

Date: June 7, 2022

To: Honorable Mayor and Members of the City Council

VIA: Patrick Heisinger, Interim City Manager

Rachel Horst, Housing and Economic Development Manager

SUBJECT: Update and Recommendations Regarding the City's Unhoused Residents

Recommendation

It is recommended that the City Council take the following actions:

- 1.) Accept the report providing an update on actions related to unhoused residents in East Palo Alto;
- 2.) Provide direction on the proposed approach to oversized and recreational vehicle enforcement;
- 3.) Provide direction on the Master Temporary Use Permit application to authorize provision of temporary housing on public or private property; and
- 4.) Adopt a Resolution authorizing staff to fund permit fees for the Master Temporary Use Permit ("Master TUP") application for temporary housing using Housing funds.

Background

Since May of 2021, the City Council has regularly received updates from staff and taken actions to address the growing number of encampments of varying sizes scattered across the City and Recreational Vehicles ("RVs") parked in the public right-of-way. This has included:

- Directing staff to work closely with the County of San Mateo ("the County") and service providers LifeMoves and Project WeHOPE to offer case management, shelter, and interim and permanent housing to unhoused residents in East Palo Alto;
- Directing Public Works staff to clean up public areas of trash and debris related to encampment areas or RVs disposing of trash or discharging in the public right-of way;

- Authorizing the extension of the RV Safe Parking Program through April 2023 and directing Public Works staff to provide information to RV inhabitants of the City's Oversized Vehicle Ordinance and nearby sewage disposal sites;
- Directing staff to coordinate with the County and service providers to clear out the encampment area and provide shelter or interim housing to all individuals residing in Bell St. Park; and
- Directing staff to develop a Master Temporary Use Permit ("Master TUP") process to allow for expedited permit processing for property owners interested in allowing vehicles to park overnight or providing temporary shelter on the property.

With this report, staff provides an update on Bell St. Park and other encampment or RV areas and seeks City Council input on 1.) oversized vehicle and RV enforcement; 2.) the Master TUP application for overnight parking and temporary shelter in existing buildings; and 3.) pursuing an agreement with Downtown Streets Team to support clean-up efforts citywide.

Analysis

Updates on Recent and Planned Clean-Ups of Encampment or RV Areas

Bell St. Park Encampment Clean-Up

On Monday, May 23, following two months of coordination with the County and providing notices to encampment residents a month prior, Bell St. Park was closed to the public for the encampment clean-up.¹ Encampment residents were provided with bins to store personal belongings and were offered transport to shelter or other locations via LifeMoves and Project WeHOPE. When the area was vacated, City Maintenance staff and contractor US Ecology cleaned the area. The clean-up was completed on May 24, and the area remains fenced off while it is restored for public use.

In the weeks leading up to the clean-up, several individuals at Bell St. Park received a housing voucher and a move-in date, though some were not housed prior to May 23. Approximately 16 individuals remained without housing on the day of the clean-up. Sixteen beds were cleared so that all individuals could be offered shelter at one of three shelter locations in the County, including Project WeHOPE in East Palo Alto.

¹ The encampment clean-up followed the plan as set forth in the April 5 staff report on Bell St. Park: http://eastpaltoalto.igmp2.com/Citizens/Detail_Legifile.aspx?Frame=&MeetingID=1806&MediaPosition=9423.737&ID=2176&CssClasses=

Case workers have maintained contact with individuals that remain unhoused from the Bell St. Park encampment, and the County continues to hold weekly meetings to review the status of each Bell St. Park resident.

Other Clean-Ups of Encampment or RV Areas

Public Works has conducted clean-ups of trash and debris in environmentally sensitive areas, including along San Francisquito Creek, and in areas of significant trash buildup, such as along Bay Rd. Recently, the City conducted a clean-up on private property on Tara Rd., removing two abandoned and nonoperational buses, pursuant to Chapter 10.28 of the Municipal Code.²

Each clean-up was properly noticed, and in cases where an individual was camping in the area, staff worked in advance with LifeMoves and Project WeHOPE to visit the client or clients in the area to assess whether they could enter shelter or an alternative housing location and to offer storage for personal belongings.

The following list shows current and former encampment or RV locations where the City has conducted a clean-up, and the tentative dates of future clean-ups. Please note that not every clean-up includes clearing of tent areas or RVs; the focus is on removing trash and sewage that threaten nearby waterways and other environmentally sensitive areas.

Clean-Up Date	Location
18-Mar	SF Creek 1
13-May	SF Creek 2
13-May	Bay/Fordham
23-May	Bell St. Park
Week of June 6	Weeks St. (RVs)
Week of June 6	Cooley Landing

Enforcement of Oversized and Recreational Vehicles

Members of the community have submitted numerous complaints about oversized vehicles and RVs crowding City streets. At this time, the City is enforcing any vehicle that creates an imminent, environmental health and safety concern. Staff is seeking direction from the City Council on what enforcement measures should be used Citywide with regard to oversized vehicles and RVs.

