the "Premises" at 1967-1977 Newport Blvd., Unit # 139, Costa Mesa, Ca. 92637 is terminated.

Within that time you are required to vacate and surrender possession of the premises.

If you fail to give up possession by the specified date, legal proceedings will be instituted against you to recover possession of the premises and damages that could result in a judgment being awarded against you.

Landlord

Leader Venture, Inc. A California Corporation



Date

3/16/2013

By Mike Lin, President
1967-1977 Newport Blvd
Costa Mesa, Ca. 92627
(949) 645-9137



Dear Mr. Chairman and Members of the Commission:

Thank you for providing me with an opportunity to speak here this evening.

I would like to address the issue of the monthly inspections because I believe that the commission report has incorrectly concluded that the monthly inspections were not being completed because of the hoarding conditions found in room # 139.

The report states that the hoarding conditions were not detected or ignored over a long period of time. This speculation, as it is not based on any evidence, is incorrect. I was made aware of the hoarding conditions on January 28, 2013. Please allow me to submit the following pictures as proof that I knew about the problem four months before the city came and took the pictures that are included in the evidence packet.

Contrary to report, I was fully aware of the problem. Not only was I fully aware of the problem, I was attempting to remedy the situation with the occupant in room # 139. Due to the fact that the occupant had resided in that room for such a long period of the time, he was legally considered a tenant and afforded all the rights of a tenant under the law.

After many attempts to get the tenant to resolve the hoarding problem, I served the tenant with a sixty day notice to vacate in the hope that he would voluntarily vacate and I could resolve the problem. If the tenant did not voluntarily vacate at the expiration of the notice, I intended to file an eviction against him. However, before the sixty days could expire, the city issued an inspection and violation in May of 2013.

Because of the notice, I decided that I would not proceed with the eviction immediately after the sixty day notice had expired because of the complex landlord tenant laws of the State of California. I believed that if I proceeded with the eviction at that exact point, the tenant would use the inspection violation notice against me during the eviction trial even though the hoarding was a direct result of his activities. Further compounding by anxiety regarding the tenant was the fact that he was a retired attorney who had far more knowledge of the law than I had.

After some time passed, I decided that I had no choice but to proceed with the eviction because there was no alternative. I filed the lawsuit and attempted to serve the tenant. The process server attempted to serve the tenant many times however he couldn't and I had to obtain an order from the court to post the complaint. I also posted a Notice of Belief of Abandonment. The tenant never responded to the complaint and the time to object to the notice of abandonment passed.

After the time period for the notice of abandonment had passed, I took possession of the unit. After taking possession of the unit, I had to wait additional days until the right to reclaim the abandoned property had passed. After that time period expired, I cleaned the room to the clean condition that it is currently in.

In conclusion, I would like to say that the planning commission agenda reports claim that monthly inspection were not conducted because of the conditions of room # 139 is incorrect. I was made aware of the condition four months prior to the city's inspection and I was actively engaged in resolving the situation. Due to the complex nature of the tenant and the fact that inspection and violation notice was issued while I was attempting to evict the tenant for the hoarding, the time it took to resolve the hoarding situation took substantially longer than anticipated.

Furthermore, the incident with that unit was an isolated event and not reflective of the condition of the motel as a whole. The report states that the management has shown that they take a proactive approach in the maintenance of the property and in resolving any code compliance problems. This is something I take great pride in. I always strive to resolve issues at the outset so that the city understands that it is my desire to cooperate and work with the city. I am very appreciative of the good and harmonious relationship that I have had with the city since I purchased this motel and I look forward to further developing this relationship.

I thank you for the opportunity to be heard this evening.

Thank you.

**Sam Kim & Associates***A Professional Corporation*

5661 Beach Blvd., Suite 201

Buena Park, CA 90621

Sam Kim, Esq.

Su M. Kim, Esq.

Donald Yang, Esq.

Telephone 714.736.5501

Telephone 800.222.7082

Facsimile 714.736.9901

Michael L. Parker, Esq.*

www.sklaw.org**Of Counsel*

April 14, 2014

Planning Commission

City of Costa Mesa

77 Fair Dr.

Costa Mesa, CA 92626

Re: Sandpiper Motel – Conditional Use Permit PA-99-09

Dear Members:

Please be advised that this office is general counsel for Leader Venture, Inc. (Sandpiper Motel). Our office has reviewed all of the pertinent and relevant documents submitted as evidence by the City of Costa Mesa in their Evidence Packet and it is clear that the documents submitted by the city do not provide enough evidence to support the claim that Sandpiper Motel violated any of the conditions of approval under Conditional Use Permit PA-99-09 ("Conditional Use Permit"). As we will show in this letter, the city's allegations of violations of the Conditional Use Permit are without merit or evidentiary support and the city fails to meet its burden to show by the "weight of evidence" that Sandpiper Motel has violated any of the conditions for approval.

