

City of Arts & Innovation

City Council Memorandum

TO: HONORABLE CITY COUNCIL DATE: JANUARY 21, 2020

FROM: MAYOR RUSTY BAILEY AND COUNCILWOMAN GABRIELA PLASCENCIA WARDS: ALL

SUBJECT: AMENDMENTS TO RIVERSIDE MUNICIPAL CODE TITLE 16 REGARDING EMERGENCY SLEEPING CABIN INTERIOR SPACE REQUIREMENTS

ISSUE:

Amend local building code during a shelter crisis and adopt new standards allowing for immediate acquisition of emergency sleeping cabins to move homeless individuals out of harsh climates and safely into shelter with an accelerated timeline.

RECOMMENDATIONS:

That City Council:

1. Determine that the minimum 70 square feet recommended floor area for single occupancy and minimum 120 square feet recommended floor area for double occupancy for emergency sleeping cabins significantly delays the city's ability to move people out of harsh climates and safely into shelter with an accelerated timeline and is counterproductive to the City Council's intent in declaring a shelter crisis.
2. Direct staff to prepare an ordinance to amend Section 16.34.040 of the Riverside Municipal Code to decrease the minimum number of square feet of interior space for single occupancy emergency sleeping cabins to 64 square feet, and;
3. Direct staff to prepare an ordinance to amend Section 16.34.040 of the Riverside Municipal Code to either:
 - Double Occupancy Option 1 – Decrease the minimum number of square feet of interior space for double occupancy sleeping cabins to 64 square feet, or;
 - Double Occupancy Option 2 – Decrease the minimum number of square feet of interior space for double occupancy sleeping cabins to 100 square feet.
4. Direct staff to prepare a resolution directing the Planning Division and Code Enforcement Department not to pursue any violation complaints related to the placement or occupancy of emergency housing units on Designated Public Facilities property until the Riverside Municipal Code, Section 16.34.040 is amended.
5. Direct staff to submit a copy of this updated ordinance to the California Buildings Standards Commission (BSC).

6. Approve an accelerated timeline to deploy emergency sleeping cabins to be operational by January 31, 2020.

DISCUSSION:

The City of Riverside, as recommended by staff, adopted a local ordinance using recommended language from the optional Appendix X (Emergency Housing) of the California Building Code, calling for emergency sleeping cabins to be at minimum 70 square feet for single occupancy and 120 square feet for double occupancy on October 22, 2019. It is important to note that Appendix X is not mandatory, rather it is meant to serve as a sample document and is supplementary to the California Building Code.

On December 17, 2019, City Council approved emergency sleeping cabins along with several options to move solutions forward quickly and to remove barriers inhibiting the movement of people out of harsh climate conditions and safely into shelter.

Upon the realization that the square footage requirements in the recently adopted local building code, as written, would take what the City Council hoped would be a cost effective and quickly deployed solution and add a minimum of 8-10 weeks to deployment and increase the city's costs up to an additional \$98,236, Senator Roth's office was engaged to determine if the square footage minimums are requirements prescribed by state code, or if the minimums are recommendations that local jurisdictions have the authority to amend.

Upon consultation with the Department of Housing and Community Development (HCD) and the BSC, Senator Roth's office confirmed that the square footage requirements could be amended by local jurisdictions via ordinance (Attachment 1). HCD confirmed that Riverside has this authority because Appendix X is optional for jurisdictions and has not been formally adopted by the agency, as the appendices are meant to serve as a guide for municipalities if they implement emergency shelters. HCD and BSC outlined the process in writing for the Senator's office (emphasis added):

*"...cities and counties that amend Title 24 must file their ordinance with BSC, which reviews it for compliance with **Health and Safety Code Sections 17958.7 and 18941.5**. BSC then responds to the city or county letting them know their ordinance is acceptable for filing (it is important to note that BSC does not have the authority to "approve" a local ordinance). An ordinance is effective **upon filing with BSC** (i.e. the date received by BSC) as long as the jurisdiction has complied with the requirements in Health & Safety Code Sections listed above (e.g. expressly marked changes; findings of local climate, geology, topography, etc.)."*

Given this confirmed local authority regarding minimum square footage in emergency sleeping cabins, the City Council is being asked to consider modifications to Section 16.34.040 (Attachment 2) of the Riverside City Code to decrease the minimum number of square feet of interior space for emergency sleeping cabins from:

Single Occupancy:

- 70 square feet to 64 square feet for single occupancy, and;

Double Occupancy:

- Option 1 – 120 square feet to 100 square feet for double occupancy, or;
- Option 2 – 120 square feet to 64 square feet for double occupancy.

