



# CITY COUNCIL STAFF REPORT



September 17, 2024

## ITEM TITLE

Unsheltered Policy: Consider an Ordinance to Restrict Campsites and Sitting, Lying, Sleeping, or Storage on Specified Public Property

**Report Number:** 24-0066

**Location:** No specific geographic location

**Department:** Housing and Homeless Services

**G.C. § 84308:** No

**Environmental Notice:** The activity is not a “Project” as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

## Recommended Action

Place an ordinance on first reading to add Division XII, “Preservation of Public Property”, and Chapter 9.90, “Campsites and Other Obstructions on Public Property”, to the Chula Vista Municipal Code. **(First Reading)**

## SUMMARY

In the last four years, the unsheltered crisis has grown with a number of unsheltered doubling from prior years. Unsheltered persons frequently occupy public spaces and other places not meant for human habitation. In response, the City developed and implemented a multi-faceted approach inclusive of initiatives, programs, and projects to address the needs of the unsheltered. However, the concentration of growing encampments has resulted in a public health and safety hazard that has adversely impacted the surrounding areas. This item presents a proposed ordinance that would prohibit campsites and sitting, sleeping, lying, or storing personal property on public property at specific locations in the City.

## ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (“CEQA”) and has determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change in the environment;

therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

## **BOARD/COMMISSION/COMMITTEE RECOMMENDATION**

On October 25, 2023 and January 24, 2024, staff provided updates to the Housing and Homeless Advisory Commission (“Commission”) on Council direction related to policies addressing the unhoused crisis. On August 20, 2024, the Commission made an advisory recommendation by a vote of 5-0 that Council adopt the proposed restrictions that are being presented to Council in the interest of public health and safety.

In addition to the Commission meeting, the City formed a Harborside Task Force (the “Task Force”) in 2018 to discuss growing concerns related to unsheltered persons in and around Harborside Park. The Task Force, consisting of stakeholders (San Diego County Health and Human Services, Chula Vista Elementary School District, California Department of Transportation, San Diego Metropolitan Transit System, and surrounding businesses), reconvened in spring 2024 to monitor plans for the park reopening and share community strategies to mitigate impacts. On August 29, 2024 the Task Force met and did not recommend any changes to staff’s proposal.

## **DISCUSSION**

The national unsheltered crisis affects nearly every community. The potential causes of homelessness are varied and further complicated by the wide range of affected people, including single adult men and women, families, single parents with children, transitional age youth, seniors, and veterans. The complexity and diversity of the unsheltered population creates significant challenges for the City of Chula Vista as it seeks ways to assist the homeless.

Unfortunately, unsheltered persons frequently occupy public spaces and other places not meant for human habitation, which poses a significant threat to the health and safety of these individuals, who are already vulnerable to illness, crime, malnutrition, and harmful weather exposures (such as excessive heat, excessive cold, rain, and flooding), and to the health and safety of the larger community. The proposed ordinance addresses impacts related to the occupation of public spaces, but it is only one tool among many to address and work toward solutions to the unsheltered crisis. As detailed below, the City also developed and continues to implement a multi-faceted approach inclusive of policies, initiatives, programs, and projects, such as providing both emergency and long-term housing and services, to address the multitude of needs related to the growing crisis.

### ***Chula Vista Homeless Outreach Team***

Since 2015, the City of Chula Vista has used collaborative multidisciplinary community partnerships that works towards alleviating the effects of homelessness and addresses the short-term needs of those experiencing homelessness to foster long-term housing stability, with a goal of ending homelessness in Chula Vista by providing a consistent, results-based multidisciplinary approach to serving the unsheltered and meeting them where they are.

Internally, City staff from the Housing and Homeless Services Department, Police Department, Development Services Code Enforcement, and Public Works Park Rangers work collaboratively to form the Homeless Outreach Team (“HOT”). In collaboration with a dedicated Psychiatric Emergency Response Team (PERT) and a County of San Diego Health and Human Services eligibility technician, real time outreach and

engagement services for individuals and families living on the street or in places not meant for habitation are provided.

