

CITY COUNCIL
Alma Hernandez, Mayor
Princess Washington, Mayor Pro Tem
Jenalee Dawson, Councilmember
Marlon L Osum, Councilmember
Amit Pal, Councilmember



CITY COUNCIL MEETING

A G E N D A

REGULAR MEETING OF THE SUISUN CITY COUNCIL, SUISUN CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY, AND SUISUN CITY HOUSING AUTHORITY

TUESDAY, JANUARY 16, 2024

5:00 PM

Suisun City Council Chambers - 701 Civic Center Boulevard - Suisun City, California

REVISED AGENDA

**5:00 P.M. CLOSED SESSION
7:00 P.M. REGULAR MEETING**

MEETINGS ARE HELD IN-PERSON, PUBLIC PARTICIPATION IS ALSO AVAILABLE VIA ZOOM

ZOOM MEETING INFORMATION:

WEBSITE: <https://zoom.us/join>

MEETING ID: 893 1711 2171

CALL IN PHONE NUMBER: (707) 438-1720

*REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE CITY COUNCIL MEETING BY EMAILING
CLERK@SUISUN.COM (PRIOR TO 4 PM), VIA WEBSITE, OR ZOOM CALL IN PHONE NUMBER (707) 438-1720*

*(If attending the meeting via phone press *9 to raise your hand and *6 to unmute/mute for public comment.)*

(Next Ord. No. – 809)

(Next City Council Res. No. 2024 – 01)

Next Suisun City Council Acting as Successor Agency Res. No. SA2024 - 01)

(Next Housing Authority Res. No. HA2024 – 01)

5:00 P.M CLOSED SESSION

CALL TO ORDER

Mayor Hernandez

ROLL CALL

Council / Board Members

CONFLICT OF INTEREST NOTIFICATION

(Any items on the closed session agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be identified at this time.)

PUBLIC COMMENT CLOSED SESSION

(In accordance with Section 54956(a), public comments are limited to items on this closed session agenda, and to no more than 3 minutes unless allowable by the Mayor/Chair. Speaker cards are available on the table near the entry of the meeting room and should be given to the City Clerk. By law, no prolonged discussion or action may be taken on any item raised during the comment period.)

CLOSED SESSION

1. A closed session will be held, pursuant to Government Code §54957, to conduct an employee evaluation for the position of City Manager.

RECESS TO CLOSED SESSION (City Manager Conference Room, City Hall)

7:00 RECONVENE OPEN SESSION

CALL TO ORDER

Mayor Hernandez

ROLL CALL

Council / Board Members

PLEDGE OF ALLEGIANCE

INVOCATION

CLOSED SESSION REPORT

Announcement of Actions Taken, if any in Closed Session.

APPROVAL / REORDERING OF AGENDA

CONFLICT OF INTEREST NOTIFICATION

(Any items on the regular meeting agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be identified at this time.)

PUBLIC COMMENT

(Request by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3. Comments are limited to no more than 3 minutes unless allowable by the Mayor/Chair. Speaker cards are available on the table near the entry of the meeting room and should be given to the City Clerk. By law, no prolonged discussion or action may be taken on any item raised during the public comment period, although informational answers to questions may be given and matters may be referred for placement on a future agenda.)

REPORTS (Informational items only.)

2. Interim City Manager Update - (Roth: aroth@suisun.com).

3. City Attorney Report - (Taylor/Andrews).
4. Suisun Microtransit Year-End Update - (Solano Transportation Authority).

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

5. Mayoral Appointments of Commissions and Committees - (Herandez: ahernandez@suisun.com).
6. Mayoral and Councilmember Appointments to the Public Safety & Emergency Management Community Advisory Committee.
7. Presentation of Proclamation Proclaiming the Month of January 2024 as "Human Trafficking Awareness and Prevention Month" to Hassan Sabbagh, Executive Director of Nature of Sound and President of the Solano Anti -Human Trafficking Coalition - (Hernandez: ahernandez@suisun.com).

COUNCIL COMMENTS

8. Council/Board Member Updates.

CONSENT CALENDAR

Consent calendar items requiring little or no discussion may be acted upon with one motion.

City Council

9. Council Adoption of Resolution 2024 - ____; Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement on the City's Behalf with Rincon Consultants, Inc. to Complete the Necessary Environmental Review and Document for a Residential Project South of Railroad Avenue Between Olive Avenue and Humphrey Drive - (Kearns: jkearns@suisun.com).

PUBLIC HEARING - NONE

GENERAL BUSINESS

City Council

10. Discussion and Direction on Youth Advisory or Youth Commission - (Lofthus: klofthus@suisun.com).
11. Discussion and Direction – Humphrey Drive Open Channel Clean-Up - (Vue: nvue@suisun.com).
12. Discussion of Legal and Practical Constraints on Addressing Homelessness, and possible direction to staff and the City Attorney relating, but not limited to, the drafting of policies or ordinances, and further issues to analyze - (City Attorney Gerli).
13. Discussion and Direction regarding the costs associated with Sea Level Rise - (Bermudez: jbermudez@suisun.com).

REPORTS: (Informational items only)

14. Mayoral Update - (Hernandez: ahernandez@suisun.com).

15. Non-Discussion Items.

ADJOURNMENT

Public Access To Agenda Documents

A complete packet of information containing staff reports and exhibits related to each item for the open session of this meeting, and provided to the City Council, are available for public review at least 72 hours prior to a Council/Agency/Authority Meeting at Suisun City Hall 701 Civic Center Blvd., Suisun City. Agenda related writings or documents provided to a majority of the Council/Board/Commissioners less than 72 hours prior to a Council/Agency/Authority meeting related to an agenda item for the open session of this meeting will be made available for public inspection during normal business hours. An agenda packet is also located at the entrance to the Council Chambers during the meeting for public review. The city may charge photocopying charges for requested copies of such documents. To the extent feasible, the agenda packet is available for online public viewing on the City's website: <https://www.suisun.com/Government/City->

Council/Agendas The City Council/Agency/Authority hopes to conclude its public business by 10:00 p.m. No new items will be taken up after 10:00 p.m., unless so moved by a majority of the City Council, and any items remaining will be agendaized for the next meeting. The agendas have been prepared with the hope that all items scheduled will be discussed within the time allowed.

Accommodations

If you require an accommodation to participate in this meeting, please contact the City Clerk at (707) 421-7302 or clerk@suisun.com. The City's reasonable accommodation policy is available for review on the City's website at www.suisun.com/government/city-council/, you may request an electronic copy or have a copy mailed to you. Please note that for accommodations that are not readily available, you must make your request as soon as you can prior to the time of the meeting.

Decorum

All participants are expected to conduct themselves with mutual respect. Conduct that disrupts meetings will be addressed in accordance with Section 54957.95 of the Government Code.

Ordinances

Ordinances are city laws contained in the Suisun City Municipal Code. Enacting a new city law or changing an existing one is a two-step process. Government Code 36934 provides, except when, after reading the title, further reading is waived by regular motion adopted by majority vote all ordinances shall be read in full either at the time of introduction or passage; provided, however, that a reading of the title or ordinance shall not be required if the title is included on the published agenda and a copy of the full ordinance is made available to the public online and in print at the meeting prior to the introduction or passage.

Certification Of Posting

Agendas for regular and special meetings are posted in accordance with the Brown Act at Suisun City Hall, 701 Civic Center Boulevard, Suisun City, CA. Agendas may be posted at other Suisun City locations including:

- Suisun City Fire Station, 621 Pintail Drive, Suisun City, CA;
- Joe Nelson Center, 611 Village Drive, Suisun City, CA;
- Harbor Master Office, 800 Kellogg Street, Suisun City, CA.

I, Donna Pock, Deputy City Clerk for the City of Suisun City, declare under penalty of perjury that the above agenda was posted and available for review, in compliance with the Brown Act.

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AGENDA TRANSMITTAL

MEETING DATE: January 16, 2024

AGENDA ITEM: Suisun Microtransit Year-End Report

FISCAL IMPACT: Transportation Development Act Funds (TDA) are dedicated funds for transit related services. FY 2023-24 Claim of \$1.6 million for transit services has no fiscal impact on the General Fund and contains a reconciliation of \$208,175.47.

STRATEGIC PLAN: Provide Good Governance, Ensure Public Safety, and Enhance the Environment.

BACKGROUND: On August 16, 2023, the Suisun City Council Approved partnering with STA for Microtransit Services.

STAFF REPORT: The Suisun Microtransit program launched on January 3, 2023, and consists of dial-a-ride service available within Suisun City limits, and nine select locations within the City of Fairfield, as well as one fixed route known as the School Tripper.

Based upon the information provided in the Community Based Transportation Plan, City and STA staff recommended a Suisun City Microtransit system of roughly 4,500 annual vehicle revenue hours. The majority of these hours, 3,000, have been dedicated to dial-a-ride, while 1,500 hours have been dedicated for the fixed route service known as the School Tripper, which operates based on the School Schedule.

Since its inception, the Suisun Microtransit program has been popular and has provided 12,177 passenger trips between the months of January 2023 and December 2023. The fixed route service known as the School Tripper has made up the majority of the trips, representing 9,165 of the total 12,177 trips. The monthly ridership information based on mode can be found in the attached power point. At times, the Suisun Microtransit has experienced overcrowding on the School Tripper, so an additional vehicle has been inserted to deal with a large number of patrons. Staff has ordered three additional vehicles; each vehicle offers a larger seating capacity, but these are not anticipated to be received until April/May 2024 so Suisun Microtransit will continue to deploy the additional vehicle to ensure there are no capacity issues.

Staff issued a Request for Qualifications on May 19, 2023, to garner interest from a firm to implement a mobile application so that patrons can request a ride, pay their fare, and track their vehicle from their smartphone. The terms of the RFQ were for a three-year contract with two option years. Staff received 32 questions regarding this project from potential bidders and the questions as well as STA's responses were posted online on June 7, 2023. STA received four proposals on June 16, 2023, and scheduled all four for interviews during the week of June 26, 2023. The interview panel conducted interviews on three different dates during the week of June 26th and concluded that the Routing Company was the unanimous best apparent bid. Staff is working with the Routing Company and the mobile application will be deployed in February 2024.

Additionally, after the first year of operations, staff have been closely monitoring the program budget and there was a total of \$208,175.47 that will be returned to the Metropolitan Transportation Commission (MTC) for future allocations. Staff will return to the Council to recommend a budget for FY 2024-25.

STAFF RECOMMENDATION: None.

DOCUMENTS ATTACHED: 1. Suisun Microtransit Update PowerPoint

PREPARED BY:	Brandon Thomson, Transit Mobility Coordinator
REVIEWED BY:	Kris Lofthus, Deputy City Manager
APPROVED BY:	Aaron Roth, Interim City Manager

ATTACHMENTS:

1. [PowerPoint Presentation Microtransit Update](#)



1

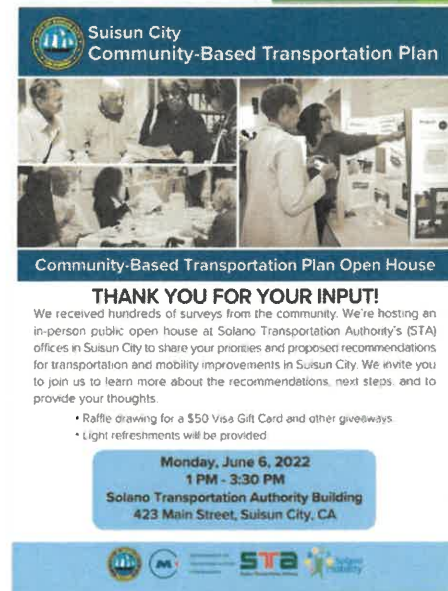


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Suisun City Community-Based Transportation Plan

Outreach Efforts

- City Council Hearings to transition from fixed route to microtransit.
- Virtual Outreach Workshop
- Suisun City Walking Tour
- **CBTP Survey – 10,000 sent to Suisun Households**
 - **431 Survey Result**
- Open House at Solano Transportation Authority Headquarters



Suisun City Community-Based Transportation Plan

Community-Based Transportation Plan Open House

THANK YOU FOR YOUR INPUT!

We received hundreds of surveys from the community. We're hosting an in-person public open house at Solano Transportation Authority's (STA) offices in Suisun City to share your priorities and proposed recommendations for transportation and mobility improvements in Suisun City. We invite you to join us to learn more about the recommendations, next steps, and to provide your thoughts.

- Raffle drawing for a \$50 Visa Gift Card and other giveaways
- Light refreshments will be provided

**Monday, June 6, 2022
1 PM - 3:30 PM**
**Solano Transportation Authority Building
423 Main Street, Suisun City, CA**

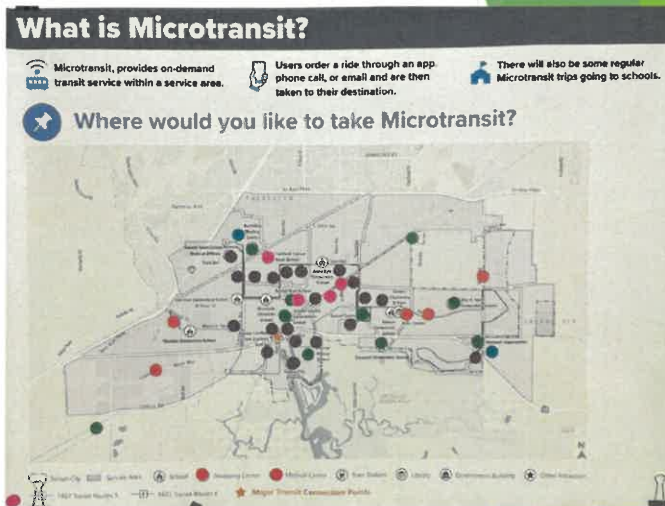
Logos for Suisun City, Solano Transportation Authority (STA), and other partners are at the bottom.

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OUTREACH

Outreach Findings

- ▶ Needs and desires from the community:
 - ▶ Equitable access and opportunities
 - ▶ Higher quality and level of service
 - ▶ Affordable services
 - ▶ Education and awareness of services



What is Microtransit?

- Microtransit, provides on-demand transit service within a service area.
- Users order a ride through an app, phone call, or email and are then taken to their destination.
- There will also be some regular Microtransit trips going to schools.

Where would you like to take Microtransit?

A map of Suisun City showing various locations marked with colored dots (red, green, blue, black) indicating potential microtransit service areas. The map includes labels for various landmarks and streets.

Legend: Suisun City, Service Area, School, Community Center, Medical Center, River Station, Library, Government Building, Other Locations.

Map Scale: 1/4" = 1 Mile. Major Transit Corridors are highlighted.

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RECOMMENDATIONS

Summary of Recommendations

Recommendation	Sub-strategies	Cost	Timeline
Align Recommendations with Larger Planning Efforts	<ul style="list-style-type: none"> N/A 	N/A	Ongoing
Microtransit	<ul style="list-style-type: none"> General and paratransit riders 	\$305,000 - \$850,000	Short (1-2 years)
	<ul style="list-style-type: none"> School students 	\$145,000 in first year	Short (1-2 years)
	<ul style="list-style-type: none"> Bus stop improvements 	\$5,000 - \$30,000 per stop	Short - Medium (1-4 years)
Improve path of travel in high need areas	<ul style="list-style-type: none"> Street infrastructure improvements, improving lighting, crosswalks, traffic calming 	\$125,000 - \$180,000 per intersection	Medium (3-4 years)
	<ul style="list-style-type: none"> Sidewalk quality, wayfinding and signage at critical nodes and commercial districts/anchor points 	\$10,000 - \$15,000 per block	Medium (3-4 years)
Expand/improve existing program infrastructure	<ul style="list-style-type: none"> Lyft programs and Taxi program 	\$50,000 - \$150,000 depending on level of expansion	Short - Medium (1-4 years)
Fare integration	<ul style="list-style-type: none"> Simplify/unify fares across all programs; pay for microtransit using automated fare payment; help individuals enroll in Clipper START program; and program expansion of low-income benefit 	\$30,000 - \$180,000 depending on software/hardware needs and level of subsidy	Short - Medium (1-4 years)
Suisun City Direct Marketing	<ul style="list-style-type: none"> Suisun-specific materials; presentations, and travel orientation 	\$5,000 - \$50,000 annually depending on scope of activities	Short - Medium (1-4 years)

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Summary of Transit Services

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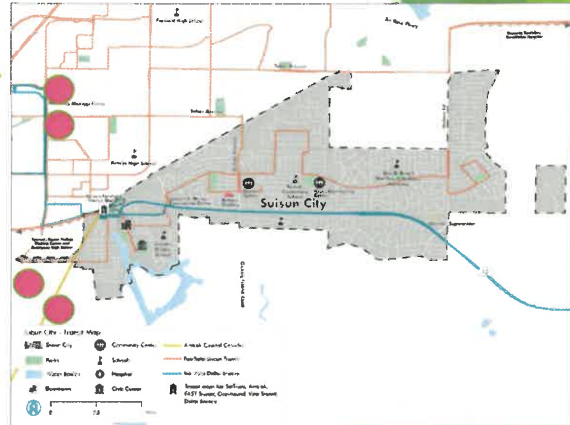
Lyft First and Last Mile Program

Effective November 8, 2021

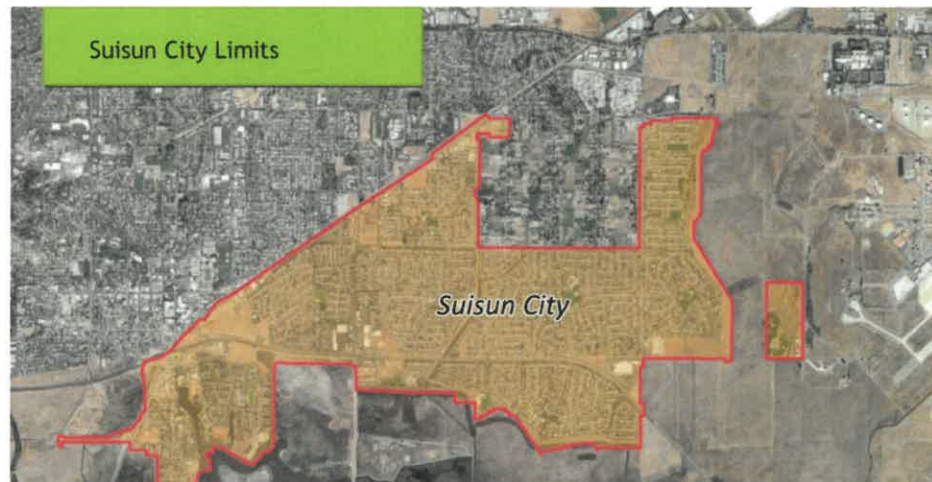
- Geofence Suisun City boundaries along with 4 surrounding hospitals & clinics
 - Sutter Health
 - NorthBay Hospital
 - Kaiser Clinic in Fairfield
 - Ole Health Clinic