² https://library.municode.com/ca/east_palo_alto/codes/code_of_ordinances?nodeId=TIT10VETR_CH10.28ABVE

Staff recommends the City embark on a comprehensive outreach process to those either residing in, or simply parking oversized vehicles in the public right-of-way, to inform these owners that effective July 15, 2022, the City will begin enforcing. This may lead to the towing of oversized vehicles and RVs.

Master Temporary Use Permit for Temporary Housing

At the April 5, 2022 City Council meeting³, staff presented options for a Master TUP process to provide interim housing solutions for unhoused individuals in East Palo Alto. The Master TUP program is one of multiple strategies to address the increased number of unhoused residents in East Palo Alto.

With this program, the City is seeking to expand capacity to provide a safe parking location for unhoused residents in RVs and a temporary shelter option located within East Palo Alto. The City has been working in close partnership with the County of San Mateo and service providers LifeMoves and Project WeHOPE for the last two years to offer interim and permanent housing and case management services to unhoused East Palo Alto residents. The Master TUP program is intended to close the gap in interim housing solutions by engaging local nonprofits and faith communities in this effort.

The Master TUP consists of a single application containing all applicable site standards and conditions for different types of temporary housing on all parcel types. Applicants could apply for a single property or for a multi-site program, such as a rotating shelter, for up to 12 months at a time.

City Council directed staff to develop a Master TUP for temporary housing solutions that may take the form of:

- Vehicles parked overnight on private property
- Temporary shelter provided in existing buildings on private property
- Temporary housing placed on-site on private property

In this report, staff recommends the City adopt standards for the first two scenarios and develop standards for new temporary housing structures separately.

Site Standards and Requirements for a Master TUP

³ See the staff report at:

http://eastpalalto.icm2.com/Citizens/Detail_Legifile.aspx?Frame=&MeetingID=1806&MediaPosition=10404.737&ID=2182&CssClass=

One of the primary objectives of the Master TUP is to inform applicants up-front about the requirements of temporary housing as a use and to ensure that the Planning and Building Divisions and outside reviewing agencies have sufficient information to review and approve the application in a streamlined manner. As with any TUP, Master TUP applications are subject to site standards and conditions that ensure safety and conformance with applicable Planning and Building code.

The site standards and types of conditions that may be imposed for a TUP are in Section 18.94.090 of the East Palo Alto Municipal Code. Where possible, site standards are based on the zoning of the parcel(s) where the temporary use is taking place and consider adjoining uses. Conditions placed on the project are those *deemed reasonable and necessary to ensure approval will comply with the required findings [for the temporary use, in Section 18.94.080]*. Since the TUP is subject to the Planning Director's determination that the temporary use is *compatible with the subject zone and surrounding land uses*, the Master TUP application must be adaptable to all zoning types and show that the proposed temporary housing is appropriate for the parcel it is located on.

As part of the Master TUP program, staff has developed draft standards for both overnight parking on private property and temporary shelter in existing buildings. These requirements span the Development Code, Building Code, and Fire Code.

Site Standards for Overnight Parking on Private Property

The current RV Safe Parking Program operated by Project WeHOPE at the City-owned site at 1798 Bay Rd. ("Property") and the conditions of approval for this permit, which require adequate spacing between vehicles, proper circulation, security, and other baseline conditions at the Property, may be adapted to a Master TUP to allow overnight parking of RVs or vehicles on private property. Please note that an inspection of the site by Menlo Park Fire Protection District ("Menlo Fire") and the Building Division would still be required prior to approval of any permit.

In addition, the License and Grant Agreement for the RV Safe Parking Program,⁴ which the City executed with Project WeHOPE to allow program operations on the City-owned site, includes programmatic requirements that may be useful for a Master TUP.

Draft standards for a Master TUP for overnight parking based on these documents are provided in the draft Master TUP application in Attachment 2.

⁴ The License & Grant Agreement was most recently amended for the third time, on April 5, 2022, to extend the program term through April 2023.

Site Standards for Temporary Shelter in Existing Buildings

Potential applicants wishing to dedicate a portion of existing space, such as a community room in a church as a temporary shelter, must demonstrate that the area meets basic safety requirements. Prior to permit approval, Menlo Fire and the Building Division would inspect the portion of the site to be used as temporary housing. Similar to the overnight parking program, programmatic requirements – at a minimum, providing meals, case management, and site supervision-- are incorporated into the Master TUP application.

Draft standards for a Master TUP for temporary shelter in existing buildings are provided in the draft Master TUP application in Attachment 2.

