



Legislation Details (With Text)

File #: 23-0640 **Version:** 1 **Name:** CD3,1,4 - Ensuring Useable & Safe Public Spaces
Type: Agenda Item **Status:** Approved
File created: 6/9/2023 **In control:** City Council
On agenda: 6/13/2023 **Final action:**

Title: Recommendation to request City Manager, in coordination with the City Attorney and City Prosecutor, return to the City Council through a receive and file presentation discussing policy options related to unlawful uses of public spaces, including camping, that contribute to public health issues, nuisance, and public safety concerns. This includes evaluating the following:

- Size, structure, and cleanliness of encampments
- Prohibitions on obstructions, including encampments, that limit or discourage public access or right of way
- Prohibited locations or areas in relation to sensitive uses and areas with environmental concerns such as schools, major economic drivers, and waterways
- Prohibitions on time of day or when beds are available
- Sanctioned camp sites

The City Manager, in coordination with the City Prosecutor and City Attorney, should also present enforcement mechanisms that have been used by other cities for violations. As we are in an emergency, this recommendation should return to City Council in 30 days.

Sponsors: COUNCILMEMBER KRISTINA DUGGAN, THIRD DISTRICT, COUNCILWOMAN MARY ZENDEJAS, FIRST DISTRICT, COUNCILMAN DARYL SUPERNAW, FOURTH DISTRICT

Indexes:

Code sections:

Attachments: 1. 06132023-NB-25sr.pdf, 2. 06202023-UB-33sr&att, 3. 06202023-UB-33 Corresp. Cohn, 4. 06202023-UB-33 Corresp. EMAILS_redacted, 5. 06202023-UB-33 Corresp. Myers, 6. 06132023-NB-25 Corresp.pdf

Date	Ver.	Action By	Action	Result
6/20/2023	1	City Council	approve recommendation	Pass
6/13/2023	1	City Council	laid over	Pass

Recommendation to request City Manager, in coordination with the City Attorney and City Prosecutor, return to the City Council through a receive and file presentation discussing policy options related to unlawful uses of public spaces, including camping, that contribute to public health issues, nuisance, and public safety concerns. This includes evaluating the following:

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Numerous studies and literature highlight the importance and benefits of public spaces in cities, especially for creating a strong sense of community that brings the public together. Other benefits noted include economically, environmentally, and for cultural and social activities, just to name a few. As Long Beach grapples with the homelessness crisis, we have seen a direct impact on public spaces that can sometimes prevent use, lead to public health issues, nuisance, and public safety concerns. Cities have limitations on how we can enforce laws related to ensuring usable and safe public spaces, especially as it relates to camping of unhoused residents, but this does not mean we have to throw our hands in the air every time we discuss options for enforcement. While we understand criminalizing homelessness is not the solution, we can take a serious look at what other cities are doing to ensure public spaces are usable and safe.

Martin v. Boise requires cities provide valid alternatives before enforcing camping laws because it is unconstitutional to criminalize someone's right to exist. A foundation establishing individual rights is the cornerstone of our country, and rightfully so. At the same time, public spaces are meant for all residents and a balance to ensure the protection of individual rights and ensuring usable and safe public spaces is sorely needed. We can't find this balance without having the discussion and other cities have successfully engaged on this discourse.

Cities have approved or proposed the following:

- The City of Eugene prohibits camping within 1000 feet of educational facilities which includes daycares and libraries.
- The City of Los Angeles prohibits encampments within specific areas of the city.
- The City of Portland approved a prohibition on camping between the hours of 8am and 8pm.
- The City of Mountain View prohibits RV camping on all streets besides the 3 miles designated.
- The City of San Jose prohibits encampments within 150' of heavily traveled school walking routes.
- The City of San Diego adds protections for waterways.
- The City of Elk Grove require camping areas to be kept clean and free of garbage, debris, and waste.
- The City of Las Vegas has made it a misdemeanor to camp or sleep in the public right-of-way downtown and in all residential areas if space is available at a shelter.

We understand the key is to get people into housing and connected to services, and the City is investing significantly to do so. To date the City has invested millions of dollars into social equity programming to prevent homelessness, including right-to-counsel, mental health

services, and much more. Additionally, we continue to build up our housing/shelter capacity leading the region on building affordable housing, Project Roomkey sites, safe parking, interim shelters, and continuing to look at potential assets city-wide. But we also know that we cannot build the thousands of beds needed tomorrow so we need to understand our options in the meantime. To do so, we need to understand what is legally allowable and engage our residents in this discussion.

EQUITY LENS STATEMENT:

Staff will consider issues of equity and access with any program proposals brought forward to ensure the City's commitment for everyone reaching their highest level of health and potential for a successful life, regardless of background, income, neighborhood, or identity.

STATEMENT OF URGENCY:

This item requires urgency as the City has declared an emergency on homelessness.

As we are in a state of emergency regarding homelessness, no Financial Management review was able to be conducted due to the urgency and time sensitivity of this item.

Approve recommendation.

KRISTINA DUGGAN COUNCILMEMBER,
THIRD DISTRICT

MARY ZENDEJAS COUNCILWOMAN,
FIRST DISTRICT

DARYL SUPERNAW COUNCILMEMBER,
FOURTH DISTRICT