APPROVED FARE STRUCTURE

1-Way Ride	Cost	Route 5 & 6
Within Suisun City	\$2.00/per ride	\$1.75
Within Suisun City (verified low-income)	\$1.50/per ride	
Suisun City to/from 4 hospital/clinics	\$3.00/per ride	



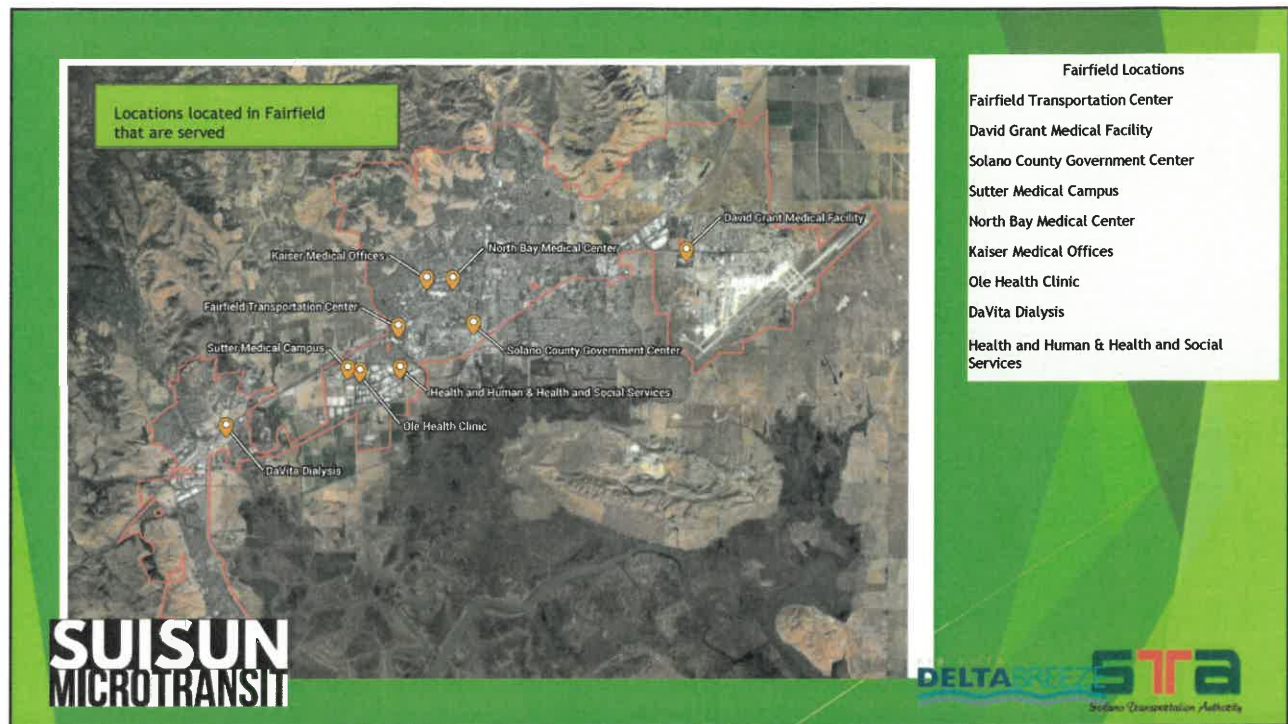
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**SUISUN
MICROTRANSIT**

STA
Suisun Transportation Authority

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• **Monthly Passes**
 \$90.00 for the General Pass
 \$45.00 for the discounted pass

**SUISUN
MICROTRANSIT**

Offering Door To Door Service

Featuring

- General Fare is \$2
- Discounted Fare: \$1 for Adults Age 62 & Older and/or ADA-Eligible, Youth/Students Age 17 or Under
- Cash Only Fares
- Wheelchair Accessible
- Mobile App Under Development

Phone Reservations Available: (707) 673-2129

STA
Solano Transportation Authority

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**Suisun Microtransit
Priorities for FY
2023-24**

**SUISUN
MICROTRANSIT**

- ▶ Launch the mobile application, so patrons can request, pay, and track their rides in real time.
- ▶ Work with MTC to implement Clipper 2.0.
- ▶ Finalize Memorandum of Understanding with Fairfield Transit.
- ▶ Receive three new vehicles
- ▶ Implement the Blue-Ribbon Task Force Recommendations
 - ▶ Fare coordination
 - ▶ Standardization for the region's mapping and way-finding efforts.

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Mobile Application

- ▶ Request For Quotations was Issued on May 2023
- ▶ Staff received four proposals and deemed the Routing Company as the apparent best value.
- ▶ The mobile application was made available to Rio Vista residents in December 2023 with Suisun City to follow in March 2024.



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Questions?



Brandon Thomson
707-399-3234
Transit Services for Rio Vista and Suisun City



Debbie
McQuilkin
Senior Mobility
Coordinator



Lorene V. Garrett
Senior Program Coordinator
STA's Employer Commuter
Program



April Wells
Program Coordinator I
STA's Employer Commuter
Program and Transit Services



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Office of the Mayor
Suisun City, California

Proclamation



Whereas, human trafficking is a nationwide public health and civil rights crisis. Its victims and survivors are everywhere, with Suisun City being no exception; and

Whereas, human trafficking includes both labor and sex trafficking, with both international and domestic victims; and

Whereas, anyone can become a victim of trafficking. While women and girls are the primary victims, victims/survivors come from every background, race, gender, sexual orientation, and economic status. Traffickers target individuals who, for any reason, are vulnerable; and

Whereas, young people are particularly vulnerable to trafficking and exploitation but face many barriers in reporting what has happened to them. According to the National Human Trafficking Hotline, California consistently has the highest human trafficking rates in the United States, with 1,334 cases reported in 2020; and

Whereas, law enforcement agencies at federal and state levels, along with nonprofits, social service providers, private industries, and non-governmental organizations like the Solano Anti-Human Trafficking Coalition and SANE-SART, collaborate relentlessly to eradicate human trafficking in Solano County. Their concerted efforts, in tandem with coalition partners, aim to educate the public about violence and exploitation, fostering increased awareness in the community; and

Whereas, every community should strive to proactively prevent human trafficking by fostering and advocating for safe, nurturing, and supportive environments; and

Whereas, the City of Suisun is striving to become a place where human trafficking does not exist, where people have opportunities available to them, and where all people enjoy the freedom and dignity they deserve.

NOW, THEREFORE, I, Alma Hernandez, Mayor of the City of Suisun City, hereby proclaim the month of January 2024 as

“Human Trafficking Awareness and Prevention Month”

in the City of Suisun City.



In witness whereof I have hereunto set my hand and caused this seal to be affixed.

Alma Hernandez, Mayor

ATTEST: _____

DATE: January 16, 2024

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AGENDA TRANSMITTAL

MEETING DATE: January 16, 2024

AGENDA ITEM: Council Adoption of Resolution 2024 - ____; Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement on the City's Behalf with Rincon Consultants, Inc. to Complete the Necessary Environmental Review and Document for a Residential Project South of Railroad Avenue Between Olive Avenue and Humphrey Drive.

FISCAL IMPACT: There would be no impact to the General Fund. The total cost of the proposed amended scope of work would be \$60,701 with Rincon Consultants, Inc. to perform the environmental work and is fully borne by the developer/applicant. Additionally, a ten percent contingency has been added to cover any unforeseen issues.

STRATEGIC PLAN: Develop Sustainable Economy, Provide Good Governance; Ensure Fiscal Solvency.

BACKGROUND: On October 18, 2022 (with adoption of Resolution 2022-137), the City Council authorized a contract with Rincon Consultants, Inc. to perform the necessary environmental review and document for a residential project South of Railroad Avenue between Humphrey Drive and Olive Avenue. As the project had moved forward and evolved it has become necessary to amend the consultant's scope of work to best reflect the revised project and City staff's needs in processing the project.

STAFF REPORT: Rincon has provided a proposed scope of work to complete the environmental review process for the project which includes both required and "optional" tasks. Staff is bringing forward the full scope of work to allow staff the flexibility moving forward. The original contract amount was for \$49,273. Below is a listing of additional scope items (adding an additional budget of \$11,428) which can also be found in Attachment 2 of this staff report:

"Required"

Update the draft CEQA document and provide extended project management with an expanded project area - \$6,028

"Optional"

Public Hearing Assistance - \$2,000

AB 52 Consultation - \$1,700

SB 18 Consultation (required for the project) - \$1,700

By authorizing the revised scope of work, the amended contract amount would amount to \$60,701 (+ 10% contingency) it will allow the project to move forward smoothly without interruption.

STAFF RECOMMENDATION: Staff recommends the City Council adopt Resolution 2024 - ____; A Resolution of the City Council of the City of Suisun City Authorizing the City Manager to Amend a Professional Services Agreement on the City's Behalf with Rincon Consultants, Inc. to Complete the

Necessary Environmental Review and Document for a Residential Project South of Railroad Avenue Between Olive Avenue and Humphrey Drive.

DOCUMENTS ATTACHED:

1. Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement on the City's Behalf with Rincon Consultants, Inc. to Complete the Necessary Environmental Review and Document for a Residential Project South of Railroad Avenue Between Olive Avenue and Humphrey Drive..
 2. Rincon Consultants Inc. Scope of Work
 3. Contract Change Order
-

PREPARED BY:

John Kearns, Principal Planner

REVIEWED BY:

Jim Bermudez, Development Services Director

APPROVED BY:

Aaron Roth, Interim City Manager

ATTACHMENTS:

1. Resolution Authorizing Agreement with Rincon Coonstruction, Inc. to Complete Necessary Environmental Review and Document for Residential Project
2. Rincon Consultants Inc. Scope of Work
3. Olive Tree Ranch Change Order.doc

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Rincon Consultants, Inc.

449 15th Street, Suite 303
Oakland, California 94612

510 834 4455 OFFICE

info@rinconconsultants.com
www.rinconconsultants.com

January 4, 2024
Project No. 22-13135

John Kearns, Principal Planner
City of Suisun City
701 Civic Center Boulevard
Suisun City, California 94585
Via email: jkearns@suisun.com

Subject: Second Proposal to Add Services for CEQA Documentation for the Olive Tree Ranch Residential Subdivision Project Initial Study-Mitigated Negative Declaration Addendum

Dear Mr. Kearns:

This letter is Rincon Consultants, Inc.'s proposal to provide additional services to our existing agreement in order to incorporate project changes into the addendum based on revised plans received in December 2023.

Scope of Work

- 1) **Update Addendum.** Rincon will review the updated plans and incorporate the changes throughout the addendum, including updates in the project description and associated graphics, and throughout the addendum as needed. As the changes are primarily to layout and the number of lots and basic site boundaries are unchanged, this does not include revised technical modeling.
- 2) **Extended Project Management.** The project timeline has increased beyond that originally anticipated in our scope of work. To include additional internal coordination, client communication, and ongoing management of the project including administrative and billing tasks, Rincon estimates the need for 6 additional staff hours.

Cost

We estimate an additional \$3,323 is needed to complete this revised scope of work, which would bring our authorized budget from \$49,273 to \$52,596.

This does not include additional funds Rincon requests for an expanded project area (\$2,705), or optional tasks from the original proposal in June 2022 (\$2,000 per public hearing; \$1,700 for AB 52 consultation assistance; \$1,700 for SB 18 consultation assistance).



Table 1 Cost Summary

Original Contract Value	\$49,273
Update Addendum & Extended Project Management	\$3,323
Expanded Project Area	\$2,705
Optional Tasks from Original Proposal	
Public Hearing Assistance (cost per hearing)	\$2,000
AB 52 Consultation Assistance	\$1,700
SB 18 Consultation Assistance (required as the project includes a General Plan Amendment)	\$1,700

The total amount, including assistance at one hearing, AB 52 and SB 18 consultation, the prior request for funds to analyze an expanded project area, and the project updates described in the above scope of work would be an increase in the authorized budget of **\$11,428**, for a total of **\$60,701**.

Without optional tasks from the original proposal, the budget would total \$55,301. Including assistance with SB 18 consultation, which would be required for the project as it includes a General Plan Amendment, would bring the total to \$57,001.

Thank you for your consideration of this proposal to add services. We appreciate the opportunity to continue to assist the City of Suisun City with this project. Please let us know if you have any questions about this proposal or need additional information.

Sincerely,

RINCON CONSULTANTS, INC.

Katherine Green, AICP
Project Manager
Phone: 916-706-1374
Email: kgreen@rinconconsultants.com

Matt Maddox, MESM, AICP
Principal
Phone: 916-706-1374
Email: mmaddox@rinconconsultants.com

Contact for Clarification

CONTRACT CHANGE ORDER

CONTRACT CHANGE ORDER NO.	1	Page	1	OF	1
PROJECT: OLIVE TREE RANCH - ENIRONMENTAL					
TO: Katherine Green			CONTRACTOR: Rincon Consultants, Inc.		
You are hereby directed to make the herein described changes from the plans and specifications or do the following described work not included in the plans and specifications on this contract. The work described in this Change Order shall conform to the original Plans and Specifications insofar as the same may apply unless otherwise explicitly modified herein.					
NOTE: This change order is not effective until approved by the City Manager.					
Change Requested By: John Kearns					

I. Description of Change Order:

Consultant to complete added scope of work items to complete environmental review process including preparation of a CEQA document. **Please see attached scope of services.**

II. Estimated Increase/Decrease:

Original Contract	\$	49,273	Previous Changes Orders	\$	0.00
This Change Order	\$	11,428	Total Contract to Date	\$	60,701
By reason of this change order, the time of completion for all work under this contract will be adjusted as follows:				Add	<input type="checkbox"/> Calendar Days
				1 year	<input type="checkbox"/> Working Days

III. Authorization

We, the undersigned contractor, have given careful consideration to the change proposed and hereby agree, if this proposal is approved, that we will provide all equipment, furnish all materials, except as may be otherwise noted above, and perform all services necessary for the work specified above, and will accept as full payment therefore the prices shown above.

Contractor: Rincon Consultants, Inc.

Date Accepted:

By:

Title:

City of Suisun City:

Prepared By:

Project Manager

Date

Approval Recommended :

Development Services Director

Date

City Manger Approval:

City Manager

Date

AGENDA TRANSMITTAL

MEETING DATE: January 16, 2024

AGENDA ITEM: Discussion and Direction on Youth Advisory or Youth Commission.

FISCAL IMPACT: Unknown at this time.

STRATEGIC PLAN: Provide Good Governance.

BACKGROUND: There is currently an organization that does not fall under the jurisdiction of the City of Suisun City. The Suisun City Youth Commission is grassroots 501(c)3 determination-exempt public benefit organization created on May 4, 2007, for the benefit of Suisun City Youth and Youth who attend Suisun City Schools and friends. Today, the Suisun City Youth Commission has grown its collaboration within a consortium of youth-oriented public benefit organizations. Together with the consortium, the Suisun City Youth Commission directly contributes to our community's health and sustainable development. The Suisun City Youth Commission fosters peer-to-peer self-development and positive peer and adult relationships through the many opportunities we gain working within a consortium of youth public benefit organizations. Among these organizations are Scouts, Civil Air Patrol, 4-H, Red Cross Clubs, Solano Land Trust, and many more. The Suisun City Youth Commission owns the domain rites to Suisuncityyouthcommission.org.

STAFF REPORT: There are numerous models to provide youth/teens with civic leadership opportunities and below are some models for the council to discuss or develop their own model if they wish to pursue this endeavor.

1. The new Suisun City Police Activities League in conjunction with the California Police Activities League provide a leadership development program that provides an opportunity for PAL members to teach, inspire, and motivate California's future community leaders. The program brings together PAL youth and officers where officers play a vital role in encouraging youth to become positive role models, enabling them to realize their full potential to lead and influence positive change. Along with the Youth Summit program through National PAL, members have the opportunity to be involved with gaining valuable leadership skills.
 2. Create a Youth/Teen Advisory that would make recommendations to the Recreation, Parks, Marina, and Arts Commission or to the City Council.
 3. Create 2 youth/teen seats on the Recreation, Parks, Marina, and Arts Commission as voting members.
 4. Youth/Teen Roundtable allow for community youth and teens to participate in the future of development for their age groups. Topics discussed can vary from recreation programming, park development, or what businesses they would like to see here in Suisun City.
 5. Other ideas formulated by members of the City Council.
-

STAFF RECOMMENDATION: Discuss the proposed options and give direction to staff on options determined by Council.

DOCUMENTS ATTACHED: 1. Power Point Presentation

PREPARED BY:

Kris Lofthus, Deputy City Manager

REVIEWED BY:

Aaron Roth, Interim City Manager

APPROVED BY:

Aaron Roth, Interim City Manager

ATTACHMENTS:

1. [PowerPoint Presentation](#)

Youth Commission Discussion & Direction



1

- There is currently an organization that does not fall under the jurisdiction of the City of Suisun City. The Suisun City Youth Commission is grassroots 501(c)3 determination exempt public benefit organization created on May 4, 2007.
- The City of Suisun City does not have a youth lead commission or advisory that falls under the umbrella of the City.

2

OPPORTUNITIES

1. The newly formed Suisun Police Activities League is developing a Teen Leadership Program that will be operated in conjunction with National and California PAL programming.
2. Create a Youth/Teen Advisory that would make recommendations to the Recreation, Parks, Marina, and Arts Commission or to the City Council.

3

OPPORTUNITIES

3. Create 2 youth/teen seats on the Recreation, Parks, Marina, and Arts Commission as voting members.
4. Youth/Teen Roundtable allow for community youth and teens to participate in the future of development for their age groups. Topics discussed can vary from recreation programming, park development, or what businesses they would like to see here in Suisun City.

4

OPPORTUNITIES

5. Other ideas formulated by members of the City Council or Public.
-

5

DISCUSSION & QUESTIONS?

