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July 8, 2014

**VIA ELECTRONIC MAIL**

Mayor Eric Garcetti  
Attn: Daniel Tamm, Westside Area Representative  
City Hall  
200 N. Spring Street  
Los Angeles, CA 90012

Councilman Mike Bonin  
City Hall  
200 N. Spring Street Suite 415  
Los Angeles, CA 90012

Lynn Alvarez  
President  
Board of Recreation and Park Commissioners  
221 N. Figueroa St. Suite 1510  
Los Angeles, CA 90012

Jon Kirk Mukri  
General Manager  
Los Angeles City Recreation and Parks Department  
221 N. Figueroa St. Suite 1550  
Los Angeles, CA 90012

Re: Camping Within Venice Beach Recreation Area

Dear Messrs. Garcetti, Bonin, Alvarez and Mukri:

I represent the Venice Stakeholders Association, a non-profit organization committed to civic improvement in the Venice neighborhood of Los Angeles. We are writing to you to ask that you take action immediately to address the chronic and illegal use of the Venice Beach Recreation Area (VBRA) for camping purposes in violation of various City ordinances, and

Mr. Garcetti  
July 8, 2014  
Page 2

specifically the widespread occupation of the grassy areas of the VBRA during daytime hours by persons lying in sleeping bags and bedrolls. The City's tolerance of this illegal behavior represents patently unequal enforcement of City ordinances, especially when the VBRA is compared to the now pristine condition of the public park just south of City Hall and the small park just south of the Los Angeles Police Department (LAPD) Headquarters, both in Downtown Los Angeles.

VSA has been pleading with City officials literally for years to resolve this problem. We wrote about the subject to your predecessor, Antonio Villaraigosa, on August 7, 2012. Then, on October 29, 2013, we wrote to City Attorney Mike Feuer concerning the implementation of the so-called "Warn, Tag, Bag and Store" program, by which illegally stored possessions are marked with a warning, and if not removed, then tagged, bagged, and stored at a nearby location for retrieval by the owners. Those letters are attached.

Among the many problems caused by the transient population is the all-day, all-night storage on the Boardwalk and the surrounding Venice Beach Recreation Area of large clumps of personal belongings, camping equipment, and products intended for sale along the Boardwalk's free speech strip. Such storage is not legal or tolerated at other City parks, e.g., the park adjacent to City Hall, which is maintained in a pristine condition.

The mass of belongings stored on public property produces a "skid row" appearance that degrades the quality of life for residents, and frightens off beach visitors and tourists. It also encourages a lawless atmosphere that contributes to late night noise, rampant drug use and sales, assaults, and vandalism. There have been numerous instances of violence among the campers, and there have been verbal and physical assaults against neighbors who are bold enough to challenge the campers for their illegal behavior. Last summer, a young Italian woman was tragically murdered by a meth-addicted transient driving illegally on the Boardwalk.

Unlike in other parts of the City, where homelessness has largely resulted from economic, social or medical circumstances that befall individuals, Venice is a "destination" for opportunistic transients from colder and wetter climates, who are attracted by the beach, the mild weather, the availability of drugs, a critical mass of other transients, and the perception that the City government is unwilling and/or unable to enforce its laws against sleeping in parks and public rights-of-way.

Since these opportunistic transients are not "hard core homeless," many of them would stop camping along Venice Beach if they were simply discouraged from doing so. Conversely, by allowing these transients to store tons of belongings in public parks and rights-of-way, or by providing free storage lockers for them, the City merely enables the transients to remain in the park, and further cements Venice's reputation as a haven for transients, which attracts even more of them here.



**Another day at the Venice Beach Recreation Area**

We note that the recent amendment to Los Angeles Municipal Code section 63.44.D was clearly intended to broadly define prohibited “camping” within City parks, so as to preclude any occupation of park property by persons in sleeping bags, bed rolls, and/or tents. As a result of the amendment and a clear policy of zero tolerance by the LAPD, City Hall Park, which was once the site of a large encampment known as “Occupy L.A.,” is now completely free of tents and sleeping bags at all times of day, and the park has been restored to the safe enjoyment by the public generally. Similarly, the small park south of LAPD headquarters in Downtown Los Angeles is also free of campers.