The Team actively seeks out and engages unsheltered persons and, for those who are willing, connects them with services and/or places them in housing linked with appropriate services. The team, in concert with community partners, helps alleviate the effects of homelessness in the community and serves the unsheltered through the following strategies:

- Contact and interact with the unsheltered community, based on a relationship of trust, during consistent and regular street outreach to evaluate and assess their needs related to social services, mental health, substance abuse and law enforcement, with a focus on connecting them with appropriate support and services for the short term to foster long-term housing stability.
- Meet with community members to identify specific concerns and engage in dialogue that educates them on their rights, their responsibilities as a community members, and potential legal solutions related to addressing homelessness issues.
- Forge relationships with the various stakeholders in the community, including citizens, social outreach groups, social services, law enforcement, the mental health system, and the legal justice system, to collaboratively address housing and supportive service needs to provide short-term answers and develop permanent solutions.

Working through this cross-functional team of service providers, health and mental health providers, the faith-based community, other governmental agencies, HOT and its partners (the “Team”), the Team can remove barriers to services and permanent housing by providing “compassionate” enforcement that allows the team to meet the needs of those who want assistance and enforce the laws when needed. The Team works in the field to provide coordinated assistance for the unsheltered who want help, including case management, mental health and recovery services, and access to a multitude of resources to address a person’s individualized needs. Through the partnership, a weekly day of outreach was established to work directly with unsheltered residents within the community. Coinciding with the day of outreach, the City’s Public Works department conducts weekly clean-up of City parks, sidewalks, rights of ways, or other public spaces.

### ***Housing Opportunities for the Unsheltered***

There are proven models for housing services that address the specific needs of individuals and families experiencing homelessness. The City has taken appropriate housing measures to meet these needs through a myriad of housing projects and programs including:

- Substance Abuse Programs (Detox): Due to the high usage of illegal substances in the homeless population, detox services, through partnering agencies, are often the first resource offered to individuals seeking housing before a temporary or permanent solution can be provided. Without proper medical supervision, ceasing the use of drugs and/or alcohol can be fatal. Once a client is stabilized, longer-term treatment programs or other shelter can be offered.
- Emergency Shelters: The facilities, operated by SBCS Corporation (SBCS), are the first-place victims of domestic violence turn to after experiencing a domestic crisis. Emergency shelters provide support services and short-term stabilization for individuals and families before finding appropriate housing that meets their long-term needs.

- Transitional Age Youth (“TAY”): SBCS operates programs for transitional age youth or young people ages 18 to 24 years old. They offer safe, affordable and supportive housing for former foster youth and/or homeless youth while they finish school or complete job training.
- Hotel/Motel Vouchers: This program serves as a tool to cover the cost of a hotel or motel room to temporarily (less than 28 days) house an individual or family that has been connected to permanent housing and is working directly with the Chula Vista Homeless Outreach Team as they stabilize and coordinate their transition to stable housing.
- Bridge Shelter: The Chula Vista Village at Otay provides temporary stays, typically ranging from 90 to 120 days to adult individuals and is often referred to as “transitional” or “interim” shelter. The Village provides safe, bridge housing, as well as stabilization and supportive services, to prepare them for the most appropriate longer term or permanent housing interventions.
- Rapid Re-Housing: The program provides assistance to help individuals and families find a home of their own as quickly as possible. It is a housing first solution for non-chronic homelessness where individuals or families rent an apartment of their own and are provided temporary support services which can include case management and time-limited financial assistance, with the goal to bring them quickly out of homelessness.
- Homeless Prevention: The program was designed to prevent individuals and families that are at risk of eviction and becoming homeless by stabilizing through rental arrears and utility assistance.
- Tenant-based Rental Assistance: The program provides targeted, very low-income individuals and households with utility assistance, deposit, and rent subsidies for up to two years as they improve their financial situation and obtain self-sufficiency.
- Partnering Housing Options: Understanding the complexity and different level of individual service needs, the City relies on its partnerships for additional housing options such as the Salvation Army, East County Transitional Living Center (ECTLC), McAlister Institute, as well as client-eligible programs targeted for special populations such as seniors and veterans.

The City offers up to date information on outcomes of outreach and housing resources on dedicated webpages entitled “[Addressing Homelessness](#)”.

