



**City Council and Successor Agency
to the Brea Redevelopment
Agency Special Meeting Agenda**

Closed Session - 9:00 a.m.

Study Session - 9:15 a.m.

Tuesday, January 14, 2025, 9:00 AM

1 Civic Center Circle

Brea, CA 92821

Blair Stewart, Mayor

Cecilia Hupp, Mayor Pro Tem

Christine Marick, Council Member

Marty Simonoff, Council Member

Steven Vargas, Council Member

This agenda contains a brief general description of each item Council will consider. The City Clerk has on file copies of written documentation relating to each item of business on this Agenda available for public inspection. Contact the City Clerk's Office at (714) 990-7756 or view the Agenda and related materials on the City's website at www.cityofbrea.net. Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 1 Civic Center Circle, Brea, CA during normal business hours. Such documents may also be available on the City's website subject to staff's ability to post documents before the meeting.

Procedures for Addressing the Council

The Council encourages interested people to address this legislative body by making a brief presentation on a public hearing item when the Mayor calls the item or address other items under Matters from the Audience. State law generally prohibits the City Council from responding to or acting upon matters not listed on this agenda.

The Council encourages free expression of all points of view. To allow all persons the opportunity to speak, please keep your remarks brief. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Council rules prohibit clapping, booing or shouts of approval or disagreement from the audience. Please silence all cell phones and other electronic equipment while the Council is in session. Thank you.

Written comments may be submitted in advance of the meeting by emailing cityclerksgroup@cityofbrea.net. Written comments received by 8 a.m. on the day of the meeting will be provided to the Council, will be made available to the public at the meeting, and will be included in the official record of the meeting.

Special Accommodations

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (714) 990-7757. Notification 48 hours prior to the meeting will enable City staff to make reasonable arrangements to ensure accessibility. (28 CFR 35.102.35.104 ADA Title II)

Important Notice

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1. CLOSED SESSION - EXECUTIVE CONFERENCE ROOM 3RD FLOOR - 9:00 A.M.

1A. Call to Order/Roll Call

1B. Public Comment

1C. Public Employee Appointment Pursuant to Government Code Section 54957(b). Title: City Manager

2. STUDY SESSION - EXECUTIVE CONFERENCE ROOM 3RD FLOOR - 9:15 A.M.

2A. Call to Order/Roll Call

2B. Public Comment

2C. Camping / Property Storage Ordinances Update

— 1. City Council discuss and provide direction on an update of camping and property storage ordinances to provide additional tools for protecting public access to public and private facilities.

2D. PRESENTATION - Summary of Brea's Holistic Approach to Addressing Homelessness

2E. Council Member Reports/Requests

2F. Study Session Adjournment

Date Posted: January 10, 2025



City Council Special Meeting Communication

C. Camping / Property Storage Ordinances Update

Meeting	Agenda Group
Tuesday, January 14, 2025, 9:00 AM	STUDY SESSION - EXECUTIVE CONFERENCE ROOM 3RD FLOOR - 9:15 A.M. Item: 2C.
TO	FROM
Honorable Mayor and City Council Members	Kristin Griffith, Interim City Manager

RECOMMENDATION

City Council discuss and provide direction on an update of camping and property storage ordinances to provide additional tools for protecting public access to public and private facilities.

BACKGROUND/DISCUSSION

On June 28, 2024, the U.S. Supreme Court issued its decision in the case of *City of Grants Pass v. Johnson* [144 S.Ct. 2202]. That case overrules the Ninth Circuit and reestablishes the potential for criminal penalties to be imposed on conduct related to unlawful encampments on public property. Many cities, including at least four in Orange County, have begun strengthening their ordinances in response to this decision.

Brea's Existing Ordinances

Brea has long restricted camping on public property. In 2020, City Council adopted Ordinance No. 1217 to add Section 8.44.135 to the City Code. That provision makes it unlawful to camp, occupy camp facilities, or use camp paraphernalia in any public area other than at a park, recreational facility, or trail with written consent from the Community Services Department. Section 8.44.135 supplements several other City Code provisions that already were in effect:

- Section 8.32.050 - unlawful to loiter, stand, or sit in or at the entrance of a church, hall, theater, or place of public assemblage in a manner that obstructs such entrance.
- Section 10.48.060(A) - unlawful to stand, sit upon, or otherwise occupy a center median for any purpose other than while lawfully crossing a roadway.
- Section 12.00.050(A)(14) - unlawful to camp or stay overnight at a park, recreational facility, or trail without written authorization from the Community Services Department.
- Section 12.04.040 - unlawful to loiter, stand, or sit in or on a public highway, alley, sidewalk or crosswalk in a manner that obstructs free passage.

