



2009 Winner  
Herman Goldstein Award  
for Excellence in Problem-  
Oriented Policing

# Crime & Disorder at Motels

2017 UPDATE



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Chula Vista Police Department

Karin Schmerler

# Chula Vista: Where is it?



232 sworn officers



CITY OF  
CHULA VISTA

267,000  
residents

# Nearby Attractions

## San Diego



## Mexico



# City Attractions

Marina



Rural



Olympic Training Center



Amphitheater

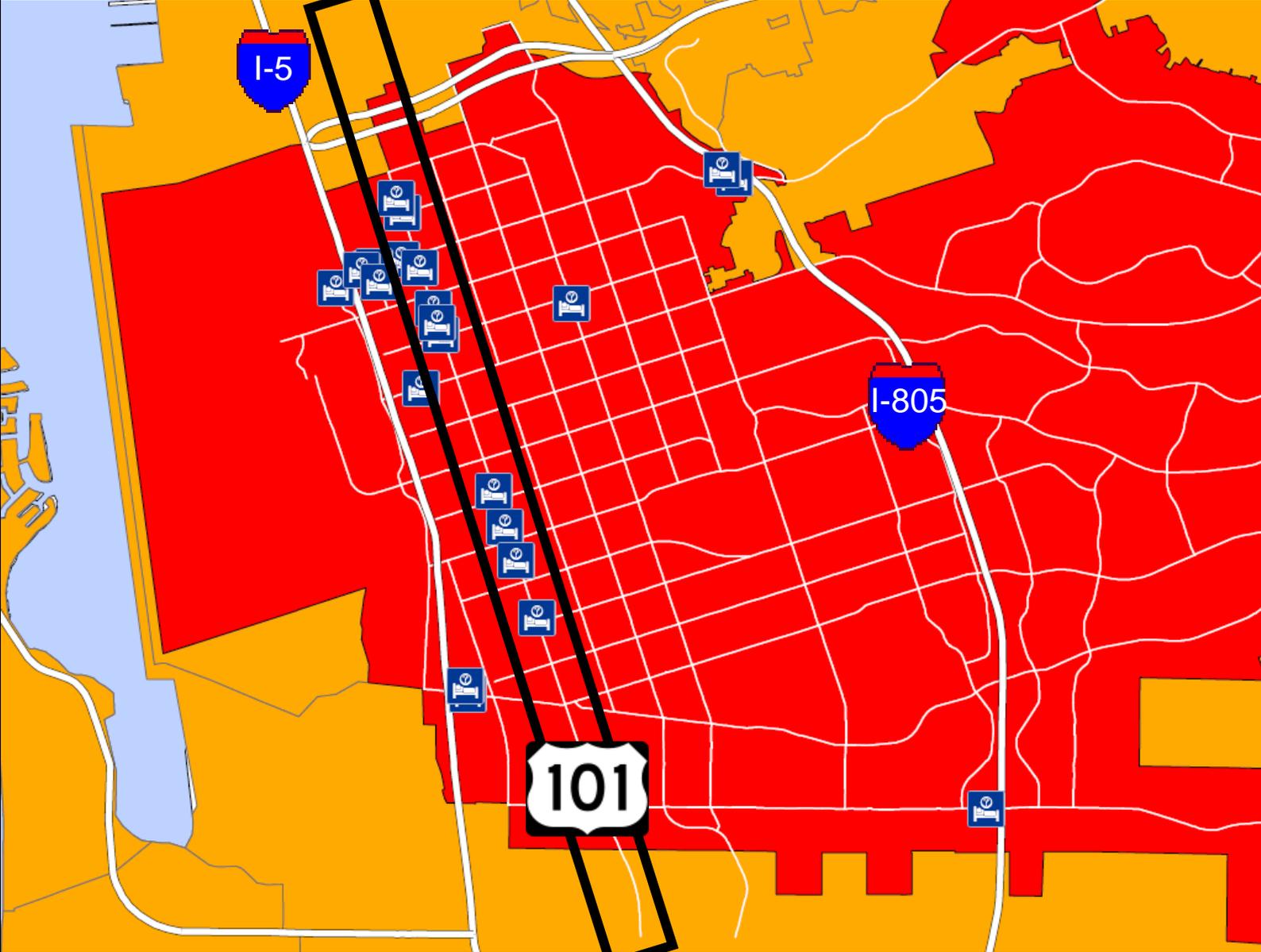


Off road racing



Water park

# Chula Vista Hospitality Locations





# Scanning



Chula Vista Police Department

# Crime at Motels

345 crime cases in 2003

- 54 violent crimes

- 9 rapes
- 10 robberies
- 35 assaults

- 61 drug arrests



(data includes simple assaults)

© 2004 Vista Police Department

# Weapons Seized at Motels



Tech-9 Machine Gun with  
30-round Clip; 380 semi-auto



Flamethrower

# Disorder at Motels

1,200+ CFS per year

- Disturbances
- Fights
- Welfare checks
- Noise complaints



(1,200 figure includes certain officer-initiated CFS, such as vehicle theft recoveries)

# City Image Suffered

- Major employers wouldn't use city motels
- Criminals sought out city motels
- Elected and business officials very concerned



# Early Efforts

(1997-2001)

- Met with all motels
- Increased enforcement



- Passed photo ID ordinance
- Conducted “motel tours” with city officials

Despite efforts, problems remained at motels

# Collaborative Goals

- Fewer motel CFS
- More safe, clean lodging in city
- Improved appearance of motels
- Increased tourist occupancy



Chula Vista  
Chamber of  
Commerce





# Analysis



Chula Vista Police Department

# Studying the Problem (2001-2005)

- Initial CFS analysis
- Observations
- Motel “user” surveys
- Manager interviews
- Environmental surveys
- Literature review/site visits
- Investigating causes



# Initial CFS Analysis

- Unexpected hot time
- Most incidents occurred inside



- 5 motels accounted for 24% of rooms, but 55% of CFS

# Observations

(3 motels)

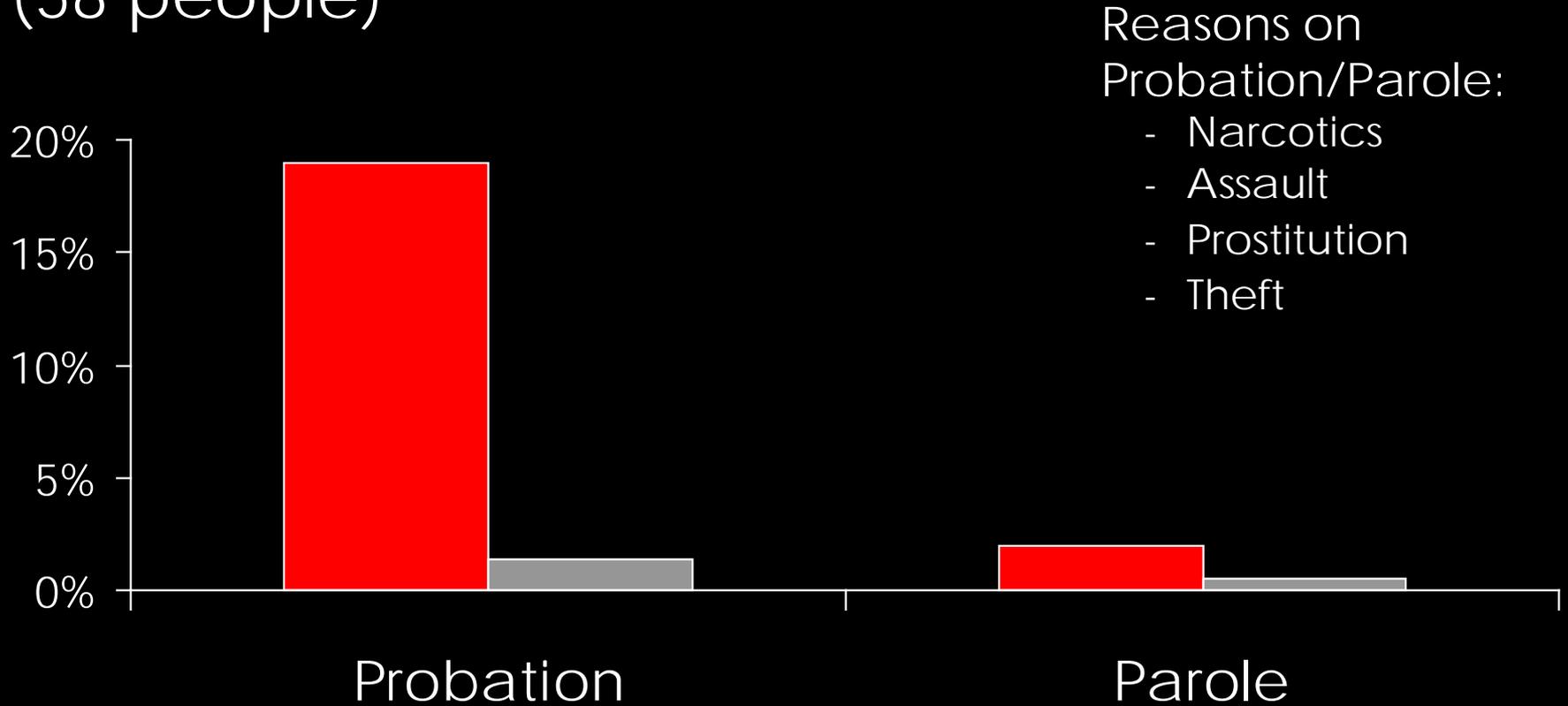
- People came on bikes/on foot
- Room doors left open
- Lack of tourists/businesspeople

Impromptu party  
outside room



# Motel User Survey: Locals High Risk

(58 people)



Reasons on  
Probation/Parole:

- Narcotics
- Assault
- Prostitution
- Theft

■ Local Motel Users at Problem Properties  
■ Gen. CA Population Age 18+

# Manager Interviews

(23 managers)

CFS correlated with:

- Local guests
- Long-term guests
- One motel (rented hourly) changed sheets every other Friday

Target Market for  
Chula Vista Motels



# Physical Design Surveys

(26 properties)



- 62% no door chain
- 33% no peephole
- 28% no deadbolt

# Site Visits

- Buena Park, CA
- Oakland, CA
- San Diego, CA



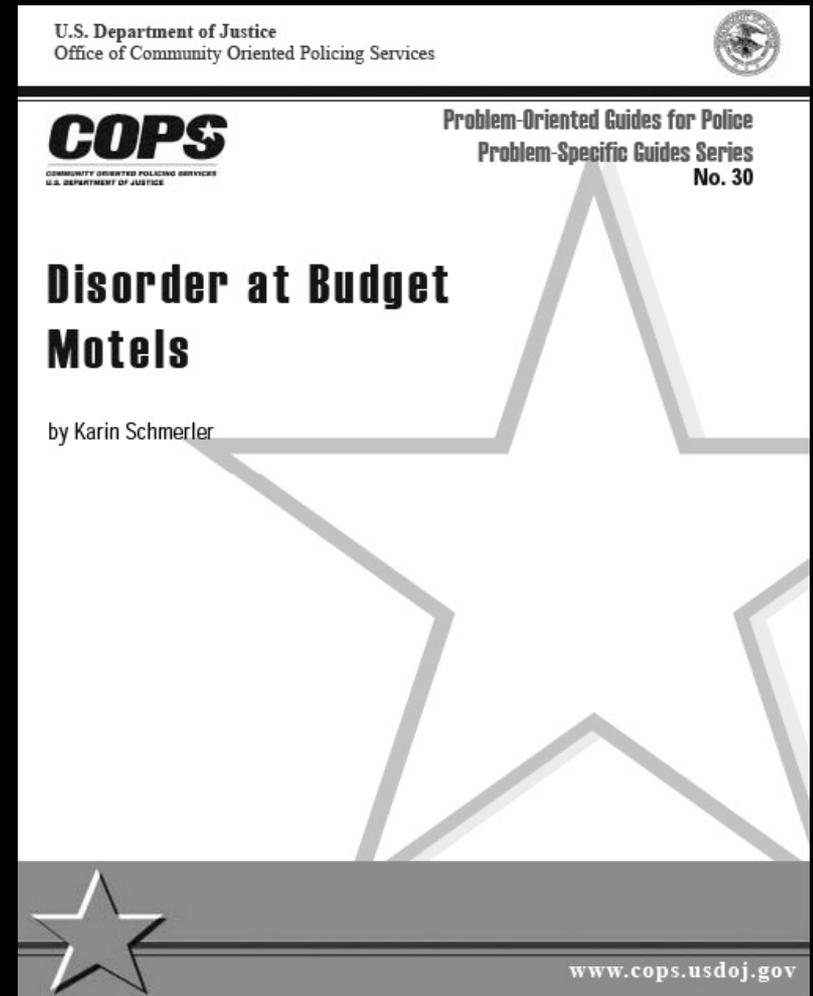
Blue Swallow  
MOTEL

## NOTICE TO ALL GUESTS

- PLEASE PROVIDE A **VALID** STATE I.D. OR LICENSE IN ORDER TO RENT A ROOM.
- THE MANAGEMENT DOES SHARE INFORMATION WITH THE CITY OF SAN DIEGO AND SAN DIEGO POLICE DEPARTMENT ON THE OCCUPANTS OF ALL ROOMS.
- THE MANAGEMENT DOES AND WILL SHARE INFORMATION TO SAN DIEGO POLICE UPON REQUEST FROM THE POLICE DEPARTMENT.
- THE MANAGEMENT WILL ASK GUESTS TO VACATE THE ROOMS IF WE SUSPECT ANY ILLEGAL ACTIVITIES IN THE ROOM WITHOUT REFUND.
- MANAGEMENT WILL NOT ALLOW ANY VISITORS AFTER 10:00 P.M.
- MANAGEMENT HOLDS THE RIGHT TO REFUSE SERVICE TO ANYBODY.
- THE MANAGEMENT WILL INFORM SAN DIEGO POLICE DEPARTMENT IF THEY SUSPECT ANY ILLEGAL ACTIVITIES IN ANY OF THE ROOMS.
- GUESTS MUST FILL-OUT REGISTRATION CARD AND PROVIDE VALID STATE I.D. IT IS ILLEGAL TO BE IN THE ROOM WITHOUT PROPER REGISTRATION.

# Literature Review

- POP guide
- Tukwila, WA
- Stockton, CA

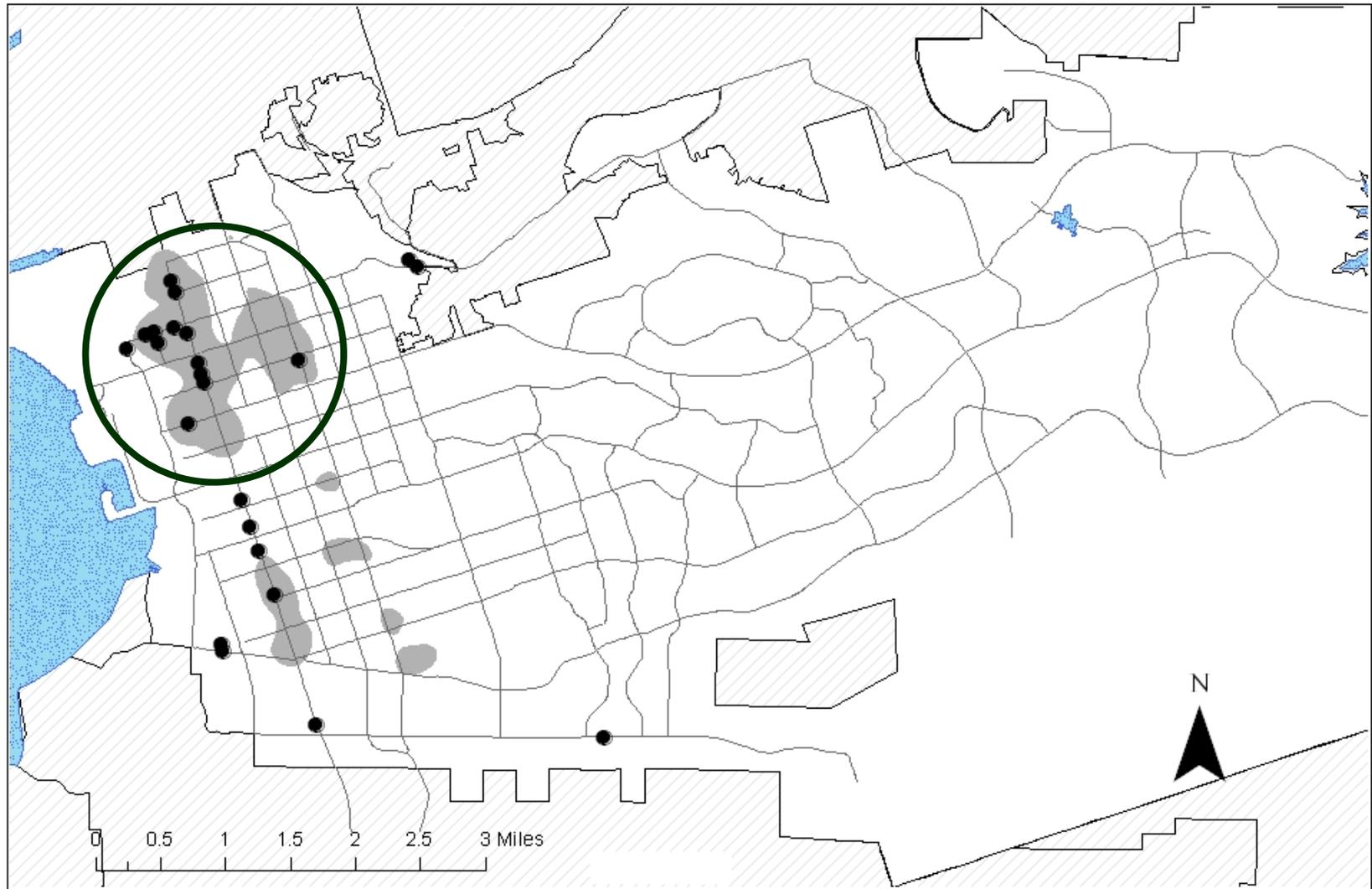


# Investigating Causes

- Bad neighborhood
- Low room price
- Local clientele
- Insufficient police attention
- Poor management practices