### ***Future Permanent Supportive Housing***

One of the gaps that has been identified in the South Bay is housing that provides needed support to individuals that are unable to maintain self-sufficiency after being unsheltered. Permanent Supportive Housing (PSH) is a program designed to provide subsidized housing and intensive supportive services on a long-term basis to formerly chronically unsheltered individuals. These are individuals who have a diagnosed physical or mental disability and who have been continuously unsheltered for one year or more.

The City established goals in the [2021-2029 Housing Element](#) to promote construction and financing of PSH units through implementing programs 2.2 and 4.4, and is underway on several projects to increase the number of PSH beds. Funding commitments were made as follows: Casa Anita in 2019; acquisition in late 2023 of 1160 Walnut Avenue (former Palomar Motel site); and \$4 million in gap financing for 610 Paseo Del Rey on [June 11, 2024](#), which will house formerly homeless individuals and veterans. A fourth project is currently under review to serve veterans with PSH on Third Avenue. Combined, this would equate to over one hundred and fifty new PSH units in the City, raising the PSH unit count from zero to over one hundred fifty in just five years, as summarized in the table below.

## PSH Units Constructed or Under Entitlement in Chula Vista

Project	Status	In-Service	PSH Units
Casa Anita, 760 Anita St.	Leased	April 2023	24
1160 Walnut Ave.	Pre-Rehabilitation	Anticipated 2026	30
610 Paseo Del Rey	Application Complete Density Bonus & AB2162 <sup>1</sup>	Anticipated 2027	48
647 Third Ave.	Pre-Application Density Bonus & AB2162	Anticipated 2028	54
<b>TOTAL ANTICIPATED PSH UNITS</b>			<b>156</b>

<sup>1</sup> Assembly Bill 2162 (AB2162) became effective January 1, 2019 to streamline the approval of housing projects containing a minimum amount of PSH by providing a ministerial approval process.

### ***Other City Efforts to Assist Unsheltered***

In addition to the housing tools utilized by the Team, individuals are also provided with needed soft skills training to gain employment, as follows:

- *Wrap-Around Services at the Village at Otay* offer individual client-centered case management, housing navigation, interim housing, soft skills, and referrals to partnering local programs.
- *Work for Hope* has conducted beautification projects in over a dozen parks since 2020, including trash removal and repainting of signs, bathroom facilities, pergolas, benches and other fixtures. McAlister Institute supports the program with vocational rehabilitation training, life skills instructions, transportation, job readiness, and links to stable housing resources.
- *Take Back the Streets* provides cleanup of public right of way to keep streets and sidewalks free of trash and debris. Alpha Project supports the effort by providing unsheltered individuals with immediate transitional employment and training while beautifying the community.

### ***Council Policy Direction***

On [October 5, 2023](#) the City Council held a workshop on the state of homelessness in Chula Vista and discussed possible actions and policies to mitigate the impacts. Subsequently, on [December 5, 2023](#), Council continued the discussion and provided direction for staff to explore five policy areas. A summary of the five policy areas and how they are being addressed is included below.

- 1) Licensing Process for Service Providers issuing Hotel/Motel Voucher: On April 23, 2024, staff presented an ordinance to require service providers placing individuals and families in Chula Vista hotels/motels to provide reporting data to the City, such as number of placements and participating hotels. This requirement would be processed in conjunction with the annual business license and permitting process. Council did not move forward on the adoption of the ordinance and instead directed staff to examine other mechanisms to obtain this data, which have in part been established with the County of San Diego.
- 2) Ordinance - Encroachment Restrictions on Public Property: Addressed in this item.
- 3) Policy on Storing Items on Public Property: Addressed in this item.
- 4) Recreational Vehicle Permit Program: Due to the complexity of developing a permitting system, needed funding, and the supporting resources, this item was identified as needing the longest time to develop. Staff will continue to explore this policy area and adjoining services such as a safe parking site.

- 5) **Regulations to Address Abandoned Shopping Carts:** Staff is currently working on this policy item with an intent to conduct stakeholder outreach and bring forward provisions for Council consideration in the fourth quarter of 2024.

