



# City of Culver City

## Staff Report Details (With Text)

**File #:** 23-548      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Action Item

**File created:** 1/11/2023      **In control:** City Council Meeting Agenda

**On agenda:** 1/23/2023      **Final action:**

**Title:** CC - ACTION ITEM: (1) Introduction of an Ordinance Prohibiting Camping in Public Places Throughout the City; and (2) Direction to the City Manager as Deemed Appropriate.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2023-01-23\_ATT1\_Resolution Confirming local emergency regarding homelessness.pdf, 2. 2023-01-23\_ATT2\_Proposed Ordinance Camping in Public Places.pdf, 3. 2023-01-23\_ATT3\_CCMC Current Code Sections.pdf

Date	Ver.	Action By	Action	Result
1/23/2023	1	City Council Meeting Agenda		
1/23/2023	1	City Council Meeting Agenda		

### **CC - ACTION ITEM: (1) Introduction of an Ordinance Prohibiting Camping in Public Places Throughout the City; and (2) Direction to the City Manager as Deemed Appropriate.**

**Meeting Date:** January 23, 2023

**Contact Person/Dept.:** Jesse Mays, Assistant City Manager  
Tevis Barnes, Housing and Human Services Director

**Phone Number:** City Manager's Office - (310) 253-6000  
Housing and Human Services Office - (310) 253-5780

**Fiscal Impact:** Yes  No       **General Fund:** Yes  No

**Attachments:** Yes  No

**Commission Action Required:** Yes  No

**Commission Name:**

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (01/18/2023); Advisory Committee on Housing and Homelessness (01/17/2023); Landlord Tenant Mediation Board (01/18/2023), St. Joseph Center (01/18/2023), Exodus Recovery, Inc. (01/18/2023) and Upward Bound House (01/18/2023).

**Department Approval:** John Nachbar, City Manager (01/18/2023)

## **RECOMMENDATION**

Staff recommends the City Council (1) introduce an Ordinance prohibiting camping in public places throughout the City; and (2) provide direction to the City Manager as deemed appropriate.

## **BACKGROUND**

At the City Council Special Meeting on December 21, 2022, City Council directed staff to prepare for City Council's consideration an ordinance modeled after Santa Monica's ordinance prohibiting camping in public places. The City Council directed staff to include in the list of prohibited places the City's parks and Culver City Unified School District property, but not West Los Angeles College property. City Council also gave direction to include in the ordinance the ability for City Council to designate safe camping and safe parking locations by majority vote of the City Council. Staff was directed to ensure consistency between the new prohibitions and the City's existing prohibition of camping in City parks. Finally, the City Council gave direction to the City Manager to enforce the City's current prohibition of camping in City parks.

## **DISCUSSION**

Over the last several years, the City has experienced an increase in the number of individuals maintaining camp facilities for the purposes of living accommodations in public places, including City public parks. Maintaining unregulated camp facilities for the purposes of living accommodations in the City's parks and public places can lead to serious health, safety, and accessibility concerns, both for unhoused and housed persons. In 2022 there were nearly 1,200 calls to the Culver City Fire Department (CCFD) involving unhoused persons, including 680 calls for emergency medical services. This is an increase of 13% from 2021 and a 47% increase from 2020. There were also 106 calls to CCFD regarding fires, an increase of 38% from 2021. Unregulated camp facilities also lead to an overall deterioration in the physical condition of the community's parks and public places.

Based on the foregoing and other conditions of threat to the public health and safety, the City Manager, in his capacity as Director of Emergency Services, proclaimed a local emergency on homelessness on January 3, 2023; the Local Emergency was ratified by City Council at the January 9, 2023 City Council meeting (Attachment 1).

According to the final LAHSA 2022 Greater Los Angeles Homeless Count Point-in-Time final figures, there are approximately 350 persons experiencing homeless in the City of Culver City. Staff estimates that currently approximately 40 unhoused individuals live in five encampments with tents and other structures throughout the City where there would be possible violations of the proposed ordinance.

### *Proposed Ordinance on Camping in Public Spaces*

- The proposed ordinance (Attachment 2) is intended to protect public health and safety in, and access to, the City's parks and other public places by prohibiting camping and camping facilities as set out in the proposed Culver City Municipal Code (CCMC) section 9.10.700, except in designated safe-camping and safe-parking areas as determined by the City Council. The City Council has previously directed staff to explore safe camping and safe parking sites

on City-owned parking lots, including the City's parking lot at 10555 Virginia Avenue.