**City Hall Park, June 2014: Not a Camper in Sight**



Rules Posted and Enforced at City Hall Park

Mr. Garcetti  
July 8, 2014  
Page 6



**LAPD Headquarters Park, June 2014: Clean as a Whistle**



## Rules Posted and Enforced at LAPD Headquarters Park

Unfortunately, the Department of Recreation and Parks and the LAPD have taken a more permissive approach when policing the VBRA. On a daily basis, they are both allowing persons in sleeping bags, bed rolls, tents, hammocks, and other camping equipment to remain within the park, at least during the hours when the VBRA is open.

In recent months possessions are only moved when LAPD gives advance notice of a "clean-up" under the Warn, Tag, Bag and Store program. The cleanup operations are generally undertaken during the day, when VBRA is open, rather than when it is closed during the 12 a.m. to 5 a.m. curfew. Playing the proverbial cat-and-mouse game, the campers respond to the cleanup by simply moving their possessions just outside the VBRA, either to the beach itself or to the side streets adjoining the VBRA. The Department of Recreation and Parks then removes the remaining trash left by the campers. Of course, as soon as the "clean-up" is done, the possessions all magically reappear in the VBRA.

One of the key objectives of the Warn, Tag, Bag and Store program is to stop the storage of personal items in the VBRA at all times of day, and to restore the area to its proper use as a park for the general public. This purpose can only be served if the program is operated at night, when the 12 a.m. to 5 a.m. curfew is in effect at the beach and the VBRA. At such times, since the campers must leave the VBRA, any possessions they leave behind are by definition abandoned, and thus unequivocally appropriate for removal by the City to designated storage locations where they can be retrieved by their owners.

Moreover, if LAPD were to remove possessions while the curfew is in effect rather than during the daytime, the campers would not be able to leave with their possessions and then return immediately after the cleanup, as they now do. Instead, upon moving their possessions outside the VBRA the campers would be forced to remain with them and wait for the curfew to expire. This would discourage opportunistic homeless persons from serially camping at VBRA day after day.

The removal of possessions during the curfew hours would also help with the enforcement of the curfew itself. Presently many campers simply ignore the curfew and remain at the VBRA with all their possessions. Since campers do not wish to be separated from their possessions, the removal of possessions would discourage them from violating the curfew.

In addition to its ineffective implementation of Warn, Tag, Bag and Store program thus far, the City is still failing to vigorously enforce the ban on camping in City parks, at least in Venice, by citing persons who use camping items such as tents, sleeping bags and bedrolls. In 2012, Captain Jon Peters of LAPD advised the VSA that this reluctance stemmed in part from the opinion of the City Attorney's office that the mere possession of such items may not be enough to constitute a violation of the amended section 63.44.D, and that instead there needs to be the intent to use such items for lodging or accommodation rather than mere recreation. We strenuously disagree that any specific intent is necessary to establish a violation of section 63.44.

Section 63.44.D, as amended, states that "Within the limits of any park other than beaches, no person shall ... 4. Camp in a City park, except in locations designated for such purposes, or erect, maintain, use or occupy any Tent, excluding Umbrellas or Sun Shades." The term "Camp" is broadly defined as "to erect, maintain or occupy a Camp Facility for any purpose, including lodging or living accommodation." A "Camp Facility," in turn "means one or more of the following: Tents, huts, other temporary physical shelters, cots, beds, sleeping bags, hammocks, or bedrolls."

In sum, erecting or maintaining a tent or other physical shelter, or occupying a sleeping bag or bedroll within a City park for any purpose is forbidden by City ordinance. Specifically, the phrase "for any purpose" is unequivocal and strips the ordinance of any requirement that a violator have the specific intent to use the tent, sleeping bag or bedroll for lodging or living accommodation as opposed to recreation.



