



Staff Report

City Council

Item No. 3.B

Meeting Date: May 8, 2024

From: Andrew Firestine, AICP, Director of Development Services

Title: Code Compliance Division Updates

RECOMMENDATION:

There is no specific recommendation, this staff report and presentation are intended to provide updates from the Code Compliance division. City Council may elect to provide feedback on specific focal areas of the presentation that may guide and inform future presentations and actions.

BACKGROUND:

The Code Compliance division is comprised of 9 staff, including a code compliance manager, an analyst, an administrative assistant, and 6 code compliance officers. The Code Compliance division is responsible for the investigation and enforcement of the City's municipal regulations, including those contained in Title 5, Business Regulations, and Title 13, Code Enforcement and Remedies pertaining to public health, safety, and welfare, public works, business activities and consumer protection, building standards, land-use, and municipal affairs.

Over the course of the last 8 months, the Code Compliance division has made substantial changes in its operations to create standardized operating procedures for investigations and case notes and more streamlined workflows for the movement of a case from the initiation of a complaint through its investigation and to a point of resolution. These changes have also included outreach and communication to legal counsel to more formally define those available remedies when a case has exhausted its administrative options.

The Code Compliance division has modified their operational hours in response to data identifying the peak periods of requests for service, eliminating a swing shift and holiday assignments, thereby enabling the division to be more responsive to requests for service when they are received. The Code Compliance division has also taken significant training over this period of time to better prepare staff for situations they may encounter, including verbal de-escalation and situational awareness training. Staff have also received Active Violence Emergency Response (AVERT) and chemical agents training classes to further the

City's compliance with SB 296 (2022), legislation requiring the City to develop safety standards for code compliance officers.

The Code Compliance division currently manages a caseload of around 975 open cases with each officer responsible for a caseload of approximately 200 cases. Staff has reduced the number of open cases by over 500 from August 2023 and staff continues to prioritize a reduction in the number of open cases. The City averages approximately 160 to 200 new complaints / requests per month.

DISCUSSION:

Over the last 12 months (April 2023 – April 2024), the five highest ranking complaints / requests are:

1. Other code issues (commonly property maintenance) – 481
2. Vendor issues – 293
3. Inoperable vehicles on public property – 280
4. Landscape not maintained – 270
5. Parking on landscape – 175

In 2024, the City has seen an increase in cannabis odor complaints and a reduction in vendor complaints. There has also been an increase in complaints related to solid waste containers, although many of these continue to be reported either by a single-source or anonymously. Overall, the data demonstrates residential property maintenance generates a majority of the requests for service.

Beyond the complaints and requests for service investigated by the Code Compliance division, staff are also underway with investigations and analysis in several key areas, identified both as current and emerging issues in code compliance, including:

- Illegal sidewalk vendor enforcement
- Abandoned shopping cart enforcement
- Cannabis enforcement
- Abandoned or vacant buildings
- Residential parking and parking surfaces
- Mobile home park enforcement
- Solid waste container enforcement

At the direction of City Council, the Code Compliance division launched an educational campaign to promote sidewalk vendor licensing and permitting through the City and County and, through a fee resolution approved by the City Council, reduced the City's licensing and renewal fees for sidewalk vendors to reduce potential barriers for a vendor to become compliant with the City's regulations. Following these efforts, the Code Compliance division began conducting strategic enforcement operations against illegal sidewalk vendors, including the confiscation of food products from unlicensed vendors that posed a threat to public health and safety. These operations are labor intensive, but have led to a reduction in the number of vendor complaints. As well, the City has also realized the successful licensing of several sidewalk vendors through its educational campaign.

The Code Compliance division is underway with a campaign to address abandoned

shopping carts. With the support of City Council and the adoption of a fee for the impoundment of abandoned shopping cart, the City has purchased a new flatbed trailer for the impoundment of carts. Staff have received training on the use of the trailer and will soon begin enforcement operations in an effort to place more responsibility for abandoned shopping carts on those businesses that fail to contain the carts on their property.

In response to recent increases in cannabis odor complaints, the Code Compliance division has contacted other Coachella Valley cities, notably Palm Desert, Palm Springs, and Desert Hot Springs, to identify best practices for the ongoing monitoring and enforcement of conditions of approval of a cannabis conditional use permit (CUP) and license and the City's cannabis ordinance. This outreach has identified a need to dedicate more staff resources to cannabis enforcement.

At a recent City Council meeting, the City Council requested some further analysis of an abandoned or vacant building registry. The City adopted an ordinance during the great recession requiring the registration of abandoned properties, although it is focused largely on residential foreclosures and needs to be updated as: 1) registration is only required following a foreclosure sale and places an insufficient emphasis on properties that are abandoned or vacant for other reasons; 2) the ordinance largely does not address commercial properties and conditions specific to those properties; 3) the monitoring, maintenance, and security requirements do not place enough responsibility on the property owner to proactively manage their property; and 4) the fines and penalties for a violation of the code are not commensurate with the impact vacant and abandoned properties have on the community.