# Citizen-Initiated CFS Hotspots and Chula Vista Motel/Hotel Locations: 2003



Prepared By:  
CVPD Research & Analysis Unit (K. Schmerler)

## Legend

- High CFS Hotspot Area
- Motels and Hotels

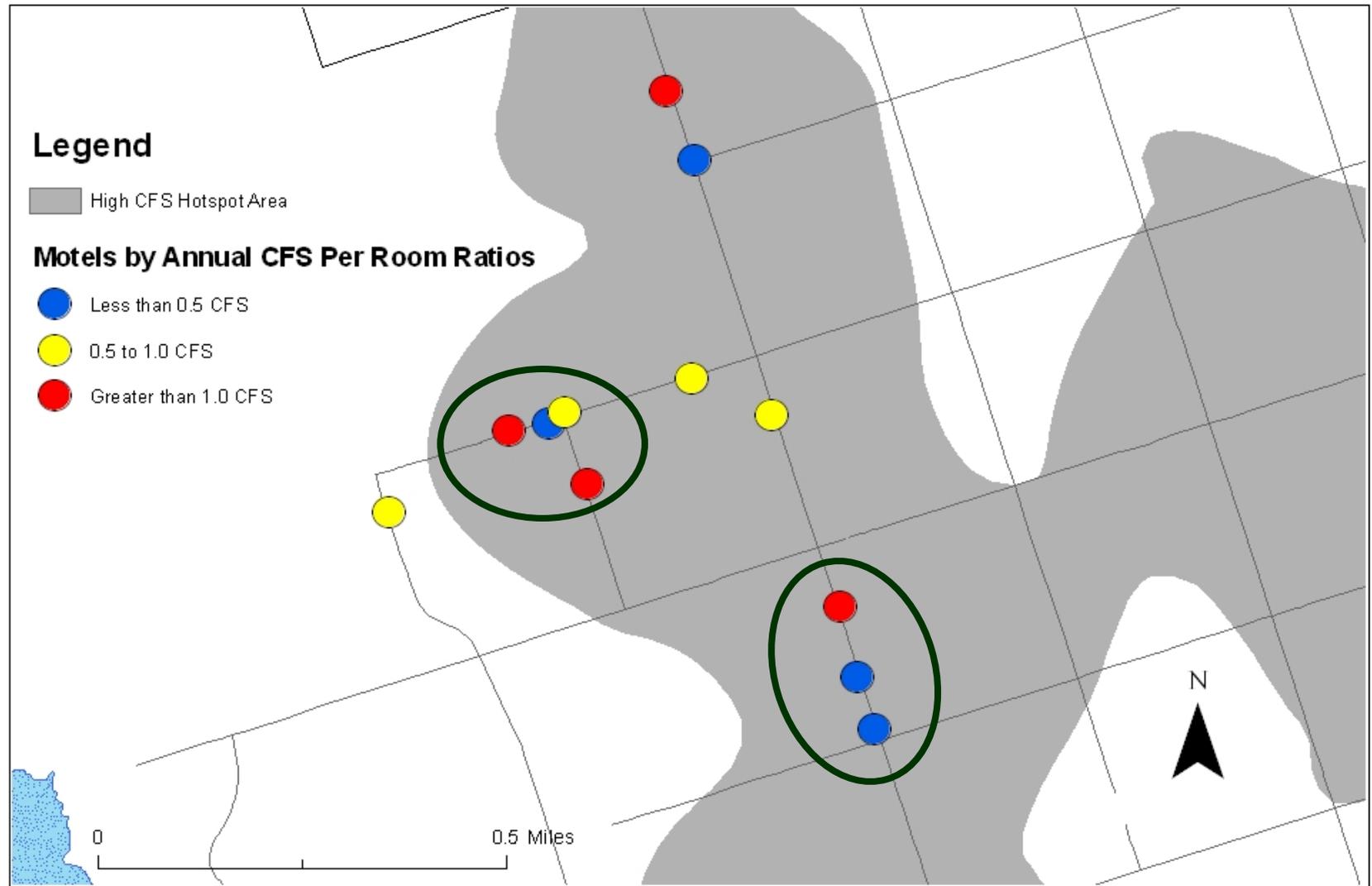
Sources:  
Chula Vista Information Technology Services,  
Geographic Information Systems,  
Chula Vista Police Department

# A Common Denominator

$$\text{CFS} \div \text{Rooms} = \text{CFS Ratio}$$

$$120 \text{ CFS} \div 40 \text{ Rooms} = 3.0$$

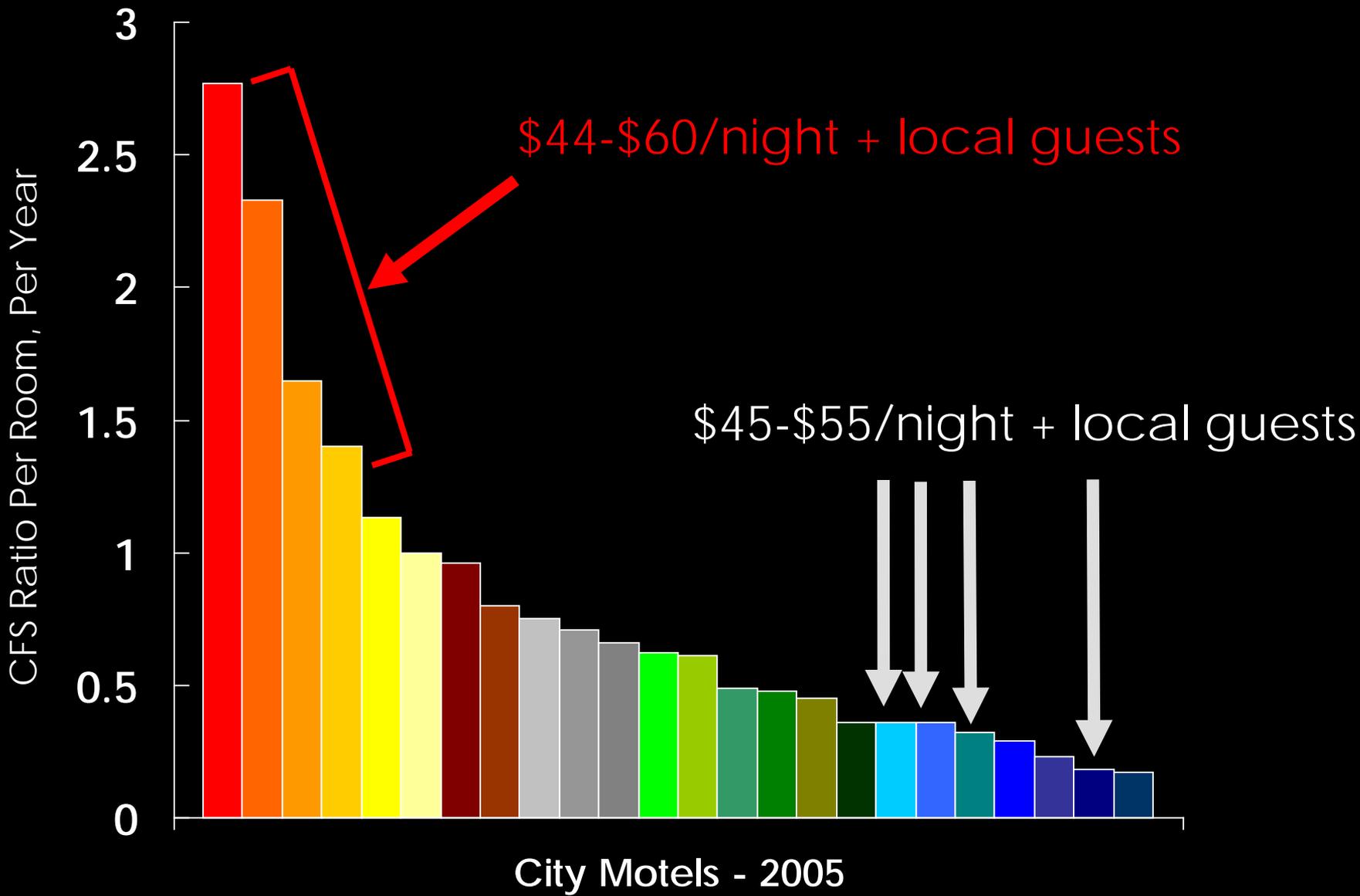
# Northwest Chula Vista Motels and Hotels by Annual CFS Per Room Ratios: 2003



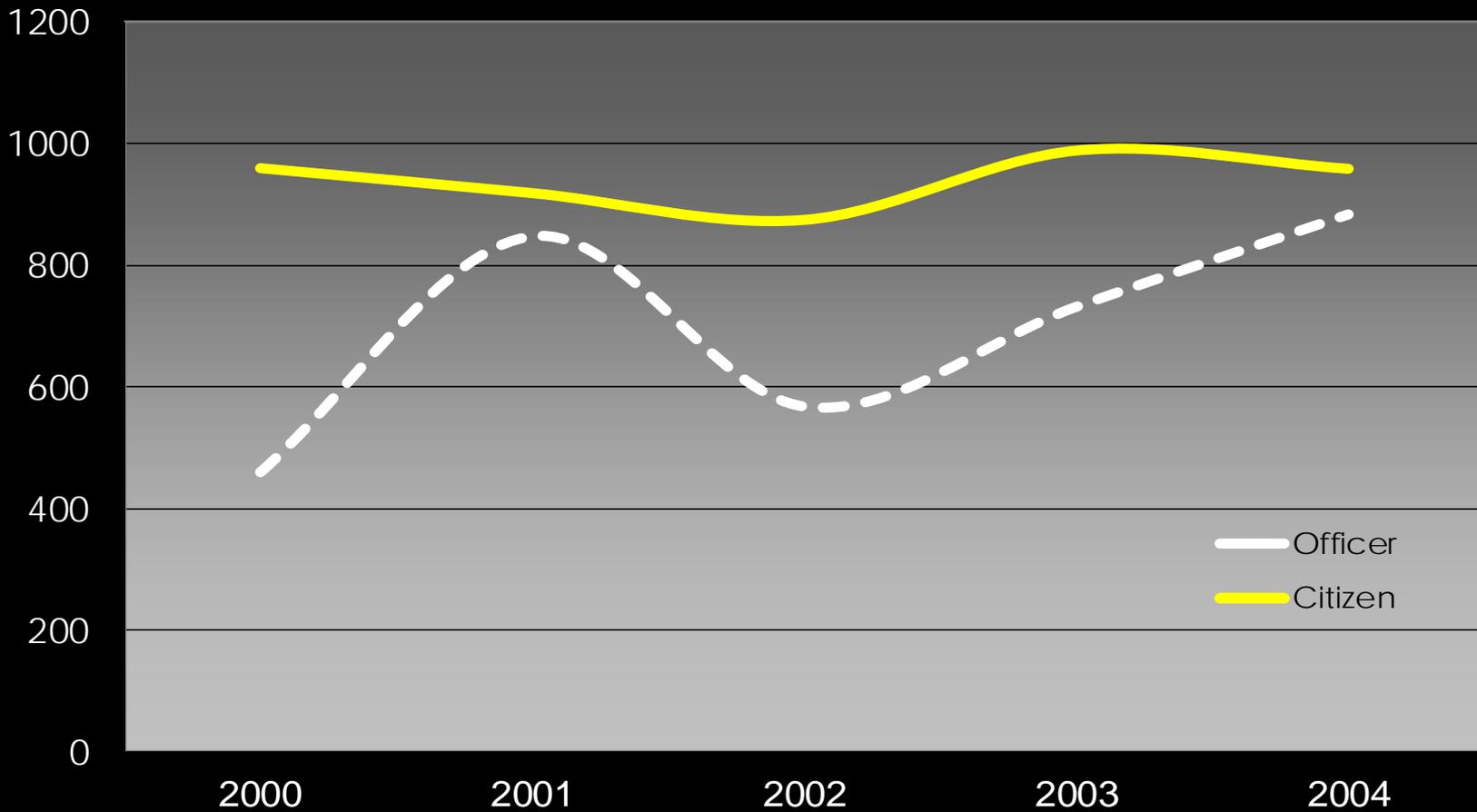
Prepared By:  
CVPD Research & Analysis Unit (K. Schmerler)

Sources:  
Chula Vista Information Technology Services,  
Geographic Information Systems,  
Chula Vista Police Department

# CFS Per Room, Per Year to Motels/Hotels



# Officer vs. Citizen Initiated CFS at Motels



# What Causes Motel Problems?

## Management Practices

- Attract problem clientele
- Conduct little/no guest screening
- Allow uncontrolled access to motel
- Do not provide good security





# Response



Chula Vista Police Department

# Early Responses (2003-2005)

- Group motel meeting
- On-site technical assistance
- CFS "report cards"
- Photo ID seminar



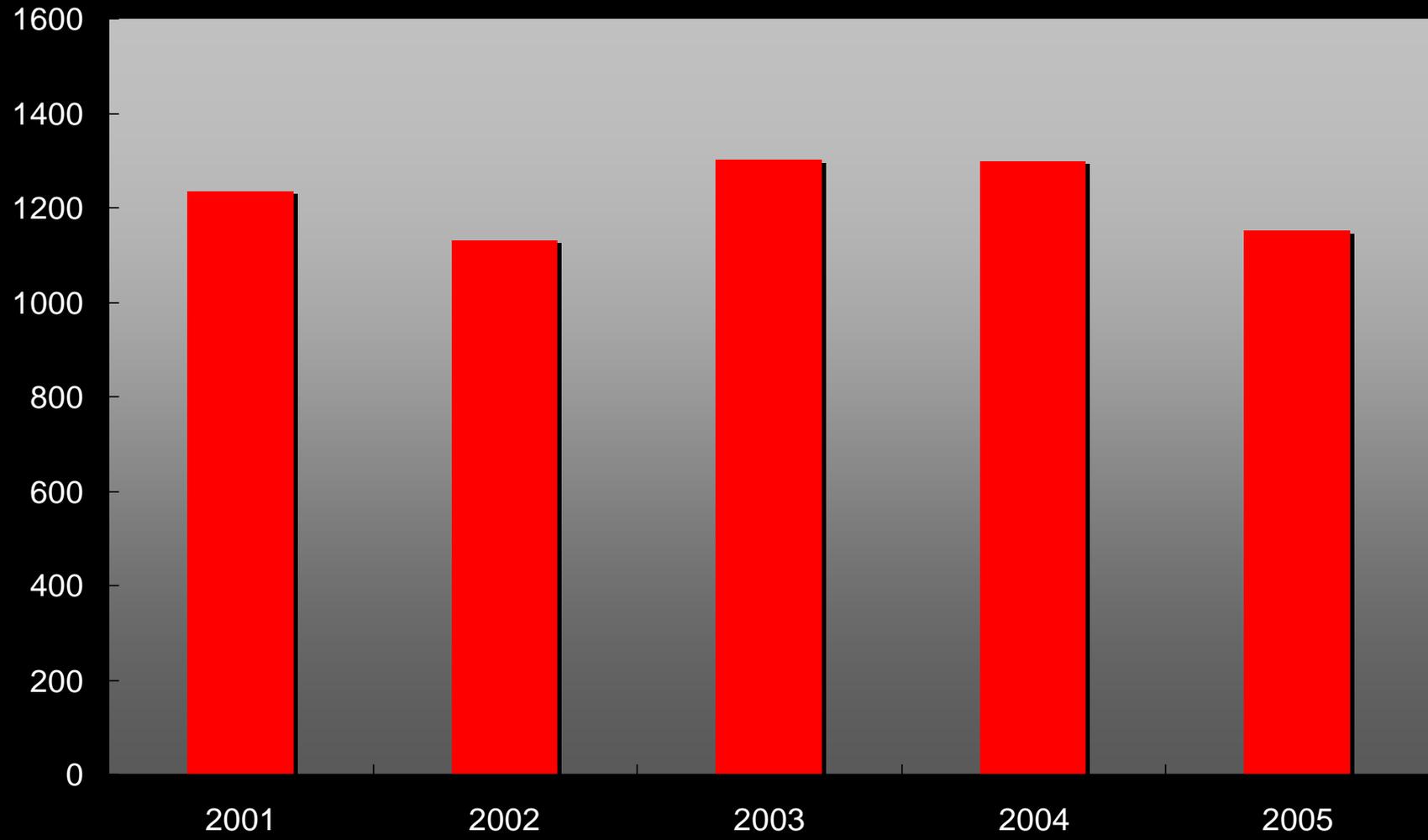
# Code Enforcement (2003)

