


# AGENDA SUMMARY

<b>RE: EUREKA OPEN SPACE PROPERTY MAINTENANCE PLAN</b>	<b>FOR AGENDA DATE: OCTOBER 20, 2015</b> <b>AGENDA ITEM NO.:</b> <span style="float: right; font-size: 1.5em;">14</span>	
<b>RECOMMENDATION:</b> <ol style="list-style-type: none"> <li>1. Approve the Open Space Property Maintenance Plan as policy to address findings: and</li> <li>2. Approve a corrective action for the protection of open space and maintenance within the defined boundary of city owned waterfront property.</li> </ol>		
<b>ISSUE:</b> The City of Eureka has developed a maintenance policy that addresses the protection of public resources on city owned property along the waterfront. The majority of this property is open space within the Coastal Zone, as well as the Eureka Waterfront Trail, Boardwalk, and park property. By incorporating current ordinance provisions and proposed ordinance revisions in one document, The Eureka City Council can provide clear policy direction to city departments on environmental cleanup, camping enforcement, and protection of vital community resources within the waterfront area.		
<b>BACKGROUND:</b> Camping in violation of city ordinances on waterfront property within the Coastal Zone has become an increasingly more difficult issue for city departments to resolve and control. Despite recent cleanup efforts, sanitation issues, hazardous waste, and criminal activity within the area has become a major concern to the community at large, and for state and federal regulatory agencies. The City of Eureka has a responsibility to maintain public property in a safe manner. The waterfront is a major economic driver within the community as a tourism asset for visitor services. Future plans for trail development represent a major investment of public funds. The City of Eureka has a number of ordinances that address certain behaviors that negatively impact the community-camping, shopping carts, sitting and lying in commercial areas, open burning, open container, aggressive panhandling, and others. This policy provides a framework for protection of waterfront open space, and the enforcement of current city ordinances, and recommends additional ordinances to assist in the protection of city property. <i>Attachment: Property Maintenance Plan</i>		
<b>FISCAL IMPACT:</b> <input checked="" type="checkbox"/> No Fiscal Impact <input type="checkbox"/> Included in Budget <input type="checkbox"/> Additional Appropriation		
<b>CITY MANAGER SIGNATURE:</b>  Greg L. Sparks, City Manager		
<b>REVIEWED BY:</b> City Attorney	<b>DATE:</b>	<b>INITIALS:</b>
<b>Council Action:</b>  Ordinance No. _____                      Resolution No. _____		

**RE: EUREKA OPEN SPACE PROPERTY MAINTENANCE PLAN**

**FOR AGENDA DATE: OCTOBER 20, 2015**

**AGENDA ITEM NO.:**

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**SUMMARY** *(continued)*

This policy was reviewed on October 8th, with the Open Space Park & Recreation Commission. The board recommended approval and suggesting re-naming the policy as "Management Plan for City Owned Properties on Eureka Waterfront." Staff has reviewed the plan and recommend re-naming the policy to Eureka Open Space Property Maintenance Plan.

# EUREKA OPEN SPACE PROPERTY MAINTENANCE PLAN

## Part 1-Introduction

City of Eureka public property can generally be categorized as open space, parks, buildings/facilities, and street right of way and trails. These public facilities serve a vital role in the community by representing significant features in the overall physical and environmental landscape of the area. The purpose of this maintenance plan is to create policy on the management of open space, trails, and right of way areas. City open space and trails serve the recreational needs of both residents and visitors, and serve as an economic development tool for the community. The planning area for this maintenance plan encompasses all city owned waterfront properties noted in the area below:



Due to the growing use of public open space and the development of the Waterfront Trail, a clear maintenance plan is necessary to address a number of issues that impair the safety and quality of the recreational and public use. This plan brings together the resources of the Park and Recreation Department, Police Department, Humboldt Bay Fire Department, as well as city administration and legal services into an integrated and cooperative maintenance plan to address trails, and open space issues in a manner that cost effectively shares departmental resources while ensuring that residents and visitors can enjoy a quality experience in Eureka.