6

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AGENDA TRANSMITTAL

MEETING DATE: January 16, 2024

AGENDA ITEM: Discussion and Direction – Humphrey Drive Open Channel Clean-Up

FISCAL IMPACT: The fiscal impact from this item is estimated at \$109,000 which includes \$103,000 for the contractor’s work and an estimated \$6,000 for Public Works Maintenance (PWM) crew time support of this project. The Channel Maintenance Fund 190 would be the most likely candidate to cover the costs associated with this project. This fund is currently underfunded in addressing regular and routine maintenance tasks.

STRATEGIC PLAN: Provide Good Governance. Ensure Public Safety. Enhance Environment.

BACKGROUND: Council requested that staff compile a cost estimate for the one-time clean-up of the Humphry Drive Open Channel. The Humphrey Drive Open Channel (Channel) runs parallel to and along the east side of Humphrey Drive. This Channel outfalls into the bend where McCoy Creek and Laurel Creek meet. This Channel area routinely receives a high volume of illegally dumped items with dumped items and homeless camp debris which is removed by PWM crew regularly.

STAFF REPORT: Completing a one-time clean-up of the Humphrey Drive Open Channel requires the coordination and organization of multiple tasks. Tasks include: removal of illegally dumped items (PWM), removal of homeless camp debris (PWM), clearing and removal of vegetation (contractor), removal of trees (contractor), and completing any needed repairs to the outfalls on each end of the Channel (PWM and/or contractor).

Staff reached out to a local vendor who has worked on our canals in the past for a quote to perform the required vegetation and tree removal and cleaning. The quote for \$103,000 includes the following:

- Removal of trash and illegal debris
- Removal of approximately 100 +/- trees from the ditch prior to clearing.
 - Tree trunks and larger limbs will be hauled off site
 - Remaining debris will be chipped and spread along the access path to the ditch
- Clear approximately 3800ft. of ditch running along east side of Humphrey Dr. starting at Railroad Ave. south to the end of Humphrey Dr.
- Excavate vegetation and approximately 6in. of soil along the full length of ditch
 - Spoils will be disposed of off-site

It is estimated that it will take two days total for PWM crew (three crew members) to complete the project preparation and post-project support needed to allow the contractor to complete their portion of this one-time project. This cost for PWM crew time is estimated at \$6,000.

STAFF RECOMMENDATION: The staff recommendation is for Council to discuss and provide direction to staff on this item.

DOCUMENTS ATTACHED:

1. PowerPoint Presentation Humphrey Drive Open Channel Clean-Up Project

PREPARED BY:

Amanda Dum, Management Analyst II

REVIEWED BY:

Nouae Vue, Public Works Director/City Engineer

APPROVED BY:

Aaron Roth, Interim City Manager

ATTACHMENTS:[PowerPoint Presentation Humphrey Drive Open Channel.pdf](#)

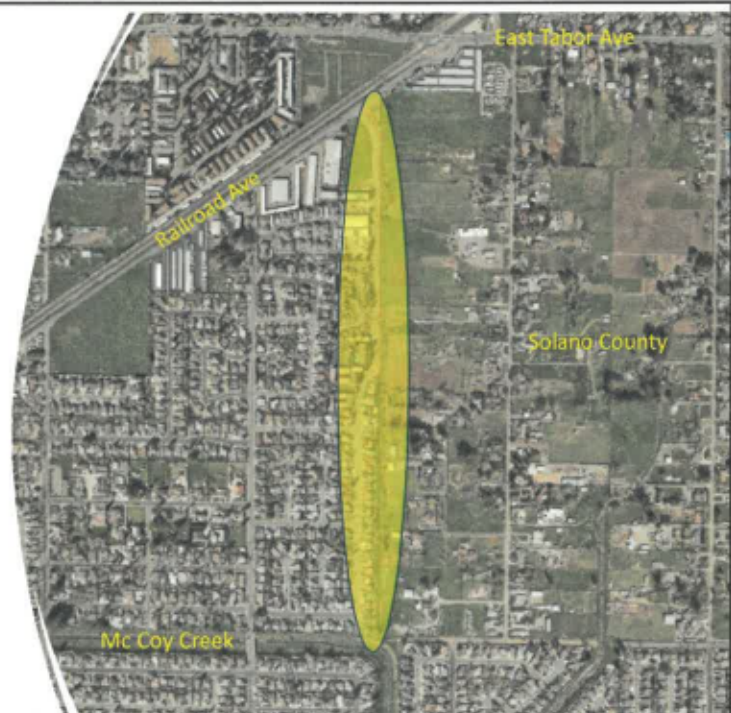
Humphrey Drive Open Channel

One-Time Clean-Up Project

Nouae Vue
Public Works Director
January 16, 2024

1

Map of Humphrey Dr. Open Channel



2

Humphrey Drive Open Channel

Example of existing vegetation



3

North End of Humphrey Drive Channel (at Old Railroad Ave.)



4

South End of Humphrey Dr. Channel

(at outfall into McCoy Creek)



5

Humphrey Dr. Channel Cleaning Constraints

- Internal constraints:
 - Staffing
 - Funding
- Department of Fish & Wildlife (DFW) constraints:
 - Must operate under DWF Permit
 - Biological monitoring requirement
 - Maintenance can only be done from May 1 to October 15
 - Maintenance can only be done above the water line

6

One-Time Clean-Up Cost Estimate

- Contract cost - \$103,000
- Crew time cost estimate - \$6,000
- Total cost estimate for one-time clean-up project - \$109,000

7

Council Discussion & Direction

8

AGENDA TRANSMITTAL

MEETING DATE: January 16, 2024

CITY AGENDA ITEM: Discussion of Legal and Practical Constraints on Addressing Homelessness, and possible direction to staff and the City Attorney relating, but not limited to, the drafting of policies or ordinances, and further issues to analyze.

FISCAL IMPACT: Addressing homelessness is potentially prohibitively expensive and is not likely to be successfully solved at the City level. Enforcement and cleanup may have significant fiscal impacts.

STRATEGIC PLAN: Provide Good Governance.

BACKGROUND: At a previous meeting, the City Council requested an informational presentation on the constraints on addressing homelessness faced by the City, including legal constraints, staffing, and operational needs.

At the broadest level, addressing homelessness means addressing at least three separate but related issues: (1) addressing the impacts of homelessness on unhoused individuals, (2) addressing the causes of homelessness to prevent people from becoming unhoused, and (3) addressing the impacts of homelessness on a community in which unhoused people live. Each of these issues is complicated and none afford easy solutions. However, one way to move toward solutions is to clarify the constraints that are currently placed on the City in order to ensure that any proposed solutions will be both legal and practically feasible. That is the goal of this staff report.

The reality is that homelessness is a complex and entrenched problem statewide, and local solutions are unlikely to make a real dent in the issue. Homelessness has been made worse by the Great Recession, the COVID pandemic, and the rising cost of housing. The impacts on local communities are also difficult to address because, in addition to these challenges, public agencies are under a number of legal constraints that protect the rights of unhoused individuals – finding the balance between mitigating impacts of encampments and ensuring that the unhoused population is protected is a challenge we have not been able to meet yet.

STAFF REPORT:

A. Mitigating the Causes and Impacts of Homelessness

There are very few, if any, legal constraints on ways in which cities can provide supportive services to address the impacts of homelessness on unhoused individuals or address the causes of being unhoused. Cities may pass laws to provide for the welfare of the public and use public money and resources to support programs that benefit the public.

PREPARED BY:
REVIEWED AND APPROVED BY:

Elena Gerli, City Attorney
 Aaron Roth, City Manager

This would include funding and supporting programs aimed at helping unhoused people to find and obtain temporary shelter and/or affordable/transitional housing, jobs and job training, food, supporting services, transportation, mental health and/or substance abuse services, etc.

Most of these programs, services, and funding are traditionally the responsibility of the County and State rather than cities, and also are provided by nonprofit and faith-based organizations. The more serious constraints on providing supportive services are usually practical or financial, not legal.

There are, however, serious legal constraints on actions that cities can take to address the impacts of homelessness on the community in which unhoused people live.

B. Cities May Not Punish Homelessness or the Unavoidable Consequences of Being Homeless

Being unhoused is not a crime and cities cannot punish people merely for being so, including the incidents of being unhoused, such as living/sleeping on public property, storing possessions on public property, etc.¹

The Ninth Circuit Court of Appeals, whose rulings have the force of law in California, held in *Martin v. Boise* that cities “may not criminalize conduct that is an unavoidable consequence of being homeless—namely sitting, lying, or sleeping on the streets or other property open to the public when no sleeping space is practically available in any shelter.”²

A more recent case, *Johnson v. City of Grants Pass*, amplified the *Martin* ruling by holding that cities cannot, consistent with the Eighth Amendment’s prohibition on cruel and unusual punishment, enforce anti-camping ordinances against homeless persons for the mere act of sleeping outside with “rudimentary protection” from the elements, or for sleeping in their car at night, when there is no other place in the city for them to go.³ Notably, the *Johnson* case clarified that sleeping includes using items that are necessary to facilitate sleeping outdoors and to stay warm and dry, including blankets and sleeping bags. The implications and scope of *Martin* and *Johnson* read together suggest that there may be a federal right to live on public property. However, a number of issues remain to be resolved. Some of the open questions are as follows:

Do Martin and Johnson apply to actions other than sleeping or camping? Likely, yes. The *Johnson* court has found that a city cannot punish people for sleeping in their car at night when there is nowhere

¹ *Jones v. City of Los Angeles*, 444 F.3d 1118, 1132 (9th Cir. 2006), *vacated*, 505 F.3d 1006 (9th Cir. 2007) (“The City could not expressly criminalize the status of homelessness by making it a crime to be homeless without violating the Eighth Amendment”).

² *Martin v. Boise*, 920 F.3d 584 (9th Cir. 2019).

³ *Johnson v. City of Grants Pass*, 72 F.4th 868, 891 (9th Cir. 2023).

else in the city from them to go.⁴ Furthermore, at least one court has opined that cities cannot punish unhoused people for relieving themselves in public when there is no alternative to doing so.⁵

Do Martin and Johnson apply to the use of campfires to stay warm and cook? The Ninth Circuit has not ruled on this specific question. The standard established by the Ninth Circuit determined that the Eighth Amendment provides homeless people with the right to sleep on public property and to use “the most rudimentary precautions” against the elements.⁶ But the Court explicitly did not rule on whether “fire, stove and structure prohibitions” fell within the category of “rudimentary precautions.”⁷

Do Martin and Johnson only apply to criminal enforcement? Likely, yes, with one caveat. Several courts have held that *Martin* only applies when there is a criminal penalty or prosecution.⁸ This means that *Martin* would not apply if the only penalty was an administrative fine. At least one court has held that the “clean and clear” of a public park (i.e., removal of a homeless encampment) was not subject to *Martin v. Boise* because it did not require any arrests.⁹ However, the *Johnson* court held that *Martin* also applies if there is a sequence of punitive actions that eventually result in criminal punishment, even if the first punishments are non-criminal.¹⁰ Regardless, administrative citations are unlikely to provide any kind of resolution to the problems faced by the unhoused and the community.

Does this mean an unhoused person can sleep wherever they want whenever they want? No. *Martin* holds that “Even where shelter is unavailable, an ordinance prohibiting sitting, lying, or sleeping

⁴ *Johnson v. City of Grants Pass*, 72 F.4th at 896 (“We affirm the district court’s ruling that the City of Grants Pass cannot, consistent with the Eighth Amendment, enforce its anti-camping ordinances against homeless persons for the mere act of sleeping outside with rudimentary protection from the elements, or for sleeping in their car at night, when there is no other place in the City for them to go.”).

⁵ *Mahoney v. City of Sacramento*, No. 220CV00258KJMCKD, 2020 WL 616302 (E.D. Cal. Feb. 10, 2020).

⁶ *Johnson v. City of Grants Pass*, 72 F.4th at 895 (“The record has not established the fire, stove, and structure prohibitions deprive homeless persons of sleep or ‘the most rudimentary precautions’ against the elements. . . . Consistent with *Martin*, these prohibitions may or may not be permissible.”)

⁷ *Id.*

⁸ *Hous. is a Hum. Right Orange Cnty. v. Cnty. of Orange*, No. SACV19388PAJDEX, 2019 WL 8012374 (C.D. Cal. Oct. 28, 2019); *Quintero v. City of Santa Cruz*, No. 5:19-CV-01898-EJD, 2019 WL 1924990 (N.D. Cal. Apr. 30, 2019); *Young v. City of Los Angeles*, No. CV2000709JFWRAO, 2020 WL 616363 (C.D. Cal. Feb. 10, 2020); *Yeager v. City of Seattle*, No. 2:20-CV-01813-RAJ, 2020 WL 7398748 (W.D. Wash. Dec. 17, 2020); *O’Callaghan v. City of Portland*, No. 3:21-CV-812-AC, 2021 WL 2292344 (D. Or. June 4, 2021).

⁹ *Le Van Hung v. Schaaf*, No. 19-CV-01436-CRB, 2019 WL 1779584 (N.D. Cal. Apr. 23, 2019).

¹⁰ *Johnson v. City of Grants Pass*, at 896. (“We are careful to note that, as in *Martin*, our decision is narrow. As in *Martin*, we hold simply that it is “unconstitutional to [punish] simply sleeping somewhere in public if one has nowhere else to do so.” *Martin*, 920 F.3d at 590 (Berzon, J., concurring in denial of rehearing en banc). Our decision reaches beyond *Martin* slightly. We hold, where *Martin* did not, that class certification is not categorically impermissible in cases such as this, that “sleeping” in the context of *Martin* includes sleeping with rudimentary forms of protection from the elements, and that *Martin* applies to civil citations where, as here, the civil and criminal punishments are closely intertwined. Our decision does not address a regime of purely civil infractions, nor does it prohibit the City from attempting other solutions to the homelessness issue.”)

outside at particular times or in particular locations might well be constitutionally permissible.”¹¹ The Boise ordinance that was struck down banned “camping” on *all* public property at *all* times. By way of example, certain public property can be restricted: areas that are environmentally sensitive, property that is reserved as open space for habitat and wildlife conservation, and public parks.

Several courts have held that the government may evict or punish people sleeping in public in some locations, provided there are other lawful places within the jurisdiction for involuntarily homeless individuals to sleep.¹² Cities can also limit the times during which people can sleep or camp on public property. However, at least one court has found that *Martin* does not allow a city to ban overnight camping on public property citywide, even though camping would still be allowed during the day, because most people sleep at night.¹³

1. Cities Must Respect the Property Rights of Unhoused People

Cities must respect the personal property of unhoused people and cannot dispose of it without following legally required procedures. Specifically, cities generally cannot seize and dispose of a unhoused person’s personal property without (a) giving prior notice and (b) providing a reasonable opportunity for the person to be heard and to re-obtain their property.¹⁴ This does not apply to

¹¹ *Martin v. City of Boise*, 920 F.3d 584, 617 (9th Cir. 2019).

¹² See, e.g., *Bilodeau v. City of Medford*, 2022 WL 17853323 (D. Or. 2022) (distinguishing City of Medford anticamping ordinance from *Martin* because it does not impose a city-wide ban); *Sausalito/Marin Cnty. Chapter of California Homeless Union v. City of Sausalito*, No. 21-cv-01143-EMC, 2021 WL 5889370, at *2 (N.D. Cal. Dec. 13, 2021) (“*Martin* prohibits a ban on all camping, not the proper designation of permissible areas.”); *Shipp v. Schaaf*, 379 F.Supp.3d 1033, 1037 (N.D. Cal. 2019) (“However, even assuming ... that [eviction from a homeless encampment by citation or arrest] might occur, remaining at a particular encampment on public property is not conduct protected by *Martin*, especially where the closure is temporary in nature.”); *Aitken v. City of Aberdeen*, 393 F.Supp.3d 1075, 1082 (W.D. Wash. 2019) (“*Martin* does not limit the City’s ability to evict homeless individuals from particular public places.”); *Gomes v. Cty. of Kauai*, 481 F.Supp.3d 1104, 1109 (D. Haw. 2020) (holding the County of Kauai could prohibit sleeping in a public park because it had not prohibited sleeping on other public lands); *Miralle v. City of Oakland*, 2018 WL 6199929, at *2 (N.D. Cal. Nov. 28, 2018) (holding the City could clear out a specific homeless encampment because “*Martin* does not establish a constitutional right to occupy public property indefinitely at Plaintiffs’ option”); *Le Van Hung v. Schaaf*, 2019 WL 1779584, at *5 (N.D. Cal. Apr. 23, 2019) (holding *Martin* does not “create a right for homeless residents to occupy indefinitely any public space of their choosing”).

¹³ *Wills v. City of Monterey*, 617 F. Supp. 3d 1107, 1120–21 (N.D. Cal. 2022) (“The vast majority of individuals sleep during the evenings, not during daylight hours. The Court will not countenance that a city may constitutionally criminalize sleeping outside during the evenings so long as it provides some public space that is available during daytime hours. *Martin* cannot and does not stand for such a proposition.”).

¹⁴ *Lavan v. City of Los Angeles*, 693 F.3d 1022, 1032 (9th Cir. 2012); *Kincaid v. City of Fresno*, No. 106CV-1445 OWW SMS, 2006 WL 3542732, at *37 (E.D. Cal. Dec. 8, 2006) (“The City’s seizure of homeless people’s personal property without probable cause and the immediate and permanent destruction of such property without a method to reclaim or to assert the owner’s right, title, and interest to recover such personal property violates the Fourth Amendment to the United States Constitution and Art. I, § 13 of the California Constitution.”). Guidance about an effective notice, storage, and hearing process is given in *Kincaid* at *38 (paragraph 22). See also *Sullivan v. City of Berkeley*, 383 F. Supp. 3d 976 (N.D. Cal. 2019), in which the court found that Berkeley’s policy regarding practices of collection, storage, and disposal of unattended property at homeless encampments was reasonable and not constitutionally deficient.

abandoned property, but determining whether something is abandoned is often not clear-cut. When in doubt, consider the property not abandoned.