These changes to code would continue to meet health and safety standards, and in accordance with Health and Safety Code Sections 17958.7 and 18941.5, the rationale for this change is three fold:

1. Human lives are at risk.

According to the County of Riverside, 95 homeless individuals, 72 men and 23 women, average age of 48 years old, died on the streets in 2019 across the County of Riverside. (Attachment 3) Eleven were on the waiting list for housing. 22 of these individuals were residents in the City of Riverside. Due to harsh winter and summer climates in our region, prompt action is required for the preservation of life, health, and property.

2. Updates to the code would allow for almost immediate implementation.

Pallet, the company approved to provide the emergency sleeping cabins, has indicated that they can deploy 64 square foot shelters immediately. Additionally, they have offered to loan the city 10 additional 64 square foot units at no cost for the winter months. If the city decides to proceed with larger options, there is an 8-10 week manufacturing lead time.

With an 8-10 week delay in deployment of 30 additional units of shelter comes increased risks of illness or death, as a result of exposure to harsh climates, in the name of adhering to a code that City Council has the authority to amend.

3. Updates to the code would allow for a more responsible use of resources.

The City of Riverside has limited access to resources to address homelessness. Depending on the options selected by the City Council, the following cost savings could be achieved.

	Cost Per Unit	20 Units	10 Loan Units	People Housed	City Cost Per Person Housed With In Kind Factored
Existing Language 100 sq. ft. single	\$7,674.40	\$153,488	NA	20	\$7,674.40
Single Occupancy 64 sq. ft. single	\$5,345.20	\$108,704	\$53,452 <i>In Kind</i>	30	\$3,623.47
Double Occupancy Option A 64 sq. ft. double	\$5,760.10	\$115,202	\$57,601 <i>In Kind</i>	60	\$1,920.04
Double Occupancy Option B 100 sq. ft. double	\$7,999.30	\$159,986	NA	40	\$3,999.65

The City would save:

Amended Language Single Occupancy

\$4,050.93 per person housed by amending local codes and approving the purchase of 20 of the 64 square foot single occupancy shelters that Pallet produces.

Amended Language Double Occupancy Option A

\$5,754.36 per person housed by amending local codes and approving the purchase of 20 of the 64 square foot double occupancy shelters that Pallet produces.

Amended Language Double Occupancy Option B

\$3,674.75 per person housed by amending local codes and approving the purchase of 20 of the 100 square foot double occupancy shelter that Pallet produces.

Simply stated, this minor change to our local code would save the city up to \$98,236 and allow the city to move up to 60 people out of harsh climate conditions into shelter.

The following chart outlines the various shelter size options with the anticipated lead time.

Cabin Size (Sq. Ft.)	64	64	100	100
Number of Units	40	20	20	20
Number of Beds	40	40	20	40
Occupancy	Single	Double	Single	Double
Lead Time	1 week	1 week	8-10 weeks	8-10 weeks

Proofs of concept

Tacoma, Washington, currently uses Pallet, the same provider approved by Council on December 17, to provide 80 emergency sleeping cabins for the homeless. Tacoma uses Pallet's 64 square foot emergency sleeping cabins. Some of the 64 square foot units are double occupancy, which equates to 32 square feet of living space per resident (Attachment 4).

In their pilot year, Tacoma's cabin communities have seen a 40% success rate in moving residents from the transitional emergency sleeping cabins to permanent housing. Their site management plan is managed jointly by Catholic Community Services and the City of Tacoma. The plan was implemented in 2017 with a 90-day maximum stay. Residents who are non-compliant with the expectations set forth in the community's policies are immediately exited from the site. Site amenities include a mobile shower facility, portable toilets, and laundry station supporting 90-120 residents.

On January 14, 2020, Sonoma County purchased 30 units of 64 square foot Pallet emergency sleeping cabins to be used for single occupancy, and 30 units of 100 square foot Pallet emergency sleeping cabins to be used for double occupancy. Their 64 square foot units will be deployed by January 16, 2020, with move in beginning January 18, 2020 and a goal to fill occupancy by January 27. To move quickly, Sonoma issued a directive that their Permit and Resource Management Department not pursue any violation complaints related to the placement or occupancy of emergency housing units on County property until their code is amended. (Attachment 5)

Sonoma County is scheduled to fully deploy a cabin community in thirteen days, this is the level of urgency lacking in our current approach. The City of Riverside has not added a single city controlled shelter bed since declaring a shelter crisis in December 2018.

It is important to note that as we prepare to request additional direct allocation funding for homelessness in the next state budget cycle, we will be required by the state to provide updates on our progress as a result of our HEAP and HHAP funding well before the May revise. To date we have no outcomes to report for these two items. If the City of Riverside is to remain competitive with other large cities for direct allocations, there must be progress to report.