- Began yearly inspections
- Major problems found



- Two properties closed

# No Change in CFS: 2001-2005



(This graph includes certain officer-initiated CFS, such as vehicle theft recoveries)

# Goldstein Hierarchy



Bringing a civil action

Legislation mandating prevention

Charging a fee for police service

Withdrawing police service

Public shaming

Creating organization to assume ownership

Engaging another existing organization

Targeted confrontational requests

Straightforward informal requests

Educational programs

# Drafted Motel Ordinance



Code Enforcement

City Attorney

Finance

Fire

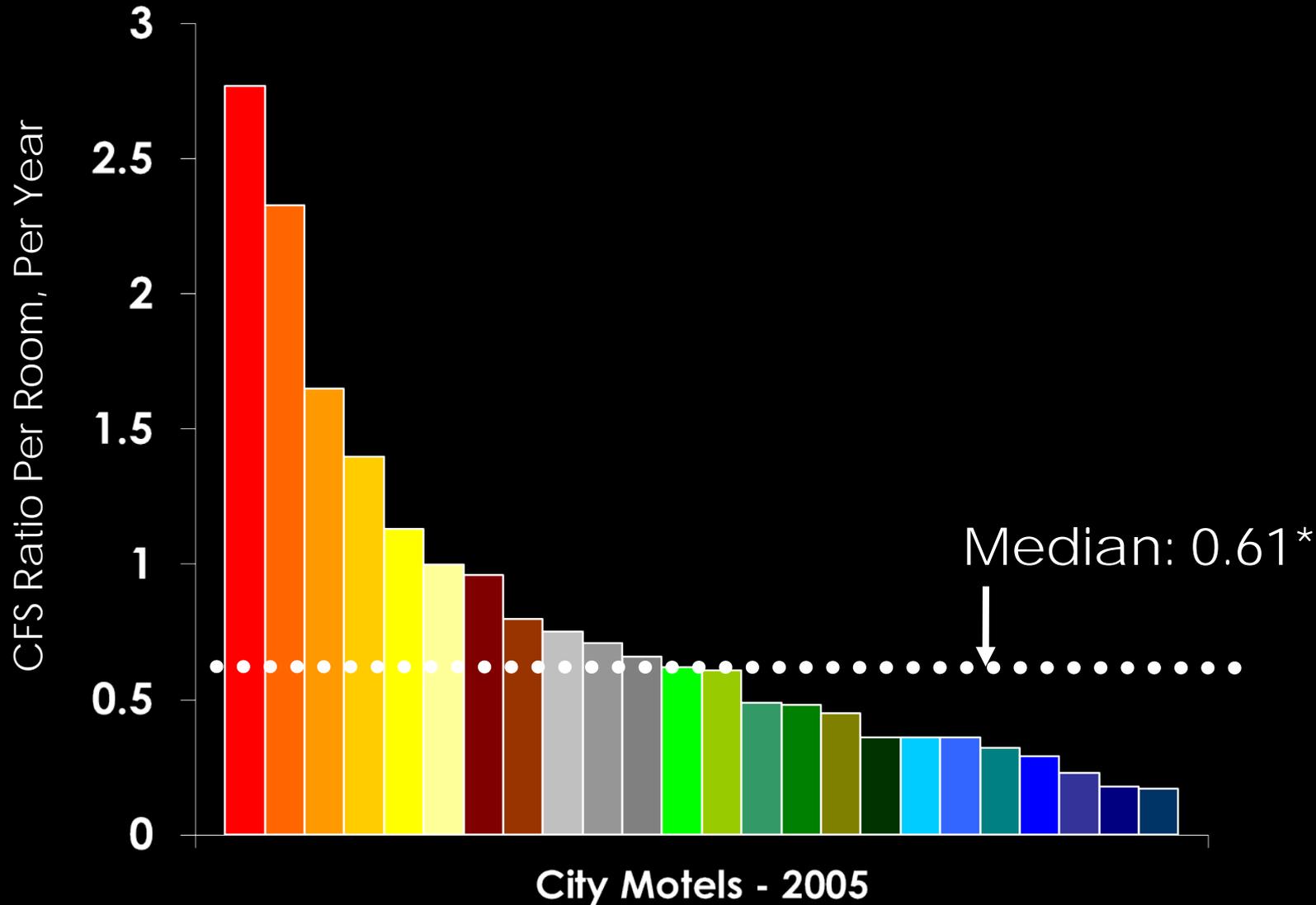
Police

Planning & Building

Redevelopment

- Collaborative effort of 7 city agencies
- Required annual permit to operate
- City could deny permit based on CFS

# Established City Standard



(\*later recalibrated to 0.50 by excluding officer-initiated CFS, such as Knock and Talks, with no associated crime or arrest reports)

# Shifted Ownership of Problem

Motels decided what steps to take

- Guest / visitor screening
- Access control
- Private security
- Rules



# First Permit Cycle (2006-2008)

- 22 motels met public safety standard
- 2 motels grossly non-compliant
  - MOUs with financial guarantees/fines
- 1 motel voluntarily closed

## The San Diego Union-Tribune.

### Motel ordinance passed in move to tackle crime

By Tanya Mannes  
STAFF WRITER

August 10, 2006

CHULA VISTA – Officer Tim Biffle, on his beat patrolling the city's west side Friday night, stopped at the Big 7 motel on Broadway to check the guest registry

Running names through a law enforcement database, Biffle turned up a 28-year-old woman who was on probation for methamphetamine possession with a prior conviction for auto theft

Biffle's search of the woman's room didn't turn up any drugs. But a few hours later, just down the street, he found methamphetamine in the room of a 25-year-old man, also on probation



LAURA EMBERY / Union-Tribune

The Chula Vista City Council has passed an ordinance requiring motels and hotels to apply annually for a lodging license



# Assessment

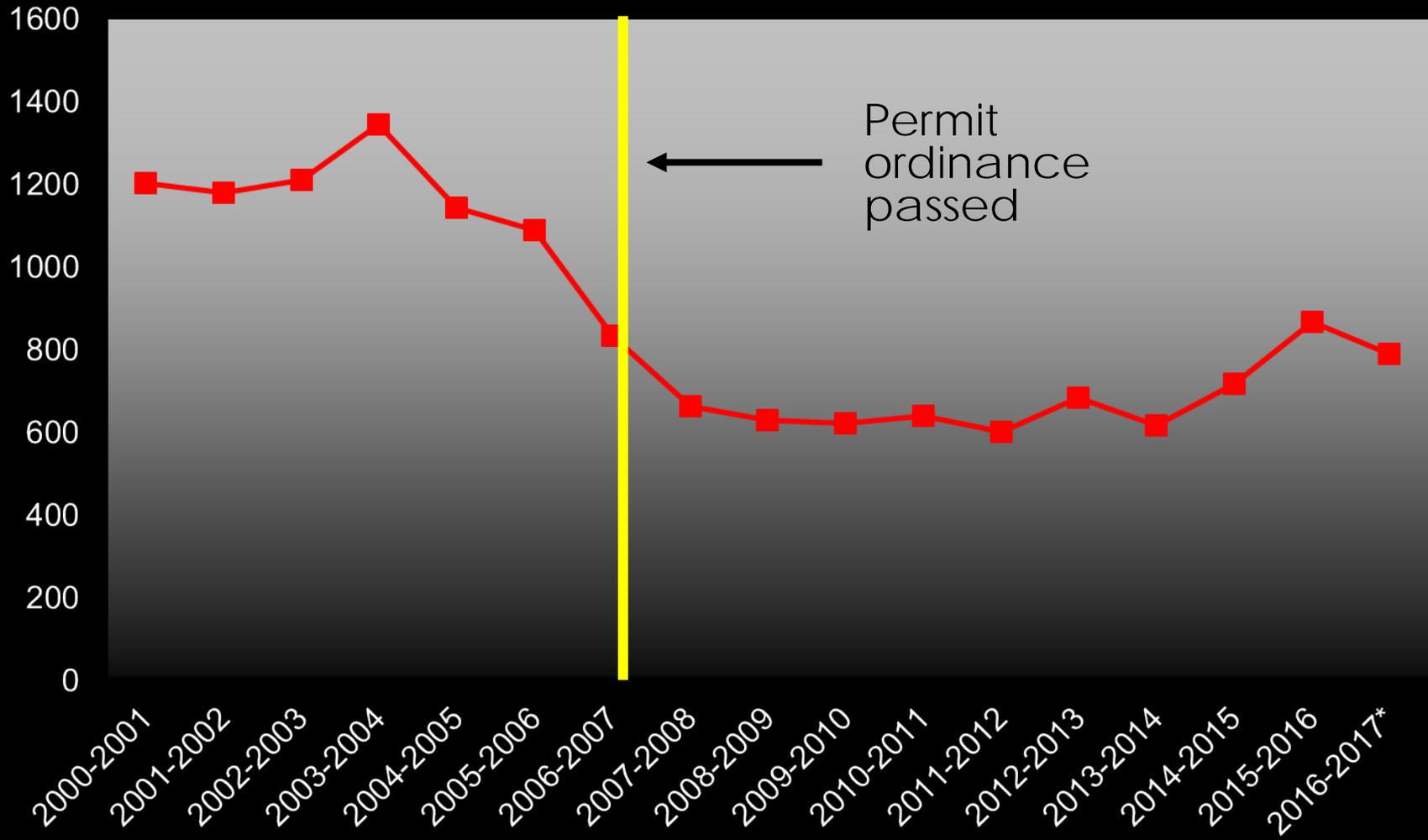


Chula Vista Police Department

# CFS to Motels Down 34%

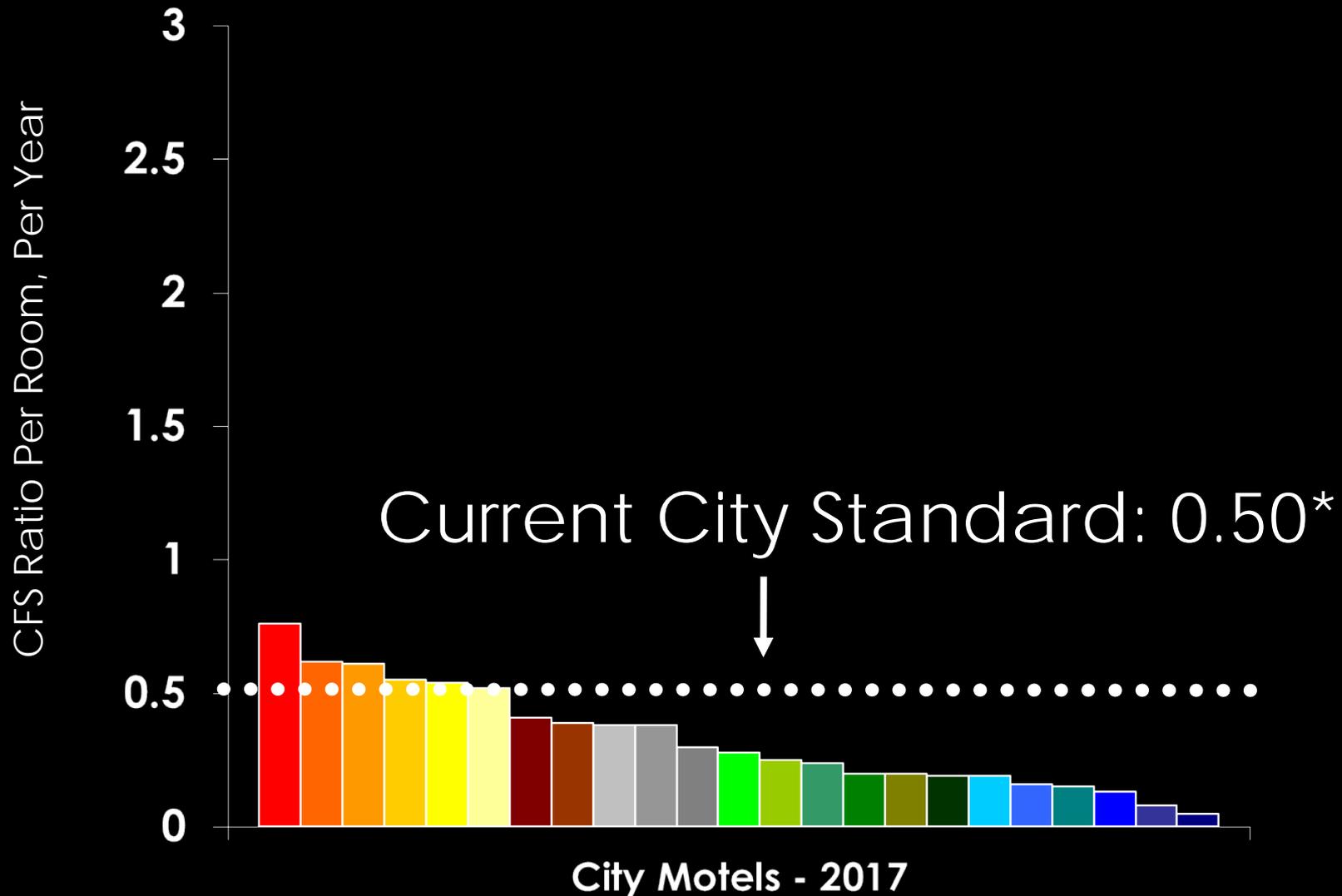
(As of 2016-2017\* review period)

(\*projected based on 10/1/16-9/14/17)



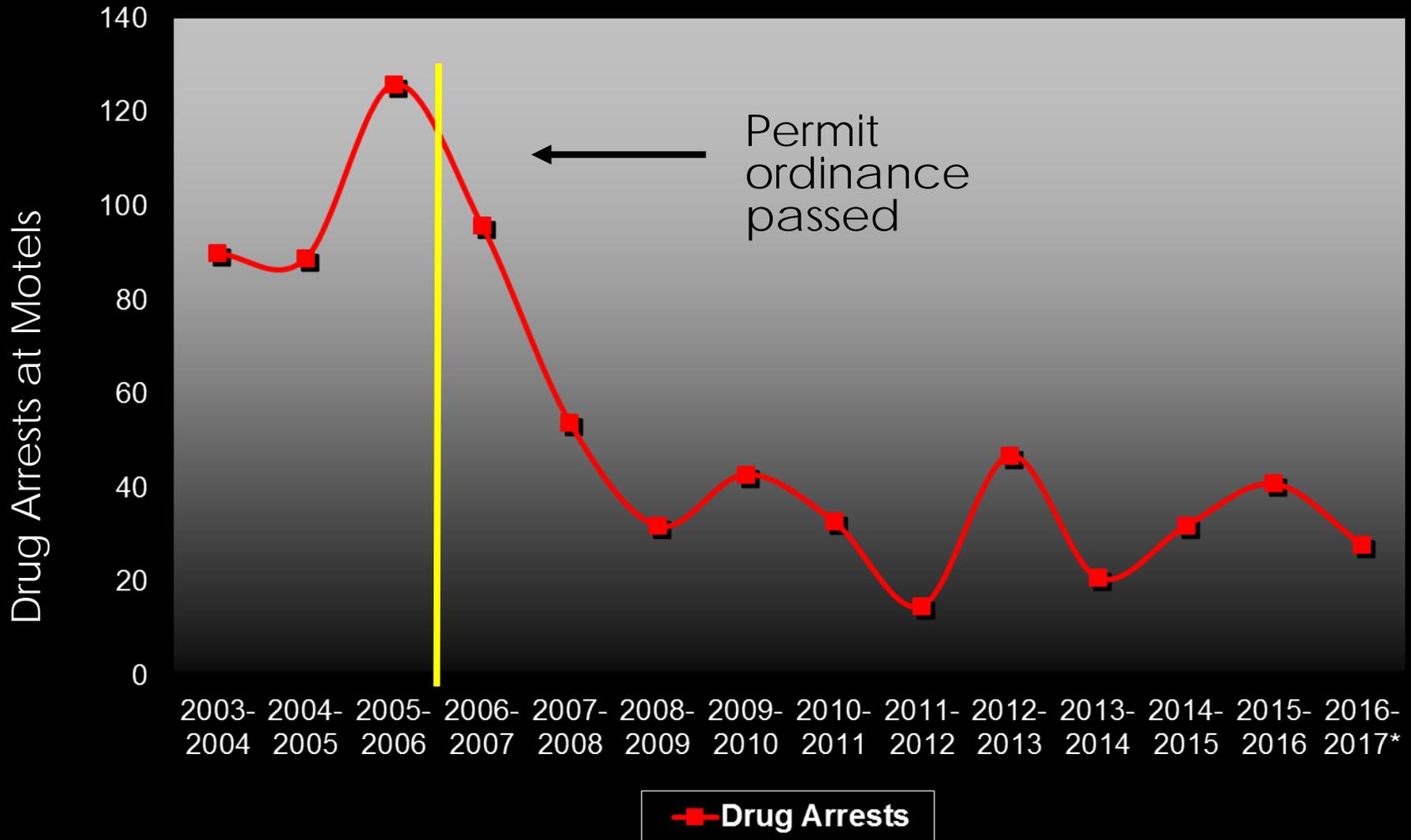
(This graph includes certain officer-initiated CFS, such as vehicle theft recoveries)