The City does issue a 72-hour notice before clearing homeless encampments, with a view to providing people with enough time to remove personal property that they wish to keep. For some property left behind, the City will also have to store the property until it is claimed or the time for claiming it expires.¹⁵ The determination of whether certain personal property is abandoned/trash is on a case-by-case basis. If the unhoused individual is present at the time of clean-up, City staff can ask if certain property is being abandoned, and can dispose of it in the affirmative. Cities may reasonably refuse to store any property due to countervailing governmental interests at stake, including the safety of City workers during the clear-out and at its storage sites, as well as the health and safety of local neighbors.¹⁶ State law requires that found property be kept for 90 days.¹⁷ This applies regardless of the size of the object and it applies to animals that belong to a homeless person.¹⁸

There is an exception to this general rule when the person's property is creating an imminent threat to the health and safety of the public. In this circumstance, the property could be seized or moved without prior notice.¹⁹ The City can also dispose of trash and abandoned property immediately, without notice. However, the City cannot "treat property as abandoned and trash just because the owner has not removed it in the time the [City] has allotted."²⁰ The practicality of this is that even after a noticed encampment cleanup, the City may be obligated to hold found property for 90 days.

2. Cities Must Follow State Law Requirements When Closing or Limiting Access to Public Property.

Private property owners can simply ask a person to leave their property, and if the uninvited individual does not leave, then they are trespassing and can be arrested, regardless of whether there is any sign or fence around the property.²¹ However, since public property is, by its nature, open to the public, cities must follow special procedures to close or limit access to public property.

¹⁵ For example, in *Janosko v. City of Oakland*, No. 3:23-CV-00035-WHO, 2023 WL 3029256, at *3 (N.D. Cal. Apr. 19, 2023), the court found that it was reasonable for the city to refuse to store "'tiny homes' and other makeshift structures due to the unsafe and decaying nature of the materials," and to refuse to move and store "a 20 to 40 foot long shipping container given the City's inability to search and sort through the contents to assess whether any are hazardous or unsafe."

¹⁶ *San Jose Charter of Hells Angels Motorcycle Club v. City of San Jose*, 402 F.3d 962, 975 (9th Cir. 2005).

¹⁷ Civil Code § 2080.2.

¹⁸ *Garcia v. City of Los Angeles*, 11 F.4th 1113, 1119 (9th Cir. 2021) (striking down provision in Los Angeles ordinance that provided for destruction without notice or hearing of items that were too large to fit into a 60-gallon trash can); *Recchia v. City of Los Angeles Dep't of Animal Servs.*, 889 F.3d 553 (9th Cir. 2018) (applying Fourth Amendment analysis where city seized and euthanized birds in possession of homeless person).

¹⁹ *Kash Enterprises, Inc. v. City of Los Angeles*, 19 Cal. 3d 294, 308, 562 P.2d 1302, 1311 (1977).

²⁰ *Kincaid v. City of Fresno*, No. 106CV-1445 OWW SMS, 2006 WL 3542732, at *37 (E.D. Cal. Dec. 8, 2006), citing *A & W Smelter and Refiners, Inc. v. Clinton*, 146 F.3d 1107, 1111 (9th Cir.1998).

²¹ See Penal Code § 602(o) (Trespassing includes "[r]efusing or failing to leave land, real property, or structures belonging to or lawfully occupied by another *and not open to the general public...*").

In order to exclude people from camping and living on certain property, the city must take action, through an ordinance or resolution, to close that property to the public at large. Examples include establishing hours for public parks and buildings or completely closing off certain areas of public property to the public or closing it during certain hours. A city may not, however, close access to all public property after a certain hour.

Finally, enforcement can become complicated when other public agencies own or control property within the City. For example, it is likely that the City lacks authority to clear homeless encampments within the right-of-way of a state highway,²² although the City can partner with Caltrans and the County sheriff to address this issue.

3. City Ordinances Must Be Clear and Cannot Be Enforced in a Way That Targets Unhoused People.

An ordinance must be sufficiently clear in its standards that it does not leave the public uncertain about what conduct it prohibits.²³ It does not have to be perfectly clear, but there must be at least a “reasonable degree of certainty.”²⁴ In the 2014 case of *Desertrain v. City of Los Angeles*, the court struck down an ordinance that prohibited using a vehicle “as living quarters” because it was unclear what actions would violate the ordinance – sleeping in the vehicle? During the day or only at night? Eating in the vehicle? Storing personal belongings in the vehicle? Using a vehicle to get out of the rain?²⁵ However, in 2018, in the case of *People v. Diaz*, the court found that a similar ordinance in San Diego was *not* unconstitutionally vague, even though it did not define what it meant to use a vehicle as a “living quarters” or “place of habitation.”²⁶ One takeaway here is that courts may differ on what exactly counts as too vague, but it is best to err on the side of clarity. A second takeaway is that it is often very challenging to define something as seemingly obvious as “living quarters” or “place of habitation.”

Furthermore, regardless of whether the ordinance leaves room for interpretation, cities cannot enforce otherwise neutral laws in a way that intentionally singles out homeless people for enforcement.²⁷

²² *Where Do We Go Berkeley v. California Dep’t of Transportation*, 32 F.4th 852, 855 (9th Cir. 2022) (“California law provides Caltrans with “full possession and control” of state highways and property acquired for state highway purposes.”); see Streets and Highways Code § 90.

²³ *Desertrain v. City of Los Angeles*, 754 F.3d 1147, 1155 (9th Cir. 2014).

²⁴ *Allen v. City of Sacramento*, 234 Cal. App. 4th 41, 54 (2015).

²⁵ *Desertrain*, at 1155-56.

²⁶ *People v. Diaz*, 24 Cal. App. 5th Supp. 1, 7 (Cal. App. Dep’t Super. Ct. 2018) (“The reasonable and practical construction of the ordinance here is clear—it is intended to prevent people from living in their vehicles on city streets. The language of the ordinance is sufficiently clear to inform persons that they may not use their vehicles as homes on any street, as well as to inform law enforcement that a person utilizing his or her vehicle for a purpose that does not turn the vehicle into a place of residence does not violate this ordinance. While there may be circumstances where the facts are open to conflicting interpretations, that does not render the ordinance unconstitutional—it simply creates a factual issue for the court.”).

²⁷ *Ashbaucher v. City of Arcata* (N.D.Cal., Aug. 19, 2010, No. CV 08-2840 MHP (NJV)) 2010 U.S. Dist. Lexis 126627, pp. *47–48 (complaint alleging selective enforcement of ordinances against the homeless states an equal protection claim), cited in *Allen v. City of Sacramento*, 234 Cal. App. 4th 41, 64 (2015).

4. City can exclude people from environmentally sensitive areas.

Another option the City has to prevent access to certain areas of City property is to designate such property as an environmentally sensitive area, and post no trespassing signs. Before taking such actions, it is recommended that the City obtain a report from a biologist determining that the area is environmentally sensitive. Moreover, as the City is the owner of the property, the City's police department may enforce this.

For example, if a third party biologist studies the City's canals and determines that they are environmentally sensitive, that would provide grounds for the City to post no trespassing signs stating that the area is environmentally sensitive. The City can use this as a method to prohibit unhoused persons from camping in the canal areas. It should be noted, however, that not all canals belong to the City, and the City may not have enforcement authority over canals owned by other governmental agencies.

Although not entirely on point, the Ninth Circuit decision in *Where Do We Go Berkeley et. al v. California Department of Transportation*, No. 21-16790 (9th Cir. 2022) ("*CalTrans*") provides insight into how courts may adjudicate claims brought under the Americans with Disabilities Act (ADA) against public entities attempting to clear homeless encampments and suggests that homeless advocates may have a more difficult time making a case for ADA protection for homeless persons in environmentally sensitive areas.

In this case, it was alleged that Caltrans violated the ADA through evictions associated with clearing outdoor encampments situated along a freeway exit ramp. The district court granted an injunction that required Caltrans to give homeless individuals six months to relocate and find housing before clearing the encampments, reasoning that the ADA required the program to give "reasonable accommodation" to disabled homeless persons, who need more time before being evicted.

However, the Ninth Circuit vacated the injunction delaying the eviction of homeless persons following Caltrans' attempt to clear its property. In particular, the Ninth Circuit ruled that the district court erred in its merits analysis in finding that a serious question existed as to whether Caltrans violated the ADA merely because it found the Plaintiffs' claim to be plausible. Here, Caltrans categorizes the most dangerous encampments as level 1 camps that pose a critical safety concern requiring urgent relocation. As a general rule, Caltrans provides 72 hours' notice to vacate level 1 encampments, but notice is not required. Therefore, the Ninth Circuit found a six-month delay to be a fundamental alteration of Caltrans's programs. In addition, the Ninth Circuit founds that the district court erred when balancing the equities by inappropriately mitigating the harm to Caltrans on the basis of availability of a separate Caltrans property for relocation.

It is clear that the opinion was influenced by Caltrans' need to protect public safety, including that of the homeless persons. Caltrans' tiered program focuses on clearing areas where it is most dangerous to allow homeless encampments to remain, while taking a more hands-off approach to less dangerous Caltrans properties.

"Selective enforcement of laws that are neutral on their face is not a denial of equal protection "unless there is shown to be present in it an element of intentional or purposeful discrimination." *Ashbaucher v. City of Arcata*, at *12, citing *Snowden v. Hughes*, 321 U.S. 1, 8 (1944).

Relying on the reasoning of the Caltrans case, the City can argue that allowing individuals to live in environmentally sensitive areas, including providing a 6 month lead time for disabled individuals, is counter to the purpose of the open space and constitutes a fundamental alteration of the City's open space and habitat conservation programs.

5. City can adopt an ordinance for the protection of critical infrastructure, wildfire, and flood-risk areas.

Cities have also passed ordinances to protect certain areas of City property, such as the one recently adopted by the City of Fairfield.

On July 18, 2023, the City of Fairfield adopted an urgency ordinance relating to the protection of critical infrastructure, wildfire, flood risk areas, and youth-serving facilities. In the ordinance, the Fairfield City Council found that destruction of, damage to, or interference with, critical infrastructure is often caused by persons whose activities are not permitted or authorized in, on, or near critical infrastructure and that allow debris or personal items to accumulate in storm channels, dry creeks or other water outlets causes the potential to block outlets to such channels, dry creeks or other water outlets during periods of heavy rains that created dangerous flooding conditions that pose a danger to the life and safety of those who accumulate such debris, and also pose a danger to the health and safety of the property and community in the surrounding area.

Accordingly, the ordinance prohibits and declares it a public nuisance for any person to camp, occupy an encampment, or store any personal property at or near any critical infrastructure. Critical infrastructure, as defined in the ordinance, may include:

- 1) Flood protection facilities, meaning those physical structural works which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to flooding and the extent of the depths of associated flooding, such as levees, pumps, drainage ditches, access and patrol roads, and related facilities; or
- 2) Real property or a facility, whether privately or publicly owned, designated by resolution of the City Council as being so vital and integral to the operation or functioning of the City that its damage, incapacity, disruption, or destruction would have a debilitating impact on the public health, safety, or welfare.
- 3) Government buildings, such as fire stations, police stations, jails, or courthouses; hospitals; structures, such as antennas, bridges, roads, train tracks, or drainage systems; or systems, such as computer networks, public utilities, electrical wires, natural gas pipes, telecommunication centers, or water sources; parks; and youth-serving facilities.

Similarly, San Diego passed an ordinance addressing encampments on public property. It provides that when shelter beds are available, camping on public property is prohibited, including on streets, sidewalks, parks, beaches, open space, and in waterways. Since shelter beds are often unavailable, the ordinance is of limited value. But San Diego's ordinance further prohibits, even when shelter beds are unavailable, building any type of structure along waterways, affixing an object to vegetation (*i.e.* trees) to build an encampment, moving boulders, destroying vegetation, or reconfiguring the natural landscape along a waterway. Further, driving or parking a vehicle in a waterway is prohibited, except in places specifically allowed. Moreover, it is unlawful for (i) a person to camp in such a way that

imposes an immediate threat or unreasonable risk of harm to others or the public's health or safety or (ii) disrupts vital government services.²⁸

The San Diego ordinance also prohibits camping within two blocks of a school, shelter, open space or waterway, or transit hub, and prohibits camping on a trolley platform and along trolley tracks, and in any park where the City Manager has determined there is a substantial public health and safety risk. The San Diego ordinance criminalizes violations of the above rules, although criminal citations may not be issued between 9:00 p.m. and 5:30 a.m., or when there are no available shelters.

The City can adopt a similar ordinance to protect its critical infrastructure, including the City-owned canals. Moreover, in such ordinance, the City can set forth procedures for abatement and the removal of property. For example, the City can set forth procedures for issuing 72-hour notices to vacate illegal camp sites and for removal of debris. Many other California cities, such as Vallejo, have been utilizing such notices. The notice indicates that any personal property left at the site after 72-hours will be impounded by the City and that any personal property not be disposed of will be stored for 90 days. The 72-hour notices in other cities typically provide information regarding available shelter beds, free bus passes to the listed shelter and vaccine sites, and information regarding the retrieval of items removed during the planned clean-up.

6. The City of Morro Bay recently adopted an ordinance adding time, place, and manner restrictions on camping on public property.

Morro Bay's recent time, place, and manner restrictions on camping within city limits, appears to be the first ordinance of its kind, which attempts to balance the requirement articulated by the Ninth Circuit that shelter space must be available before a city may act to displace homeless encampments, with the needs of a city and its residents from the impacts of homeless encampments when such shelter space is unavailable.

The ordinance broadly defines camping as using "public property for one or more nights for living accommodation purposes, such as sleeping activities or making preparations to sleep, or using any tents, or storing personal belonging, or making any fire using Bunsen burners or other heating items, or regularly cooking meals." The time, place and manner restrictions prohibit camping in a single location for more than one 24-hour period and limit the campsite to no more than one tent, two people, and two animals, which must be leashed or crated at all times. After 24 hours, the camp must be moved to another location at least "one street block or 600 feet" away from the first campsite. The campsite must also be limited to 144 square feet and over 150 feet from any another campsite. The restrictions further prohibit camping in various defined areas, including areas near residentially zoned neighborhoods, mixed use overlay zones, places where camping impedes access to other property, travel lanes, within 1000 feet of a shelter for emergency evacuations, streets closed by the City to camping, and at various City-owned sites such as City Hall and the Morro Bay Community Center. The restrictions also prevent camping within 200 feet of: 1) schools, 2) playgrounds, 3) visitor-serving commercial areas, 4) critical infrastructure, and 5) high fire severity zones.²⁹

The Morro Bay ordinance provides campers with 72-hours to cure a violation before the camp may be removed by enforcement personnel. This period may be shortened to avoid a potential emergency.

²⁸ City of San Diego, Ordinance 21674, adopted June 29, 2023.

²⁹ City of Morro Bay, Ordinance 664, adopted Dec. 12, 2023.

Further, if (i) probable cause of illegal activity at the camp (other than illegal camping) or (ii) an exceptional emergency exists at the site, notice may be waived. Property removed from a camp, with some exceptions, must be stored for 90 days to allow the owner to claim the property.

The Morro Bay ordinance was drafted to attempt to avoid the requirement that alternative shelter must be available before the camping restrictions are enforced. The homeless advocates in the city supported this ordinance. As this is a unique ordinance it is untested in the courts, and is likely to draw attention.

7. City can implement a safe parking program.

Nearby public agencies, including the City of Fairfield, have started programs where unhoused individuals living in their vehicles are provided with a safe place to park at night and a place to park during the day that is not in residential neighborhoods and with opportunities to engage with resources and services.

For example, the City of Fairfield has partnered with City Church to provide unhoused individuals nightly parking, showers, dinner, breakfast, and security from 4:00 p.m. to 8:00 a.m. Cities can partner with faith-based organizations, provided the services are in no way linked to participation in religious purposes.³⁰

Such a program can create opportunities for safe and secure places for automobile and RV dwellers to park and sleep, reduce the number of people living in their vehicles on City streets, decrease enforcement actions and resulting legal costs to homeless individuals and the City, and provide resources to secure permanent housing and economic stability. The scattered safe parking sites pilot program would allow a variety of community-based organizations, such as non-profits and educational institutions, to become host sites for vehicle households. These organizations have a compatible parking demand profile and may be able to fill certain niches of safe parking demand.

Moreover, such a program can permit safe parking sites as an accessory use to an assembly use, quasi-public facility, or public facility regardless of underlying zoning district. Such uses include community assembly, cultural facility, government building, public use, public safety facility, quasi-public and social service center. The ordinance can establish a ministerial permitting process subject to objective standards. The standards included in such ordinances primarily address fire and life safety considerations and ensure quality-of-life for vehicle dwellers and minimizing off-site impacts.

8. City can help transport unhoused individuals to the future Vallejo Navigation Center which provides available shelter.

The City of Vallejo is constructing the Vallejo Navigation Center, which will be a “one-stop-shop” that will provide services and shelter critical to helping address homelessness. The center will offer 125 shelter beds for six months (with potential extensions if a housing plan is made) and provide individual case management, connecting people to social, and medical services. Participants will also have access to job training and be assisted in becoming prepared to secure and sustain permanent

³⁰ *Community House, Inc. v. City of Boise* (9th Cir. 2007) 490 F.3d 1041.

housing. The center will serve approximately 200 people annually. The project is projected to be completed in June 2024.

The City can potentially coordinate with the City of Vallejo to transport unhoused individuals to the Navigation Center to utilize its services. State or federal law do not provide much guidance on how far is too far to transport unhoused individuals to obtain shelter. This is also relevant with respect to enforcement of camping ordinances – the issue the court will look at is not just how far the shelter is, but also the ability to reach it. So a shelter that is a couple of miles away may be close enough if transportation is readily available, but may otherwise be too far.

Additionally, forcibly relocating homeless individuals, even within the same county, can raise legal issues related to civil rights, due process, and the right to travel. These legal protections must be considered when formulating and implementing policies or practices related to such relocation to the Navigation Center.

Cities like Suisun City, who participate in the PLAN JPA insurance program, may have limited risk coverage, including defense costs, for personal injury claims brought by unhoused individuals, if the claim is based on allegations of individual harm, such as false arrest, violation of a person's civil rights, or the destruction of personal property. Other, more attenuated claims, such as civil rights suits challenging the general constitutionality of a city's vagrancy ordinance or claims demanding a city build more shelter, would likely not be covered. These are general statements however, and each case would be subject to review and a determination by PLAN JPA regarding coverage.

9. Converting the Plaza to a park that can be closed at night.

City staff is drafting proposed amendments to the Waterfront District Specific Plan and made a proposed adjustment to include the City Plaza as a Civic designation which could potentially allow for the area to be a park. These changes are part of the SB 2 LEAP funding; staff already had a workshop with Planning Commission, and the workshop before Council is included on tonight's agenda. The amendments should come before you for adoption in December or January. This issue is discussed in more detail in the relevant agenda item.

