



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Terri C. Schaeffer, Program Manager
MEETING DATE: September 5, 2018
SUBJECT: Update on Code Enforcement Efforts
CEQA: Does Not Constitute a “Project” per California Environmental Quality Act (CEQA) Guidelines Section 15378

RECOMMENDATION

Receive an update report regarding the enforcement of Pacific Grove Municipal Code.

DISCUSSION

The City of Pacific Grove Code Compliance Program (“Program”) operates out of the Community and Economic Development Department to enforce the City of Pacific Grove Municipal (PGMC) and Zoning Codes, the California Building Code, the California Health and Safety Code and the International Property Maintenance Code (IPMC). Staffed by a full time Code Compliance Officer and Program Manager, the program conducts proactive and reactive investigations.

Proactive investigations include routine neighborhood patrols and routine screening for illegal on-line rental activity. Reactive investigations include response to citizen complaints, referrals from other City Departments, and other agencies.

The Program addresses violations of the PGMC by contacting property owners or responsible parties to gain voluntary compliance. When responsible parties fail to comply with confirmed code violations, an accelerated code enforcement process may occur. Notices are sent with requests for compliance up to 60 days from the initial complaint and verification of the violation. When property owners fail to voluntarily comply with a Final Notice of Violation, a Compliance Order is issued and the City then has the ability to assess penalties for the violation. Most code compliance cases or investigations are resolved within an initial contact or notice of violation. In some cases, failure to comply with a Compliance Order will lead to an Administrative Hearing.

A volunteer Administrative Enforcement Hearing Panel serves the City in code enforcement matters (as well as parking citation appeals). Code Compliance staff schedule all hearings and prepare all case documents to represent the City at the hearing. There is an average of fourteen (14) hearings or reviews per calendar year including parking citation appeals and code enforcement measures.

Types of complaints relevant to the Program are unpermitted or unapproved work on buildings on public or private property, accumulation of solid waste, encroachment into the public right of way, general property maintenance concerns, unsafe or unsanitary living conditions, unlawful noise, and a range of unpermitted activity, such as unlicensed short-term rental to un-permitted animal

keeping. Citations are issued for unlawful activities such as accumulation of solid waste, unpermitted tree work and unlawful construction noise. Compliance Orders are issued for ongoing property maintenance or unlawful property conditions and the failure to comply is long-term and ongoing. In several of these cases the program has attached liens on properties to recover costs and assess penalties for non-compliance.

Often citizens contact the Program when they are frustrated about something impacting day to day activities. Examples of types of concerns submitted that are not code enforcement related include children playing loudly in a yard or on the street, parking on the street in front of residential property, personal conflicts with neighbors, landlords raising rent or other landlord-tenant disputes. While every complaint is logged and considered, City staff attempts to advise the complainant as to what is, and what is not a City code enforceable condition.

The Program also handles complaints regarding short-term rentals, and investigates and prosecutes unlicensed short-term rental activity. The new regulations for short-term rentals, effective January 20, 2018, give the Program greater ability to evaluate short-term rental activity over the license year to determine whether or not a license should be recommended for renewal the following year. The City, at its sole discretion, is entitled to revoke licenses. The Program responds to most STR complaints within 24 hours of receipt. While the City recommends that those with complaints first attempt to bring the matter to the attention of the respective STR site manager, an online complaint form is also available through the City's website. The former STR telephone hotline was eliminated when the new STR regulations were enacted, with the addition of placards displaying the respective property's STR site manager's contact information prominently at the entrance to the dwelling. Many, if not most, complaints related to short-term rentals are no different than complaints the City receives regarding long-term rentals (short-term and long-term rentals are the same type of residential use). When STR complaints are presented to the City, staff contacts both the owner and (if different from the owner), the STR site manager to report and address the concerns. Staff also reviews all STR on-line activity. Upon discovery, unlicensed STR properties are prosecuted to immediately cease rental activity, and ensure proper reporting and past due payments of requisite transient occupancy taxes to the City.

Staff also provided training to police patrol units regarding response to short term rental complaints and other housing related issues. All police alerts and arrest logs are reviewed weekly to ensure that reportable activities are not occurring at short-term rental sites. In the near-term future, Program staff plans to offer code enforcement training to Fire Department and Public Works staff as well.

Program staff believes that more community outreach via a neighborhood watch program, or attendance at community meetings, and possibly, enlisting conflict mediation training for the community, may help to educate the public about the role and function of code compliance in the community. Challenges continue in areas related to absentee landlords, vacant properties, out of town property owners, etc. Program staff is enthusiastic to assist with proposed municipal code changes and policy development to address these areas.

OPTIONS

Not-applicable; status update only.

FISCAL IMPACT

There is no fiscal impact to receive the report.

GOAL ALIGNMENT

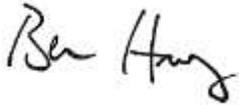
Neighborhoods and Housing

RESPECTFULLY SUBMITTED,



Terri C. Schaeffer
Program Manager

REVIEWED BY,



Ben Harvey, City Manager