# Current CFS Per Room Ratios



(\*standard was initially 0.61, but was later recalibrated to 0.50 by excluding officer-initiated CFS, such as Knock and Talks, with no associated crime or arrest reports)

# Drug Arrests at Motels Down 67%



(\*projected based on 10/1/16-9/14/17; all years are 10/1 through 9/30)

# Crime at Motels Reduced 70%



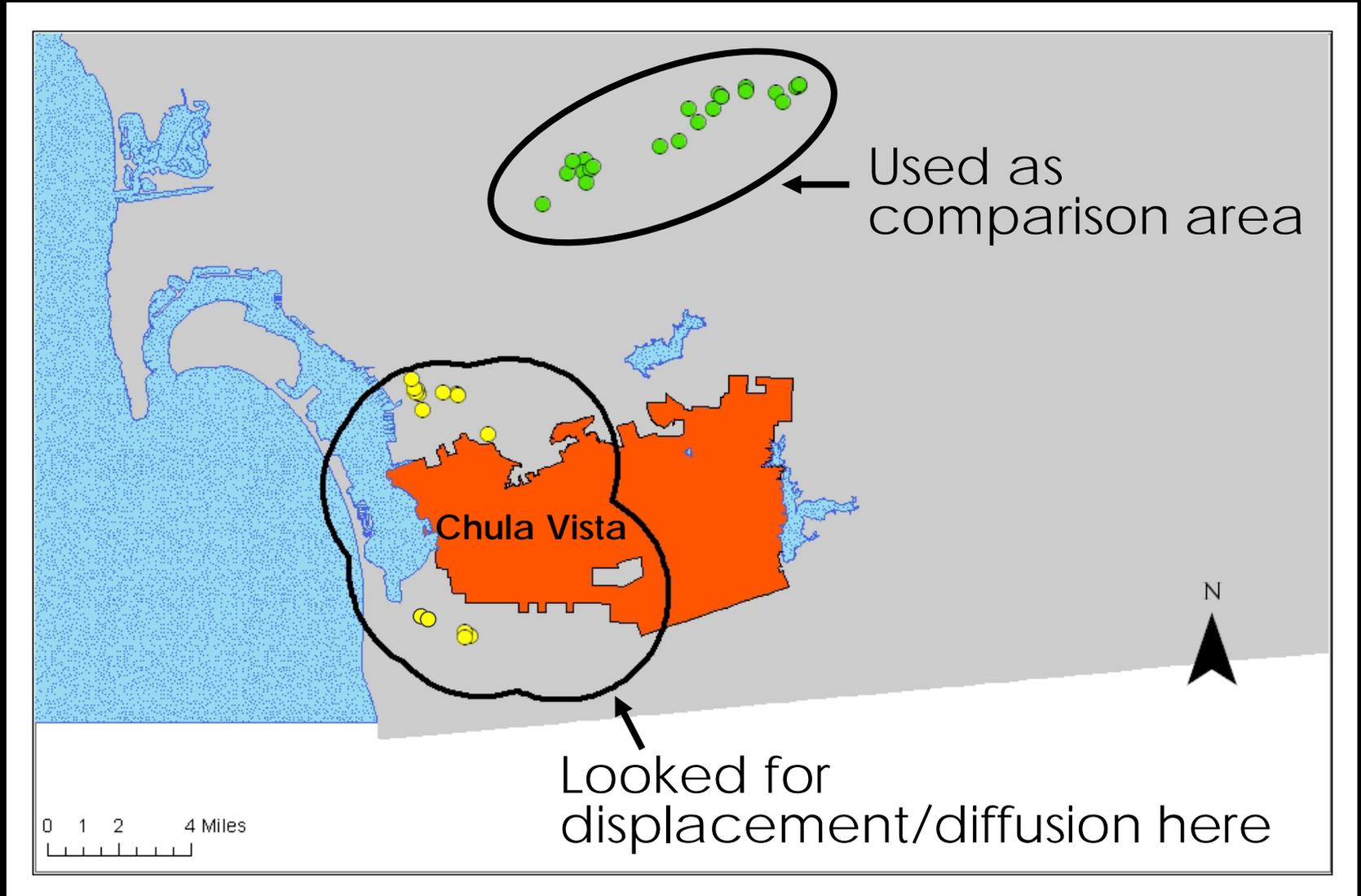
(Crimes are by calendar year, beginning in 2003)

Chula Vista Police Department

# Additional Positive Impacts

- Officer time at motels was reduced 830 to 1,200+ hours per year
- Motels reported an increase in winter revenues (05-06 to 07-08)
- Management practices improved
- More safe, clean rooms for tourists

# No Displacement/Diffusion



# El Primero Hotel

2002



\$200 per week

CFS Ratio: 1.60

2005



\$100 per night (2014)

CFS Ratio: 0.04

# 632 E Street

Royal Vista Inn - 2005

Comfort Inn & Suites - 2009



\$45 per night (2003)

\$109 per night (2009)

CFS Ratio: 0.76

CFS Ratio: 0.14\*

(\*0.14 ratio is for 2015-2016 review period)

# 1501 Broadway

Tower Lodge



2004

CFS Ratio: 3.97

Los Vecinos



2009

CFS Ratio: 0.13\*

(\*0.13 ratio is for calendar year 2014)

# 692 H Street

Bay Breeze Inn & Suites



2008-2009

CFS Ratio: 1.07

Hercor Hotel



2015-2016

CFS Ratio: 0.10

# Questions?

- Karin Schmerler, 619-409-5410  
[kschmerler@chulavistapd.org](mailto:kschmerler@chulavistapd.org)

## COUNCIL AGENDA STATEMENT

Item No \_\_\_\_\_  
Meeting Date 8/8/2006

**ITEM TITLE:** ORDINANCE AMENDING MUNICIPAL CODE 15.20 AND ESTABLISHING MUNICIPAL CODE 5.39 REQUIRING HOTELS AND MOTELS TO HAVE A PERMIT TO OPERATE

RESOLUTION AMENDING THE MASTER FEE SCHEDULE TO INCLUDE THE PERMIT-TO-OPERATE FEE REQUIREMENT FOR HOTELS AND MOTELS

**SUBMITTED BY:** Chief of Police  
Director of Planning and Building  
Director of Finance/Treasurer  
Acting Director of Community Development  
Chief of Fire

**REVIEWED BY:** Interim City Manager (4/5ths Vote: Yes \_ No X )

The proposed ordinance would require hotels/motels to obtain and post an annual permit to operate before renting rooms. To obtain a permit, motels would need to meet minimum room requirements, pass an annual health inspection; have a reasonable annual number of police calls for service; and be up-to-date on transient occupancy tax owed the City. Additionally, a permit-to-operate fee would be enacted in order to cover the cost of City staff to process the annual permit.

**RECOMMENDATIONS:** That the City Council adopt the following:

- An ordinance establishing Municipal Code 5.39 requiring hotels and motels to have a permit to operate
- A resolution amending the Master Fee Schedule to include the permit-to-operate fee requirement for hotels and motels

**BOARDS/COMMISSIONS RECOMMENDATIONS:** N/A

## **DISCUSSION:**

Budget motels have presented safety issues in the City for a number of years. Between 2003 and 2005, more than 4,000 calls for service were logged at the approximately 25 motels in the City (the number of overnight lodging establishments in operation varied during these years). During this period, there were also 77 violent crimes at motels (19 rapes, 27 robberies and 31 aggravated assaults), as well as 247 drug arrests at motels. In addition, Code Enforcement receives complaints every year regarding public health problems at motels.

## **BACKGROUND:**

In 2001, in response to concerns about crime and disorder problems at motels, representatives from several City departments met with staff from the Convention & Visitors' Bureau and Third Avenue Village Association/Chula Vista Downtown Business Association. The meeting was held to discuss the various issues surrounding motels in Chula Vista and to form a partnership between the private sector and the City to identify and address issues with problem motels. During this meeting, the group developed a problem statement that helped focus the group's efforts. This problem statement read:

### *A significant group of Chula Vista motels*

- *attract problem guests/visitors who engage in a variety of criminal and undesirable behaviors, including disturbing the peace, drug use/sales, prostitution and domestic violence;*
- *exhibit low industry standards with regards to cleanliness and other similar minimum standards for lodging;*
- *are poorly maintained and/or unsightly properties; and,*
- *are located in areas with relatively high levels of crime and disorder, or blight.*

*These problem motels, guests and behaviors reduce the amount of desirable, safe, well-maintained lodging available in Chula Vista, and adversely impact the City's image and tourist industry.*

Based on this problem statement, City staff and community stakeholders began working collaboratively to better understand and address the causes of problems at budget motels.

In the summer of 2002, police officers surveyed 58 individuals who were located on the grounds of several problem motels in the City. Officers asked these motel users a number of questions, including whether the person was on probation or parole. Based on the survey results, motel users with in-County home addresses were 13 times more likely to be on probation than the general adult California population. The violations for which they were on parole included drugs, assault, prostitution and theft. Local motel

users were also 4 times more likely to be on parole than the general adult California population. No tourists at the motels indicated they were on probation or parole.

Police Department staff subsequently contracted with a professor from California State University (CSU) San Bernardino to develop and administer motel manager interviews and environmental surveys in Chula Vista. The purpose of these surveys, which were conducted in late 2002, was to learn more about the management practices and site design issues at motels.

From the management survey, CSU San Bernardino determined that two management practices were correlated with high calls for service at motels:

- local guests
- long-term guests

At the time of the survey, 70% of City motels indicated that half or more of their clientele was local. This type of motel clientele is not typical in other cities across the country. At typical U.S. lodging establishments, 80 percent of the guests are tourists, business travelers, or meeting/convention attendees; the remaining 20 percent have other reasons for staying at motels, including personal reasons and special events<sup>1</sup>.

Ten of 22 City motels said they rented to guests for more than 30 days at a time, but only 67 specific people were identified by motel managers as having been at their motels for more than 30 days at the time of the survey.

Also in 2002, police staff from the Research & Analysis Unit conducted a comprehensive literature review on the topic of crime and disorder in budget motels, and ultimately published a guide for the U.S. Department of Justice on this topic. Among the key findings of the guide were<sup>2</sup>:

- Managers and owners have the greatest ability to ensure that their properties do not attract problem guests and visitors.
- Problems can be reduced by appropriately screening guests and visitors
- Problems can be reduced by controlling direct vehicle and pedestrian access to motel rooms

In October 2003, Police staff organized an informational meeting for motel personnel at the Chamber of Commerce. The purpose of this meeting was to share information on ways of improving safety levels at motels based on the local manager interviews and environmental surveys that had been conducted, as well as national research. Every known motel owner and manager was invited to attend and representatives from 13 Chula Vista motel properties attended this meeting. At the Chamber of Commerce

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<sup>1</sup> American Hotel and Lodging Association (2004). <http://www.ahma.com>

<sup>2</sup> *Disorder at Budget Motels*. Karin Schmerler. U.S. Department of Justice, 2005.

meeting, participants were offered the option of follow-up, on-site technical assistance meetings at their individual motels. After the meeting, several motels with a history of public safety problems were also contacted and offered on-site technical assistance. As a result, on-site meetings were held with 16 motel managers and/or owners. At these meetings, Police staff walked the properties with motel staff, and shared more in-depth information on calls for service to the property, as well as a check-list document that outlined management practices and environmental features that could reduce problems at motels. Code Enforcement staff and a representative from the Convention & Visitors' Bureau also attended a number of the on-site motel meetings and provided suggestions for improving the facilities and attracting tourists.

In 2003, Code Enforcement began an annual hotel/motel inspection program to ensure that the properties meet state and local housing codes. During the first round of inspections, a number of properties required multiple reinspections and modifications to come up to code. Two properties were ultimately unable to meet code requirements and were subsequently closed.

In September of 2003 and 2004, April of 2005, and June of 2006, informational reports that included the number of police calls for service and drug arrests at individual motels were mailed to each property. These reports were designed to let motel staff know the level of problems at their properties. In September 2004, the Police Department and Finance Departments co-sponsored a training seminar for all motel owners and managers on complying with CVMC 3.40 (transient occupancy tax) and CVMC 3.41 (photo government identification requirement for room rental).

## **CRIME AND DISORDER AT BUDGET MOTELS**

To determine how to reduce public safety problems at motels, it was important to learn what caused problems at motels. Several hypotheses were tested and ultimately rejected while the U.S. Department of Justice guidebook was being researched and written.

The first hypothesis was that motels had problems because they were located in high-crime areas. To test this, staff mapped and color-coded motels according to their 2003, 2004 and 2005 CFS ratios. In 2005, for example, staff found that the two motels with the highest number of drug arrests were located within one block of a motel with a very low CFS ratio. In addition, the motel with the second highest CFS ratio (2.77) in 2005 was located across the street from a budget motel with a CFS ratio (.36) that is 6 times lower.

Another hypothesis about what caused motel problems was that if police enforcement levels were increased, motel problems would be reduced. However, when staff compared police enforcement levels with the number of citizen-initiated calls every year between 2000 and 2004, there was little relationship between the two, as the chart on the next page demonstrates.

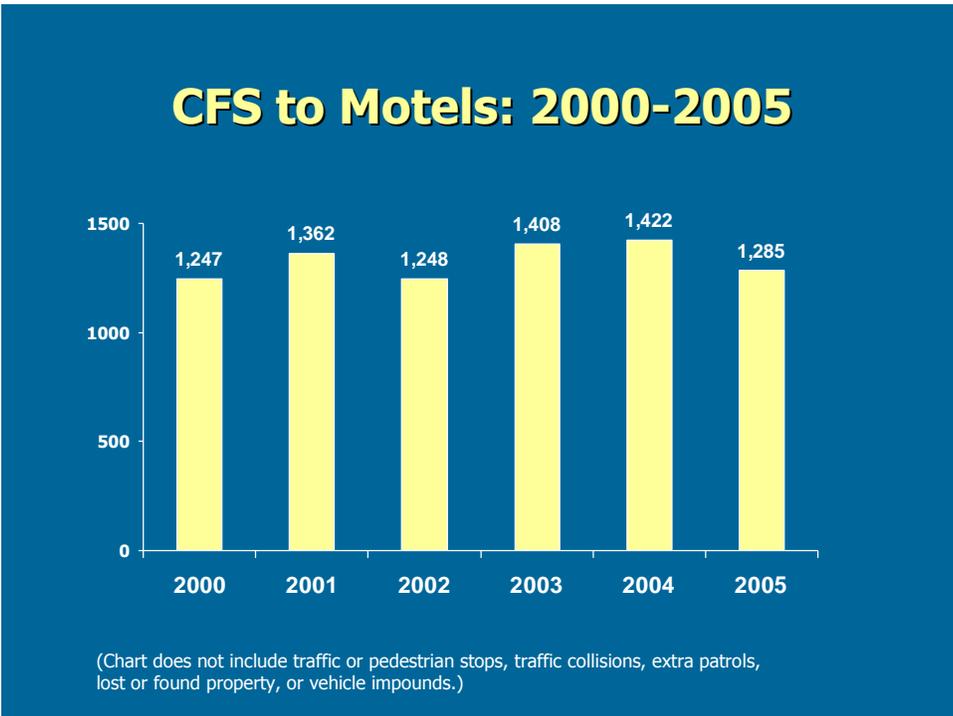
## Level of Enforcement Not Related to Level of Problems at Motels

Period	Change in Police Enforcement	Change in Citizen Calls
00-01	+86%	-1%
01-02	-33%	-4%
02-03	+30%	+9%
03-04	+20%	-9%

The most common police enforcement activities at motels were pedestrian and traffic stops, extra patrols, and felony arrests.