10. Recently adopted SB 43 expands the ability to conserve individuals with severe substance abuse disorders, which may provide new solutions for cities managing expanding populations of people experiencing homelessness.

In October the Governor signed into law Senate Bill 43, which became effective on January 1, 2024 and expands the State's conservatorship law for the first time in 50 years. The bill updated the definition of "gravely disabled" to allow the State the ability to commit a person to treatment, even against their will, who is otherwise unable to provide for their personal safety or necessary medical needs in cases of "severe substance use disorder, or a co-occurring mental health disorder combined with a severe substance use disorder."³¹ This includes the inability to obtain "food, clothing, or shelter, due to severe substance abuse disorder or mental health illnesses."³² As a safeguard against due

³¹ See Legislative Council's Digest, California Senate Bill 43.

³² Office of Governor Gavin Newsom, <https://www.gov.ca.gov/2023/10/10/modernizing-conservatorship-law-sb43/> (accessed 12/27/2023).

process violations, individuals subject to imposed conservatorship have the right under SB 43 to demand that a court determine whether, in fact, they meet the definition of “gravely disabled.”

Local law enforcement agencies will assist in implementing the new law in coordination with their local county mental health departments. Although SB 43 may be implemented as soon as January 1, 2024, counties have the option to extend implementation until January 2026. On December 20, 2023, Solano County Health and Social Services informed the City that the County Board of Supervisors had elected to defer implementation of SB 43 until January 1, 2026, and will not honor involuntary holds under Welfare & Institutions Code Sections 5150 or 5585 for this new population. Over the next two years, local law enforcement agencies should begin working with their county’s mental health department to design a collaborative program that complies with the requirements of SB 43. Ultimately, counties will be the agencies responsible for providing the treatment facilities necessary, with the management and oversight of the county’s mental health department and oversight and approval of the California Department of Health Care Services.

The new law expands the legal mechanism for treating gravely disabled individuals and helping them transition to permanent housing. However, opponents such as ACLU California Action, worry that such involuntary holds will “not work in advancing treatment and instead ‘lead to processing people into the most restrictive and most expensive corners of the system.’”³³

Summary

In summary, a city may not punish someone merely for being homeless and may not punish the actions of a homeless person that are the unavoidable consequence of being homeless. Furthermore, cities must respect the personal property rights of homeless people and can only prohibit homeless people from entering onto and staying on public property based on regulations that apply to the public at large. Finally, city regulations aiming to address homelessness must clearly describe any prohibited conduct and city regulations cannot be selectively enforced in ways that intentionally target homeless people.

C. *Staffing and Operational Needs, and Other Constraints on Addressing the Impacts of Homelessness on Public Property*

The City Attorney’s Office requested feedback from City’s departments to obtain an overall understanding of the challenges faced. Here are some of the issues:

- **Fencing along the City’s canals:**
 - Installing and maintaining fencing may be costly. The cost would be increased by each required gate, and surveys and legal descriptions need to be completed to ensure the fences are installed along the City’s property line.
 - Fencing can limit access points for emergency services like Fire, and thus slow their response times. Although Fire has the necessary equipment to overcome such barriers, it can still pose a challenge during critical situations.

³³ T. Curwen, *California lawmakers approve key changes to landmark mental health law*, *Los Angeles Times*, April 9, 2023, updated September 15, 2023.

- Most drainage agencies have provisions for placing barriers within their hydraulic system, especially during peak water flow. As a result, we may encounter pushback from these agencies when requiring the installation of a fence.
- Maintenance access to address overgrowth and other issues becomes a challenge when ingress/egress can be taken from one access point. This makes for a long haul if the agency is removing trash, overgrowth, etc.
- Finally, the City has some areas where it maintains a ditch or drainage system, which could be protected by installing fencing.
- Traditional Policing Limits: Standard policing methods of encouragement, education, and enforcement are not effective in addressing homelessness. Ideally, the Police Department would staff a specially trained officer to bridge the gap between law enforcement and social services. However staffing and budgetary limitations prevent that role currently. SCPD is budgeted for 24 officers, and in order to meet operational guidelines, should be staffed at 28. It is therefore unlikely that an additional officer at this time could be dedicated to this work.
- Solano county has no single point of access for the unhoused. The county and city lack nighttime resources or options. CARE Court may be helpful in connect those unhoused populations with mental illness to be connected with healthcare resources.
- Potential Physical Interventions:
 - The City can require property owners to install fences around vacant and undeveloped lots.
 - The City can fence City park facilities or create and enforce park curfews for public safety. Fencing is not required for enforcement, but signage will be.
 - Enforcement might be challenging based on staffing.
- Long-Term Issues related to Displacing Homeless Individuals:
 - Enforcement at times results in moving homeless populations without solving underlying issues. Accordingly, there should be an emphasis on identifying comprehensive solutions beyond displacement. The City can utilize a holistic approach with integrated efforts:
 - Strengthening connections between our unhoused community with law enforcement, mental health, addiction, and housing services.
 - Focusing on comprehensive long-term solutions to avoid fatigue in moving unhoused populations from one place to the next.
- Illegal Dumping & Homeless Encampment Cleanup Cost Last Calendar Year
 - Staff & Equipment Costs were approximately \$60,000.

- Staff Recommendation for clean-up crew: Add one full-time public works maintenance staff to solely address up illegal dumping and homeless encampments throughout the city in ROWs and city properties (~\$125,000 annual cost).
 - Staff member would receive support from current Public Works maintenance staff as needed (for larger cleanups that require more than one person) and from Police Department and Code Enforcement.

D. Addressing impacts of homelessness on private property

Addressing the impacts of homeless encampments on private property can be just as challenging. This report does not fully analyze the issues, but by way of summary:

- Property owners are responsible for maintaining their properties in compliance with the City's property maintenance provisions. Unfenced vacant properties, whether improved or not, are difficult to maintain.
- Private property owners may remove individuals who are living on their property as trespassers, and depending on circumstances may need to initiate unlawful detainer proceedings. This can be time consuming.
- City may use enforcement tools, these are expensive and time consuming. In some instances, the City can seek cost recovery after the fact – receivership and public nuisance abatement are two mechanisms that allow for cost recovery. Here, the private property rights of owners are implicated, in addition to due process and civil rights of the unhoused.


STAFF RECOMMENDATION: It is recommended that the City Council receive and file this report and provide direction to staff and the City Attorney relating, but not limited to, the drafting of policies or ordinances, and further issues to analyze.


ATTACHMENTS: PowerPoint Presentation

Legal and Practical Constraints on Addressing Homelessness.

January 16, 2024

Overview

A thick yellow horizontal bar with a vertical extension on the right side, forming a corner-like shape.

- At the broadest level, addressing homelessness means addressing at least three separate but related issues:
 1. Addressing the impacts of homelessness on unhoused individuals
 2. Addressing the causes of homelessness to prevent people from becoming unhoused
 3. Addressing the impacts of homelessness on a community in which unhoused people live.
- 
- A thin grey horizontal bar.

Legal Constraints on Addressing the Causes and Impacts of Homelessness

- Very few, if any, legal constraints on ways in which cities can provide supportive services to address impacts of homelessness or the causes of being unhoused.
 - Cities may pass laws to provide for the welfare of the public and use public money and resources for funding and supporting programs aimed at helping unhoused people.
 - More serious constraints on providing supportive services are usually practical or financial, not legal.
- There are, however, serious legal constraints on actions that cities can take to address the impacts of homelessness on the community in which unhoused people live.

Cities May Not Punish Homelessness or the Unavoidable Consequences of Being Homeless

- Being unhoused is not a crime and cities cannot punish people merely for being so, including the incidents of being unhoused, such as living/sleeping on public property, storing possession on public property, etc.
 - Holdings of Ninth Circuit Court of Appeals in *Martin v. Boise* and *Johnson v. City of Grants Pass* affirm this.
- *Martin v. Boise*: cities “may not criminalize conduct that is an unavoidable consequence of being homeless—namely sitting, lying, or sleeping on the streets or other property open to the public when no sleeping space is practically available in any shelter”
- *Johnson v. City of Grants Pass*: cities cannot, consistent with the Eighth Amendment, enforce anti-camping ordinances against homeless persons for the mere act of sleeping outside with “rudimentary protections” from the elements. Also clarified that sleeping includes using items that are necessary to facilitate sleeping outdoors and to stay warm and dry, including blankets and sleeping bags. The Ninth Circuit Court refrained from ruling on whether “rudimentary protections” include the use of fires or stoves to stay warm. Later courts have acknowledged the risks associated with open fires.

Open Questions under *Martin* and *Johnson*

- Do *Martin* and *Johnson* apply to actions other than sleeping or camping?
 - **Likely, yes.** *Johnson* court held that cities cannot punish people for sleeping in their car at night when there is nowhere else in the city from them to go. The *Johnson* court explicitly refrained from ruling on whether prohibitions against stoves or campfires were permissible.
- Do *Martin* and *Johnson* only apply to criminal enforcement?
 - **Likely, yes, with one caveat.** Several courts have held that *Martin* only applies when there is a criminal penalty or prosecution. This means that *Martin* would not apply if the only penalty was an administrative fine.
 - At least one court has held that the “clean and clear” of a public park (i.e., removal of a homeless encampment) was not subject to *Martin* because it did not require any arrests.
- Does this mean an unhoused person can sleep wherever they want whenever they want?
 - **No.** *Martin* holds that “Even where shelter is unavailable, an ordinance prohibiting sitting, lying, or sleeping outside at particular times or in particular locations might well be constitutionally permissible.”
 - The Boise ordinance that was struck down banned “camping” on all public property at all times.
 - However, at least one court has found that *Martin* does not allow a city to ban overnight camping on public property citywide, even though camping would still be allowed during the day, because most people sleep at night.

Cities Must Respect the Property Rights of Unhoused People

- Cities cannot seize and dispose of an unhoused person's personal property without (a) giving prior notice and (b) providing a reasonable opportunity for the person to be heard and to re-obtain their property.
 - Does not apply to trash and abandoned property
 - However, what constitutes abandoned is not always clear.
 - When in doubt, consider the property not abandoned.
- Property must be stored until it is claimed or the time for claiming it expires, with some exceptions.
 - Cities may reasonably refuse to store any property due to countervailing governmental interests at stake
 - E.g., the safety of City workers during the clear-out and at its storage sites, as well as the health and safety of local neighbors.
 - Typical practice is to store property for 90 days.
 - This applies regardless of size of object, and it applies to animals belonging to a homeless person.
- **EXCEPTION:** When property is creating an imminent threat to health and safety of the public it can be seized or moved without prior notice.

Cities Must Follow State Law Requirements When Closing or Limiting Access to Public Property

- Since public property is, by its nature, open to the public, cities must take action, through an ordinance or resolution, to close or limit access to certain areas of public property to the public at large.
 - Ex: establishing hours for public parks and buildings or completely closing off certain areas of public property to the public or closing it during certain hours.
 - A city may not, however, close access to all public property after a certain hour.
- Enforcement can become complicated when other public agencies own or control property within the City.
 - Ex: City lacks authority to clear homeless encampments within the right-of-way of a state highway, although the City could attempt to partner with Caltrans and the County sheriff to address this issue.

City Ordinances Must Be Clear and Cannot Be Enforced in a Way That Targets Unhoused People

- Ordinance must be sufficiently clear in its standards that it does not leave the public uncertain about what conduct it prohibits.
 - “reasonable degree of certainty”
 - courts may differ on what exactly counts as too vague, but it is best to err on the side of clarity.
- Regardless of whether ordinance leaves room for interpretation, cities cannot enforce otherwise neutral laws in a way that intentionally singles out homeless people for enforcement.

City can Post No Trespass Signs in Environmentally Sensitive Areas

- City can prevent access to certain areas of City property which are environmentally sensitive
 - As owner of the property, the City's police department may enforce this.
- For example, if a third-party biologist studies the City's canals and determines that it is environmentally sensitive, that would provide grounds for the City to post no trespassing signs stating that the area is environmentally sensitive. The City can use this as a method to prohibit unhoused persons from camping in the canal areas.

Adopt Urgency Ordinance for the Protection of Critical Infrastructure, Wildfire and Flood Risk Areas

- Cities have also passed ordinances protecting City property, such as those adopted by the City of Fairfield and the City of San Diego. Fairfield adopted an urgency ordinance relating to the protection of critical infrastructure, wildfire, flood risk areas, and youth-serving facilities.
- The Fairfield Ordinance prohibits camping or storing personal property at or near critical infrastructure, including:
 - 1) Flood protection facilities, such as levees, pumps, drainage ditches, access and patrol roads, and related facilities; or
 - 2) Real property or a facility, whether privately or publicly owned, designated by resolution of the City Council as being so vital and integral to the operation or functioning of the City that its damage, incapacity, disruption, or destruction would have a debilitating impact on the public health, safety, or welfare.
 - 3) Government buildings, such as fire stations, police stations, jails, or courthouses; hospitals; structures, such as antennas, bridges, roads, train tracks, or drainage systems; or systems, such as computer networks, public utilities, electrical wires, natural gas pipes, telecommunication centers, or water sources; parks; and youth-serving facilities.
- Fairfield also set forth procedures for abatement and the removal of property (e.g., 72-hour notices to vacate illegal camp sites and for removal of debris).
- San Diego's new Ordinance prohibits building on or disturbing waterways, camping that poses an unreasonable risk of harm to others or disrupts vital government services. It further prohibits camping:
 - 1) Within two blocks of a school, shelter, open space or waterway, or transit hub;
 - 2) On a trolley platform and along trolley tracks; and
 - 3) In any park where the City Manager has determined there to be a substantial public health and safety risk.

Adopt Time, Place, and Manner Restrictions related to Camping on Public Property

The City of Morro Bay recently passed an ordinance that attempts to balance the requirement that shelter space be available before a city may act to displace homeless encampments with the needs of the city and its residents to avoid the impacts of homeless encampments even when shelter space is unavailable. The “time, place and manner restrictions” prohibit:

- 1) camping at a single location for more than one 24-hour period;
- 2) campsites of more than one tent, two people, and two animals (must be leashed or crated);
- 3) campsites larger than 144 square feet and must be more than 150 feet from any another campsite;
- 4) camping near residentially zoned neighborhoods, mixed use overlay zones, places where camping impedes access to other property, travel lanes, within 1000 feet of a shelter for emergency evacuations, streets closed by the City to camping, and at various city-owned sites such as City Hall and the Morro Bay Community Center; and
- 5) camping within 200 feet of: 1) schools, 2) playgrounds, 3) visitor-serving commercial areas, 4) critical infrastructure, and 5) high fire severity zones

The ordinance also provides campers with 72-hours to cure a violation before the camp may be removed by enforcement personnel, which may be shortened to avoid a potential emergency.

City can Implement a Safe Parking Program

- Program providing unhoused persons with a safe place to park at night and a place to park during the day that is not in residential neighborhoods and with opportunities to engage with resources and services.
- City can partner with faith-based organizations, provided the services are in no way linked to participation in religious purposes .
- Program can:
 - create opportunities for safe and secure places for car and RV dwellers to park and sleep
 - reduce the number of people living illegally in their vehicles on City streets
 - decrease enforcement actions and resulting legal costs to homeless individuals, and
 - provide resources to secure permanent housing and economic stability.
- A variety of community-based organizations, such as non-profits and educational institutions, can become host sites for vehicle households.
 - These have compatible parking demand profiles and may be able to fill certain niches of safe parking demand.
- City can permit safe parking sites as an accessory use to an assembly use, quasi-public facility, or public facility regardless of underlying zoning district.

Senate Bill 43 Expands Ability to Conserve Individuals with Severe Substance Abuse Disorders

- Senate Bill 43 expands the State’s conservatorship law, updating the definition of “gravely disabled” to allow the State to conserve and commit a person to treatment, even against their will, who is unable to provide for their personal safety or necessary medical needs in connection with “severe substance use disorder, or a co-occurring mental health disorder combined with a severe substance use disorder.”
- Counties have the option defer implementation of the new law until January 2026. Solano County has decided to defer implementation.
- Counties will be responsible for providing the treatment facilities necessary, with oversight and approval of the California Department of Health Care Services. Over the next two years, local law enforcement agencies should begin working with their county’s mental health department to design a collaborative program that complies with the requirements of the new law.

City can help transport unhoused individuals to the future Vallejo Navigation Center

- City of Vallejo is constructing the Vallejo Navigation Center, which will be a "one-stop-shop" that will provide services and shelter critical to helping address homelessness. (Expected to be completed in June 2024)
 - Will offer 125 shelter beds for six months (with potential extensions if a housing plan is made)
 - Will provide individual case management, connecting people to social, and medical services.
 - Will provide access to job training and be assisted in becoming prepared to secure and sustain permanent housing. The center will serve approximately 200 people annually.
- City can potentially coordinate with the City of Vallejo to transport unhoused individuals to the Navigation Center to utilize its services.
 - Although state law does not specify a specific distance limit for relocating unhoused individuals to another city, it is essential to understand that any such relocation efforts must comply with constitutional protections and other legal requirements.

AGENDA TRANSMITTAL

MEETING DATE: January 16, 2024

AGENDA ITEM: Discussion and Direction regarding the costs associated with Sea Level Rise.

FISCAL IMPACT: Unknown and yet to be determined at this time. Costs referred to in this staff report are professional estimates. The Council's direction to allocate additional time on this subject will assist with determining true costs to address sea level rise.

STRATEGIC PLAN: Provide Good Governance and Develop Sustainable Economy.

BACKGROUND: The Bay Area is defined by its relationship to water, with iconic beaches on the outer coasts, vast wetlands and diverse habitats, maritime culture and commerce, and diverse shoreline communities spanning across the Bay, the Delta, and the Outer Coast. Sea level rise adaptation in the Bay Area will require a vivid reimagining of our relationship with the Bay, the Pacific Coast, and the Delta. Critically though, adapting successfully to this uncertain future will require significant amounts of funding that are not available now, nor anticipated to emerge in the near future.

The San Francisco Bay Conservation and Development Commission, Metropolitan Transportation Commission, and Association of Bay Area Governments has developed the *Sea Level Rise Adaptation Funding and Investment Framework Final Report* (Attachment 1.) which is the region's first report solely devoted to quantifying the magnitude of the funding required to protect the bay's shoreline from flooding due to sea level rise and storms by 2050. Fueled by the most robust data to date on what's been built, what's planned, and where the gaps are within the region. This report identifies some early steps to help further prepare the region for sea level rise adaptation and identifies some cities and counties that have started to commit dollars to planning, developing project concepts, and even delivering projects. However, recognizing the regional costs are in the billions, the consequences of sea level rise are significant, and the timeline is short. It is important that protections are in place before inundation occurs, and not rely on remediating potential social and economic damage.

