

10. Authorization for City Attorney to File Drug Den Abatement Actions

Department(s):

Recommended Action:

Authorize the City Attorney's Office to file nuisance abatement actions in the Orange County Superior Court against the property and business owners of El Tapatio Restaurant, Royal Roman Motel, and Royal Grand Inn.

- 1502 E. 1st St., Santa Ana ("El Tapatio Restaurant")
- 1504 E. 1st St., Santa Ana ("Royal Roman Motel")
- 1519 E. 1st St., Santa Ana ("Royal Grand Inn")



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
April 15, 2025

TOPIC: Authorization for City Attorney to File Drug Den Abatement Actions

AGENDA TITLE

Authorization for City Attorney to File Drug Den Abatement Actions

RECOMMENDED ACTION

Authorize the City Attorney's Office to file nuisance abatement actions in the Orange County Superior Court against the property and business owners of El Tapatio Restaurant, Royal Roman Motel, and Royal Grand Inn.

- 1502 E. 1st St., Santa Ana ("El Tapatio Restaurant")
- 1504 E. 1st St., Santa Ana ("Royal Roman Motel")
- 1519 E. 1st St., Santa Ana ("Royal Grand Inn")

GOVERNMENT CODE §84308 APPLIES: No

DISCUSSION

The properties listed above are owned by Kyong Su Kim and Myong Kim (collectively, the "Kims"). The Kims, per the Secretary of State website, are Managers of the Royal Roman Motel, LLC (California Limited Liability Company) and the Royal Grand Inn, LLC (California Limited Liability Company). Nayan Ahir and Ravin Ahir are, per the Secretary of State website, Officers of the Royal Motel Inc., a California Corporation and Royal Grand, Inc., a California Corporation. Humberto Arzate-Gomez is an Officer of Hacienda Arzate, Inc., a California Corporation which, according to the Secretary of State's website, is registered to 1502 E. 1st Street. Maria Melendez, according to City records, owns the restaurant known as Mariscos El Tapatio y Antojitos.

SAPD Enforcement of Narcotics Activities

Over the past three years, these properties have been the source of a staggering number of calls for service by the Santa Ana Police Department. Since 2022, there have been 765 calls for service at the Royal Roman Motel, 584 calls for service at the Royal Grand Motel, and 92 calls for service at El Tapatio. Many of the calls for service involve

the investigation and enforcement of narcotics violations that have taxed police resources. The following felony and misdemeanor criminal violations have been committed on, around, and/or connected to the Properties:

- Health & Safety Code §11364 (possession of drug paraphernalia)
- Health & Safety Code §11377 (possession of methamphetamine)
- Health & Safety Code §11378 (possession of a controlled substance for sale)
- Health & Safety Code §11379 (transporting controlled substances for sale)
- Health & Safety Code §11350 (possession of a controlled substance)
- Health & Safety Code §11351 (possession/purchase for sale narcotics/controlled substances)
- Health & Safety Code §11352 (transportation/sale narcotics/controlled substances)
- Health & Safety Code §11375(b)(2) (possession controlled substance without prescription)
- Health & Safety Code §11395(b)(1) (narcotics possession w/ two prior convictions)
- Penal Code §647(f) (disorderly conduct: under influence of drug)

The reputation of the motels in the community is evident by the following online comments for the **Royal Roman**:

- *"Lots of homeless and drug activity...police frequent here"*
- *"...homeless people and drug sales. Not safe for Nobody"*
- *"...people taking drugs, very unsafe..."*
- *"...drugs everywhere. The place was raided by Santa Ana police..."*
- *"This is the place to pick up whatever you may need if you're appetite consists of hard narcotics in lethal amounts!..."*

An anonymous individual posted the following comment below an article entitled "The SAPD made two drug busts at the Royal Roman Motel^[1]":

"These motels on 1st need to be declared a public nuisance and shut down. They are injurious the health and safety of both the community, and to the poor souls who are forced to live there. A little research into public business records suggest the owners of the Royal Roman (and the equally ghetto Royal Grand across the street) live in multi-million mansions in the hills. What a disgrace. Slum lords in the truest sense of the word."

^[1] <https://newsantaana.com/the-sapd-made-two-drug-busts-at-the-royal-roman-motel/>

For the **Royal Grand**:

- *“The people who stay here do a ton of drugs openly...staff and owners don’t care...”*
- *“...Better hotels/rooms same price. You won’t be exposed to drug use/paraphernalia all around...”*

Code Enforcement Violations

Royal Roman

In August 2024, Code Enforcement issued a Notice and Order for five (5) units at the Property for various code violations due to fire and water damage. Many of these units remain “red tagged” as of February 2025.

Royal Grand

In 2022, Code Enforcement issued a Notice and Order for interior and exterior violations. In 2023, administrative fines totaling \$2,000 were issued. In February 2025, an administrative citation was issued for a violation of Santa Ana Municipal Code §17920.3(a)(5), lack of hot water.

El Tapatio

The Department of Alcoholic Beverage Control (“ABC”) has conducted numerous investigations at El Tapatio for the unlawful sale/service of alcoholic beverages after hours. In August 2024, Code Enforcement issued a Notice and Order due to loss of electrical power. Recently, the California State Labor Commission (Commission), the Employment Development Department (EDD), and Code Enforcement conducted an inspection at the property. The business was operating without worker’s compensation insurance and a payroll system. The owner was issued a citation in the amount of \$69,000 and was advised to cease all operations until they were in compliance with the law.

STATUTORY AUTHORITY

The City Attorney may maintain an action to abate and prevent a nuisance under the Drug Den Abatement Act, state law, and local ordinance. Every building/place used for the purpose of unlawfully **selling, serving, storing, keeping, manufacturing, or giving away any controlled substance...**and any building/place where these acts take place, is a nuisance which shall be enjoined, abated, and prevented, and for which damages may be recovered. (Health & Safety Code §§11570). The Court may issue a temporary restraining order or injunction to abate and prevent the continuance of the nuisance.

In order to preserve public safety and protect its residents from the dangerous narcotics activities maintained at these properties, we are seeking authority to bring an action against the property and business owners seeking remedies that include, but are not limited to:

- Temporary Restraining Order (Preliminary/Permanent Injunction) to abate the nuisance (H&S §11573(a))
- Closure (Board up and shut down) order for up to one year (H&S§ 11573.5(b))
- Removal of fixtures and movable property causing the nuisance (H&S §11581(a))
- Civil penalties up to \$25,000 per defendant (H&S Code §11581(b)(2))
- Appointment of a receiver to take control of the property and possibly sell the property to a responsible owner (C.C.P. §568.5)
- Attorney's fees and enforcement costs (C.C.P. §3496; *City of Oakland v. McCullough* (1996) 46 Cal.App.4th 1, 6)
- Potential contempt if an Order for Abatement is violated (H&S §11580)

ENVIRONMENTAL IMPACT

There is no environmental impact requiring CEQA review associated with this action.

FISCAL IMPACT

The City Attorney's Office will be prosecuting this matter in-house and will be seeking attorney's fees and costs, civil penalties, and abatement costs in the legal action.

EXHIBIT(S)

None.

Submitted By: Sonia Carvalho, City Attorney

Approved By: Alvaro Nuñez, City Manager