



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: July 7, 2015

Agenda Item 6I

Approvals:

City Manager MM

Dept. Head CD

Attorney MR

Finance J

Department: Planning Division, Community Development Department
Prepared By: Jim Pechous, City Planner

Subject: SHOULD THE CITY COUNCIL AUTHORIZE THE MAYOR TO SIGN A LETTER IN OPPOSITION TO ASSEMBLY BILL 718

Fiscal Impact: None

Summary: Assembly Bill 718 allows a person to "rest" within a vehicle as long as it is lawfully parked for an undisclosed amount of time. This will potentially impact coastal cities ability to enforce ordinances preventing overnight sleeping in vehicles. The League of California Cities has sent out a group notification and draft letter opposing the Bill.

Background: The League of California Cities Coastal Cities working group have notified us of Assembly Bill 718 (Chu) potential impact to coastal cities. The formal action alert on this bill was sent to all California cities with a sample letter of opposition to the Bill. The Bill has crossed houses and is now awaiting committee assignment in the Senate.

Discussion: AB 718 allows a person or person to "rest" within a vehicle, as long as it is lawfully parked, for an undisclosed amount of time. Furthermore, the proposed Bill appears to prohibit a police officer from asking the person to move or issue a citation if they don't comply. The only option available, if this Bill were to be signed into law, to prohibit overnight camping in a vehicle is to adopt an ordinance prohibiting parking in an area. In San Clemente our parking problems are concentrated in the Coastal Zone, which further limits our ability to prohibit parking in areas because any change to parking times or parking meters requires a Coastal Development Permit.

While the Bill has good intensions to help address a much larger and complicated homeless issue throughout the State, local governments are best suited to deal with these challenges locally and this Bill restricts local government options.

Municipal Code sections 9.04.100 and 10.28150 prohibit sleeping in and living in vehicles on public streets (See Attachment 1). The proposed Bill will severely limit the City's ability to enforce these codes. Chief of Police Moodie has reviewed the Bill and agrees that it would definitely handcuff them in enforcement regarding these issues and supports a letter of opposition.

Conclusion: Community Development and Police Services Departments are recommending that the Mayor send a letter opposing AB 718 (See the draft letter Attachment 2).

Recommended

Action: Staff recommends that the City Council authorize the Mayor to send a letter opposing AB 718.

Attachments: 1. City Ordinances Prohibiting Sleeping in Vehicles
2. Draft Letter in Opposition to AB 718

Notification: 1. League of California Cities

ATTACHMENT 1

Municipal Code Regulations regarding Sleeping and Living in Vehicles

- **9.04.100 - Trailers, mobilehomes, etc.—Occupancy outside mobilehome parks.**

Except as provided in Title 17, no person shall occupy or use any mobilehome, trailer, camp car, vehicle or other conveyance, tent or temporary structure of any kind as a dwelling or for living or sleeping purposes upon any public or private property within the city, except within a mobilehome park or campground which is operating under a license or other permit from the city, or operating under jurisdiction of the state.

(Prior code § 16-27)

- **10.28.150 - Parking trailers, etc., on streets.**

It is unlawful for any person to park or leave parked any camp car or trailer, or other vehicle which could be used for living purposes, upon any public street within the City between the hours of three (3:00) a.m. and six (6:00) a.m.

(Prior code § 15-51)



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James Makshanoff, *City Manager*

June 22, 2015

The Honorable Kansen Chu
 California State Assembly
 State Capitol, Room 2179
 Sacramento, CA 95814
 Via FAX: (916) 319-2125

AB 718 (Chu) – Removal of Regulatory Authority: Vehicles Used For Human Habitation

RE: OPPOSITION TO ASSEMBLY BILL 718

Dear Assembly Member Chu:

On behalf of the City of San Clemente, I write to inform you of our opposition to AB 718, which would prohibit local agencies from enforcing laws and ordinances, or otherwise subject to civil or criminal penalties, the act of people sleeping or resting in a lawfully parked motor vehicle.

For coastal cities like ours, such a bill would pose deeply problematic public safety issues; not only because of the plain language of the bill, but also due to the interplay with the Coastal Act, which strictly limits the City's ability to impose new on-street parking regulations in the Coastal Zone. It appears that within the Coastal Zone this bill would essentially turn any existing street that does not currently have overnight parking regulations into potential camp sites.

While a vehicle may be "lawfully parked" in a residential neighborhood or in the parking lot of a business, that does not mean that it is acceptable to have people live there. The issues raised by AB 718 are less about parking, and more about the use of vehicles for human habitation, including sleeping and "resting" in front of existing homes and businesses.

City parking locations whether on public or private property –other than campgrounds—were never intended or designed for residential occupancy. Such uses raise major issues of sanitation as well as the ability of residents to feel secure in their homes and enable the conduct of business activity.

What is most needed to combat homelessness is funding for affordable housing and emergency shelters. There are several major pending measures that can help restore funds for affordable housing; we encourage legislators to support additional funding for affordable housing and homeless solutions

Because this measure would undermine local authority to appropriately protect the public health, safety and welfare of our residents, we must oppose AB 718.

Sincerely,

Chris Hamm
Mayor

cc: Senator Patricia Bates
Assemblyman William Brough
Meg Desmond, League of California Cities, mdesmond@cacities.org