The City's authority to enforce section 63.44.D is not affected by the recent decision by the Ninth Circuit Court of Appeals in *Desertrain v. City of Los Angeles*, concerning the City's ordinance that forbids camping in cars. In this case, the Ninth Circuit found that the City ordinance, which forbids the use of a vehicle "as living quarters" was impermissibly vague because it was impossible to tell whether common activities such as eating food or talking on a cell phone would constitute use of the vehicle "as living quarters" and thereby violate the ordinance. In contrast, section 63.44.D, which concerns camping in parks, is unambiguous and unequivocal: Maintaining a tent or occupying a sleeping bag or bedroll within a City park for any purpose – whether it is recreational, or for living quarters, is forbidden.

Accordingly, LAPD and the Department of Recreation and Parks should cite and remove all persons from the VBRA who erect tents or other shelters, or who occupy sleeping bags or bedrolls, for any purpose whatsoever.

In addition to section 63.44.D, in addressing the use of camping equipment within the VBRA the Recreation and Parks Department and LAPD have at their disposal L.A.M.C. section 62.61(b), which prohibits the obstruction of public streets, sidewalks and parkways. Ocean Front Walk, while located within the VBRA and thus part of a park, is also a public street (albeit one that is closed to vehicular traffic), just as streets within Griffith Park are public streets. As such, Ocean Front Walk is subject to all ordinances that govern public streets, and the adjoining sidewalks and grassy areas are subject to the ordinances that govern sidewalks and parkways.

Section 62.61(b) states that "No person shall ... obstruct any public street or right-of-way for any reason without first applying for, in writing, and obtaining a permit from the Board of Public Works." For purposes of this ordinance, L.A.M.C. section 62.00 specifically defines "Public Street" as including "the full width of way dedicated to public use including sidewalk and unpaved areas." Thus, section 62.61(b) applies to Ocean Front Walk itself, as well as the sidewalk and the grassy areas, and prohibits any obstruction of any of these areas, regardless the nature or scope of the encroachment. Persons who obstruct these areas can be cited under this ordinance, and possessions can be removed.

It is ironic that VBRA remains a haven for illegal daytime camping and storage of possessions, while City Hall Park and the LAPD Headquarters Park are scrupulously protected from these activities. The Venice Beach Recreation Area directly adjoins a dense neighborhood of residences and businesses, while the two Downtown parks are within government campuses and distant from residences and businesses. Unlike at the Downtown parks, the City's failure to enforce existing laws within the VBRA fosters crime and assaults, subjects thousands of residents and visitors to constant danger, and causes tourists to flee for other, safer beach venues. This is a public and private nuisance that is sufficiently severe to be actionable under sections 3479 and 3480 of the California Civil Code.

Without proper implementation of the Warn, Tag Bag and Store program and enforcement of the ban on camping in City parks and other City ordinances, the VRBA will continue to deteriorate into an untamed urban campground, visually spoiling a world renowned

Mr. Garcetti  
July 8, 2014  
Page 10

park, depriving residents of their safety and quality of life, and robbing visitors and tourists of the opportunity to enjoy the grassy areas and benches presently monopolized by the campers.

We ask that the Department of Recreation and Parks, with the assistance of LAPD, immediately and consistently enforce the relevant City ordinances within the VBRA in order to address these daytime encampments, which threaten public safety, commerce, tourism and quality of life. In addition, if new or amended ordinances are necessary, we call on you to ensure their prompt passage.

Thank you for your prompt attention to this urgent matter. If you have any questions, please call me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John A. Henning, Jr.", with a stylized flourish at the end.

John A. Henning, Jr.

Enclosures

cc: City Attorney Mike Feuer  
Chief Charles L. Beck, LAPD  
Captain Jon Peters, LAPD  
Captain Brian Johnson, LAPD  
Mark Ryavec, VSA