STAFF REPORT: This past year the Environmental and Climate Committee has discussed the local impacts of sea level rise and what the City can do to build a resilient community. In response to their discussion, in August 2023, a broader discussion occurred with staff focusing on solutions such as amendments to development standards and evaluating the risk and cost to the City to address the consequences of sea level rise. It was determined by the Committee that absent a focused evaluation of risk coupled with the associated costs of this risk, it was very difficult to quantify the scope and costs to address this critical issue. Therefore, the Committee requested that staff spend more time assessing what a resiliency program would entail and as best of the limited information, determine costs.

Currently, the best estimation to address sea level rise is in the millions. Based on 29,500 feet or 5.6 miles of shorelines a cost estimate that is derived from the Kellogg Resiliency Project Cost/Budget serves the purpose of offering stakeholders an initial grasp of the potential financial implications associated with the project (Attachment 2.). It serves to facilitate funding acquisition, informs decision-making during project development, and ensuring alignment with budgetary constraints. Moreover, this estimate can also serve as a foundational point for more comprehensive and precise cost assessments.

The overall preliminary cost estimate by the engineer, in current monetary terms, stands at approximately \$250 million, encompassing the following components:

- Project Management
- Feasibility Analysis
- Preliminary Design
- Community Engagement
- Environmental Compliance
- Engineering Design
- Construction Management, Inspection, and Quality Control
- Construction Activities

Staff is requesting approval from the City Council to investigate and determine the cost required to address the issue of rising sea levels. This involves a small amount of staff time spent in contact with engineers and external agency officials. This action aims to explore and verify the costs associated with rising sea levels. It is important to note that taking action will not authorize funds to be redirected from the General Fund.

STAFF RECOMMENDATION: Staff is seeking City Council approval to explore and validate the costs associated with rising sea levels.

DOCUMENTS ATTACHED:

1. Sea Level Rise Adaptation Funding and Investment Framework Final Report.
2. Potential Sea Level Rise Construction Methods.
3. PowerPoint Presentation

PREPARED BY:

Jim Bermudez, Development Services Director

REVIEWED BY:

Aaron Roth, Interim City Manager

APPROVED BY:

Aaron Roth, Interim City Manager

ATTACHMENTS:

1. [Sea Level Rise Adaption Funding and Investment Framework Final Report](#)
2. [Potential Sea Level Rise Construction Methods.docx](#)
3. PowerPoint Presentation



Sea Level Rise Adaptation Funding and Investment Framework Final Report

Metropolitan Transportation Commission / Association of Bay Area Governments
and the San Francisco Bay Conservation and Development Commission

July 2023

Sea Level Rise Adaptation Funding and Investment Framework Final Report Draft

July 2023

Project Staff

Project Manager

Rachael Hartofelis, MTC/ABAG

MTC/ABAG Framework Staff

Nora Bayley, Michael Germeraad, Kate Lyons, Dave Vautin

BCDC Framework Staff

Dana Brechwald, Todd Hallenbeck, Daniel Hossfeld, Viktoria Kuehn, Nicolas Sander

Acknowledgements

Layout Design

Miguel A. Osorio, MTC/ABAG

Consultants

AECOM, Oakland CA; Sperry Capital, Sausalito, CA

Cover Photo Credits

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Metropolitan Transportation Commission
Association of Bay Area Governments

Bay Area Metro Center
375 Beale Street, Suite 800,
San Francisco, CA 94105

mtc.ca.gov abag.ca.gov



San Francisco Bay Conservation
and Development Commission

Bay Area Metro Center
375 Beale Street, Suite 510,
San Francisco, CA 94105

bcfdc.ca.gov

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Photo: Karl Nielsen, 2023

Executive Summary

Sea level rise adaptation in the Bay Area will require a vivid reimagining of our relationship with the Bay, the Pacific Coast, and the Delta. From our iconic beaches, urban shorelines, bustling ports, and vast wetlands, no part of our shoreline will remain unchanged. Critically though, adapting successfully to this uncertain future will require significant amounts of funding that are not available now, nor anticipated to emerge in the near future.

The Sea Level Rise Adaptation Funding and Investment Framework (Framework) has been jointly developed by the San Francisco Bay Conservation and Development Commission, Metropolitan Transportation Commission, and Association of Bay Area Governments. It is the region's first report solely devoted to quantifying the magnitude of the funding required to protect the bay's shoreline from flooding due to sea level rise and storms by 2050. Fueled by the most robust data to date on what's been built, what's planned, and where the gaps are, it ultimately yielded the following key findings:

- Protecting all portions of the shoreline that will experience sea level rise and storm surge by 2050 is estimated to **cost \$110 billion**. Some decisions may lower or raise the estimate, such as determining how the region prioritizes protection.
- Of that amount, Bay Area governments can account for **just over \$5 billion being available through existing federal, state, regional, and local funding programs**. This leaves a gap of **approximately \$105 billion** to fill in the next decades.
- While the cost of tackling this regional challenge is significant, failing to adapt would result in a much larger deficit. Even a partial estimate of the cost of inaction is anticipated to be **over \$230 billion**.
- Some counties will experience more flooding sooner than others, meaning that adaptation **costs are not evenly distributed**. Some counties have planned and developed projects more than others, leading to questions about where new funding should go.
- Filling the funding gap will **require a mix of funding types and amounts**. There is no single “magic bullet” that can fill a \$105 billion gap. Parcel taxes and ad-valorem taxes may be feasible options at the regional or county level, but both would need further study to advance equitable outcomes.
- **Developing equitable adaptation is paramount**. How we fill the funding gap can either exacerbate or maintain existing environmental injustices instead of ameliorating them. From who pays to who benefits, some solutions are simply more equitable than others.
- **A regional approach is critical**. Differences among counties in terms of vulnerability and planning indicate the need for a regional approach for funding and project development to ensure no one is left behind.

Despite these challenges, the Framework identifies some early steps to help further prepare the region for sea level rise adaptation, and many cities and counties have started to commit dollars to planning, developing project concepts, and even delivering projects. However, the challenge is significant, and the timeline is short. It is important that protections are in place **before** inundation occurs, and not rely on remediating potential social and economic damage.

In the months and years ahead, the following next steps are proposed to tackle this major regional challenge:

- **Prioritize sea level rise investments** through upcoming regional planning efforts by MTC/ABAG and BCDC, determining which areas require early action.
- **Explore opportunities to advance resilience through planned housing and transportation ballot measures**. To the extent possible, integrate policies and programs to support sea level rise adaptation.
- **Collect and maintain project data** through supporting the development of BCDC's Shoreline Adaptation Project Mapping Program.
- **Accelerate advocacy efforts**. Use updated data to pursue a larger share of state and federal dollars to protect people, places, and the environment.
- **Define lead roles to fund plans and projects**. There is no one clear agency tasked with securing and distributing funding, which means that this is not occurring in a timely and organized manner.
- **Support local and private efforts** to develop funding and financing tools.

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0. Introduction



Photo: Karl Nielsen, 2020

0.1 Context

The Bay Area is defined by its relationship to water, with iconic beaches on the outer coasts, vast wetlands and diverse habitats, maritime culture and commerce, and diverse shoreline communities spanning across the Bay, the Delta, and the Outer Coast. Transportation and infrastructure networks wind across the region's shoreline, connecting us to one another and supporting the region's vitality.

However, rising sea levels put the region at risk. The Bay Area is already experiencing the early impacts of rising sea level, including more extensive coastal flooding during storms, periodic tidal flooding, and increased coastal erosion. The California Ocean Protection Council estimates that the region may experience up to 1.4 feet of permanent sea level rise inundation by 2050, with 3.4-4.4 feet projected by 2100, dependent on global emissions¹, on top of storm-induced flooding. The impacts to the Bay Area will be significant - while the Bay Area accounts for a third of the California shoreline, two-thirds of the state's sea level rise impacts are anticipated to be felt in the region².

1 Based on the San Francisco projection for 5% exceedance. Ocean Protection Council. (2018). *State of California Sea-Level Rise Guidance: 2018 Update*. Page 18. https://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf

2 Barnard, P., Erikson, L., Foxgrover, A., et al. (2019). Dynamic Flood Modeling Essential to Assess the Coastal Impacts of Climate Change. *Scientific Reports*, 9, 4309. <https://doi.org/10.1038/s41598-019-40742-z>

The estimated impacts to the Bay Area through 2050 will be felt throughout the region (see Figure 2). Over 75,000 households are estimated to be directly at risk from sea level rise impacts, including over 12,000 in the region's most socially vulnerable communities³, including households in communities like East Palo Alto, San Rafael's Canal District, and the Alviso neighborhood of San Jose. In addition, an estimated 200,000 jobs are anticipated to be at risk, affecting industries in Benicia, small businesses along the Marin County shorelines, the bustling tourism economy of San Francisco's Embarcadero, and internationally significant technology campuses lining the San Mateo County shore – among many others.

In addition, over 20,000 acres of the region's rich wetlands and other critical ecosystems are also at risk of inundation. As the sea levels rise, many habitats will not have the time or space to migrate upland and adapt. As a result, habitat for nearly a million migratory birds, nurseries for fish and shellfish, and other diverse species may all be affected. In addition, the wetlands help to mitigate flood impacts, enhance water quality, sequester carbon, and provide important recreational opportunities⁴.

While there are cost estimates for some potential impacts, much of the impact of sea level rise is difficult to quantify. For example, the assessed value described below is not available as a market value, meaning that the true cost to parcels at risk in the region cannot currently be quantified. Other impacts are difficult to quantify in terms of dollars at all. For example, it is difficult to put a value on the region's diverse cultures, communities, and dynamic ecosystems. As such, the "cost of inaction" summaries in the Framework only captures a subset of the potential sea level rise impacts for the Bay Area.

Assets at risk of SLR flooding⁵:

75k total households, including **12k** in the most vulnerable communities.

200k total jobs, and **15k** total businesses.

20k vulnerable acres at risk, including depressional wetlands, lagoons, and tidal marshes⁶.

Estimates of a Subset of Assets at Risk:

(in 2022 dollars)

\$85 billion

Estimated assessed value of parcels at risk.

\$151 billion

Estimated value of major roadways at risk⁷.

3 Defined as moderate, high, or highest social vulnerability by BCDC's Community Vulnerability Data, which categorizes areas using a number of vulnerability indicators, such as income and race. <https://data-bcdc.opendata.arcgis.com/datasets/BCDC::community-vulnerability-bcdc-2020/about>

4 California State Coastal Conservancy. (2015). *The Baylands and Climate Change What We Can Do: Baylands Ecosystem Habitat Goals Science Update 2015*. Page xxiii. https://www.sfei.org/sites/default/files/biblio_files/Baylands_Complete_Report.pdf

5 Based on 4.9 feet of inundation. For additional information on the inundation assumption, please see Identifying Vulnerability.

6 BCDC and MTC/ABAG. (2020). *Adapting To Rising Tides Bay Area: Short Report Summary of Regional Sea Level Rise Vulnerability and Adaptation Study*. Page 11. https://www.adaptingtorisingtides.org/wp-content/uploads/2020/07/ARTBayArea_Short_Report_Final_March2020_ADA.pdf.

7 Calculated based on 230 miles of vulnerable major class roadways, using a median transportation adaptation cost of \$125,000 per foot. Adaptation assumes only elevation or realignment and not protection in place or multi-benefit solutions. For additional cost assumptions, please see Estimating Regional Adaptation Needs Through 2050.

0.2 Regional and Local Planning Efforts

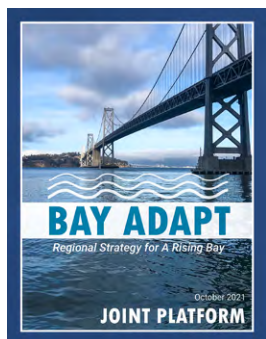
Regional agencies, including the Metropolitan Transportation Commission and the Association of Bay Area Governments (MTC/ABAG), the San Francisco Bay Conservation and Development Commission (BCDC), have strengthened the regional focus on sea level rise in recent years, building off long-standing regional efforts from California State Coastal Conservancy, the San Francisco Estuary Institute, the San Francisco Estuary Partnership (SFEP), and others. In 2021 and 2022, major regional planning efforts from MTC/ABAG, BCDC, and SFEP worked closely to align regional priorities on sea level rise.



Metropolitan Transportation Commission and Association of Bay Area Governments **Plan Bay Area 2050 Implementation Plan**

2021

A multifaceted regional plan that addresses housing, transportation, economic, and environmental challenges. “Adapt to Sea Level Rise” is one of 35 strategies in the Plan.



San Francisco Bay Conservation and Development Commission **Bay Adapt Joint Platform**

2021

A Joint Platform of priority actions to advance long-term sea level rise adaptation in the Bay Area. The Joint Platform is made up of nearly two dozen priority actions, and is now advanced to implementation.



San Francisco Estuary Partnership **San Francisco Estuary Blueprint**

2022

The Estuary Blueprint is a regional plan to achieve a healthy and resilient San Francisco Estuary. Sea level rise adaptation is embedded in the 25 identified actions.

Local efforts are more varied across the region. A 2021 regional survey on Bay Area Sea Level Rise Adaptation Progress, Gaps, and Needs focused on shoreline jurisdictions reported that 92 percent of respondents indicated they have insufficient resources to adequately plan and prepare for sea level rise, while 45 percent of respondents did not have an adaptation plan at all⁸. The local planning disparities emphasize the need for a regional approach. Without regional coordination and support, local jurisdictions with less capacity may not have the resources to either plan for or adapt to sea level rise.

8 BCDC, BayCAN, MTC/ABAG, BARC, SFEI, SFEP. (2021). *Sea Level Rise Adaptation Progress, Gaps & Needs Survey: 2021 Survey of Sea Level Rise Adaptation in the Bay Area*. Page 4. https://www.adaptingtorisingtides.org/wp-content/uploads/2021/11/2021-Progress-Gaps-Needs-Survey-Report_final_ADA.pdf

0.3 Regional Adaptation Funding

The recent regional efforts collaboratively identified a number of priority actions for sea level rise, spanning topics from planning to implementation. However, all three efforts identified a high priority action to pursue a regional sea level rise adaptation funding plan.

The action was identified in response to regional analysis, including the Plan Bay Area 2050 Sea Level Rise Needs and Revenue Assessment and BCDC's Bridging the Gap: Funding Sea Level Rise Adaptation in the Bay Area. Plan Bay Area 2050 estimated that the region may need \$19 billion to adapt to two feet of permanent inundation, estimating a \$16 billion gap when accounting for projected existing revenue sources⁹. Bridging the Gap summarized sea level rise damage estimates for the region, including the Plan Bay Area 2050 estimate and a study by the University of California at Berkeley. The analysis resulted in an estimated regional funding gap of roughly \$315 million to \$570 million per year to protect against two feet of permanent inundation, with higher estimates projected through 2100¹⁰.

However, previous regional studies had not accounted for current and planned adaptation projects, nor thoroughly analyzed potential new revenue sources. In addition, state guidance on planning for sea level rise inundation was updated after the regional studies were completed (for more information on updated state guidance, see 1.1 Identifying Vulnerability).

In response to the regional call to action identified in major regional planning efforts, MTC/ABAG and BCDC collaboratively kicked off the Sea Level Rise Adaptation Funding and Investment Framework (Framework) in December 2021.



Metropolitan Transportation Commission and Association of Bay Area Governments
Plan Bay Area 2050 Implementation Plan
 2021

Action 9. “Develop a sea level rise funding plan to support the implementation of projects that reduce sea level rise risks to communities, infrastructure and ecology, prioritizing green infrastructure wherever possible.”



San Francisco Bay Conservation and Development Commission
Bay Adapt Joint Platform
 2021

Task 6.1 “Expand understanding of the financial costs and revenue associated with regional adaptation.”

Task 6.2 “Establish a framework for funding plans and projects.”



San Francisco Estuary Partnership
San Francisco Estuary Blueprint
 2022

Task 3-6 “Milestone – A sea level rise adaptation funding and investment framework for the San Francisco Bay Area.”

⁹ MTC/ABAG. (2021). *Technical Assumptions Report – Technical Assumptions for the Environmental Element*. https://www.planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_Technical_Assumptions_Report_October_2021.pdf

¹⁰ BCDC. (2021). *Bridging the Gap: Funding Sea Level Rise Adaptation in the Bay Area*. https://www.adaptingtorisingtides.org/wp-content/uploads/2021/12/ART_FundingFinancingPaper2021.12.20.pdf

0.4 What is the Framework?






Photo: Ben Botkin, 2020

The Framework is a joint effort from MTC/ABAG and BCDC. The Framework was created to help the region prepare for near-term adaptation funding opportunities by improving our advocacy for additional state and federal sources, while informing future discussions for long term adaptation funding approaches at the local and regional scales. The study area includes all nine Bay Area counties, including the San Francisco Bay (Bay), the California Outer Coast (Outer Coast), and the Sacramento-San Joaquin Delta (Delta).

The Framework is centered on regional partnership. Local and regional engagement took place throughout the project to support the development of a regional adaptation project inventory, and to share goals and outcomes. A Technical Advisory Group (TAG) made up of local, regional, and state stakeholders also supported the analysis with local knowledge and subject matter expertise throughout the project.

The Framework has three focus areas, each of which is detailed as a section in this report:

 FOCUS AREAS		
FA1. Update and improve regional accounting of planned, anticipated, and potential sea level rise adaptation projects.	FA2. Update and characterize existing revenue sources for sea level rise adaptation.	FA3. Study how new revenues for sea level rise adaptation needs can be raised most equitably.
 OUTCOMES		
<ul style="list-style-type: none"> • Update prior regional analysis with local projects from recent planning efforts. • Estimate the regional sea level rise adaptation needs through 2050. 	<ul style="list-style-type: none"> • Inventory and forecast revenues for new state and federal funding programs. • Characterize how existing adaptation funds are dispersed and for what purpose. 	<ul style="list-style-type: none"> • Analyze a range of possible revenue measures (parcel taxes, ad-valorem property taxes, and assessment districts) at different scales to understand equitable approaches to close the sea level rise funding gap.
 KEY FINDINGS		
\$110 billion - Estimated cost of sea level rise adaptation through 2050 (in Year of Expenditure dollars)	\$ 5.5 billion - Estimated existing revenue forecast through 2050 (in Year of Expenditure dollars)	<ul style="list-style-type: none"> • Regional and/or local measures will not be capable of closing the funding gap. • For geographic equity, using multiple types of funding measures would help to balance the tax burden. • Parcel taxes are less socially equitable than an ad-valorem tax, as they place a higher burden on socially vulnerable areas.