Brea also has long restricted storage of personal property in public areas. In 2016, City Council adopted Ordinance No. 1185 to add Chapter 8.44 to the City Code. That chapter makes it unlawful for any person to store personal property in a public area, and it establishes a process for the Police Department to impound illegally stored property. In general, at least 48 hours advance notice must be given before property is impounded. Additionally, in accordance with state law, impounded property generally must be held by the City for at least 90 days.

Sample Ordinances Post-Grants Pass Case

After the Supreme Court's ruling in the *Grants Pass* case, cities across the state have begun strengthening their ordinances addressing unlawful encampments on public property. Highlights of recent examples from Orange County include:

Anaheim

On October 29, 2024 adopted ordinances that prohibit:

- leaving personal property unattended in or on a public right-of-way (ROW).
- sitting on chairs or similar items, or sleeping or lying down, on a public ROW.
- sleeping, sitting or lying down, or storing personal property, in a median, parkway, or improved landscape area.
- obstructing a ROW if doing so is within a specified proximity to a driveway, ramp, fire hydrant, automated teller machine (ATM), building, intersection, school, or day care facility, or unreasonably interferes with ROW use by pedestrians, bikes, or vehicles.
- sleeping or lying down on a bus bench or a park table, bench, or equipment.
- assembling, disassembling, selling, or distributing on city property three or more bikes, a bike frame without gear cables, two bikes with missing parts, or five or more bike parts.
- smoking in a public park or within a specified proximity to a bus bench, school or day care center.

Irvine

On November 26, 2024 adopted an ordinance that:

- prohibits unauthorized camping and storage of personal property in public areas and on private property without owner consent.
- establishes procedures for abatement of encampments and removal of personal property.
- outlines storage and retrieval processes for personal property.

Newport Beach

On September 10, 2024 adopted an ordinance that prohibits:

- storage of unattended personal property on public property (with limited exception for parks and beaches).
- setting up a tent on public property.
- lodging in a public restroom.
- sleeping or laying down on a public bench or bike rack.
- sleeping, lying, or sitting on any moveable chair, bucket, crate, cooler, or similar personal property, upon a public plaza or public ROW other than as part of a lawful event.
- remaining upon a public plaza between 10 p.m. and 6 a.m. (with exception for traversing the plaza without stopping).
- sleeping, lying, sitting, or storing personal property in a manner that limits access to an ATM, electric vehicle charging station, parking pay station, parking meter, or public path/trail.

Santa Ana

On December 17, 2024 introduced an ordinance that prohibits:

- loitering, sleeping, laying down, or lodging and sleeping on a public bench, on a bike rack, or in a public restroom.
- loitering, standing, lying, sleeping, sitting, or in any manner that obstructs access to a building.
- obstructing access by sitting, lying, sleeping on public property, or by storing, using, maintaining, or placing personal property in public ROW including in a manner that is within a specified proximity to:

- an operational driveway, ramp, or loading dock.
- a fire hydrant, fire plug, or other connection used by the fire department.
- an entrance to a public restroom, park, trail, or path.
- an operational entrance/exit to a store, restaurant, office building, or other place into which the public is invited.
- an ATM or a door that provides access to an ATM.
- an electric vehicle charging station, parking pay station, or parking meter.
- a sidewalk ramp or a corner where a street, roadway, highway, or alley intersects.
- a college, school, or day care center.
- sleeping, laying, or standing upon a bus bench or shelter during hours when the bus route is not in operation.

Potential Camping / Property Storage Ordinances Update

Brea already has ordinances containing many of the provisions that some other cities have begun to enact since the *Grants Pass* case was decided last summer. However, to provide additional tools for protecting public access to public and private facilities, the Police Department and the City Attorney's Office have jointly prepared the attached redline showing potential City Code amendments.

First, the amendments will make clear that the prohibition against camping in public areas also applies underground of a public area. This change addresses the discovery of unlawful encampments in sewer facilities.