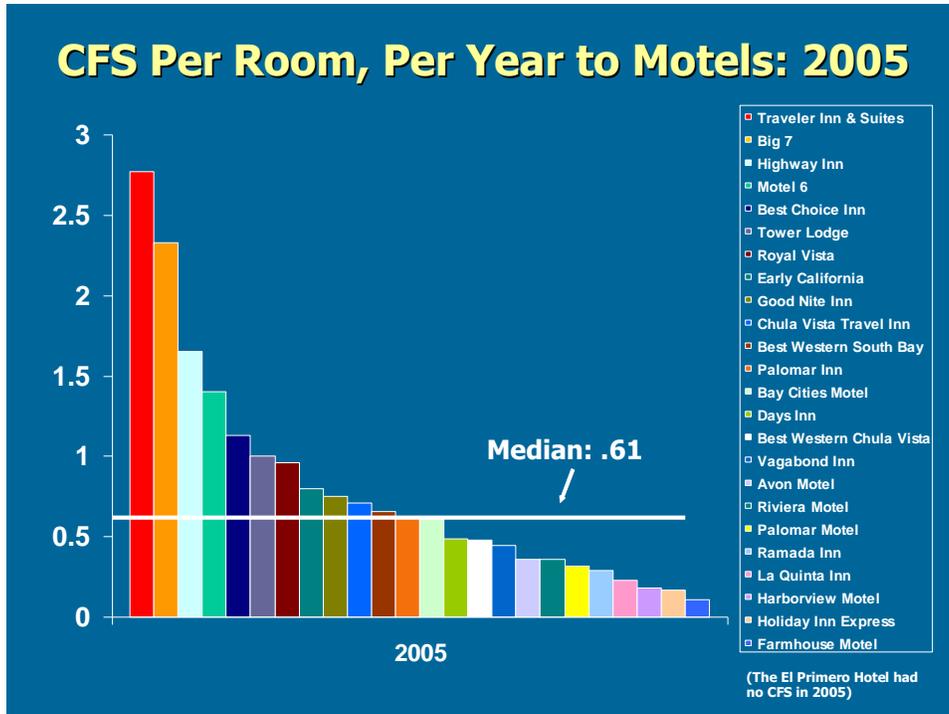
Finally, staff also correlated police enforcement activity with citizen calls to the motel with the highest numbers of annual calls over a 48-month period and found a very weak, but statistically insignificant relationship between the two.

While reviewing the literature on public safety problems at motels, staff came across several municipalities that were able to reduce problems by holding motels accountable for their performance. Concerned about excessive calls for service and drug arrests at a well-known national budget chain, the Oakland Police Department negotiated an agreement with the motel chain that required them to reduce their CFS ratio to that of neighboring chain motels. The problem motel subsequently improved its management practices, and within seven months, reduced calls for service to the property by 59%. In Stockton, the City Council passed an ordinance that required motels to meet minimum standards to obtain a permit to operate. These standards included adherence to building, fire and health codes, and maintenance of a level of calls for service that is not “excessive.” During the program’s first year of operation (2002), 20% of the city’s motels were closed because they were not able to meet the requirements; as a result, Stockton staff reported a substantial reduction in CFS.



As the above chart shows, despite several years of outreach efforts, the provision of technical assistance to a significant number of motels, and the sale and/or closure of several problem properties<sup>3</sup>, the total annual number of police calls for service to motels has increased since 2000.

<sup>3</sup> The El Primero was sold and extensively renovated in mid-2004; the Etc. Motel was closed in late 2004; and the Tower Lodge was closed in May of 2005. If these properties had remained open for all of 2005, total police calls that year likely would have topped 1,400.



Not all motels have unreasonable levels of police calls for service, however. In fact, a number of Chula Vista's budget motels have very low call for service rates when compared to their competitors. As the above chart indicates, eight of the motels with CFS ratios (calls for service per room, per year) below the median are budget motels, charging between \$45 and \$60 per night<sup>4</sup>. Four of the five motels that are above the median and have the highest CFS ratios also charge budget rates (between \$44 and \$60 per night). Perhaps most illustrative, is the comparison between the motel with the highest CFS ratio in 2005 and the motel with the lowest CFS ratio that year. The Traveler Inn & Suites, with a CFS ratio of 2.77, charges almost \$60 on weeknights and nearly \$70 on weekends; the Farmhouse Motel, with a CFS ratio of 0.11, charges \$45 every night. Despite charging substantially more per night, the Traveler Inn & Suites has a CFS ratio 25 times that of the Farmhouse Motel.

Motels remain the top drug arrest locations in the entire city of Chula Vista. In 2005, the number one drug arrest location was the Traveler Inn Suites, with 26 drug arrests; Motel 6 was the number two drug arrest location with 24 arrests.

<sup>4</sup> Room rates were gathered during a telephone survey conducted in the Fall of 2005. Rates were requested for three nights in November that covered a Thursday, Friday, and Saturday (November 3-5, 2005.)

## **TODAY**

Because considerable outreach efforts to motels had not produced the desired reductions in public safety problems by 2005, the Police Department began working closely with the City Attorney's Office, Planning & Building, Community Development, Finance, and Fire Department to develop an ordinance that would address a variety of issues affecting the City's budget motels. Staff reviewed motel ordinances in effect in other cities and developed an ordinance that would meet the needs of Chula Vista (see Attachment A for a 2-page overview of the ordinance).

Under the proposed motel ordinance, all motels would be required to apply for and obtain a permit-to-operate from the City beginning in November 2007. Grounds for denial of a permit include unsanitary rooms, lack of basic crime prevention devices in rooms, such as deadbolts and window locks, and unacceptable numbers of drug arrests and/or calls for service. The cost of the permit application fee would be \$70. Motels or hotels with excessive drug arrests or calls for service (currently about 1/3 of all properties) would require additional investigation of incidents to act on the permit request and would be billed at an hourly rate of \$70 for any additional required review time. (The \$70 fee is based on full cost recovery for staff to process the permit applications.) Motel operators that failed to display valid permit after January 1, 2008, would be subject to a fine of up to \$1,000 and/or six months in the county jail.

City staff shared the draft ordinance with motel managers and owners at two meetings in June 2006. All known motel managers and owners were invited via certified mail to attend either of the meetings, which were held on Tuesday afternoon, June 20, and Thursday evening, June 22. Representatives from 11 of the motels and hotels attended one of the two meetings, and provided staff with useful feedback on the proposed ordinance. Motel representatives also asked a number of good questions at these meetings. In late June, copies of the draft ordinance and PowerPoint presentation made at the motel meetings were mailed to motel owners and managers who did not attend the 6/20 or 6/22 meetings. Staff subsequently received a very positive e-mail about the ordinance from the owner of the Palomar Inn, Raj Jaiswal. In the e-mail, Mr. Jaiswal indicated that he is pleased to see the "good changes" coming, and particularly supported efforts to reduce drug and prostitution activity, which he said "may be going on in some of the poorly managed motels."

## **HEALTH INSPECTION**

Hotels and motels would be required to pass an annual health inspection by a California Registered Environmental Health Specialist (REHS) to obtain a permit to operate. Motel operators would be required to contract directly with an REHS to conduct the inspection. Major pest inspection companies generally employ an REHS on staff. The cost of the health inspection is unknown at this time, but is expected to be similar to that of a pest inspection. However, if health problems are uncovered at a motel during the health

inspection, remediation could result in significant costs to the motel. (See Attachment B for a copy of the proposed *Environmental Health Report -- Hotels and Motels.*)

## **PERMIT-TO-OPERATE FEE**

Staff recommends that Chapter VI be amended to include hotel/motel permit to operate fee as follows.

### **F. HOTELS/MOTELS**

#### **1. Hotel/Motel Permit to Operate**

A non-refundable fee shall accompany each hotel/motel permit as follows:

- a. A fee of \$70 for initial application and renewal.
- b. An hourly rate of \$70 for any applications that require more than an hour of investigation.

## **AMENDMENTS TO MUNICIPAL CODE 15.20**

Staff proposes amending Municipal Code 15.20 to include relevant hotel/motel definitions and minimum guestroom requirements; clarify the difference between a residential rental unit and a hotel/motel; reference the requirement for a hotel/motel permit to operate; and, add a severability clause.

## **FISCAL IMPACT**

Staff estimates that each application will take one hour of staff time to process. The cost for this processing time is approximately \$70 per hour at full cost recovery and would be offset by the proposed permit fee. Any additional time required to process the permit would be charged to the hotel/motel at the \$70 per hour rate. Therefore, no additional appropriations will be required to implement the ordinance.

**ATTACHMENT A  
HOW THE PROPOSED HOTEL/MOTEL PERMIT-TO-OPERATE  
ORDINANCE WOULD WORK**

**Permit-to-Operate Would be Required**

Beginning in November 2007, motels would be required to apply for an annual permit-to-operate a hotel/motel.

The request for a permit-to-operate could be granted or denied.

**To Obtain a Permit, Motels Would:**

1. Meet minimum guestroom requirements
2. Pass health inspection
3. Have a reasonable level of police calls for service
4. Be up-to-date on transient occupancy tax payments owed to the City

Code Enforcement would check for such minimum guestroom standards as:

- Bed mattress on frame
- Clothes closet, luggage rack
- Toilet room, lavatory and bathtub or shower
- No special knowledge door hardware (dead-bolted door can be opened by guest from inside by just pushing handle down in an emergency)
- Security deadbolt and door guard, peephole
- Locks on all windows and sliding doors
- Window coverings without large holes

Privately contracted health inspector would ensure:

- Bedding is clean
- There is no infestation of insects/rodents
- There is adequate soap, towels and waste receptacles in rooms
- No accumulation of stagnant water
- Pool is maintained to state standards

Police Department would review the following arrests and calls for service to the property:

- Drug-related arrests
- Prostitution-related arrests
- Police, Fire and EMS calls for service

Finance staff would check to ensure that:

- Transient occupancy taxes have been paid
- Motel/hotel is able to establish degree of financial responsibility per existing CVMC Chapter 3.40

### **Additional Aspects of Permit-to-Operate System**

Permits could be revoked; revoked permits could not be issued for 3 years

System provides for right to appeal hearing for denial/revocation by neutral, outside party

Annual permit-to-operate would not be transferable from one person or firm to another

Annual permit fee amount would be based on level of problems at motel

- Permit application fee: \$70
- Motels/hotels with excessive narcotics arrests or calls for service (currently about 1/3 of all properties) would require additional investigation of incidents to act on permit request at hourly rate of \$70.

### **Penalties for Non-Compliance**

Failure to obtain and display a permit would be punishable by \$1,000 fine and/or 6 months in jail.

### **How Motels Would be Affected**

Most motels would not be affected, beyond needing to pass an annual health inspection, and submit a 1-page permit application with fee.

A smaller group of motels could be denied a permit. The permit denials would most likely be due to an unacceptable number of narcotics arrests and/or calls for service not experienced by most other city motels.

**ATTACHMENT B**



**ENVIRONMENTAL HEALTH REPORT – HOTELS AND MOTELS**

**INSTRUCTIONS TO THE INSPECTOR:**

All areas of the building and grounds and all guestrooms shall be inspected for the following items. Please initial each item that is in compliance. Any item not in compliance shall be detailed on the back of this sheet . Issues not covered by these items that are in violation of government statute shall also be reported in detail on the back of this sheet.

\_\_\_\_ The hotel/motel does not have any interior or exterior areas where stagnant water has accumulated.

\_\_\_\_ All necessary means have been employed to eliminate and control infestations of insects and rodents on the premises of any hotel/motel. “Insects” include, but are not limited to, lice, bedbugs, fleas, blood-sucking conenoses, roaches, flies, bees, and the larva and eggs of aforesaid insects. “Rodent” includes, but is not limited to, mice, rats, opossums and squirrels.

\_\_\_\_ Soap and toilet tissue in suitable dispensers and individual towels or other approved hand-drying facilities and suitable waste receptacles are provided in each rest room.

\_\_\_\_ Floors, walls and ceilings of guestrooms are constructed and maintained as to be easily cleanable and are clean and in good repair.

\_\_\_\_ Mattresses, mattress covers, quilts, blankets, pillows, pillow slips, sheets, comforters, and other bedding is clean and is in good repair.

\_\_\_\_ Guestrooms are supplied with a lavatory, hand soap, and clean towels for each guest.

\_\_\_\_ All eating and drinking utensils in guestrooms are either single use service or are washed, sanitized, and protected from subsequent contamination.

\_\_\_\_ There are no ice machines on the property that allow dispensing of ice from storage bins where the general public has free access.

\_\_\_\_ All rubbish, waste containers, and dumpsters located on the exterior of the premises have lids, and are free of accumulations of refuse, dirt and waste products that are subject to decomposition and fermentation.

\_\_\_\_\_  
Signature of CA Registered Environmental  
Health Specialist

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
CA License Number



**ORDINANCE NO. \_\_\_\_\_**

**AMENDING MUNICIPAL CODE 15.20 AND ESTABLISHING MUNICIPAL CODE 5.39 REQUIRING HOTELS AND MOTELS TO HAVE A PERMIT TO OPERATE**

WHEREAS the City of Chula Vista is committed to the health, safety and welfare of its residents; and

WHEREAS it is also a high priority of the City Council to provide for the health, safety and welfare of visitors to the City; and

WHEREAS hotels/motels can have disproportionately high rates of police and emergency calls for service, violence, prostitution and drug activity which can have a negative impact on health, safety and welfare of the community; and

WHEREAS there is no common set of operating standards within the hospitality industry that defines and shapes the obligation of hotel and motel businesses to their guests and the surrounding community; and

WHEREAS it is the intent of the City Council to proactively establish local health, safety and welfare standards for hotels/motels in the City of the Chula Vista that will help create a vibrant and robust environment for the enjoyment of its tourists, visitors, residents and businesses.

NOW THEREFORE the City Council finds and determines that it is important for the health and safety of visitors to the City of Chula Vista that hotels/motels in the City meet the minimum operational standards of the City and to require hotel/motel operators to obtain an annual Permit to Operate to ensure that these standards are being adhered to and does hereby ordain:

SECTION I. That Chapter 15.20 of the Chula Vista Municipal Code is hereby amended to read as follows:

**Chapter 15.20  
HOUSING CODE\***

Sections:

15.20.001 Severability

15.20.002 Definitions

15.20.010 California Housing Code 1998 Edition and Uniform Housing Code 1997 Edition adopted by reference.

- 15.20.020 Section 201.1 amended to designate assistant director of building and housing as building official.
- 15.20.030 Section 203.1 amended to designate board of appeals and advisors as housing advisory and appeals board.
- 15.20.040 Section 304 added to require annual housing permit.
- 15.20.050 Section 305 added to require housing permit fees to be set by city's master fee schedule.
- 15.20.060 Section 306 added to require suspension or revocation of annual housing permit where operation is nonconforming.
- 15.20.070 Hotel/motel - Permit to Operate
- 15.20.080 Hotel/motel – Guestroom – Minimum requirements.

\* For statutory authority for cities to adopt codes by reference, see Gov. Code § 50022.1, et seq.; for statutory adoption of building codes and other codes to apply as housing construction regulations throughout the state, see Health and Safety Code § 17922.

Prior legislation: Prior code §§ 16A.1, 16A.3, 16A.5, 16A.6 and 16A.7; Ords. 1357, 1594, 1606, 1735 and 1817.

### **15.20.001 Severability.**

It is declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code. (Prior code § 1.5).

### **15.20.002 Definitions.**

For the purpose of this chapter, unless otherwise expressly stated, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. “**Guestroom**” means a sleeping room in a hotel/motel designed and intended to be used as lodging for transient visitors to the city as documented by the city building official or his designee.

B. “**Hotel/motel**” means any building or group of buildings or facility, containing six or more guestrooms, which is occupied or intended or designed for occupancy by transients for lodging or sleeping purposes for thirty days or less and is held out as such to the public. “Hotel/motel” does not mean any hospital, convalescent home or sanitarium;

C. “**Residential rental unit**” means an apartment house, lodging house, or dwelling that is not owner occupied;

D. “Toilet Room” means a room that can be made private by locking a door that contains a toilet and shall comply in all ways with the California Building Codes in effect upon its construction. Toilet rooms may also contain lavatories, bathtubs or showers.