#### A. Background Information

The City of Eureka is currently in the process of developing the Eureka Waterfront Trail. Planning for the Waterfront Trail dates back to 2005. The Eureka Trails Committee's Eureka Waterfront Trail and Promenade Recommendations were adopted by Council in September 2005. It has been a goal of the Eureka City Council since that time to make this plan a reality. When complete, it will be a 6.3 mile long contiguous non-motorized trail for recreation and active transportation spanning the extents of City limits and filling a significant gap in the California Coastal Trail.

In 2012, the southern portion of the Waterfront Trail (Hikshari' Trail), which runs from Pound Road to Truesdale Street, was completed using \$1.7 million dollars to construct the 1.5 mile portion of the Waterfront Trail. With three phases remaining, over \$5 million dollars of construction funding has been secured. Preliminarily, construction is planned to begin in April 2016.

#### B. Resources in the Planning Area

The open space and trail areas within the planning area have varying characteristics, including marshes, uplands, forested gulches and greenways, waterways, sand beach and coastal grasses. These public lands support an extensive and diverse habitat of resident and migratory wildlife species, including shorebirds and seabirds, raptors, song birds, egrets, herons, and others. Mammals include deer, red fox, raccoons, skunks, rabbits, squirrels, and other rodents.

The visual landscape of the planning area is diverse including property previously utilized for wood mill operations. The Waterfront Trail and bay marsh lands provide views of Humboldt Bay.

#### C. Recreation Use in the Planning Area

The Eureka waterfront has significant value to the region's economy. It is a diversity of ecological richness, and provides a multitude of recreational possibilities. It is a waterfront of invaluable treasures and complexity. It is a working, wild, and historic waterfront of opportunity that is vital to our future as a community. The City has a vision that the many waterfront attributes be linked together with a Waterfront Trail – an uninterrupted, alluring route that invites locals and visitors alike to explore the little known realm of the Eureka Slough, maritime splendor of the Inner Reach, historic charm of Old Town, activity of the working waterfront, and the wildlife sanctuaries and fine sandy beaches of the south waterfront. This pathway will be an important segment of the California Coastal Trail that, when complete, will stretch from Oregon to Mexico.

Residents and visitors take advantage of the recreational opportunities available throughout Eureka including: Walking, bicycling, running, kayaking, bird watching, and other uses. The public has indicated that a number of characteristics affect their selection of recreational activities, including scenery, safety,

cost, cleanliness, and value. The general public has indicated that it is important to ensure clean, well-maintained open space, parks, trails, and facilities and that there is a desire to have additional walking/hiking/multi-use trails.

#### D. Planning Challenges

A planning challenge is defined as a matter of controversy, a hurdle, or general concern over resource management activities, the environment or land use. These challenges were identified by city departmental staff, as well as from numerous public comments received either at city council meetings, emails, and personal communications during the past twelve months. The principle challenges identified during this process were:

##### 1. Short and Long Term Encampments

The Eureka Municipal Code 93.02 prohibits camping in any public or private space, public or private street, except in areas specifically designated for such use. Camp is defined as residing in or using a public or private space for living accommodation purposes, such as sleeping activities, storing of personal belongings, making a fire, cooking meals, or living in a parked vehicle. Camping is not allowed within the project area but has been consistently utilized for both short and long term camping by transients and local un-housed residents for many years.

##### 2. Sanitation and Dumping

The absence of potable water and restroom facilities in open space areas has resulted in people using the marsh and other parks, wooded and vegetated areas for sanitation purposes. The practice of long term camping in the area between the foot of Del Norte Street, south to Bayshore Mall has resulted in the illegal dumping of sewage, and trash on public land. This waste includes needles from illicit drug use, and other hazardous waste. Human waste and dog waste is also prevalent. This practice needs to be stopped to ensure a safe and healthy recreational environment for residents and visitors.

##### 3. Shopping Carts/Bicycles/Strollers/Wagons

A high number of stolen shopping carts as well as a variety of wheeled equipment are utilized by transients and houseless individuals camping in the open space area. The shopping carts are picked up on a weekly basis as part of a city ordinance to reduce shopping cart theft. Other wheeled equipment is typically regarded as personal property and addressed by removal and storage or if abandoned dealt with through the regularly scheduled clean ups.