***Unsheltered Population and Chula Vista Concerns***

In January of 2024, the National Homeless Point in Time Count (PITC) was conducted. The results, released by the [Regional Task Force on the Homeless](#), was a total number of 650 in the City of Chula Vista. These results do not include individuals/families placed in Chula Vista hotels by outside provider vouchers, which are estimated to be approximately 250 additional individuals as they would be unsheltered had it not been for government public assistance.

While not a requirement, the City’s Team annually conducts its own independent point-in-time count (CVCount). This practice was crucial in the fiscal and policy decision making process, ensuring the most accurate data was available. For data consistency and reliability, the team utilized the same application and survey questions as the regional PITC but with two additional questions pertaining to length of time the individual was unsheltered in Chula Vista and last City/State of permanent residence. On August 13 and 14, 2024 the City conducted an independent count to gather additional and current data. Below are the results for CVCount2024 in comparison to the 2023 results.

**2024 CVCount vs 2023 CVCount**

	Unsheltered Population		Sheltered Population	Total Homeless Population
	Street County	Hotel Vouchers		
<b>2024</b>	<b>449</b>	<b>142</b>	<b>189</b>	<b>780</b>
2023	510	144	132	786
Change	-61 (-14%)	-2 (<-1%)	57 (30%) <sup>1</sup>	-6 (<-1%)

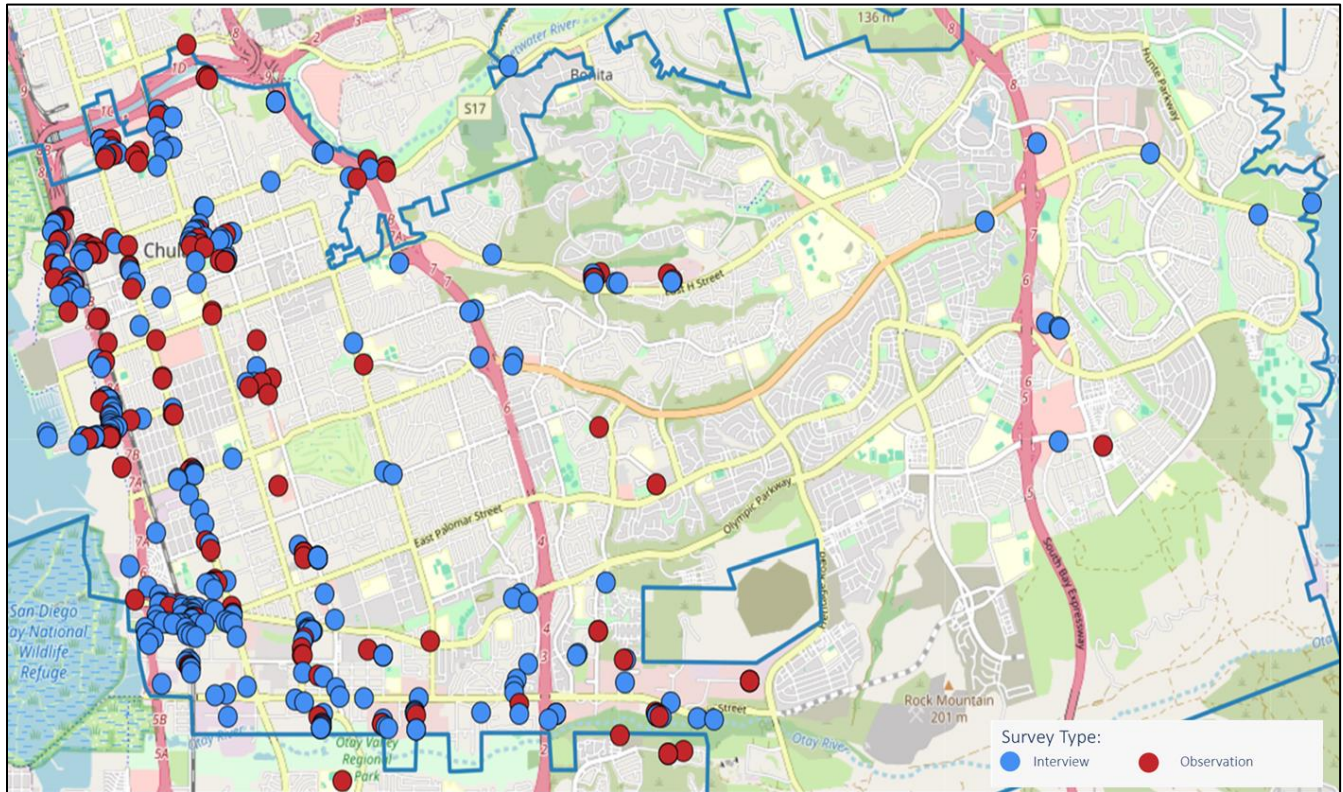
<sup>1</sup> The increase in part represents the occupancy at the Chula Vista Village at Otay, new to the emergency/transitional housing inventory.