In the Planning Commission Agenda Report dated April 3, 2014 ("Commission Report"), the city outlines four potential grounds for revoking or amending Sandpiper's Conditional Use Permit. The four grounds are as follows:

1. The Sandpiper Motel has violated condition of operation 12 because the motel has not utilized more than 25% of its rooms for extended occupancy for over 180 days;
2. The Sandpiper Motel has violated condition of operation 12 because of significant number of health and safety violations including severe hoarding conditions and an alleged vermin infestation;
3. The Sandpiper Motel has violated condition of operation 9 because the Conditional Use Permit required monthly inspections but the inspections were allegedly not completed;
4. The Sandpiper Motel has operated as a public nuisance per Civil Code Section 3479, 3480 and Section 20-12 of the CMMC.

The City of Costa Mesa has failed to prove that Sandpiper has violated condition of operation 12 because they have failed to establish that Sandpiper Motel has not utilized more than 25% of its rooms for extended occupancy for over 180 days.

The city came to the conclusion that Sandpiper Motel has not utilized more than 25% of its rooms

for extended occupancy for over 180 days based solely on their review of the Sandpiper Motel's Transient

Occupancy Tax (TOT) forms. This conclusion at worst is completely wrong and at best based on incomplete investigation. The TOT form is only required when occupants stay at the motel for a period of thirty (30) consecutive days or longer. The TOT form is not required for people who stay longer than twenty-eight (28) days or twenty-eight (28) days in any sixty (60) consecutive day period. Extended occupants are defined not only by guests who are required to fill out the TOT forms but also the guests who stay for twenty-eight (28) consecutive days or twenty-eight (28) days in any sixty (60) consecutive day period and the city has not taken into account this group in drawing its conclusion.

In fact, the city admits in the Commission Report that a forensic audit would need to be conducted to definitely conclude the total number of rooms that are or have been occupied by extended occupancy guests because of the fact that this later group has not been accounted for in drawing their conclusion. The city further infers in the Commission Report that the TOT's themselves are inconclusive because the TOT forms are self-reported by the motel owner. Based on the above facts, the city's claim that the condition permit has expired because of its failure to utilize more than 25% of its rooms for extended occupancy for over 180 days is unsubstantiated and the city's conclusion, be rejected on the evidence.

Sandpiper Motel has not violated condition of operation 12 due to health and safety violations including severe hoarding and vermin infestation because the city's conclusion is based minor violations that were remedied in a timely manner and one

unit where hoarding was detected but where Sandpiper Motel took action and ultimately resolved the situation.

The city has alleged that Sandpiper Motel has violated condition of operation 12 because of health and safety violation including hoarding and vermin infestation. Between 1998 and 2009 there were twelve (12) Code Enforcement cases at Sandpiper Motel. The Commission Report states that the violations found on the property were generally addressed and remedied. All twelve (12) cases have been closed. In May of 2013 and November of 2013 inspections were done at the property. There were some violations found but the violations were corrected in short order. In regards to the motel's property management, the Commission Report states the following: "...the motel has had a relatively limited number of enforcement cases compared to other motel properties in the City, especially since 2009 when present ownership took control of the property. Property management has demonstrated in the past that it has sought corrective remedies for any code compliance issues that may arise. Accordingly, City staff believes property management has taken a proactive role in the maintenance of the property and in resolving code compliance problems."