Shelter compliance with other code requirements

Aside from the required floor area, the 64 square foot Pallet shelters will meet all other requirements in Riverside City Code, Section 16.34.040. (Attachments 5 and 6) The following chart outlines the additional requirements:

Emergency Sleeping Cabin Requirements Section 16.34.040	Pallet Shelter
General. (Emergency sleeping cabins shall have an interior floor area of not less than 70 square feet for one occupant and an additional 50 sq. ft. for each occupant in excess of one)	
Live loads. (Emergency sleeping cabins shall be designed to resist intrusion of wind, rain, and to support live loads)	✓
Minimum ceiling height. (Habitable space and hallways in emergency sleeping cabins shall have a ceiling height of not less than 80 inches)	✓
Means of egress. (Emergency sleeping cabins shall be provided with at least two forms of egress placed remotely from each other.)	✓
Egress window. (The bottom of the clear opening of the egress window shall not be more than 44 inches (1118 mm) above the floor)	✓
Plumbing and gas service. (If an emergency sleeping cabin contains plumbing or gas service)	NA
Electrical. (Emergency sleeping cabins shall be provided with a continuous source of electricity, at least one interior lighting fixture, electrical heating equipment, and at least one GFCI-protected receptacle outlet for use by the occupant)	✓
Ventilation. (Emergency sleeping cabins shall be provided with means of ventilation (natural and/or mechanical) allowing for adequate air replacement)	✓
Smoke alarms. (Emergency sleeping cabins shall be provided with at least one smoke alarm installed in accordance with the California Residential Code, Section R314)	✓
Carbon monoxide alarms. (If an emergency sleeping cabin contains a fuel-burning appliance(s) or a fireplace(s), a carbon monoxide alarm shall be installed)	✓

Further, staff reached out to the Division of the State Architect (DSA) to confirm the percentage of units required to comply with standards set forth in the Americans with Disabilities Act (ADA), and to understand the requirements for an accessible second egress in emergency sleeping cabins. Together with a Senior Architect at the DSA, staff reviewed California Building Code Section 11B-224.8, specific to transient lodging guest rooms and social center establishments, and confirmed that there must be a minimum of 5% of units, and no less than one unit, that comply with ADA standards. Additionally, in accordance with 11B-233.3.1.3, at least 2% of the units, but no less than one, must provide communication features complying with Section 11B-809.5. These communication features are primarily concerned in our case with strobes for any fire or carbon monoxide alarms and a strobe for the primary entrance doorbell.

The Senior Architect at DSA also reached out to the U.S. Access Board and confirmed that if there are fewer than 10 occupants in a cabin, two ADA accessible means of egress are not necessary.

Minimal changes would only need to be made to a single unit to ensure full ADA compliance.

Potential solutions to timeline barriers

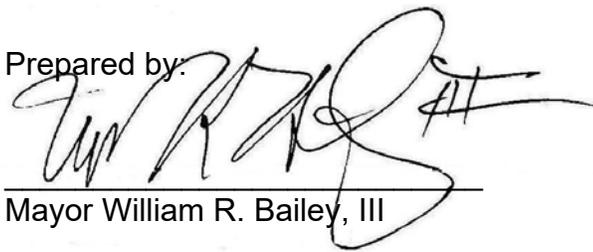
Public hearing and noticing requirements and staff time to prepare ordinances and filings with the BSC would take up to 6-12 months according to building and safety officials. This timeline is a barrier to acting with urgency, and as a solution the City Council may consider issuing a directive to suspend enforcement of the square footage requirements on emergency sleeping cabins until the ordinance is updated, as the Sonoma County Board of Supervisors did in their January 14, 2020 decision. (Attachment 7)

There are also long term improvements needed on the site that City Council approved for the emergency sleeping cabins on December 17, 2019. The emergency sleeping cabins are intended to be an interim solution, and the ability to rapidly build and tear down the units gives the city the flexibility to install them on a temporary basis to provide relief during harsh climate conditions and remove them when work is ready to begin on the site.

FISCAL IMPACT

The fiscal impact of the proposed change to Section 16.34.040 of the Riverside City Code would be a savings up to \$98,236 in the procurement of emergency sleeping cabins.

Prepared by:



Mayor William R. Bailey, III



Councilwoman Gabriela Plascencia

Approved as to form:

Attachments:

1. Communication from Senator Roth’s office outlining direction from HCD and BSC.
2. Riverside City Code, Section 16.34.040.
3. “Riverside candlelight vigil remembers 95 people who died in 2019”, Press Enterprise, December 19, 2019
4. “These easy-to-build shelters are helping cities quickly provide cover to the homeless”, Fast Company, June 25, 2019
5. Email from Pallet Shelter confirming emergency sleeping cabins meet all other requirements
6. Pallet Materials and Testing
7. Sonoma County Board of Supervisors Report
8. “Finding the key to homelessness”, Press Enterprise, January 15, 2020