##### 4. Law Enforcement and Public Safety

A variety of recreation uses occur in the planning area and some have the potential to cause conflicts between users, may be in violation of city ordinances, and/or result in unacceptable natural resource impacts. Examples include;

-Camping is not allowed on city open space or other public properties. This use has resulted in problems with waste, trash accumulation, and lack of sanitation. Law enforcement regularly responds to incidents involving weapons, assaults, drug overdose, and illegal drug activity.

-Dogs are prevalent with those engaged in camping in the open space areas. Many dogs are allowed to run without a leash and not under control of the owners. Many dogs are not licensed and a large number of dog owners do not pick up after their pets.

-Fires are common and often result in trash and partially burned debris left in the area. The use of wood pallets for these fires is a frequent practice and results in nail and metal waste left on the ground.

## 5. Operations and Maintenance

Many of the maintenance issues in the open space area can be traced to a lack of consistent management of the site. This plan represents a foundation of written policy designed to ensure that the goals of the City of Eureka are accomplished.

### Part II-Open Space Maintenance Plan

#### A. Administrative Actions

Camping, particularly long-term residential camping has become a significant issue for the City due to problems associated with this activity such as the building of semi-permanent structures, abandoned tents and tarps, sewage and trash dumping, hazardous waste, and fires. As of 7/1/15, the city has initiated regular clean up in zones within the marsh and in other areas of the City. In addition, law enforcement has focused efforts to improve conditions by removing criminals, particularly those with outstanding warrants, from the area.

##### 1. Existing Rules and Regulations

The following rules and regulations are already in effect throughout the City:

- Dogs are required to be licensed and on leash. Owners of dogs are responsible for the animal's behavior and physical control. Eureka Municipal Code 91.066 and 91.018
- Camping is prohibited. Eureka Municipal Code 93.02
- Open Burning without a Permit is not allowed. 2013 California Fire Code, Section 308.2, adopted by the City of Eureka.
- Removal of shopping carts from premises. Eureka Municipal Code 130.30
- Drinking Alcoholic Beverages in Public is prohibited. Eureka Municipal Code 130.01
- Sitting or Lying on Sidewalks in Commercial Districts is prohibited. Eureka Municipal Code 130.12

##### 2. Proposed Rules and Policies

The following rules and policies are proposed to be implemented in the area to manage some of the problems associated with camping:

- Storage of personal property ordinance
- Illegal camping will be enforced. Violators will be provided notice of clean ups 72 hours in advance and are required to remove all physical belongings from the area to be cleaned of trash and debris by the City. Failure to do so will result in citations and fines. The City of Eureka will provide storage containers to assist in these efforts.
- An ordinance to address wood pallets, building materials such as; bricks, cement blocks, landscaping rock, fencing material, wood, piping, as well as propane, gas, charcoal grills, and stoves in public open space. Propane and gas stoves and charcoal grills are not allowed. An ordinance restricting such use will be drafted for Council review.

# EUREKA OPEN SPACE IMPLEMENTATION PLAN

The goal of this implementation plan is to provide for Incremental Enforcement of the illegal encampments within the City of Eureka open space along Humboldt Bay. This effort is focused on reducing the size and number of encampments in both the short and long term. Incremental Enforcement allows the Eureka Police Department and the Park and Recreation Department to focus on problem areas from a safety and environmental standpoint and of problem campers, specifically those with significant criminal histories and active warrants. This level of enforcement provides an appropriate timeline and means for homeless individuals and families to seek both temporary and permanent housing options

The following steps will be taken to initiate implementation of the Eureka Open Space Property Maintenance Plan:

1. Illegal camping will be strictly enforced behind the Bayshore Mall, due to safety concerns from the dilapidated concrete structures in the area and a recent history of violence among those in the area. Camping to the north of this area and south of Del Norte Street will not be aggressively enforced, but will be addressed as necessary
2. The City will begin the process of removing all wood pallets, building materials, and plumbing fixtures that have been constructed on city property.
3. Large tarps fixed to trees and building materials are not allowed on city owned property.
4. The City will continue to provide cleanups of the open space area and will also remove invasive vegetation through cutting and approved chemical treatment.
5. The City will pursue the potential location of one or more portable toilets to be utilized by all public users.
6. City will propose a Storage of Personal Property Ordinance.
7. City will propose an ordinance to specifically address pallets, building materials, stoves, grills, and other materials and equipment on city property. The Building Code provides a means of enforcement on construction of structures but additional ordinance language can address pallets and grills.