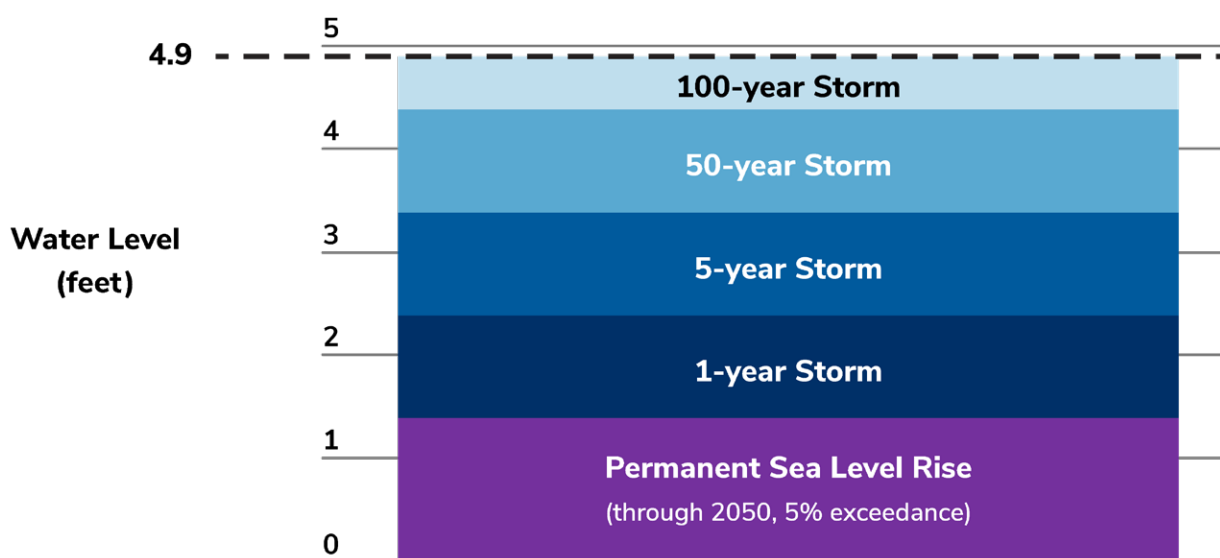
In addition to the report, details on Framework assumptions and methodologies can be found in the **Technical Appendix**. Connections to the Technical Appendix are referenced under relevant headings throughout the report. Not every heading has a related section in the Technical Appendix.

1. Update and Improve Regional Accounting of Anticipated Sea Level Rise Adaptation Projects

1.1 Identifying Vulnerability

The Framework assumed a threshold adaptation height to determine the scope of the analysis. The assumption focused on near-term inundation to align with other planning efforts. As such, the Framework relied on 2050 projections for permanent inundation by the California Ocean Protection Council published in 2018¹¹, plus an extreme storm surge scenario to meet state guidance recommendations to “Ensure California’s coast is resilient to at least 3.5 feet of sea level rise by 2050¹²” and to coincide with many local planning efforts¹³. The Framework uses **4.9 feet of Total Water Level (TWL)** to identify adaptation vulnerability and protection.

Figure 1. Diagram Summarizing 4.9ft of Inundation



BCDC formally adopted the Ocean Protection Council Guidance in 2018 and it is currently considered “best available science” for regional sea level rise scenarios. The Ocean Protection Council recommended projections for 2050 range from 1.1-2.7 feet. The Framework also used regional precedents to support the inundation assumption. In Plan Bay Area 2050, one, two, and three feet of inundation were studied before a final two foot assumption for permanent inundation was used for the final plan. However, the state released updated guidance to plan for a minimum of 3.5 feet of sea level rise after initial Plan assumptions were set.

Supported by the TAG, the project team determined an approach to sum two values: a sea level rise projection height for the 2050 horizon year and additional height to account for temporary flooding risk from storms. The Framework used the 2018 Ocean Protection Council’s 5% probability for 2050, which projects 1.4 feet of permanent inundation from sea level rise, combined with a 100 year storm, which is estimated to add 3.5 feet above MHW. The combined projected permanent inundation plus a 100 year storm is 4.9 feet TWL. While the sea level rise and storm impacts can at times be separately assessed, the Framework considers shoreline impacts as a whole, recognizing that short term inundation from storms overlaps with long term inundation from sea level rise over time.

11 Ocean Protection Council. (2018). *State of California Sea Level Rise Guidance: 2018 Update*. Page 18. https://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf

12 Ocean Protection Council. (2020). *Strategic Plan to Protect California’s Coast and Ocean 2020-2025*. Page 7. http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20200226/OPC-2020-2025-Strategic-Plan-FINAL-20200228.pdf

13 The guidance was reinforced in: Sea-Level Rise Leadership Team. (2022). *State Agency Sea-Level Rise Action Plan for California*. https://www.opc.ca.gov/webmaster/media_library/2022/08/SLR-Action-Plan-2022-508.pdf

The 4.9 foot assumption also allowed the Framework to align with currently available flood data layers. The 150 cm (or 4.9 foot) layer in United States Geological Survey Coastal Storm Modeling System mapping data was selected as the best available layer to study vulnerability in the Bay and Outer Coast. The dataset was selected based on how widely it was used in the industry, analytical ease, extensive availability of inundation heights, data resolution, and geographic coverage across the Bay and Outer Coast. Delta Adapts Flood Hazard data from the Delta Stewardship Council was used to represent Delta inundation due to its distinct hydrology. While depth of projected inundation varies in the Delta models due to its hydrology, the Framework used the mapping scenario that had inundation averages closest to the overall 4.9 foot inundation assumption.

The Framework analysis focuses on shoreline inundation from sea level rise and storm surge, but does not include stormwater, precipitation, and groundwater rise impacts. However, freshwater inflows from rivers and tributaries are estimated in some locations¹⁴. Groundwater mapping was not available at the regional level at the time of the analysis, though groundwater is accounted for in some local projects analyzed by the Framework. For additional information on sea level rise data assumptions, please see the **Technical Appendix**.

1.2 Creating a Shoreline Adaptation Inventory

The Framework created a shoreline adaptation project inventory to develop high-level cost estimates for regional adaptation, and to identify adaptation project implementation gaps.

Staff developed a draft inventory from two different sources:

- **Locally identified projects:** BCDC's Shoreline Adaptation Project Map (SAPMap) includes regionally identified adaptation projects that are in progress and mapped in the regional database, EcoAtlas¹⁵.
- **Local project concepts:** identified by Framework project staff within local planning documents (e.g. General Plans, Vulnerability Assessments, Climate Adaptation Plans, Local Hazard Mitigation Plans) or through engagement with local jurisdictions. In addition to projects in progress, some early-stage adaptation concepts were also included¹⁶. Local project concepts were collected to find projects not yet identified in the SAPMap.
 - **Local studies** were defined as early-stage project concepts, and were represented separately due to the lack of definition in the project footprints, which would have inflated cost estimates.

BCDC's Shoreline Adaptation Project Mapping Program

The Shoreline Adaptation Project Map (SAPMap) identifies projects that have a nexus with sea level rise adaptation in the San Francisco Bay. The SAPMap is mapped within the EcoAtlas Project Tracker, a state-wide resource built to provide resources for wetland management. The SAPMap expands the scope of EcoAtlas to include adaptation activities that manage the shoreline, reduce flooding, or adapt to sea level rise, and may include gray, hybrid, or green design adaptation activities. The SAPMap was developed in coordination with the Framework, and will be maintained as a regional resource into the future to support the region's needs to track progress toward shoreline resilience goals.

The inventory projects span from nearshore, subtidal restoration projects to upland and developed flood protection projects, including some projects along stream channels where the head of tide has influence. Projects were selected based on sufficient design information, including a defined geography, identified adaptation activities (spanning green, hybrid, and gray activities, such as marsh restoration, ecotone levees, and seawalls, respectively), sea level rise design details, and project status. Adaptation activities were also sorted into generalized activity categories, or "archetypes", to help with estimating unknown costs later in the process. Projects that were too early in the planning stages to meet these data thresholds were generally not included in the inventory.

14 Our Coast Our Future. (2014). *San Francisco Bay – CoSMoS v.2.x Frequently Asked Questions*. https://ourcoastourfuture.org/wp-content/uploads/2022/02/San-Francisco-Bay_FAQ_2014.pdf

15 EcoAtlas: San Francisco Bay Adaptation Group. (2022, December). *San Francisco Bay Adaptation*. <https://www.ecoatlas.org/groups/303>

16 Local adaptation plans by utilities were not included in the scope of the analysis.

Figure 2. (Top to Bottom) Examples of Green, Hybrid, and Gray Infrastructure**Green Infrastructure Example**

Marsh Restoration: rehabilitating or re-establishing a marsh area to return its natural functions and restore wetland habitat; 100,000 acres of marsh restoration is a goal for the region.

Photo: Kingmond Young

**Hybrid Infrastructure Example**

Ecotone Levees: creating a gently sloped levee, which can attenuate waves, ecotone levees provide a wetland-upland transition zone habitat and allow marshland to migrate upslope.

Photo: Noah Berger

**Gray Infrastructure Example**

Seawalls: constructing physical barriers of human-engineered materials in the case of sea walls to deter erosion and inundation¹⁷.

Photo: Mike Gifford, Flickr

When available, cost and funding information was also collected, in addition to design conditions related to sea level rise height and extreme storm events to determine level of protection. In addition to projects, local studies were included when identified by a local jurisdiction.

Outreach on the draft inventory to local agencies was conducted in fall 2022 to verify the details of each project and to identify additional projects, starting and concluding with regional outreach meetings. To review the inventory, interviews were done with local staff across all nine Bay Area counties, including over 90 local contacts, including county staff, local staff, or staff at other agencies that led projects. The outreach began in September 2022 and was completed in December 2022. With local assistance, the project team was able to update two-thirds of the existing inventory with additional or updated project details, while adding 47 additional projects. In total, approximately 200 projects and study areas were identified, many with multiple sites or adaptation activities.

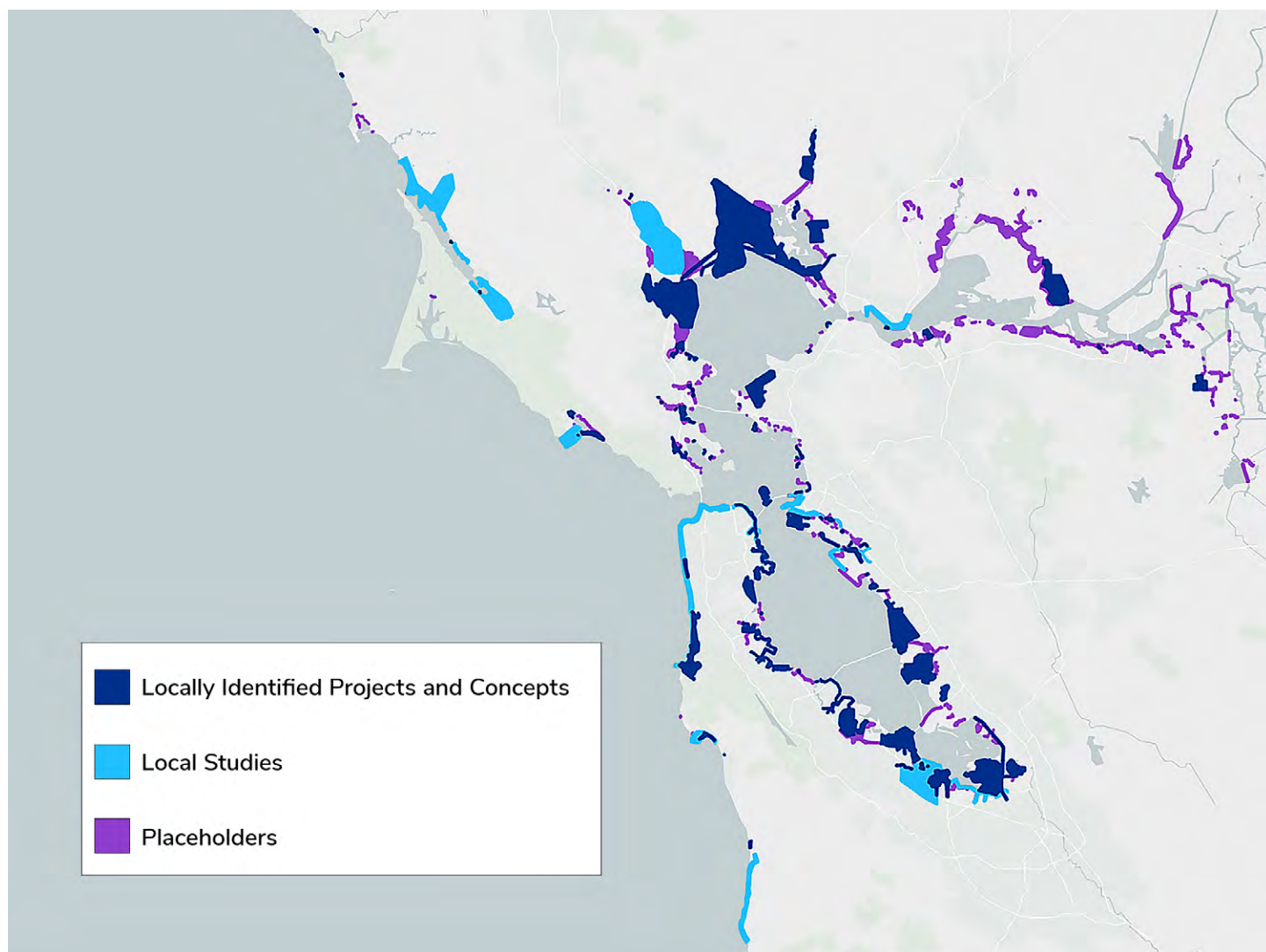
The Framework assumed the protection of all vulnerable segments of the shoreline in place through 4.9ft TWL of inundation, including low density areas and agricultural land. Based on the inventory, certain vulnerable shoreline segments were identified as not yet having sufficient project plans in place to provide adequate sea level rise protection. For example, projects that increased sea level rise resilience through means other than direct flood protection, such as providing wave attenuation, sediment accretion, erosion control and groundwater infiltration were kept in the inventory when identified due to their indirect benefits. However, additional flood protection was assumed to protect the developed edge of the shoreline.

To understand the regional funding need, the Framework needed to account for costs in areas with less advanced project planning or implementation. To this end, staff created **placeholders** to estimate adaptation costs in significantly inundated areas by assuming the protection of the shoreline in place. Placeholders were added in areas with no known project plans, local study areas, and areas where a project was not confirmed to provide sufficient protection to 4.9 feet TWL, such as the projects with indirect benefits described above, or projects built to withstand a lower inundation height. As such, they may overlap with inventory projects in some locations. Placeholders were developed by determining locations with overtopping and significant flooding. Vulnerable locations were then assigned an appropriate activity archetype by comparing the area to the San Francisco Estuary Institute's Adaptation Atlas suitability analysis, and the levee information from the Delta Stewardship Council. Green archetypes were assumed wherever possible within the suitability analysis. The placeholders were drawn to address the overtopping

¹⁷ MTC/ABAG. (2021). *Plan Bay Area 2050*. Page 100. <https://www.planbayarea.org/finalplan2050>

and inundation as it related to the shoreline, emphasizing protection in lieu of other regional goals, such as restoration. To this end, placeholders were identified that could have activity archetype costs applied. For additional information on the placeholder development, please see the Technical Report.

Figure 3. Final Framework Inventory



The Framework inventory uses local projects and study areas along with placeholders to estimate regional adaptation costs. It is not intended to recommend specific adaptation activities in any given location, to prioritize one adaptation area over another, or to supersede or contradict ongoing local adaptation planning. The inventory also does not include managed retreat, or other approaches that strategically plan to not protect the shoreline in place. Inventory projects referenced by the Framework were developed by local jurisdictions and project proponents independently, not by MTC/ABAG or BCDC. However, inventory projects often lacked critical project details; for example, 49 percent of the projects in the inventory did not have flood protection data available from local project sponsors and 20 percent were missing a locally identified project cost. In these circumstances, the project team filled data gaps by estimating or approximating details such as project cost, project type, and flood protection. In addition, the Framework acknowledges that information on inventory projects will change as projects proceed through advanced planning, local engagement, and implementation.

Additionally, the Framework acknowledges that placeholders do not represent recommended projects, and that they were created for the sole purpose of estimating regional adaptation costs. The placeholders have not been proposed, have not undergone local reviews, or been analyzed for consistency with BCDC laws and policies. In future efforts, it is anticipated that placeholders will be replaced by locally identified projects or land use plans.

1.3 Estimating Regional Adaptation Needs Through 2050

The Framework uses the inventory to develop a regional cost estimate for sea level rise adaptation. Staff utilized two different methods of cost estimation:

- **Known costs:** project costs identified by local staff or the SAPMap. Known costs were prioritized for inclusion if available.
- **Activity Archetype estimates:** costs estimated if no known project cost data was provided, and for placeholders.

Activity archetype cost estimates were developed based on the adaptation activity, including horizontal levees, marsh restoration, seawalls, or other adaptations and the dimensions, including area or length. The Framework analysis builds on work done in Plan Bay Area 2050, which identified initial activity archetype cost estimates to develop a \$19 billion estimate for regional adaptation need. The Framework expanded the Plan Bay Area 2050 activity archetype estimates by adding additional archetypes common to the Bay Area, incorporating recent constructed project costs, and seeking guidance from the TAG to expand and improve activity archetype cost estimates. The final estimates are summarized in Table 2. Additional detail on the final cost estimates is available in the **Technical Appendix**.