The map on the next page, illustrates the areas of concentration. Please note the blue signifies engagement with survey and the red represents an observation if the individual was unwilling or unable to engage.

An observation to highlight from prior year counts is the increase in numbers east of Interstate 805 as well as the decrease in number in the Otay Valley Regional Park. A full report of 2024 CVCount including demographic data will be presented at this meeting and available beginning September 11 on the City’s website under [Unsheltered Profile](#).

The increase in the number of unsheltered persons over the years and the prior limitations on corrective and enforcement actions has resulted in increased impacts to the community, including illegal activity (drugs, prostitution, theft, assaults, trash and debris). This is of particular concern as a majority of the unsheltered individuals and encampments are concentrated on the west side in proximity to “sensitive locations” such as schools, parks, transit areas, and sensitive, environmentally protected areas. These impacts have led to several City actions, including the addition of outreach staff, additional park rangers, and the closure and fencing off of areas in the Harborside neighborhood.

## 2024 CVCount Observation and Survey Locations



Despite the Team's and other advocates' efforts to move unsheltered individuals into housing, the number continuing to reside on public property has increased and presents a public health and safety hazard, as further described below, that has adversely impacted the surrounding neighborhoods and commercial areas, prevented general community use of park and open space areas, and resulted in growing complaints from the business community.

Under the direction of the Public Works Park Ranger Program and in collaboration with partner organizations, over 3 million pounds of refuse and nearly 5,000 shopping carts have been collected since 2020. The accumulation of trash and debris often results in additional environmental and safety issues that, if left unaddressed, can result in disease spread, fires, and other public health concerns for the entire community, including the unsheltered. Drug paraphernalia (including needles, pipes and other dangerous and illegal equipment) has been found along sidewalks and within parks, which poses a threat to public safety. Furthermore, items from unsheltered campsites that are cleared often contain feces, adding to the health risks for team members conducting the clean-up efforts.

### *Community Use of Public Property and Access*

The use of public property for camping purposes and/or for the storage of personal property has interfered with the rights of the community to use these public spaces as they are intended and made access to amenities such as parks or schools difficult. Some areas such as Harborside Park and the Industrial Boulevard area have become so acute that the community has demanded City action to address growing crime and violence resulting from the number of unsheltered campsites. This community concern led to the closure of [Harborside Park in 2022](#) and the approval of fencing along [Industrial Boulevard in February 2024](#).

### ***Responsive Recommended Action***

On April 1, 2019, the Ninth Circuit Court of Appeals issued its decision in the *Boise* case, holding that enforcement against individuals camping and storing property in public places violates the 8th Amendment's prohibition on cruel and unusual punishment when no sheltering options are available. Subsequently, on April 22, 2024 the Supreme Court heard oral arguments in the *Grants Pass v. Johnson* case, which included a review of the *Boise* case. On June 28, 2024, the Supreme Court issued its final decision in the *Grants Pass* case, overturning *Boise* and stating that anti-camping bans do not violate the 8th Amendment.

In addition, on July 25, 2024, Governor Newsom issued an Executive Order directing state agencies to remove homeless encampments and encouraging local jurisdictions to adopt the state's guidelines for providing notice to vacate appropriate for the site conditions, providing outreach services in coordination with service providers, and removing and storing personal property collected at removal sites.

While the City is dedicated to continuing a compassion-led effort to work with individuals to move from the street to self-sufficiency, it has become clear that additional measures are needed to address growing concerns over public welfare and focus limited resources through expansion of the tools available to Staff.