E. “Transient” as defined in CVMC Section 3.40.020

**15.20.010 California Housing Code 1998 Edition and Uniform Housing Code 1997 Edition adopted by reference.**

There is hereby adopted by reference that certain document known and designated as the California Housing Code 1998 Edition and Uniform Housing Code 1997 Edition as copyrighted by the International Conference of Building Officials. Said document is hereby adopted as the housing code of the city of Chula Vista, California, providing for the issuance of housing permits and providing the minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of residential buildings in the city of Chula Vista, and the regulations, provisions, penalties, conditions and terms of said California Housing Code 1998 Edition and Uniform Housing Code 1997 Edition are hereby referred to, adopted, and made a part hereof, as though fully set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

(Ord. 2784-B § 1, 1999; Ord. 2645 § 1, 1995; Ord. 2510 § 1, 1992; Ord. 2344 § 1, 1989; Ord. 2159 § 1, 1986; Ord. 2046 § 1, 1983).

**15.20.020 Section 201.1 amended to designate assistant director of building and housing as building official.**

Section 201.1 of the Uniform Housing Code, as it applies in Chula Vista, shall read as follows:

Section 201.1 Authority. The building official is hereby authorized and directed to enforce all the provisions of this code. For such purpose, the building official shall have the powers of a law enforcement officer.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code. The building official shall be the assistant director of planning and building.

(Ord. 2784-B § 1, 1999; Ord. 2645 § 1, 1995; Ord. 2506 § 1, 1992; Ord. 2439 § 6, 1991; Ord. 2344 § 1, 1989; Ord. 2046 § 1, 1983).

**15.20.030 Section 203.1 amended to designate board of appeals and advisors as housing advisory and appeals board.**

Section 203.1 of the Uniform Housing Code, and the title precedent thereto, as it applies in Chula Vista, is hereby amended to read as follows:

Board of Appeals and Advisors.

Section 203.1 General. In order to provide for reasonable interpretation of the provisions of this code, to mitigate specific provisions of the code which create practical difficulties in their enforcement and to hear appeals provided for hereunder, there is hereby established a board of appeals and advisors consisting of seven members who are qualified by experience and training to pass upon matters pertaining to building construction, use and occupancy of residential structures. The assistant director of planning and building shall be an ex-officio member who shall not be entitled to vote and who shall act as secretary to the board. The board of appeals and advisors shall be appointed by the mayor and confirmed by the city council. The board shall render all decisions and findings in writing to the assistant director of planning and building with a duplicate copy to the appellant. Appeals to the board shall be processed in accordance with the provisions contained in Section 1201 of this code or in accordance with such procedures as may be prescribed by the city attorney of the city of Chula Vista. The decision of the board is final. The board of appeals and advisors shall recommend to the city council such new legislation deemed necessary to govern construction, use and occupancy of residential structures, in the city of Chula Vista.

(Ord. 2784-B § 1, 1999; Ord. 2645 § 1, 1995; Ord. 2510 § 1, 1992; Ord. 2344 § 1, 1989).

#### **15.20.040 Section 304 added to require annual housing permit.**

Section 304, and the title precedent thereto, is added to the Uniform Housing Code, as it applies in Chula Vista, which section shall read as follows:

Annual Housing Permit.

Section 304.1 It shall be unlawful for any person, firm, partnership, or corporation, either for himself or itself, or for any other person, firm, partnership, or corporation to own or operate an apartment house, lodging house or hotel/motel without first obtaining a housing permit therefor.

Section 304.2 The annual housing permit provided for in this code shall be due and payable to the city of Chula Vista on the first day of January of each year in advance. The housing permit fee shall be paid concurrently with the business license fee.

Section 304.3 If any person, firm, partnership or corporation commences the operation of an apartment house or hotel/motel during the calendar year, the housing permit shall be prorated on a quarterly pro rata basis for the calendar year.

Section 304.4 A permit to operate and maintain an apartment house or hotel/motel is not transferable.

(Ord. 2784-B § 1, 1999; Ord. 2645 § 1, 1995; Ord. 2510 § 1, 1992; Ord. 2506 § 1, 1992; Ord. 2344 § 1, 1989; Ord. 2159 § 1, 1986; 2046 § 1, 1983).

**15.20.050 Section 305 added to require housing permit fees to be set by city’s master fee schedule.**

Section 305, and the title precedent thereto, is added to the Uniform Housing Code, as it applies in Chula Vista, which section shall read as follows:

Housing Permit Fees – Residential rental units, Apartment Houses, Lodging Houses, Hotels and Motels.

Section 305.1 The fee for a housing permit required by Section 304 of this code shall be as presently designated, or as it may hereafter be amended, as set forth in the master fee schedule of the city of Chula Vista.

For the purpose of this section, a “unit” shall mean each rental dwelling in an apartment house, each sleeping room in a hotel, motel, and lodging house, and each apartment and each hotel/motel sleeping room in a building containing both apartments and hotel/motel sleeping rooms.

Separate residential rental units and separate hotel/motel buildings, or combination thereof, located upon a single parcel of land or contiguous parcels of land, under the same ownership, shall be treated as one apartment house, or hotel, for the purpose of computing the fee prescribed by this section.

Section 305.2 Penalty for Delinquent Payment. If the housing permit is not paid on or before the thirtieth day of the month following the date when it became due, then a penalty in an amount equal to twenty-five percent of the permit fee due and payable shall be added thereto, and no such permit shall be issued until such penalty has been paid.

Section 305.3 The assistant director of planning and building shall cause to be made such inspections, at such intervals, as shall be deemed necessary to insure compliance with the provisions of this code.

(Ord. 2784-B § 1, 1999; Ord. 2645 § 1, 1995; Ord. 2510 § 1, 1992; Ord. 2344 § 1, 1989; Ord. 2159 § 1, 1986; 2046 § 1, 1983).

**15.20.060 Section 306 added to require suspension or revocation of annual housing permit where operation is nonconforming.**

Section 306, and the title precedent thereto, is added to the Uniform Housing Code, as it applies in Chula Vista, which section shall read as follows:

Suspension and Revocation of Housing Permit.

Section 306 Whenever it is found that any apartment house, lodging house, hotel or motel is not being conducted in conformity with this code, the annual housing

permit to operate shall be subject to revocation or suspension by the building official.

(Ord. 2784-B § 1, 1999; Ord. 2645 § 1, 1995; Ord. 2510 § 1, 1992).

### **15.20.070 Hotel/motel – Permit to Operate.**

In addition to the requirements of CVMC 15.20.060, hotel/motels must have a Permit to Operate as required by CVMC Chapter 5.39.

### **15.20.80 Hotel/motel – Guestroom – Minimum requirements.**

No person or hotel/motel may offer for rent, use, or occupancy any guestroom that does not meet or exceed the following minimum equipment and amenities:

A. An American standard double size mattress or larger made with 100% new material resting on a box spring and supported on a frame or pedestal and maintained in a sanitary, nondefective condition;

B. Clothes closet with clothes rod;

C. Luggage rack or luggage support counter;

D. Toilet room;

E. Lavatory;

F. Bathtub or shower;

G. Heating and air conditioning under guest control;

H. Mirror securely attached to a wall and with minimum dimensions of 12" x 12";

I. Security deadbolt on the entry door incorporating no special knowledge panic release hardware and in compliance with California Code of Civil Procedures Section 1941.3;

J. Solid core entry door securely mounted within its frame;

K. Doorguard constructed of solid brass or stainless steel;

L. Door viewer with 160° view in all directions installed in the guestroom entry door;

▪ Exception:

1. Sidelight or window in close proximity to the door is also acceptable.

M. Twenty-four (24) hour free emergency telephone access to the front desk and to 911 services;

N. A rate schedule for services posted in each guestroom in a conspicuous place in compliance with California Code of Civil Procedures Section 1863;

O. Insect screens on all operable windows;

P. Functional locking mechanisms on all operable windows and sliding glass doors in compliance with California Code of Civil Procedures Section 1941.3;

Q. Window coverings on each transparently glazed window that provide for complete privacy when closed and that are free of holes, tears, and frayed areas, defined as in excess of a 1 inch square combined total area, and that meet the California Title 19 requirements for fire safety;

SECTION II. That Chapter 5.39 of the Chula Vista Municipal Code is hereby established to read as follows:

### **5.39.020 Severability.**

It is declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code.

### **5.39.030 Definitions.**

For the purpose of this chapter, unless otherwise expressly stated, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. **“Calls for Service”** includes but is not limited to any and all calls to emergency services, (police, fire, medical) that result in a representative being dispatched or directed to the hotel/motel. This shall include any calls for service within the surrounding neighborhood that, through information or investigation, can be traced to the hotel/motel staff and or registered guest(s) and/or visitor(s). Calls for service includes any self initiated activity and/or investigation based on the observation(s) of an emergency services representative.

B. **“Drug-related arrests”** include, but are not limited to, those that involve the manufacture, cultivation, importation into the state, transportation, possession, possession for sale, sale, furnishing, administering, or giving away, or providing a place to use or fortification of a place involving, any controlled drug, narcotic or drug paraphernalia.

C. **“Guest”** shall mean any person that occupies a guestroom.

D. **“Guestroom”** shall mean a sleeping room in a hotel/motel designed and intended to be used as lodging as documented by the city building official or his designee.

E. "**Guestroom minimum requirements**" shall mean those requirements as set forth in CVMC 15.20.

F. "**Hotel/motel**" means any building or group of buildings or facility, containing six or more guestrooms, which is occupied or intended or designed for occupancy by guests for lodging or sleeping purposes and is held out as such to the public. "Hotel/motel" does not mean any hospital, convalescent home or sanitarium.

G. "**Hotel/motel operation**" means the occupancy of any guestroom or use of any hotel/motel facility regardless of compensation or remuneration.

H. "**Kitchen**" shall mean a discrete area completely separate from the bathroom and toilet room, containing a sink, refrigerator, and cooking appliance.

I. "**Manager**" means any person who, in connection with the activities of a hotel/motel, manages the business's operations, including but not limited to the collection of rental charges, issuing of keys, direction of maintenance personnel, assigning of rooms to guests, and handling guest affairs and overseeing security. The term shall also include Resident Manager and Assistant Manager.

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

K. "**Owner**" shall mean any person, firm, association, partnership, or corporation, which is the record owner of real property as listed on the last equalized assessment roll as maintained by the San Diego County Assessor. It shall also mean any part owner, joint owner, or lessor of the whole or part of the land or buildings situated thereon.

L. "**Person**" shall mean any natural person, firm, partnership, corporation, receiver, trustee, estate trust, business trust, organization, or association.

M. "**Prostitution-related arrests**" include, but are not limited to, those that involve prostitution or prostitution-related crimes such as, pimping or pandering, in violation of Section 647(b), 315, 316, 653.22, and 653.23 of the California Penal Code.

N. "**Toilet room**" means a room that can be made private by locking a door that contains a toilet and shall comply in all ways with the California Building Codes in effect upon its construction. Toilet rooms may also contain lavatories, bathtubs or showers.

#### **5.39.040 Permit to Operate – Application deadline and fee.**

The annual permit to operate shall be applied for to the City Manager, or his designee, on a yearly basis by the operator of each hotel/motel. The deadline for submitting the application shall be November 1, or, if this date falls on a Saturday or Sunday, on the next business day of the City of Chula Vista. The application shall be submitted with a processing fee, as identified in the City's master fee schedule. The permit shall be issued or denied within 60 days. The first operating permit will be required as of January 1, 2008, and on a yearly basis thereafter.

In the event that a new hotel/motel operator applies for a permit during the year prior to November 1, the permit will be issued or denied within 60 days. Any subsequent permit may be applied for on November 1 of the following year and issued or denied within 60 days.

#### **5.39.050 Permit to Operate – Application required – Contents.**

All persons applying to the City Manager, or his designee, for a permit to operate a hotel/motel shall file with the city Chief of Police, or his designee, a sworn application with processing fee therefore on forms provided by the city and containing information as follows:

- A. Business license in accordance with Chapter 5.13 "Rental Businesses."
- B. The name of the applicant and trade name, if any, of the business; the name of the corporation and the name and address of its agent for service;
- C. The business name, address, and phone number of the hotel/motel, and the emergency contact phone information for the hotel/motel.
- D. The number of toilets in the hotel/motel.
- E. The number of kitchens in the hotel/motel.
- F. Proof of liability insurance, if applicable, including the carrier, policy number, agent's name, address and phone number or a statement of self-insurance.
- G. Annual inspection report, on the form(s) provided by the City, by an Environmental Health Specialist registered with the California Department of Health Services, certifying that the facility is in compliance with California public health requirements.
- H. Transient occupancy tax bond if required by the city finance director. See Chapter 3.40.

Any material misrepresentation in the application for the Permit to Operate a hotel/motel or a failure to provide the required information shall be grounds for denial.

#### **5.39.060 Permit to Operate – Grounds for Denial.**

The permit to operate may be denied for any of the following reasons:

- A. The applicant is unable to establish a degree of financial responsibility required by CVMC Chapter 3.40 “Transient Occupancy Tax” or has an outstanding debt to the city incurred under Section 3.40.090.
- B. The hotel/motel property has an unabated Notice of Violation, in excess of thirty (30) days, of the City Municipal Code that cites violations of the State of California Housing Law.
- C. Such other relevant facts as the chief of police, or his designee, may discover or deem advisable or necessary in the course of the review of the application, such as:
  - a. Drug-related arrests
  - b. Prostitution-related arrests
  - c. Calls for service
- D. Non-compliance with federal, state, and City Municipal Codes.

#### **5.39.070 Permit to Operate – Denial – Appeal Hearing.**

Whenever the City denies a Permit to Operate for a hotel/motel, as provided in this chapter, the owner or operator of said hotel/motel shall have a right to a hearing to appeal the denial in accordance with CVMC Chapter 1.40.

#### **5.39.080 Permit to Operate – Display.**

The operator shall display the Permit to Operate in an open and conspicuous place on the premises.

#### **5.39.090 Permit to Operate – Non-transferability.**

Each Permit to Operate issued pursuant to CVMC 5.39.030 through 5.39.170 shall be separate and distinct from all others and shall not be transferable from the person, firm or corporation to whom issued to any other person, firm or corporation. (Ord. 886 § 1, 1964; prior code § 31.54).

When a change of operator occurs at an existing hotel/motel, the new operator shall apply for a Permit to Operate within 10 business days of opening of escrow. If the prior operator’s Permit to Operate for the hotel/motel was denied or revoked, a provisional Permit to Operate may be issued with special conditions designated by the Chief of Police or his designee.

### **5.39.100 Permit to Operate – Report of changes to the application.**

Whenever an owner sells or transfers title to, or assigns the lease of or subleases, a hotel/motel, then the owner shall notify the city manager in writing within five (5) business days of such transfer.

Every operator of a hotel/motel shall report any change in the information required by CVMC 5.39.030 through 5.39.170, including but not limited to any change in the manager(s) and/operator(s) and/or owner(s) as defined in Section 5.39.030 (I), (J), (K) to the chief of police in writing within five business days after the change has occurred. A change in the information on the application is subject to review by the chief of police and may be grounds for suspension or revocation of the Permit to Operate.

### **5.39.110 Permit to Operate - Revocation**

The annual permit to operate shall be subject to revocation by the City Manager, or his designee, and/or Chief of Police, or his designee, upon good cause shown that the operation of the hotel/motel is such that it is or has negatively impacted the health, safety and/or welfare of its guests or the residents or businesses of the neighboring community by any of the following:

- A. Non-compliance with Federal, State, and City Municipal Codes
- B. Drug-related arrests
- C. Prostitution-related arrests
- D. Calls for service
- E. Any other conditions, problems, issues, concerns or facts that are deemed relevant.

In processing a revocation the Chief of Police, or his designee, shall prepare an investigation report that details the circumstances that have lead to the revocation. It may include any or all of the following that are applicable:

1. Frequency or occurrence of violation(s), arrest(s), call(s) for service;
2. Seriousness of the violation(s), arrest(s), call(s) for service; in relation to its threat or impact upon public health, safety or welfare;
3. History of the violation(s), arrest(s), call(s) for service;
4. Good faith efforts taken by the responsible party to correct, reduce and or alleviate violation(s), arrest(s), call(s) for service;
5. Any activity, action or effort taken by the responsible party to obstruct or interfere with correction of the problem;
6. The impact of the violation(s), arrest(s), call(s) for service; on the surrounding property and community;
7. The financial impact to the City.

### **5.39.120 Notice of Hearing**

Upon good cause shown in the Revocation Investigation Report issued by the Chief of Police, or his designee, the City Manager, or his designee, shall issue a Notice of Hearing for Revocation of Permit to Operate in accordance with CVMC 1.40.030 and shall schedule a hearing before the hearing examiner in accordance with CVMC 1.40.020 (B).

### **5.39.130 Notice of Revocation of Permit to Operate**

Upon confirmation and final decision issued by the hearing examiner, the Chief of Police, or his designee shall, in addition to the requirements of CVMC 1.40.020 (H), post a copy or copies of the Notice of Revocation of Permit to Operate at the hotel/motel.