- The proposed ordinance does not prohibit the use of sleeping bags, blankets, pillows, and/or other similar bedding while sleeping on public property. Recent case law has held that cities cannot prohibit, by criminal penalty or administrative citation that may lead to criminal penalty, a homeless individual from sleeping or merely using blankets, pillows, sleeping bags, or other bedding against the weather on public property, unless there is shelter space available for that individual to use.
- The proposed ordinance prohibits camping or leaving or storing personal property or camp facilities in a prohibited public place. Prohibited public places are public parks (as defined in the Ordinance section 9.10.005), public streets, public alleyways, public parking lots, public passageways, public rights-of-way, public sidewalks, publicly-owned landscaped areas, parkways, medians, or greenbelts, public educational institutions including properties owned by the Culver City Unified School District, and any other City-owned, leased or operated properties or facilities, or properties owned, leased or operated by other governmental entities located within the City, and any privately-owned space required to be maintained as public open space pursuant to a City-issued entitlement or permit.
- The proposed Ordinance allows the City Council, by majority vote, to establish one or more specified camping areas, known as "safe-camping" sites. The specified safe-camping sites may be located in any prohibited public place, except for public parks. For example, the City Council could designate the City-owned parking lot at 10555 Virginia Avenue as a safe camping-site.

#### *Additional Provisions in Proposed Ordinance*

In addition to adding new section 9.10.700 to the CCMC, the proposed ordinance amends several existing CCMC sections so that the Code is internally consistent and does not contain sections that are potentially in conflict with the proposed ordinance.

- Section 9.10.005 (Definitions) has been amended to modify the definition of Public Park by removing "civic center" and public buildings from the "public park" definition, except for the Veterans Memorial Complex (which is considered part of and located within Veterans Memorial Park) and any City buildings within the other City parks;
- Section 9.10.055 (prohibited activities in the parks), subsection E, has been amended to remove the camping and camping facility prohibitions, since those provisions are now located within the new Section 9.10.700, which applies to the public parks as well as to other public property;
- Section 9.10.200 (prohibited activities in public buildings and on public property) has been amended to add a reference back to Section 9.10.055, since public buildings and public property was removed from the "public parks" definition. This amendment was necessary so that the list of current prohibited activities is still applicable to public property; however, it is now clearly referenced.

A copy of the current version of the above three CCMC sections are attached for convenience (Attachment 3).

If introduced by the City Council at its January 23, 2023 meeting, the City Council could adopt the Ordinance at the February 13, 2023 City Council meeting, and the ordinance would go into effect 30 days later, on March 13, 2023.

### *Implementation*

It is anticipated that City staff would implement the ordinance by generally using the following protocols:

- Staff will always lead with the offer of shelter/housing and services first using the St. Joseph Center Outreach Team to engage, conduct needs assessment and to link to appropriate housing/shelter and services.
- Notice will be posted on site ahead of any enforcement action, which staff expects, in many cases, will result in voluntary compliance.
- Should there not be voluntary compliance, staff (non-police) will respond, along with St. Joseph Center Outreach Team personnel.
- Police officers would be present in the background during an enforcement action to ensure the safety of staff. This has been the role of the police during the City's current weekly encampment clean-up efforts.
- The City would give the unhoused person the option to have their belongings stored by the City. They could retrieve their property within a certain time-period, as is currently the process.
- The City would not remove a person's blanket, pillow, sleeping bag, or similar bedding.
- Enforcement Services staff would issue any administrative citation, if necessary, such as in the case of repeated violations of the ordinance.
- Police officers would not take anyone into custody for non-compliance with the anti-camping ordinance.

### **FISCAL ANALYSIS**

Implementation of an anti-camping ordinance would result in an operational and fiscal impact to the City that would depend on the extent of enforcement actions required. Impacted departments would include Housing and Human Services, Public Works (Environmental Services), Parks, Recreation, and Community Services, the Culver City Fire Department, the Culver City Police Department and the City Attorney's Office. Potential costs would be for staffing, supplies, temporary shelter and/or housing, outreach and engagement, supportive services, sanitation, storage, and security. The impact and cost of implementation may also be offset by a reduced future need for periodic encampment cleanups and emergency service response. The City may also explore financial support from other governmental entities to assist with temporary shelter and housing resources.

## **ATTACHMENTS**

1. 2023-01-23\_ATT1\_Resolution Ratifying Proclamation of Local Emergency on Homelessness
2. 2023-01-23\_ATT2\_Proposed Ordinance on Camping in Public Places
3. 2023-01-23\_ATT3\_Current CCMC Sections being amended

## **MOTIONS**

That the City Council:

1. Introduce an Ordinance prohibiting camping in public places throughout the City; and
2. Provide direction to the City Manager as deemed appropriate.