The city's hoarding allegation against the Sandpiper Motel is based solely on the condition of one room. The city's Evidence Packet contains numerous pictures alleging that hoarding and vermin infestation is a problem at the motel. However these are pictures of only room # 139. The hoarding issue was isolated to room # 139 and it has been resolved. The condition was not reflective of the conditions of the motel but rather the exception. On January 28, 2013, Sandpiper Motel became aware of the hoarding conditions in room # 139. Please find attached as "Exhibit A" a copy of the photographs taken by Sandpiper Motel on January 28, 2013 of room # 139. The guest who resided in that unit was a long term guest who had occupied the room for greater than one year and therefore a tenant under California law. As an intervening maneuver, Sandpiper Motel asked the tenant to clean the room but the tenant did not comply with management's request. As a result, Sandpiper Motel issued the Sixty (60) Day Notice to Vacate on March 16, 2013. Please find attached as "Exhibit B" a copy of the Sixty Day Notice to Vacate dated March 13, 2013. Sandpiper Motel hoped that the tenant would leave and it would allow them to go in and resolve the hoarding issue. Before the notice expired and Sandpiper Motel could proceed with an eviction, the city issued the motel a violation notice. Sandpiper decided to halt the eviction until they could remedy the violations because they feared the tenant could use the violation notice as a defense against any eviction matter. When it became apparent that a form eviction would be required, Sandpiper Motel retained counsel and per their attorney's advice decided to reserve the notice. The notice was re-served on June 9, 2013. Please find attached as "Exhibit C" a copy of the Sixty (60) Day Notice to Vacate dated June 9, 2013. In the end, Sandpiper Motel was forced to proceed with the eviction because the tenant was not cooperating with Sandpiper Motel and Sandpiper Motel felt it had no choice but to get the tenant out in order clean up the room. It took a long time to serve the tenant because the process server could never find the tenant at the room. Sandpiper Motel had obtained a court order for posting

the eviction complaint on September 13, 2013 and served the eviction by posting it on the door of the room. The tenant ultimately vacated the room in the middle of the night without paying the bill and abandoned the room. Sandpiper Motel was able to go in and clean up the room to the condition that it is currently in.

Sandpiper Motel became aware of the problem in room # 139 and actively pursued a remedy. They were able to remedy the problem but it took longer because of the nature of the proceedings and the delay was not a result of inaction but proaction by Sandpiper Motel. The events surrounding room # 139 do not support the city's conclusion rather it supports the conclusion that Sandpiper Motel takes a "proactive role in the maintenance of the property and in resolving code compliance problems."

The conclusion that Sandpiper Motel has violated condition of operation 9 because the hoarding conditions in room # 139 is evidence that the monthly inspections were not completed is wrong because Sandpiper Motel was aware of the conditions in room 3 139 before the city's inspection and already actively engaged in finding a solution.

Please see above.

Sandpiper Motel has not operated as a public nuisance and even in the event that the commission finds that nuisance has been proven, public nuisance is not grounds for revoking the Conditional Use Permit.

Pursuant to the conditions for approval of the Conditional Use Permit, public nuisance is not grounds for revoking or modifying the Conditional Use Permit. However, even if the commission finds that public nuisance is grounds for revoking or modifying the Conditional Use Permit, Sandpiper Motel has not been a public nuisance to the community. Rather Sandpiper Motel has worked diligently to comply with all city regulations and even in the rare situations where there were compliance issues, Sandpiper Motel has remedied the violations in short order. As stated above, the Commission Report is clear that Sandpiper Motel has had few violations since the new management has taken over and even when the violations occurred "management has taken a proactive role in the maintenance of the property and in resolving code compliance problems." Sandpiper Motel has not acted in a manner consistent with being deemed a nuisance, rather Sandpiper Motel's actions demonstrate that it is willing to work with the city to maintain and mutually beneficial and harmonious relationship. It is clear from the evidence, that nuisance is not an issue with Sandpiper Motel.

We have clearly demonstrated that the conclusions drawn in the Commission Report supporting any type of revocation or modification of the Conditional Use Permit are unsupported

by the evidence submitted in the Evidence Packet. Furthermore, the wording contained in Planning Commission Agenda Report dated October 31, 2013, directing that the commission "Find that the Conditional Use Permit approved under PA-99-09 has expired due to the non-utilization of the extended-occupancy rooms" sounds like a clear directive rather than a request for investigation. Please find attached as "Exhibit D" a copy of the Planning Commission Agenda Report dated October 31, 2013.

It is our hope that the commission will not make a decision regarding the Conditional Use Permit based upon any non-factual assumptions but rather will look at the evidence actually uncovered by the inspectors and presented in the Evidence Packet. We are confident that a review based on the evidence will find that Sandpiper Motel has not violated any of the conditions for approval and that it should be permitted to operate its business under the current terms of the Conditional Use Permit.

Thank you for your attention to this matter.

Sincerely,
SAM KIM AND ASSOCIATES, APC

A handwritten signature in black ink, appearing to be "Donald Yang", enclosed within a large, loopy oval shape.

Donald Yang, Esq

EXHIBIT A



EXHIBIT B

NOTICE OF TERMINATION OF TENANCY

To: David Miller Garland, and any other occupant(s) in possession of the premises located at:
1967-1977 Newport Blvd., Unit # 139, Costa Mesa, Ca. 92637 (hereinafter referred to as
"Premises").

