



City of Culver City

Mike Balkman
Council Chambers
9770 Culver Blvd.
Culver City, CA 90232
(310) 253-5851

Staff Report Details (With Text)

File #: 23-591 **Version:** 1 **Name:**

Type: Ordinance **Status:** Action Item

File created: 1/26/2023 **In control:** City Council Meeting Agenda

On agenda: 2/13/2023 **Final action:**

Title: CC - ACTION ITEM: (1) Adoption 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. 2023-02-13_ATT1_Resolution Confirming Local Emergency Regarding Homelessness.pdf, 2. 2023-02-13_ATT 2_Proposed Ordinance Camping in Public Places.pdf, 3. 2023-02-13_ATT3_CCMC Current Code Sections.pdf

Date	Ver.	Action By	Action	Result
2/13/2023	1	City Council Meeting Agenda		
2/13/2023	1	City Council Meeting Agenda		

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

Meeting Date: February 13, 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: (310) 253-5780

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

Attachments: Yes ☒ No ☐

Commission Action Required: Yes ☐ No ☒

Public Notification: (E-Mail) Meetings and Agendas - City Council (02/08/2023); Advisory Committee on Housing and Homelessness (02/09/2023); Landlord Tenant Mediation Board (02/09/2023), St. Joseph Center (02/09/2023), Exodus Recovery, Inc. (02/09/2023) and Upward Bound House (02/09/2023).

Department Approval: John Nachbar, City Manager (02/07/2023)

RECOMMENDATION

Staff recommends the City Council (1) adopt 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 Meeting on January 23, 2023, the City Council introduced an Ordinance prohibiting camping in public places. The City Council directed the City Manager to defer enforcement of the Ordinance until the City has completed the following three tasks: (1) open for occupancy 73 new units of interim and permanent supportive housing, known as Project Homekey, located at 3868 and 3900 Sepulveda Boulevard; (2) open for occupancy a safe-camping site with supportive services for up to 40 people on a City-owned parking lot at 10555 Virginia Avenue; and (3) enter into long-term agreements with local motels for additional rooms for temporary housing. These projects are expected to be completed later this year. In implementing the proposed Ordinance, the City will always lead with the offer of shelter and services first, as described in the January 23, 2023 staff report.

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 homelessness in the City of Culver City. Staff estimates that there are approximately 40 unhoused individuals living in five encampments with tents and other structures throughout the City, the locations of which would be subject to 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 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 adopted by the City Council at its February 13, 2023 meeting, 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. **[Note that implementation would only begin after the three projects as detailed above (interim and supportive housing, safe camping, and motel agreements for temporary housing) are completed.]**

- 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 proposed Ordinance.

Clarifications/Formatting Changes to Proposed Ordinance

The following clarifications and formatting changes have been made to the proposed Ordinance, consistent with City Council discussion and direction at the introduction of the Ordinance:

- Consistent with the City Council's direction at the January 23, 2022 meeting to defer implementation/enforcement of the Ordinance, staff has added clarifying language to the Ordinance memorializing City Council's adopted motion, in a new Section 5, to defer enforcement until the City has completed the following three tasks: (1) open for occupancy 73 new units of interim and permanent supportive housing, known as Project Homekey, located at 3868 and 3900 Sepulveda Boulevard ; (2) open for occupancy a safe-camping site with

supportive services for up to 40 people on a City-owned parking lot at 10555 Virginia Avenue; and (3) enter into agreements with local motels for additional rooms for temporary housing.

- Multiple members of the City Council and the public expressed concerned about Section 9.10.200.D included in the proposed Ordinance relating to use of restrooms designated for the opposite sex. The City Attorney explained that this provision is outdated language that is currently being updated as part of a comprehensive review of Chapter 9.10. In order to avoid further confusion, the Ordinance has been clarified to solely reference the addition of the new Section 9.10.200.F, rather than reference the remaining provisions of 9.10.200, some of which may be out of date. This is consistent with the format used in the Ordinance with regard to the amendments to Section 9.10.055.E.

The above clarifications and formatting changes do not require reintroduction of the Ordinance. As such, staff recommends the City Council adopt the proposed Ordinance as presented.

FISCAL ANALYSIS

Implementation of the proposed 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. 2023-02-13_ATT1_Resolution Ratifying Proclamation of Local Emergency on Homelessness
2. 2023-02-13_ATT2_Proposed Ordinance on Camping in Public Places
3. 2023-02-13_ATT3_Current CCMC Sections being amended

MOTIONS

That the City Council:

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