### **5.39.140 Notice of Revocation of Permit to Operate – Removal or Tampering with Posted Notice**

A posted Notice of Revocation of Permit to Operate may only be removed by an authorized City official. Any removal, covering, defacing, altering or tampering by unauthorized person(s) may be prosecuted as a misdemeanor.

### **5.39.150 Permit to Operate – Surrender following revocation.**

Whenever a Permit to Operate has been revoked by the City, the operator of the hotel/motel for which such permit was issued shall surrender such permit to the city forthwith. The hotel/motel operation shall cease within 72 hours of the posting of the Notice of Revocation of Permit to Operate in accordance with CVMC 5.39.140.

### **5.39.160 Permit to Operate – Reissue after revocation.**

A Conditional/Permit to Operate that is revoked shall not be reissued for a period of three (3) years from the date of such revocation.

### **5.39.170 Violation – Penalty.**

It is unlawful to operate a hotel/motel without a valid Permit to Operate or to fail to comply with any of the requirements established by this chapter. Violations of this section shall be subject to enforcement by any and all remedies listed in Title 1 of the Chula Vista Municipal Code, including a fine of up to \$1,000 and/or six months in the county jail.

SECTION III. This Ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Presented by

Approved as to form by

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Richard Emerson  
Chief of Police

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Ann Moore  
City Attorney

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Jim Sandoval  
Director of Planning and Building

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Maria Kachadoorian  
Director of Finance/Treasurer

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Ann Hix  
Acting Director of Community Development

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Doug Perry  
Chief of Fire

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION AMENDING THE MASTER FEE SCHEDULE TO  
INCLUDE A PERMIT-TO-OPERATE FEE FOR HOTELS AND MOTELS**

WHEREAS the City of Chula Vista is committed to the health, safety and welfare of its residents; and

WHEREAS it is also a high priority of the City Council to provide for the health, safety and welfare of visitors to the City; and

WHEREAS it is the intent of the City Council to proactively establish local health, safety and welfare standards for hotels/motels in the City of the Chula Vista that will help create a vibrant and robust environment for the enjoyment of its tourists, visitors, residents and businesses; and

WHEREAS each year motels/hotels within the City of Chula Vista will submit an application to operate that will require staff time for review.

**NOW, THEREFORE, BE IT RESOLVED** the City Council of the City of Chula Vista does hereby amend Chapter VI of the master fee schedule to include the permit-to-operate fee requirement for hotels and motels as set forth below:

**F. HOTELS/MOTELS**

1. Hotel/Motel Permit to Operate

A non-refundable fee shall accompany each hotel/motel permit as follows:

- a. A fee of \$70 for initial application and renewal.
- b. An hourly rate of \$70 for any applications that require more than an hour of investigation.

Presented by

Approved as to form by

\_\_\_\_\_  
Richard Emerson  
Chief of Police

\_\_\_\_\_  
Ann Moore  
City Attorney

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Jim Sandoval  
Director of Planning and Building

---

Maria Kachadoorian  
Director of Finance/Treasurer

---

Ann Hix  
Acting Director of Community Development

---

Doug Perry  
Chief of Fire



## Police Department

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September 19, 2012

Dear Hotel/Motel Operator:

Municipal Code 5.39 requires all City hotels and motels to obtain and display a permit to operate each year. (The full text of the ordinance can be found by entering "5.39" in the search request box at: <http://www.codepublishing.com/ca/chulavista.html>.)

Enclosed are the three documents that comprise your 2013 calendar year permit to operate application packet:

- 1-page application for permit to operate
- health inspection form ("Environmental Health Report – Hotels and Motels")
- application checklist/important dates flier

Your permit application, health inspection form, and \$70 processing fee are **due by November 1, 2012** to the Chula Vista Police Department.

If you will be submitting a request for a permit to operate, **we recommend that you arrange for your property's environmental health inspection as soon as possible.** The health inspection must be completed by a registered environmental health specialist (REHS) who is licensed by the state of California. The health inspection is required in even years (2012, 2014, 2016, etc.). You are responsible for scheduling the inspection and addressing any issues that may arise before your permit to operate application packet is due.

Below are the names and telephone numbers of two registered environmental health specialists (REHSs) provided by a representative of the Food and Housing Division of the San Diego County Department of Environmental Health; both worked with Chula Vista motels in 2010 to complete their health inspections.

**Robert Romaine, (619) 303-8189 or 619-997-1005 (cell), [fscromaine@sbcglobal.net](mailto:fscromaine@sbcglobal.net)**

**Paula Tanner, (619) 339-8599, [paula.tanner@jackinthebox.com](mailto:paula.tanner@jackinthebox.com)**

We are not recommending that you contract with any specific REHS and the names above are not presented in any particular order.

Once we receive a request for a permit to operate, we will review relevant City data regarding the property. Operating permits may be denied for any of the following reasons:

- The hotel/motel owes the City Transient Occupancy Tax.
- The hotel/motel has an unabated Notice of Violation (code violation) in excess of 30 days.

- The hotel/motel has excessive calls for service or drug- or prostitution-related arrests.
- The hotel/motel is not in compliance with Federal, State, and City Municipal codes, such as the California public health requirements outlined in the enclosed form, "Environmental Health Report – Hotels and Motels."

We recognize that the permit to operate application process entails additional efforts on your part. We very much appreciate your participation in this process as it contributes toward our common goal -- making all Chula Vista hotels and motels as safe and secure as possible.

If you have any questions, or would like to schedule an on-site meeting at your motel to discuss any ordinance-related issues with members of the Police Department and other city officials, such as Code Enforcement officers, Finance staff, or a representative from the City Attorney's Office, please contact Karin Schmerler at 619-409-5410.

Sincerely,



Gary Wedge, Captain  
Chula Vista Police Department

cc: Tiffany Allen, Treasury Manager, Finance Department, City of Chula Vista  
Edward Chew, Administrative Services Manager, Chula Vista Police Department  
Gene Gardiner, Code Enforcement Officer II, Planning and Building Services,  
City of Chula Vista  
Chance Hawkins, Deputy City Attorney, City of Chula Vista  
Karin Schmerler, Senior Public Safety Analyst, Chula Vista Police Department

# 2013 Hotel/Motel Permit to Operate Application



## Hotel/Motel Information

Hotel/Motel Name: \_\_\_\_\_

Hotel/Motel Address: \_\_\_\_\_

Hotel/Motel City: \_\_\_\_\_ Hotel/Motel State: \_\_\_\_\_ Hotel/Motel Zip: \_\_\_\_\_

Number of Kitchens in Hotel/Motel: \_\_\_\_\_ Number of Toilets in Hotel/Motel: \_\_\_\_\_

24-Hour Emergency Contact Telephone: \_\_\_\_\_ Business License # \_\_\_\_\_

Full Name of Applicant/Operator: \_\_\_\_\_

Business Name (if different from motel name): \_\_\_\_\_

Corporation Name (if applicable): \_\_\_\_\_

The Hotel/Motel is self-insured:  yes  no (if no, complete liability insurance questions)

Liability Insurance Carrier: \_\_\_\_\_ Policy #: \_\_\_\_\_

Liability Insurance Agent (LIA): \_\_\_\_\_ LIA Telephone: \_\_\_\_\_

LIA City: \_\_\_\_\_ LIA State: \_\_\_\_\_ LIA Zip: \_\_\_\_\_

Agent for Service (AOS): \_\_\_\_\_

Street Address for AOS: \_\_\_\_\_

City AOS: \_\_\_\_\_ State AOS: \_\_\_\_\_ Zip AOS: \_\_\_\_\_

## Owner Information

Name of Hotel/Motel Owner: \_\_\_\_\_

Owner Address: \_\_\_\_\_

Owner City: \_\_\_\_\_ Owner State: \_\_\_\_\_ Owner Zip: \_\_\_\_\_

Owner Telephone: \_\_\_\_\_ Owner E-mail: \_\_\_\_\_

## Manager Information

Name of Hotel/Motel Manager: \_\_\_\_\_

Manager Address: \_\_\_\_\_

Manager City: \_\_\_\_\_ Manager State: \_\_\_\_\_ Manager Zip: \_\_\_\_\_

Manager Telephone: \_\_\_\_\_ Manager E-mail: \_\_\_\_\_

**Signature of Applicant/Operator:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**This application is due November 1, 2012.** Please attach your completed health inspection form and \$70 permit fee to this application and submit it to: Chula Vista Police Department, 315 Fourth Avenue, MS P-200, Chula Vista, CA 91910, *Attention:* Karin Schmerler.



Hotel/Motel Name: \_\_\_\_\_

## ENVIRONMENTAL HEALTH REPORT – HOTELS AND MOTELS

### INSTRUCTIONS TO THE INSPECTOR:

All areas of the building and grounds and all guestrooms shall be inspected for the following items. Please initial each item that is in compliance. Any item not in compliance shall be detailed on the back of this sheet. Issues not covered by these items that are in violation of government statute shall also be reported in detail on the back of this sheet.

\_\_\_\_\_ The hotel/motel does not have any interior or exterior areas where stagnant water has accumulated.

\_\_\_\_\_ All necessary means have been employed to eliminate and control infestations of insects and rodents on the premises of any hotel/motel. "Insects" include, but are not limited to, lice, bedbugs, fleas, blood-sucking conenoses, roaches, flies, bees, and the larva and eggs of aforesaid insects. "Rodent" includes, but is not limited to, mice, rats, opossums and squirrels. Exterior monitoring traps for rodents are present, and the hotel/motel contracts for a regular pest service.

\_\_\_\_\_ Soap and toilet tissue in suitable dispensers and individual towels or other approved hand-drying facilities and suitable waste receptacles with lids are provided in each rest room.

\_\_\_\_\_ Floors, walls and ceilings of guestrooms are constructed and maintained as to be easily cleanable and are clean and in good repair.

\_\_\_\_\_ Mattresses, mattress covers, quilts, blankets, pillows, pillow slips, sheets, comforters, and other bedding is clean and is in good repair.

\_\_\_\_\_ Guestrooms are supplied with a lavatory, hand soap, and clean towels for each guest.

\_\_\_\_\_ All eating and drinking utensils in guestrooms are either single use service or are washed, sanitized, and protected from subsequent contamination.

\_\_\_\_\_ There are no ice machines on the property that allow dispensing of ice from storage bins where the general public has free access.

\_\_\_\_\_ All rubbish, waste containers, and dumpsters located on the premises are free of accumulations of refuse, dirt and waste products that are subject to decomposition and fermentation.

\_\_\_\_\_ If the hotel/motel has a pool, basic safety equipment is present, and the water is clear.

\_\_\_\_\_  
Signature of CA Registered Environmental  
Health Specialist

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
CA License Number





## Checklist: Hotel/Motel Permit to Operate Application

Please make sure your application is complete before submitting it to the Chula Vista Police Department. Did you:

- Completely fill out the 1-page permit to operate application
- Attach your completed health inspection report to the application
- Attach the \$70 permit to operate fee to the application (checks can be made out to the Chula Vista Police Department)

Please mail or bring your completed application packet to:

**Chula Vista Police Department  
315 Fourth Avenue, MS P-200  
Chula Vista, CA 91910  
Attention: Karin Schmerler**

### Questions??

Gene Gardiner, 619-407-3536 (code enforcement or health inspection issues)

Karin Schmerler, 619-409-5410 (public safety issues or application process)

### Important Dates: 2013 Hotel/Motel Permit to Operate Application Process

September 19, 2012      Permit Application Packets Mailed to All Hotel/Motel Operators

November 1, 2012      Permit Application Packets Due to the Chula Vista Police Department

December 17, 2012      Permits Mailed to Hotels/Motels

January 1, 2013      Permits Must be Displayed by Hotels/Motels

## **Project Description**

### **Reducing Crime and Disorder at Motels and Hotels in Chula Vista, California**

#### Scanning

Chula Vista is a city of 233,000, located seven miles south of San Diego and seven miles north of the Mexican border. The City is perfectly situated to accommodate tourists visiting both the San Diego area and Baja, Mexico. However, for many years, the City's overnight lodging industry consisted primarily of cheap motels<sup>1</sup> that were havens for serious crime, drug dealing, parolees, and prostitutes. Efforts to bring tourist dollars to such Chula Vista attractions as the U.S. Olympic Training Center, Knott's Soak City, and Coors Amphitheatre<sup>2</sup>, were inhibited by the lack of safe and clean lodging in the City. Olympic Training Center athletes were actually housed in San Diego hotels, because none of the motels in Chula Vista were deemed safe enough for the athletes.

In the mid 1990s, business organizations, such as the Chula Vista Chamber of Commerce and Convention & Visitors Bureau, asked for the City's help in improving the quality and safety of Chula Vista motels. Police developed a working partnership with the Convention & Visitors Bureau staff and began meeting with and organizing motel managers and owners. As a part of these efforts, police increased enforcement at motels, and passed an ordinance in August of 1999 that prohibited hourly room rentals and required motel guests to present photo IDs at the time of check-in.

Despite the new law and stepped up enforcement efforts, police continued to respond to a high number of citizen calls for service (CFS) (more than 930 in 2000) at

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<sup>1</sup> Because the majority of overnight lodging facilities in Chula Vista are motels, rather than hotels, the term 'motel' is used throughout, but refers to both types of properties.

<sup>2</sup> Now called Cricket Wireless Amphitheatre

motels. A number of these calls involved interpersonal violence; 91 were domestic violence incidents, 52 were assaults or fights. City Code Enforcement staff routinely fielded complaints about unsanitary conditions and code violations from unhappy motel guests. A number of motels still rented to undesirable guests who chased away tourist business, and one motel continued to rent adult-oriented rooms on a 2-hour basis.

By early 2001, business leaders, elected representatives, and the police were increasingly frustrated by the seemingly intractable crime and disorder problems at the City's 27 motels.<sup>3</sup> The motels were becoming the blight of a city with high hopes for future redevelopment and growth. Under the leadership of Chief Rick Emerson, police staff, along with other City staff and business groups, began working on a problem-oriented policing project to improve public safety levels at motels.

### Analysis

**Initial CFS Analysis.** In 2001, police analysts began looking at CFS datasets and found that the total number and annual ratio of CFS per room<sup>4</sup> varied quite a bit from one motel to the next. A review of call narratives at two high-CFS motels indicated that many incidents occurred in the motel rooms, as opposed to the parking lots or lobbies. Typical reasons for the person-related disturbances in rooms at these motels included complaints that guests or visitors would not check out, pay for a room, or leave the premises when asked.

**Motel User Surveys.** Project staff sought to gain insight into the backgrounds and motivations of problem guests and visitors who patronized City motels. In the summer of

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<sup>3</sup> The number of motels in Chula Vista has varied over time. There are currently 24 motels in the City.

<sup>4</sup> Individual CFS per room ratios were calculated by dividing the total annual number of CFS at a motel by the total number of rooms at the motel.

2002, police officers surveyed 58 individuals located on the grounds of several problem properties. The survey results indicated that 75% of those questioned were residents of San Diego County, and many were at a local motel because they were either homeless, in between homes, or not welcome in their primary residence (see Appendix F for the full survey instrument). From the survey, police also learned local motel users were high-risk guests and visitors. Motel users with in-County home addresses were 13 times more likely to be on probation and 4 times more likely to be on parole than the general adult California population. The few tourists at the motels indicated they were not on probation or parole.

**Manager Interviews and Environmental Assessments.** Project staff were aware that academic research on crime and place<sup>5</sup> indicated that place managers had a great deal of influence over the level of public safety at apartment complexes, but had seen no studies on the impact of place management on budget motels. To help build the body of research on problems at budget motels, the Chula Vista Police Department (CVPD) contracted with the Center for Criminal Justice Research at California State University, San Bernardino (CSUSB) in 2002 to develop and administer motel manager interviews and environmental surveys at Chula Vista motels.

CSUSB staff teamed with police staff to develop and administer survey instruments; 23 motel managers were interviewed and 26 environmental surveys were conducted. The management survey included questions on the estimated percentage of motel clientele that was “local,” the kinds of crime and disorder problems experienced at the motel, and the number of long-term guests at the motel (see Appendix G for the full survey). By combining the management survey data with CFS data, CSU staff identified

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<sup>5</sup> Eck, J. and J. Wartell. (1999). “Reducing Crime and Drug Dealing by Improving Place Management: A Randomized Experiment.” *National Institute of Justice Research Preview*, Office of Justice Programs.

several management practices that were correlated with high calls for service at motels, including catering to a local clientele and renting to long-term guests. These associations had long been suspected, but never scientifically substantiated. At the time of the survey, 70% of Chula Vista motels indicated that half or more of their clientele was local; 45% of motels said they rented to guests for more than 30 days at a time.