You are hereby notified that sixty (60) days after service of this notice, your tenancy, if any, in the
"Premises" at 1967-1977 Newport Blvd., Unit # 139, Costa Mesa, Ca. 92637 is terminated.

Within that time you are required to vacate and surrender possession of the premises.

If you fail to give up possession by the specified date, legal proceedings will be instituted against you
to recover possession of the premises and damages that could result in a judgment being awarded
against you.

Landlord

Leader Venture, Inc. A California Corporation



Date

3/16/2013

By Mike Lin, President
1967-1977 Newport Blvd
Costa Mesa, Ca. 92627
(949) 645-9137



NOTICE OF TERMINATION OF TENANCY

To: David Miller Garland, and any other occupant(s) in possession of the premises located at: 1967-1977 Newport Blvd., Unit # 139, Costa Mesa, Ca. 92637 (hereinafter referred to as "Premises").


You are hereby notified that sixty (60) days after service of this notice, your tenancy, if any, in the "Premises" at 1967-1977 Newport Blvd., Unit # 139, Costa Mesa, Ca. 92637 is terminated.

Within that time you are required to vacate and surrender possession of the premises.

If you fail to give up possession by the specified date, legal proceedings will be instituted against you to recover possession of the premises and damages that could result in a judgment being awarded against you.

Landlord

Leader Venture, Inc. A California Corporation



Date:

6/9/2013

By Mike Lin, President
1967-1977 Newport Blvd
Costa Mesa, Ca. 92627
(949) 645-9137



EXHIBIT D



PLANNING COMMISSION

AGENDA REPORT

MEETING DATE: NOVEMBER 12, 2013

ITEM NUMBER: PH-6

SUBJECT: PLANNING APPLICATION PA-99-09; REVIEW OF PREVIOUSLY APPROVED
CONDITIONAL USE PERMIT ALLOWING EXTENDED OCCUPANCY ROOMS AT THE
SANDPIPER MOTEL LOCATED AT 1967 & 1977 NEWPORT BOULEVARD

DATE: OCTOBER 31, 2013

FROM: PLANNING DEPARTMENT/DEVELOPMENT SERVICES DIVISION

PRESENTATION BY: AARON HOLLISTER, ASSOCIATE PLANNER

FOR FURTHER INFORMATION CONTACT: AARON HOLLISTER (714) 754-5136
aaron.hollister@costamesaca.gov

DESCRIPTION

On direction of City Council, review Conditional Use Permit PA-99-09 to accomplish the following:

- Assess if the Sandpiper Motel has operated in a manner that is consistent with the conditions of approval in PA-99-09.
- Find that the Conditional Use Permit approved under PA-99-09 has expired due to non-utilization of the extended-occupancy rooms.

RECOMMENDATION

Recommend that the Planning Commission adopt a resolution that finds the Conditional Use Permit approved under PA-99-09 has expired.



Ford Road
Costa Mesa
California
April, 2014

PLEASE
READ
ALoud

PH-2

Dear City of Costa Mesa,

I write to you on behalf of the residents, both Home Owners and Renters, of the 400 block of Ford Road.

I am the Community Liaison for Our Neighborhood Watch Program.

During the past sessions I have personally given you multiple photos of Graffiti and Drug use items, found along Ford Road, the alleys, Bay Street and Newport Blvd.

We call the Costa Mesa Police Dept. on a weekly basis with concerns for our safety and well being.

We are requesting that you DO NOT allow the Hotels, in our vicinity to have the Conditional Use permits. They have been in constant violations. Police records and Newspaper accounts are readily available. Look at the Daily Pilot, The Orange County Register and such.

We notice on a routine basis, the Drug use items are from either Visitors of the "Residents" of Sandpiper Motel or their Residents. We see them out at all hours of the day and night. Just 2 days ago, my neighbor and myself walked our dogs from the 400 block to the 300 block to get to Mothers Market. We saw a used Syringe. We did call PD and they came and disposed of it. Last week another syringe was on Ford and Parsons, behind the Toyota Dealership.

Some of the Renters have voiced to me they are afraid to call. I encourage them to call; if we don't call they can't help us.

As a Home Owner I take pride in ownership and have taken my life savings to beautify my property. The property is in wonderful condition, yet our surroundings have become Unsafe.

I urge the City of Costa Mesa to DENY the Conditional Use permit and DENY the Hotels Extended stay.

We need to continue to reward the people who keep our neighborhoods in beautiful conditions, as Costa Mesa was meant to be.

A beautiful City.

Sincerely yours,

Judy Smith
Judy Smith