Second, the amendments will eliminate a reference to protocols in the settlement agreement in the *Orange County Catholic Worker v. Orange County et al.* litigation. Brea has fulfilled its commitments in that settlement agreement and there is no need to continue referencing it in the City Code.

Finally, the amendments will prohibit obstructions created by someone sitting, lying, or sleeping on public property, or by storing, using, maintaining, or placing personal property on public property. The new provisions will apply to obstructions that block access to or maintenance of public equipment, a public or private facility, a school, or a playground. The new provisions also will make it unlawful for a person to sleep, lie down, or sit on any moveable chair, bucket, crate, cooler, or similar personal property in a public area other than as part of a lawful event taking place along a public area. Additionally, the new provisions will make it unlawful for a person to sleep or lie down on or under a public transit/bus bench or a bench, table, playground equipment, or similar fixture or structure in a public park.

Staff seeks direction from City Council on these amendments and other changes that City Council deems appropriate. If the direction is to proceed with City Code amendments, an ordinance will be prepared for introduction and adoption by City Council.

FISCAL IMPACT/SUMMARY

The Supreme Court's decision in the *Grants Pass* case reestablishes the potential for criminal penalties to be imposed on conduct related to unlawful encampments on public property. City Council can consider City Code amendments to provide additional tools for protection of public access to public and private facilities. Enactment of such amendments is not expected to have a budget impact.

RESPECTFULLY SUBMITTED:

Kristin Griffith, Interim City Manager

Prepared by: Terence Boga, City Attorney

Concurrence: Adam Hawley, Chief of Police

Attachments

[Potential Camping / Property Storage Ordinances Update](#)

POTENTIAL CAMPING / PROPERTY STORAGE ORDINANCES UPDATE

Text to be added shown in *italics*

Text to be deleted shown in ~~strike-through~~

8.44.135 ~~PROHIBITED CAMPING IN PUBLIC AREAS PROHIBITED.~~

A. Public Areas. No person shall camp, occupy camp facilities, or use camp paraphernalia in ~~or underground of~~ any public area ~~except as permitted by paragraph (D)(1).~~

B. ~~This section shall not apply to camping at a park, recreational facility, or trail pursuant to written consent of the Community Services Department in accordance with §§ 12.00.050(A)(14) and 12.00.070.~~ Private Property. No landowner or occupant of private property shall willfully allow, authorize, or permit another person to camp, occupy camp facilities, or use camp paraphernalia on such private property except as permitted by paragraph (D)(2) or as mandated by law.

C. ~~This section shall be enforced in accordance with the protocols set forth in the city's settlement agreement in the U.S. District Court case of Orange County Catholic Worker et al. v. Orange County et al. (Case No. 8:18-cv-00155-DOC (JDE)).~~ In Vehicles. No person shall use a vehicle to camp in a public area or on any private property without the landowner's express consent.

D. Exceptions. This section shall not apply to the following:

1. Camping in a public area at a park, recreational facility, or trail pursuant to authorization from the City.

2. Camping on private property in the rear or side yard of a residential structure with the consent of the landowner or occupant as long as all of the following criteria are satisfied: (i) the camping facility is separated from the street by a fence, hedge, or other permanent obstruction; (ii) the camping facility is not visible from public right-of-way; and (iii) the camping does not occur for a period no longer than 48 consecutive hours in a 30-day period.

8.44.136 UNLAWFUL OBSTRUCTIONS.

A. No person shall obstruct access to or maintenance of public equipment or a public facility by loitering, sitting, lying, or sleeping on public property.

B. No person shall obstruct access to or maintenance of public equipment or a public facility by abandoning, storing, using, maintaining, or placing personal property on public property.

C. No person shall obstruct access to or maintenance of a school or playground by loitering, sitting, lying, or sleeping on public property.

D. No person shall obstruct access to or maintenance of a school or playground by abandoning, storing, using, maintaining, or placing personal property on public property.

E. No person shall sleep, lie down, or sit on any moveable chair, bucket, crate, cooler, or similar personal property in a public area other than as part of a lawful event taking place along a public area.

F. No person shall sleep or lie down on or under a public transit/bus bench or a bench, table, playground equipment, or similar fixture or structure in a public park.

G. No person shall obstruct access to a private facility by loitering, sitting, lying, or sleeping on public property.

H. No person shall obstruct access to a private facility by abandoning, storing, using, maintaining, or placing personal property on public property.