Preference for East Palo Alto Residents

This Master TUP program is designed to alleviate the immediate need for housing in East Palo Alto. Applicants will be required to demonstrate how the program prioritize East Palo Alto residents experiencing homelessness.

As the operator of the RV Safe Parking Program, Project WeHOPE prioritizes applications as follows: 1.) families, disabled individuals, seniors, veterans from East Palo Alto or Belle Haven; 2.) other individuals from East Palo Alto or Belle Haven; 3.) families, disabled individuals, seniors, veterans from outside of East Palo Alto or Belle Haven; and 4.) residents from outside East Palo Alto or Belle Haven.

Staff recommends this priority order, which was incorporated into the License and Grant Agreement for the RV Safe Parking Program, be included in the Master TUP application as a requirement for overnight parking or temporary shelter programs.

Enforcement of Oversized Vehicle Ban

The City's Oversized Vehicle Ordinance (Section 10.04.130 of the Municipal Code) has not been fully enforced during the COVID-19 pandemic, in large part due to the lack of sufficient space for the increasing number of RVs parked in the public right-of-way. As noted above, in cases where there is buildup of trash and debris in the public right-of-way or environmental hazards such as illicit discharge from RVs, however, the City has taken action to clear the area, with proper noticing.

Another objective of this Master TUP program is to support temporary overnight parking programs beyond the RV Safe Parking Program to provide additional space for RVs so

the City may resume effectively enforcing the Ordinance, citing and towing vehicles parked during the hours of 2:00am to 5:00am.⁵

Master TUP Permitting Fees

The cost of TUP application for a 12-month period is \$10,375,⁶ with a renewal fee of \$1,728, according to the City's current Master Fee Schedule. Staff recommends that the City fund this fee for nonprofit applicants for the Master TUP for temporary housing to lower the cost and administrative burden associated with establishing an overnight parking program or shelter program.

Assistance for Property Owners with the City's TUP Application Process

Staff is committed to eliminating barriers a private property owner would face if trying to provide housing opportunities for the unhoused on their property. Staff recommends the City Council consider appropriating a maximum of \$30,000 so eligible applicants could apply for to help cover costs associated with the City's Master TUP application process. The proposed terms of the assistance are as follows:

- Maximum amount \$10,000
- Eligible expenses: architecture, consultant fees, and fees for other entities with other reviewing agencies (e.g. Menlo Fire)
- Owner shall attempt to assist at least 10 households to receive the grant
- First come, first served basis
- Property must be eligible for the Master TUP as described in this staff report

Potential Partnership with Downtown Streets Team

Engaging the Downtown Streets Team is an additional action the City can take to address the ongoing need for trash and debris clean-up in public areas citywide while also providing additional outreach to unhoused individuals in East Palo Alto. Representatives of the Downtown Streets Team made a special presentation to the City Council at the May 17, 2022 meeting on the program model and common funding sources⁷.

At this meeting, staff would like to confirm that the City Council wishes to pursue an agreement with Downtown Streets Team.

⁵ Please note that RVs parked in the public right-of-way impacting health, safety, or waterways are subject to citation and removal.

⁶ This fee will increase in the next fiscal year (2022-23) to \$11,747.

⁷ Please see:

http://eastpaloalto.igmp2.com/Citizens/Detail_Legifile.aspx?Frame=&MeetingID=1810&MediaPosition=&ID=2261&CssClass=

Next Steps

Encampments and RVs

Staff will continue to meet weekly with the County and with service providers to follow up on clients from the Bell St. Park encampment and to support residents living at other encampments and in RVs to apply for assistance and housing vouchers. This close collaboration between all partners will continue so that the City can sustainably address the ongoing housing crisis in East Palo Alto.

There will be a continued need for clean-up at various sites across the City. If directed to do so, staff will return with a refined cost estimate and funding proposal for Downtown Streets Team.

Master TUP Process

Staff will incorporate any feedback from City Council into the Master TUP application and prepare it for posting on the City's website. If the City Council wishes to create a grant to assist applicants with the Master TUP process, as outlined above, staff will return to seek appropriation authority for the funds. Finally, if authorized, staff will use Housing funds to fund the permit fees for a Master TUP.

Fiscal Impact

To fund permit fees for the Master TUP for temporary housing would cost approximately \$31,125, assuming three applications total over the next year, with additional amount of \$5,184 for renewals. This can be offset using Housing funds.

Public Notice

The public was provided notice by making the agenda and report available on the City's website on a bulletin board located at 2415 University Avenue, East Palo Alto.

Environmental

The action being considered does not constitute a "Project" within the meaning of the California Environmental Quality Act (CEQA), pursuant to CEQA Guideline section 15378 (b)(5), in that it is a government administrative activity that will not result in direct or indirect changes in the environment.

Attachments

1- Resolution

2- Master TUP Application with Standards for Overnight Parking and Standards for Temporary Shelter