In response to Council and the federal and state actions, Staff is presenting a proposed ordinance to provide the City and the Police Department with potential avenues to prohibit campsites and the obstruction of and storage of personal property in specified public spaces and rights-of-way. This item proposes adding Division XII, "Preservation of Public Property", and Chapter 9.90, "Campsites and Other Obstructions on Public Property", to the Chula Vista Municipal Code (the "Ordinance" or "Chapter 9.90"). The proposed Ordinance includes the following provisions:

A person shall not sit, lie, sleep, or store personal property on public property as follows:

- *ADA Access.* Upon a street, sidewalk, or other public property in a manner that impedes passage, as provided by the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, *et seq.* (1990).
- *City Permit Activity.* Obstruction or interference with the use of the right of way for any activity for which the City has issued a permit.
- *Motor Vehicles or Bike Paths.* Upon a street, bike lane, bike path, or other public property open to use by motor vehicles or bicycles.

No person may maintain or occupy a Campsite in or upon public property within the following locations:

- Five hundred feet of a public or private school providing instruction in grades 1 to 12, inclusive.
- A City Park and the area within five hundred feet of a City Park.
- Five hundred feet of an area designated by the City as a shelter, safe camping, or safe parking site.
- A Major Transit Stop and the area within five hundred feet of a Major Transit Stop, including:
  - Palomar Street, H Street, and E Street Trolley stops.
  - Rapid Bus Service, Line 225, stops (East Palomar, Heritage, Lomas Verde, Santa Venetia, Otay Ranch, and Millenia Stations).
- Any Multiple Species Conservation Program (MSCP) Subarea Plan (inclusive of the Otay Valley Regional Park and Sweetwater Valley Regional Park).

Attachments 1-4 provide maps of the sensitive locations and Attachment 5 provides the resulting map of all areas where campsite restrictions would be in place, including the buffer zones specified above.



The proposed Ordinance would enable City Staff to remove personal property, and all other property, contraband, litter, and waste, and prohibit persons from obstructing certain public property in violation of Chapter 9.90. The proposed Ordinance would further provide the City Attorney with authority to maintain an action to abate and prevent the nuisance, as well as the prosecutorial discretion to charge violations as a criminal misdemeanor or an infraction. The proposed Ordinance requires the City to provide notice prior to initiating cleanups or other enforcement actions as follows: immediate threat to health and safety (no notice required); obstruction of ADA access, City permit activity, or motor vehicle/bike paths (minimum of 3 hours' notice); unlawful campsites near sensitive locations (minimum of 24 hours' notice). The City's current abatement procedures can be found under the "Clean-Up and Abatement" tab on the [Outreach and Clean-Up](#) webpage.

### ***Conclusion***

While the City continues to invest a great deal of resources to assist unsheltered families and individuals regain self-sufficiency, it is clear that without additional tools to mitigate the health and safety impacts to the surrounding community, the City will not be able to adequately address the growing issues while continuing to progress in its current efforts.

The proposed Ordinance would provide the City with avenues to prohibit sitting, lying, sleeping, and storing personal property in certain public spaces, public rights-of-way, and open spaces, allowing the City to ensure these public areas are maintained in a clean, sanitary, safe, and accessible condition and to adequately protect the health, safety, environment and general welfare of the community, and to ensure public property is used for its intended purpose and remains accessible to the community.

Staff will continue to monitor the impact of adopted policies to assess impact, staffing needs, and gaps in resources, and return to Council as needed to report and adjust. It is anticipated that Staff will bring forward a policy to regulate abandoned shopping carts before end of calendar year.

### **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council member do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware and has not been informed by any City Council member of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

### **CURRENT-YEAR FISCAL IMPACT**

There are no current-year fiscal impacts as a result of this action. All staff time and costs to prepare this report were included in the current fiscal year budget.

### **ONGOING FISCAL IMPACT**

There are no ongoing fiscal impacts as a result of this action.

### **ATTACHMENTS**

1. Map of Schools

2. Map of City Parks
3. Map of Transit Stops
4. Map of Multiple Species Conservation Program Lands
5. Map of Areas Restricted from Camping

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