



NEWPORT BEACH

City Council Staff Report

July 23, 2024
Agenda Item No. 4

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Resolution No. 2024-48: Two-Year Extension of Pilot Program to Permit Homeowner's Associations to Install Privately Operated Security Cameras within the Public Rights-of-Way

ABSTRACT:

At the June 27, 2023, City Council meeting, the City Council adopted Resolution No. 2023-40 (Attachment B) approving a pilot program allowing up to 10 Homeowner's Associations (HOAs) to install privately operated security cameras within the public rights-of-way in residential neighborhoods. The pilot program is set to expire on September 30, 2024. Staff is requesting that the pilot program be extended for an additional two years, expiring on September 30, 2026.

RECOMMENDATIONS:

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3: New Construction or Conversion of Small Structures) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment; and
- b) Adopt Resolution No. 2024-48, *A Resolution of the City Council of the City of Newport Beach, California, Extending the Pilot Program Permitting Qualifying Homeowner's Associations to Install Privately Operated Security Cameras Within the Public Rights-of-Way, and Waiving City Council Policy L-6, Encroachments in Public Rights-of-Way, in Regards Thereto.*

DISCUSSION:

At the June 27, 2023, City Council meeting, the City Council adopted Resolution No. 2023-40 (Attachment B) approving a pilot program allowing up to 10 HOAs to install privately operated security cameras within the public rights-of-way in residential neighborhoods. The pilot program is set to expire on September 30, 2024. Staff is requesting that the pilot program be extended for an additional two years, expiring on September 30, 2026. The proposed pilot program extension will provide adequate time for the Police Department to implement the citywide Flock camera system, identify any coverage issues, and evaluate the benefits of the residential pilot program. The procedures, terms and conditions outlined in the original pilot program will remain unchanged with exception to the expiration date.

Two neighborhoods have requested and are currently operating security cameras within the current pilot program. The Shore Cliff neighborhood has installed four private security cameras in the public right-of-way. The Spyglass Hills Community Association has installed eight private security cameras within the public right-of-way. Attachment C shows the private security camera locations in both neighborhoods within the public right-of-way that have been permitted through the pilot program.

Staff recommends that the City Council adopt Resolution No. 2024-48, waiving City Council Policy L-6 and extending the pilot program to permit privately operated security cameras within the public rights-of-way for an additional two years, expiring on September 30, 2026.

Upon completion of the pilot program, the HOAs shall provide, upon request by the Police Department, and the Police Department shall review, any collected data and/or documented crime related impacts or results. The Police Department will then present a report documenting the results of the private security camera program, as well as its suggestions regarding continuation of the program, to the City Council. If the City Council determines the pilot program to be successful, and desires to continue the program, staff will revise City Council Policy L-6 to incorporate the privately operated security camera program into the policy.

FISCAL IMPACT:

The cost of installation, maintenance and management of the privately operated security cameras shall be the responsibility of the HOA. The HOA will also be responsible for all encroachment permit and encroachment agreement fees. During the pilot program, any rent associated with the use of the public right-of-way shall be waived. If the encroachments are allowed to remain after the pilot program, the City Council will reassess whether to impose a charge for use of the public right-of-way.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3: New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment. Class 3 allows the construction and location of limited number of new, small structures, including accessory structures. Project implementation would authorize the installation of privately operated security cameras and new poles within existing public rights-of-way. There are no known exceptions listed in CEQA Guidelines Section 15300.2 that would invalidate the use of this exemption. The project location would not impact an environmental resource of hazardous or critical concern, would not result in cumulative impacts, would not have a significant effect on the environment due to unusual circumstances, would not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Resolution No. 2024-48

Attachment B – Resolution No. 2023-40

Attachment C – Existing Pilot Program Private Security Camera Locations