# Eureka Homeless Policy

In 2014, the City of Eureka engaged Focus Strategies to study the issue of homelessness and to recommend strategies to address this multi-faceted issue. The 2015 Point in Time (PIT) count of homeless in Humboldt County found a total of 1,319 homeless people in the County, of whom 730 were in Eureka. The Eureka numbers indicated that 469 were unsheltered and 261 were sheltered. The total number of homeless people in Eureka is high compared to national standards, with homeless representing 2.7% of the population. A significant lack of empirical data exists regarding the characteristics of the unsheltered homeless population, but based on information from the Mobile Intervention and Services Team (MIST), it appears that a high proportion of people have serious mental illness and/or active substance use. In addition, there are many individuals with criminal records.

The Eureka City Council approved the Homeless Policy Paper from Focus Strategies that addressed recommendations to solve homelessness rather than attempting to better manage the problem. The primary premise is that the best practices in the field all point to housing as the solution. To achieve that goal the following recommendations were made:

1. Short-Term: City and County partnership to develop a Behavioral Health and Law Enforcement Team to conduct outreach to chronically homeless people living outdoors. Once identified, these individuals should be prioritized for available permanent supportive housing. Status-Accomplished.
2. Medium Term: Formalize a Homeless Outreach Team with a "Housing First" focus. Mental Health Services Act funds could be utilized to provide housing for homeless people with mental illness and who are high users of emergency services. Status-This has been initiated.
3. Longer-Term: Review and analyze how funds are currently being invested, what outcomes are being accomplished, and how outcomes could be improved by changing existing programs and investments. Determine how additional permanent housing and rapid re-housing capacity is needed to completely end homelessness. Status-On-going, with the primary step taken to contract with Focus Strategies for a comprehensive implementation plan for rapid re-housing.

Finally, Focus Strategies strongly advised the City not to pursue approaches directed at managing existing problems, such as increased police sweeps or creating legalized camping or a "tent city". These approaches will not solve the underlying problem of a safe place to live.

As a follow up to the Homeless Policy Paper, the City of Eureka and Humboldt County entered into a shared contract with Focus Strategies to develop a Rapid Re-housing Implementation Plan that both identifies current housing that is available for permanent housing for the homeless as well as state and federal funding sources to create new housing. That report is currently being finalized and will be ready for public distribution in the near future.

The City of Eureka administrative and legal staff recognizes that housing is the solution for ending homelessness, however management of criminal issues, garbage and sanitation in parks and public open space, and liability for maintaining a nuisance need to be continually addressed to meet the needs of the community. In addition, solving homelessness is not a responsibility of the City of Eureka. We do not have a dedicated funding source or staffing to create or implement a rapid re-housing program. The city has the responsibility to collaborate with Humboldt County Department of Health and Human Services, along with local non-profit agencies to work toward housing solutions.



To that end, the City Manager has recommended the adoption of an Open Space Property Maintenance Plan that provides for corrective action for the protection of environmentally sensitive open space along the Humboldt Bay waterfront. Staff recognizes that the implementation of rapid re-housing is a longer term solution to ending homelessness and that allowing unfettered illegal camping along the waterfront is detrimental to the community's safety, leads to continued environmental degradation, and negatively impacts our tourism economy. To that end, the implementation of the Open Space Property Maintenance Plan should be accomplished in a manner that focuses enforcement efforts on encampments utilizing building materials, such as pallets, bricks, cement blocks, roofing materials, and other products that are incompatible with the city's camping ordinance. The overall goal is to gradually reduce the footprint of illegal encampments throughout the city, while working through the MIST team and other service providers to assist individuals in finding permanent housing.