The environmental survey looked at room security measures, access control, and signs of visible disorder at the motel properties (see Appendix H to review the full survey). An important finding of the environmental survey was that a relatively large percentage of Chula Vista motel rooms lacked basic room security measures. Sixty-two percent of the motels had no chain or swing bar on their external room doors; 33% had no peephole; and 28% had no deadbolt. These three security features were considered so basic by the courts and the motel industry that the lack of them was essentially *prima facie* evidence of unsafe lodging.

The problem analysis conducted up to this point in the project was very helpful in identifying basic problems that needed attention at the motels (such as room security) and factors associated with high CFS (renting to local and long-term guests), but these analytical findings did not fully explain the extreme variation in CFS per room ratios found at Chula Vista motels (from a high of 2.77 CFS per room to a low of 0.11 CFS per room in 2005<sup>6</sup>) (see Appendix I). While many motels that catered to a local clientele had high CFS per room ratios, some did not. Staff sought to determine whether there were other factors

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<sup>6</sup> Prior to 2006, CFS per room ratio calculations included calls canceled prior to dispatch. As a result, the CFS per room ratio calculations noted here were slightly higher across the board than those used to assess the impact of the project in the last section of this submission.

that affected the level of public safety issues at motels, such as location, room price, and the amount of police attention received by the motels.

**Testing Hypotheses.** To determine whether motels had problems because they were located in high-crime areas, staff mapped and color-coded motels according to their 2003 CFS per room ratios<sup>7</sup> on top of a grid map that showed overall CFS density (see Appendix J). The map showed that motels with relatively high CFS ratios were located right next to motels with relatively low CFS ratios. In addition, the independent motel with the second highest CFS ratio in 2003 was located across the street from the independent motel with the lowest CFS ratio that year -- and both were located in a high CFS area. Staff subsequently rejected the “bad neighborhood” hypothesis.

For quite some time, it was thought that Chula Vista motels had crime and disorder problems because they charged low nightly rates, which attracted problematic motel users. However, a 2005 analysis found that four motels with low CFS ratios charged essentially the same rates as four motels with high CFS ratios. In fact, the motel with the highest CFS ratio in 2005 charged almost \$60 on weeknights and nearly \$70 on weekends; a motel with one of the lowest CFS ratios charged \$55 every night. Clearly, room prices were not the determining factor in motel CFS levels.

Another hypothesis about what caused motel problems was the level of police attention at the property. Project staff theorized that enhanced enforcement efforts at motels could reduce citizen-initiated CFS levels. However, when staff compared the annual

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<sup>7</sup>See footnote 6.

number of officer-initiated CFS<sup>8</sup> with the annual number of citizen-initiated calls between 2000 and 2004, they found little relationship between the two (see Appendix K).

**Literature Review.** During the course of the project, a team member was invited to author a guidebook on disorder at budget motels for the U.S. Department of Justice. Research from the Chula Vista project helped inform the guidebook and an expanded literature review conducted to write the guidebook helped inform the Chula Vista project. The literature on public safety problems at motels documented that several municipalities were able to reduce problems by holding motels accountable for their performance. The Oakland Police Department had negotiated an agreement with a motel chain that required the company to reduce the CFS ratio of a problem motel to that of neighboring chain motels. The problem motel subsequently improved its management practices, with an emphasis on pedestrian and vehicle access control, and within seven months, reduced calls for service to the property by 59%<sup>9</sup>.

In Stockton, the City Council passed an ordinance that required motels to meet minimum standards to obtain a permit to operate. These standards included adherence to building, fire and health codes, and maintenance of a level of calls for service that was not “excessive.” During the program’s first year of operation (2002), 20% of the city’s motels were closed because they were not able to meet the requirements; as a result, Stockton staff reported a substantial reduction in CFS<sup>10</sup>.

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<sup>8</sup> This analysis looked at all officer initiated CFS, including pedestrian and traffic stops.

<sup>9</sup> Oakland Police Department (2003). “The Oakland Airport Motel Program.” Submission for the Herman Goldstein Award for Excellence in Problem-Oriented Policing.

<sup>10</sup> Schmerler, K (2005). *Disorder at Budget Motels*. Office of Community Oriented Policing, U.S. Department of Justice.

In Charlotte, North Carolina,<sup>11</sup> and in Chula Vista, there was evidence that management practices and access control were related to low CFS. For example, one independent Chula Vista motel catered to a local clientele, yet had one of the lowest CFS ratios in the City. This property was managed by the owner who lived on site with her children. She had a long list of “house rules” and routinely screened out guests she considered undesirable. This motel manager’s office was situated in such a way that she could see all pedestrian and vehicle traffic coming through the single property entrance.

Finally, during informal conversations with motel managers in other cities, they admitted to project staff that they could tell whether a potential guest was likely to cause problems based on their prior experiences evaluating motel customers. Managers that didn’t want to risk problems didn’t rent to guests that raised concerns.

Ultimately, staff concluded that motel managers and owners could effectively control crime and disorder on their properties through good management practices -- if they choose to do so. This finding drove the development and implementation of a series of responses designed to reduce motel problems in Chula Vista.

### Responses

In October 2003, police staff invited all City motel owners and managers to an informational meeting for motel personnel held at the Chamber of Commerce. The purpose of this meeting was to share the results of the local manager interviews, as well as options for improving motel safety levels that were identified through national research.

Representatives from 13 Chula Vista motel properties participated. Attendees were offered the option of on-site, follow-up technical assistance meetings at their individual motels.

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<sup>11</sup> Charlotte-Mecklenburg Police Department (1998). “Independence Lodge.” Submission for the Herman Goldstein Award for Excellence in Problem-Oriented Policing.

Several motels that had a history of problems but did not send representatives to the meeting were contacted by telephone and encouraged to accept on-site technical assistance. As a result, 15 on-site meetings were held with motel managers and/or owners. At these meetings, police staff walked the properties with motel staff, and shared more in-depth information on calls for service to the property, as well as a checklist document that outlined management practices and environmental features that had been used by motels in other cities to reduce problems or had promise based on criminological theory (see Appendix L). Code Enforcement staff and a representative from the Convention & Visitors Bureau also attended a number of the on-site motel meetings and provided suggestions for improving the facilities and attracting tourists.

In 2003, Code Enforcement began an annual hotel/motel inspection program to ensure that the properties met state and local housing codes. During the first round of inspections, a number of properties required multiple re-inspections and modifications to come up to code. Two properties were ultimately unable to meet code requirements and were subsequently closed.

In September of 2003 and 2004, April of 2005, and June of 2006, informational reports that included the number of police calls for service and drug arrests at individual motels were mailed to each property. These reports were designed to let motel staff know the nature and level of problems at their properties. Later versions of the reports included CFS totals and ratios for all motels in the city, so properties could see how their performance compared to other motels.

Despite these efforts, the total annual number of police calls for service to motels declined just 7% between calendar years 2001 and 2005. Further, motels remained the top

drug arrest locations in the entire city of Chula Vista. In 2005, the number one drug arrest location was an independent motel, with 26 drug arrests; the second worst drug arrest location was a national chain motel with 24 arrests.

Because the educational and outreach efforts had not produced the desired reductions in public safety problems at motels, in 2005 police department staff began working closely with staff from the City Attorney's Office, Planning & Building, Community Development, Finance, and Fire Departments to develop an ordinance that would address a variety of issues affecting the City's budget motels. Staff reviewed motel ordinances adopted by other cities (most notably one in Tukwila, Washington, which referenced a CFS per room ratio standard, as well as regulatory ordinances in Oakland and Stockton, California), and developed an ordinance that met the needs of Chula Vista. Under the Chula Vista ordinance, all motels would be required to apply for and obtain an annual permit-to-operate from the City. Motel operators that failed to display a valid permit would be subject to a fine of up to \$1,000 and/or six months in jail.

Grounds for denial of a permit included unsanitary rooms, lack of basic crime prevention devices in rooms, such as deadbolts and window locks, and unacceptable numbers of drug arrests and/or CFS. Although a specific CFS standard was not codified in the permit ordinance, police had indicated to motels, both verbally and in writing, that the city standard would be 0.61 CFS per room, per year<sup>12</sup>. This standard was selected because it was the median CFS ratio for Chula Vista motels in 2005. Because half of the motels in Chula Vista had already achieved this standard, it was perceived to be a reasonable goal.

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<sup>12</sup> The CFS standard did not include such officer-initiated calls as pedestrian and traffic stops that did not result in an arrest.

A specific CFS standard was not written into the ordinance on the advice of the City Attorney's office, to allow for the consideration of mitigating circumstances and some flexibility in the permit granting process. In addition, specific remediation measures for motels that did not meet the public safety standard were purposefully not prescribed by the ordinance<sup>13</sup>. Each motel faced somewhat different problems (different property layout or clientele, for example) and would require solutions tailored to their specific situations. Project staff felt that motel owners and managers were in the best position to decide what steps they needed to take to meet the City CFS standard. Holding motel operators accountable for performance, rather than for making procedural changes, also had appeal because of the simplicity and outcome-oriented nature of this approach.

City staff shared the draft ordinance with motel managers and owners at two meetings in June 2006. Representatives from 11 of the motels attended the meetings, and provided staff with useful feedback on the proposed ordinance. City staff subsequently sought and obtained the endorsement of the ordinance from the Chamber of Commerce and Third Avenue Village Association. The Chula Vista City Council passed the permit to operate ordinance in August of 2006 by a vote of 5-0.

### Assessment

**Implementation of the Permit Ordinance.** Just 2 of the 24 motels that requested 2008 permits (the first year they were required) did not clearly meet the CFS standard during the corresponding performance review period (October 2006 to September 2007). Both properties ultimately entered into MOUs with the City that provided financial

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<sup>13</sup> In contrast, the Tukwila ordinance required motels with high CFS ratios to implement certain management practices to stay in business.

guarantees the motels would implement substantial changes in management practices and security enhancements in 2008. Both properties were in compliance with the ordinance during the 2007-2008 performance review period. A different motel did not meet the 2007-2008 performance standard and was granted a 2009 permit only after a corporate representative submitted a letter detailing the steps she would take to reduce problems at the property.

**Reduction in CFS.** CFS to Chula Vista motels declined 49% citywide as a result of the project (from an average of 104 CFS the first 52 months of the project to an average of 53 CFS the final 27 months of the project<sup>14</sup>). The majority of the CFS decline (73%) occurred after the motel permit ordinance was passed (see Appendix A). Although three motels permanently closed during the project, the average number of CFS per motel property also declined 38% from the pre-response period to the post-response period. Additionally, the median CFS per room ratio for Chula Vista motels was reduced from 0.71 to 0.36 as a result of the project. The reduction was most pronounced among the motels with CFS ratios above 0.99 during the 2003-2004 performance period (see Appendix B).

Most of the reduction in call levels at motels was due to a decline in citizen-initiated CFS. So was it a true decline? Did motel staff just stop calling the police for assistance to obtain their permits, or train guests not to call for help? An examination of call type data does not indicate that citizens stopped calling the police when they needed help. For

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<sup>14</sup> As noted earlier in this submission, the methodology for counting CFS to motels has evolved since 2001. However, for the purposes of this pre- and post-response assessment, a standardized CFS dataset was used for the entire period from 1/1/01 through 9/30/09 to ensure that true change over time would be captured. Unless otherwise noted, this dataset did not include any of the following CFS: traffic or pedestrian stops, traffic collisions, extra patrols, lost or found property, vehicle impounds, or any calls canceled prior to dispatch. In addition, CFS to the Moana Court Motel, which was in the process of closing prior to the beginning of the response phase of the project, were not included in this analysis.

example, vehicle theft reports at motels dropped from 33 in 2000-2001<sup>15</sup> to just 11 during the 2008-2009 measurement period, mirroring the drops in other types of citizen-initiated calls. However, it is unlikely that vehicle theft victims were persuaded not to report these crimes. National data indicates that 85% of vehicle thefts are reported to police<sup>16</sup>, because victims do not view reporting this crime as discretionary. Also, although all types of police-initiated calls at motels declined 19% from 2000-2001 to 2008-2009, officer-initiated “arrest felony” calls went down 86% (from a total of 44 to 6)<sup>17</sup>.

**Reduction in Officer Time Spent at Motels.** After the permit ordinance was passed, several problem motels hired security staff to prevent and handle foreseeable public safety issues at their properties. We believe the existence of these staff helped to reduce the level of incidents that both occurred at motel properties and necessitated a call to police. Several properties also implemented access control measures over the course of the project. Because motels had assumed responsibility for security at their properties, the amount of time spent on officer and citizen-initiated CFS at motels declined from more than 2,400 hours in 2000-2001, to about 1,160 hours in 2007-2008. The value of saving 1,240 officer hours during a 12-month period was approximately \$73,000 in 2008 dollars.

**Reduction in Crime and Drug Arrests.** Crime at Chula Vista motels also declined substantially over the course of the project. Violent crimes and crimes against persons went down 49% between 2003-2004 and 2008-2009; Part I and Part II crimes went down 70%<sup>18</sup>

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<sup>15</sup> Unless otherwise noted, the 2000-2001 and 2008-2009 measurement periods run from October 1 through September 30.

<sup>16</sup> “Criminal Victimization, 2007.” Bureau of Justice Statistics, Office of Justice Programs.

<sup>17</sup> This analysis included all officer-initiated calls types at motels, including pedestrian and traffic stops.

<sup>18</sup> Crime data figures include drug crimes against the state logged as crime cases. If these incidents are excluded, overall reduction is 65%.

during the same measurement periods (see Appendix C). Drug arrests at motels increased prior to the passage of the permit ordinance, but ultimately declined 66% between 2003-2004 and 2008-2009 (see Appendix D).

**Improvement of Motel Properties.** The quality and appearance of several motel properties improved tremendously between 2000 and 2009. The El Primero Hotel, which originally catered to people renting by the week, was sold and extensively renovated in 2004-2005; it is now a beautifully appointed boutique bed and breakfast property. The Tower Lodge, one of the most notorious properties in Chula Vista, was closed by Code Enforcement in May of 2005. In May of 2009, a brand-new affordable housing development with a platinum LEEDS certification<sup>19</sup> opened on the former Tower Lodge site. And finally, the former Royal Vista Inn changed ownership in 2005 and became a Comfort Inn & Suites franchise in 2007 (see Appendix E for before and after photos of these three properties).

**Improvement in Management Practices.** A motel management survey that followed up on the 2002 administration was conducted by CSUSB in the spring of 2008. The results from this survey indicated that fewer Chula Vista motels were targeting a primarily local clientele (30% in 2008 compared to 70% in 2002); just under a third continued to rent to long-term guests (30% in 2008 compared to 45% in 2002); and a larger percentage of motels reported having written check-in procedures (90% in 2008 compared to 55% in 2002). One caveat regarding the management survey is that the 2008 response rate was 42%, compared to the 2002 rate of 88%; also, the former was administered online and the latter in person. However, certain measurements remained similar over the two

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<sup>19</sup> This is the highest distinction in green building.

administrations. In 2008, 50% of respondents indicated their motels were family operated compared to 62% in 2002, and 30% of 2008 respondents said their motels were part of a chain or franchise, compared to 35% in 2002.

**Increased Number of Safe, Clean Lodging Units.** The number of motel rooms in Chula Vista that did not meet basic safety standards declined from at least 378 pre-response, to 0 post-response, due to Code inspections and requirements in the permit ordinance that all rooms have deadbolts, peepholes (or a nearby window) and door chains/security bars. In addition, all motels that applied for operating permits had acceptable health inspections.

**Increased Revenue Reported by Motels.** Despite the need for some motels to invest in additional security measures and change management practices, the lodging industry remained economically viable. Records from the Chula Vista Finance Department indicate that aggregate transient occupancy tax receipts for the slower rental months (October through March) increased the first two winters after the permit ordinance passed.

**Displacement Not Evident.** Project staff attempted to look for two types of displacement of motel crime and disorder: target and spatial. To start, staff compiled the home zip codes and home cities of 643 people arrested at Chula Vista motels during the nearly 24-month period between January 9, 2004, and December 31, 2006. Approximately 28% of all arrestees -- the single largest group -- hailed from the two Chula Vista zip codes where all of the City motels are located. Because the largest single group of arrestees who could potentially be displaced by the motel project lived in Chula Vista, staff first looked for target displacement to apartment complexes (with 8 or more units) within the City. However, after reviewing apartment complex CFS for the four performance periods

between October 1, 2004, and September 30, 2008, staff found that CFS to apartment complexes remained relatively steady during each 12-month comparison period, with no increase or decrease of more than 6% from one period to the next.

To look for geographic displacement, project staff identified 17 budget motels located within 3 miles of Chula Vista motels and obtained CFS datasets for these properties. Staff found no evidence of displacement during the first two post-permit ordinance review periods (2006-2007 and 2007-2008).

## **Agency and Officer Information**

### Key Project Team Members

Captain Don Hunter  
Sergeant David Eisenberg (retired 2007)  
Sergeant Mark Jones  
Senior Public Safety Analyst Karin Schmerler

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