The City of Palm Springs recently adopted an ordinance that applies to properties that are deemed abandoned or vacant, including those that are: 1) not being inhabited, occupied, or used and which are unsecured together with partially constructed, reconstructed, or demolished buildings or structures where their construction has been abandoned; and 2) at least 35 percent vacant. The City of Palm Springs ordinance focuses on the blighted conditions caused by abandoned and vacant buildings and requires both the registration of buildings and structures and their maintenance and monitoring to prevent nuisance conditions. The fines and penalties under their ordinance contemplate significant administrative and criminal penalties.

The City Council 5-Year Strategic Plan identified an interest in the prioritization of code updates on residential parking and parking surfaces and the evaluation of options for the prohibition of parking in front of mailboxes. The study session presentation will provide an introduction to these subjects and they will be added to a future agenda for further discussion and direction. Notably, the Cathedral City Municipal Code prohibits the parking of vehicles in a front or street side yard except on driveways or concrete parking surfaces. The City's standards for the R1 zoning district limit this area to 50 percent of a front or street side yard area.

With respect to on-street parking in a residential neighborhood, there is no specific regulation restricting parking in front of a mailbox, the City can restrict the time and location of parking, although it would require the posting of signage or the painting of a curb surface. This may pose challenges for ongoing enforcement and maintenance without some additional analysis. If the issue is not citywide but rather is localized to certain areas of the City, there may be other possible solutions, such as the creation of parking permit districts to manage

areas where there is a high demand for on-street parking caused by surrounding uses (schools, parks, trailheads, and similar uses). As well, streets can also be evaluated for fire lane markings where there is a concern with emergency access.

The City has also seen an increase in the number of complaints concerning mobile home parks within the community. By way of Ordinance No. 104, adopted by the City Council in 1985, the City assumed responsibility for the enforcement of the Mobile Home Parks Act (MOPA) and related regulations of the California Administrative Code and accepted the role of a local enforcement agency. Generally, this means that while complaints are routed through the California Department of Housing and Community Development (HCD), the City is responsible for their investigation and the enforcement under the delegation of responsibilities to local enforcement agencies under Title 25 of the California Code of Regulations. Staff has been responsive to these complaints, including recent complaints from the Tramview Mobile Home Park. Staff are continuing to coordinate with HCD on the necessary training to manage the City's responsibilities concerning mobile home parks.

In February 2024, the Code Compliance division initiated a pilot educational program for solid waste containers in the Panorama neighborhood. Staff walked Durango Road and Risueno Road on February 13, the day before trash service. Where staff observed a visible solid waste container, staff taped an educational flyer (in English and Spanish) on the container. Staff also documented those properties where they observed a visible solid waste container from the street. Following this initial outreach, staff again walked Durango Road and Risueno Road on February 16 to evaluate the effectiveness of the educational flyers to promote the proper storage of solid waste containers behind a gate. The survey identified 122 total properties on Risueno and Durango on February 13 in violation of the City's ordinance on the storage of solid waste containers or 43 percent of the properties on the two streets. Following the educational campaign, 108 were in violation on February 16 or 38 percent of the properties on the two streets. The net difference between the two surveys was a decrease in 14 properties in violation of the of the City's ordinance on the storage of solid waste containers.

As is evaluated in the attached report on the pilot program, While the survey resulted in a net decrease in violations, the results are mixed. There was a net decrease in violations, although some of these may simply be attributed to residents who moved their solid waste containers out the day before trash service. Similarly, some of the new violations observed on Friday may be solid waste containers that were not stored properly after trash service. A significant number of properties continue to store solid waste containers in the front of their residence following the educational campaign. The surveys over the course of the two days took 10 staff hours to complete, covering a total of 284 properties in the City or roughly 1 percent of the City's housing stock. The survey would be impractical to scale to a citywide effort using the same methodology.

Information on property maintenance and common code violations, including the proper storage of solid waste containers, was included in the Spring 2024 mailer together with information on the City's residential curbside large bulky item program through Burrtec. Staff is evaluating means by which to share information on the City's code requirements and property maintenance with the community, including the use of direct mailers and the production of media that can be shared and transmitted through the website and social media outlets.

The May 8, 2024 study session presentation will provide an analysis of its current workflow processes, including data on the use of DataTicket and the appeal process for an administrative citation, a notice of public nuisance and order to abate, and vehicle abatement.

FISCAL IMPACT:

The Code Compliance Division budget for FY 2023/2024 was \$1,586,506 and for FY 2024/2025 is set at \$1,657,371.

FIVE-YEAR STRATEGIC PLAN:

E-13 – Keep the City Council apprised of changes to the Code Enforcement program.

F-2 – Prioritize updating the zoning code regarding residential parking and paving provisions; research and give recommendations on enabling parking prohibitions in front of mailboxes.

F-11 – Implement a code compliance program that proactively identifies and responds to code compliance complaints.

F-12 – Develop and implement initiatives to proactively monitor the City's commercial corridors to address visual blight and nuisance issues associated with vacant and underutilized properties and non-compliant commercial strips and centers

ATTACHMENTS:

1. Solid Waste Container Analysis Updates
2. Risueno and Durango Solid Waste Container Analysis
3. Solid waste container pilot program memo
4. Solid waste container educational flyer