Table 1. Archetype Cost Estimates for Adaptation Activity Types (in 2022 dollars)

Adaptation Activity Archetype	Adaptation Type	Units	Lower Estimate	Mid-Point Estimate	Higher Estimate
Elevated Roadway	Gray	/foot	\$65,000	\$125,000	\$199,000
Tidal Gate	Gray	/unit	\$7,351,000	\$14,175,000	\$23,775,000
Seawall	Gray	/foot	\$9,000	\$18,000	\$35,000
Riprap	Gray	/foot	\$6,000	\$11,000	\$19,000
Traditional Levee	Gray	/foot	\$3,000	\$6,000	\$11,000
Ecotone Levee	Hybrid	/foot	\$13,000	\$18,000	\$23,000
Marsh Restoration	Green	/acre	\$36,000	\$43,000	\$50,000
Marsh Sediment Management	Green	/acre	\$39,000	\$191,000	\$342,000
Beach Restoration	Green	/acre	\$295,000	\$590,000	\$1,180,000
Beach Sediment Management	Green	/acre	\$407,000	\$815,000	\$1,629,000
Upland and Creek Restoration	Green	/acre	\$594,000	\$601,000	\$608,000
Polder Restoration	Green	/acre	\$20,000	\$25,000	\$56,000
Restoration Submerged Vegetation	Green	/acre	\$67,000	\$189,000	\$310,000

Activity archetype costs were used to fill cost gaps in the inventory and to assign costs to placeholders, and then summarized along with known costs to develop a regional cost estimate for sea level rise adaptation. When a range of costs was identified for a project for both known or activity archetype costs, staff used the median or mid-point value to summarize regionally¹⁸. An assumed regional cost was also added to account for additional sediment management needs to maintain and manage existing and planned tidal marsh habitat restoration.

¹⁸ Studies were not included in the cost estimate unless a known cost was identified.

The final regional estimate is represented in year-of-expenditure dollars through 2050. Construction dates were unknown for most projects; as such, the estimate was created by assuming that an equal number of projects will be constructed each year, followed by assuming a 3 percent escalation rate year over year. Partially spent funding, where known, was subtracted from the regional cost estimate, though there may be additional projects with partial funding that were not known at the time of the analysis. Other adaptation strategies not estimated or assumed within the Framework analysis would likely change regional estimates, including adaptation activities without protection (including managed retreat), building code changes, or other local land use policy adjustments that may change a community's ability to adapt to sea level rise. In addition, future analysis will need to include riverine and groundwater data as it becomes regionally available, as well as additional adaptation project plans, such as those made by utilities.

The total regional cost estimate for sea level rise adaptation **through 2050 is \$110 billion** using the median estimate for all projects. Using the assumptions in Table 1 for gaps and any known project cost ranges, total regional cost estimates were also developed using low and high estimate levels, as shown in Table 2.

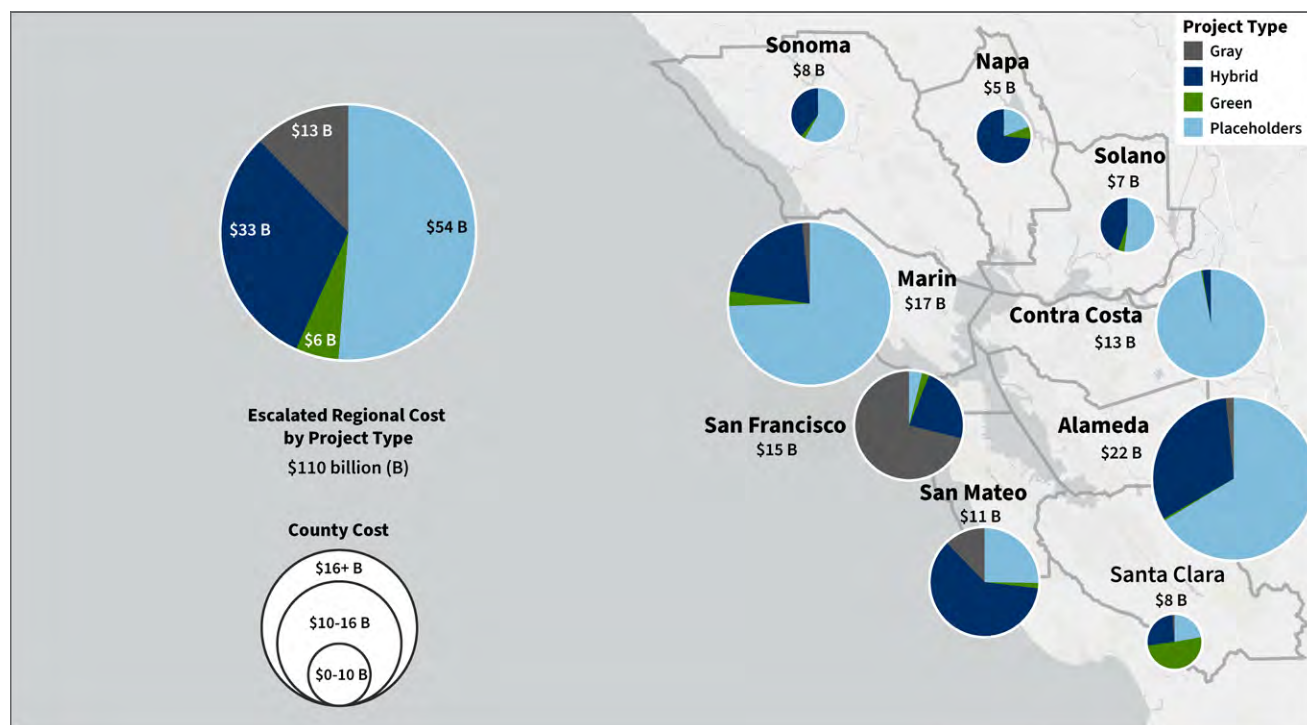
Table 2. Range of Total Regional Cost Estimates (year-of-expenditure dollars)

Low Estimate	Median/Mid-Point Estimate	High Estimate
\$ 81 billion	\$110 billion	\$ 147 billion

However, this value does not necessarily represent the actual amount of revenues required to adapt. As mentioned previously, the Framework utilizes the conservative assumption of protecting the entirety of the vulnerable shoreline in place, and assumes 4.9 feet of inundation within the study period, which is significantly higher than 2050 projections for permanent inundation. In addition, many of the projects and placeholders included in the Framework required project costs to be estimated: 63 percent of the total cost estimate came from activity archetype costs, 51 percent of which represented placeholders. Actual project costs may be lower or higher than the estimated costs. The inventory is also snapshot of a moment in time, and adaptation efforts and their costs will continue to develop or shift, especially for projects that are in the early planning or conceptual stages.

1.4 Additional Findings

Figure 4. County Need Estimates by Project Type

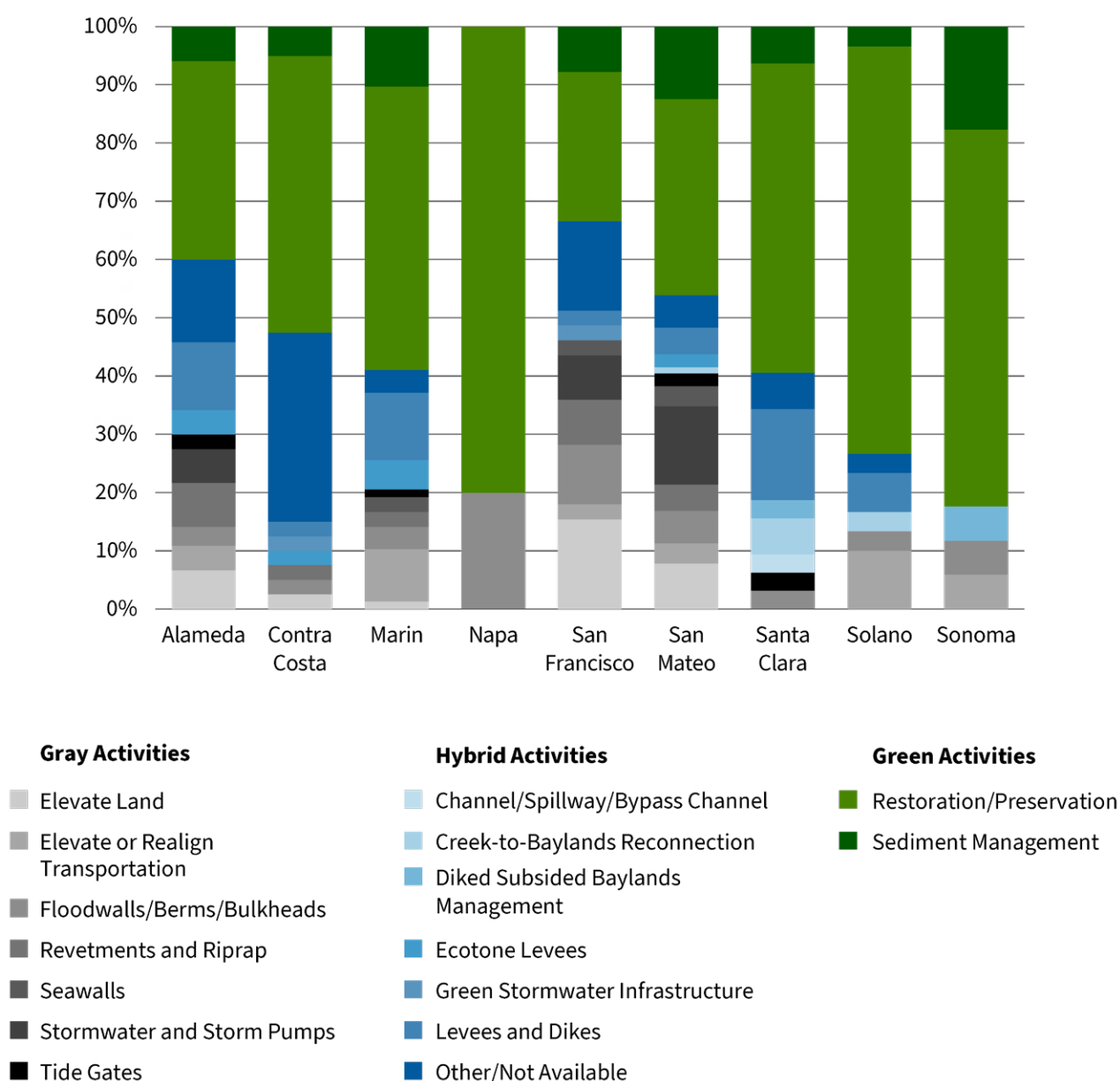


Project Types: Green, Gray, and Hybrid

The analysis has shown that most of the planned projects are “hybrid” in nature, as seen in Figure 4, representing a regional focus on multiple benefits, such as levees paired with marsh restoration. For the purposes of the Framework, the term “hybrid” includes projects that have at least one green and one Gray adaptation activity, without consideration of the percent of the project that uses the activity types. As such, the multiple benefits of hybrid projects may be over-represented in the inventory.

However, Figure 5 illustrates a regional trend toward green, or nature-based projects. When accounting for number of projects, restoration and sediment management activities collectively make up the majority of activities in most counties, as shown. Alameda, San Francisco, and San Mateo counties have a mix of Gray, hybrid, and green projects currently planned, while Marin, Santa Clara, and the North Bay have a greater proportion of green activities. This distinction aligns with the constraints on green projects due to shoreline development in the highly urbanized counties. Additionally, many of Contra Costa and San Francisco’s projects are identified as “Other,” which can represent adaptation activities that are non-physical in nature such as education and capacity building, combinations of activities, or singular activities that the Framework did not categorize as an activity, such as replacing wharfs or docks.

Figure 5. Share of Inventory Projects by Activity by County (Excluding Placeholders)

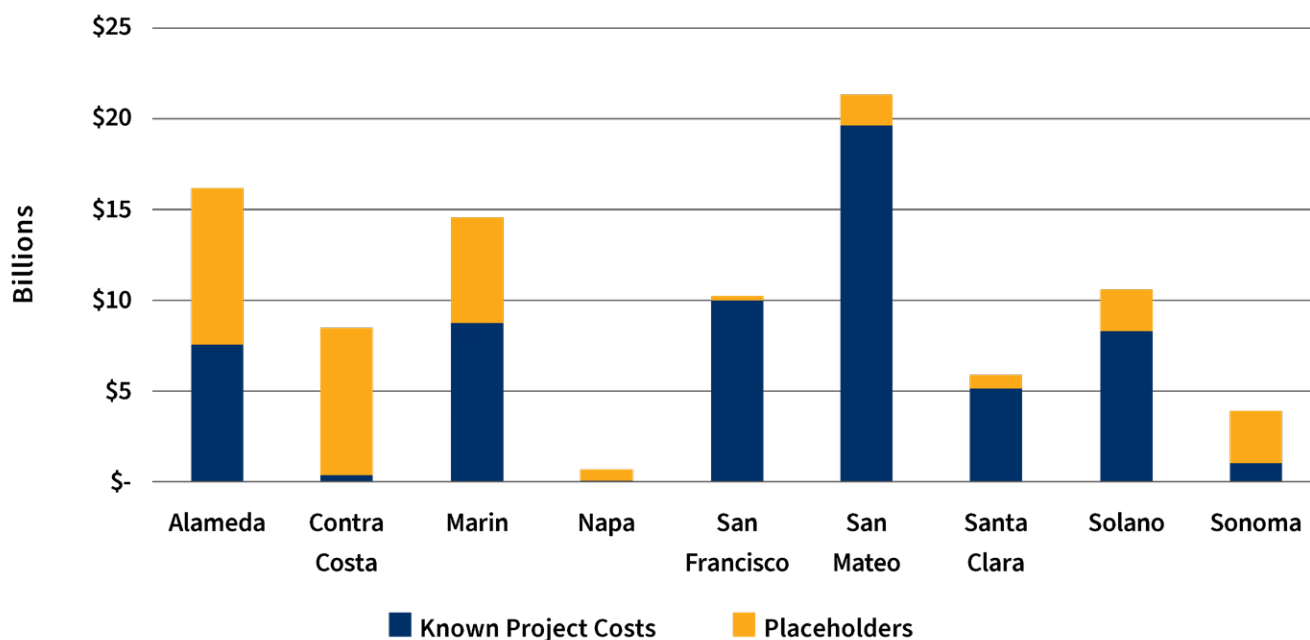


Implementation Gaps

Looking across the nine counties (Figure 6), Alameda and Marin counties have the highest cost estimates based on the information gathered. Notably, approximately half of the estimated value across the full Bay Area region comes from “placeholders” created to develop cost estimates, with significant project implementation gaps identified in Alameda, Contra Costa, and Marin counties. Figure 6 illustrates the variance from county to county. However, while identifying project implementation gaps is helpful in identifying where projects are still needed, project implementation gaps alone obscure a key nuance between counties. For example, while Marin County appears to have significant project implementation gaps where placeholders have been identified, the county has relatively few planning gaps when accounting for identified studies, meaning they are closer to developing adaptation solutions. By contrast, in Contra Costa County, the placeholder value represents a significant project implementation and planning gap and will require more resources to get to project development.

The differences in level of preparedness across the Bay Area, as illustrated by the level of implementation solutions, will continue to shift over time. The differences can help the region identify where additional support and capacity building may be needed to advance adaptation plans and projects. However, initiatives are already underway which can help ensure that cities and counties are advancing their adaptation efforts in consistent and effective ways, such as BCDC’s Regional Shoreline Adaptation Plan. The Regional Shoreline Adaptation Plan will develop common sea level rise planning guidelines to facilitate regional coordination across planning efforts and to simplify local planning. It will also provide technical assistance to ensure that the entire Bay Area shoreline has the resources to adapt to sea level rise.

Figure 6. Estimated Cost by Source and by Majority County Share: Locally Identified Projects and Placeholders (in year-of-expenditure dollars through 2050)



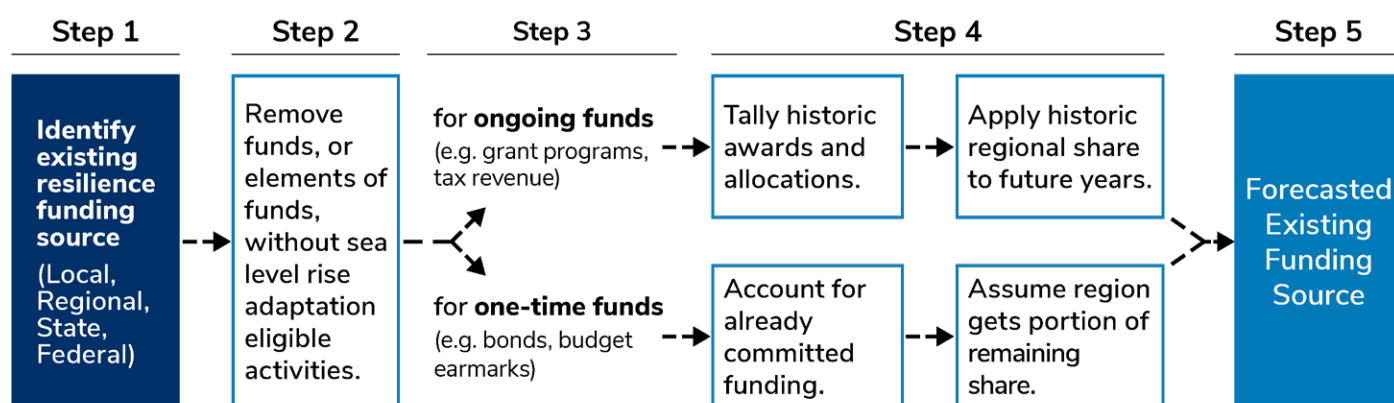
2. Update and Characterize Existing Revenue Sources for Sea Level Rise Adaptation

2.1 Updating Existing Public Revenue Estimates

The Framework developed a revenue forecast of existing sources that are funding sea level rise adaptation to estimate how much revenue the region can anticipate through 2050. The Framework built upon past research as part of Plan Bay Area 2050 Sea Level Rise Needs and Revenue Assessment and BCDC's Bridging the Gap: Funding Sea Level Rise Adaptation in the Bay Area.

The existing revenue forecast identified likely sources of sea level rise adaptation funding at the local, regional, state, and federal levels that exist today, and used a methodology to estimate how much revenue from those sources is expected through the year 2050. It also estimated how much of that revenue is likely to flow to the nine-county Bay Area, and how much is likely to be eligible for sea level rise needs. The process to develop the existing revenue forecast is illustrated in Figure 7.

Figure 7. Process to forecast existing revenues for each sea level rise funding source.



Step 1: Identify existing resilience fund sources

The analysis revisited previously identified funding sources, updated the forecast for those funds, and added over 30 new sources created by 2021 and 2022 Federal and State legislation and budget making. In total, the Framework identified 58 local, regional, state, and federal funding sources that may support sea level rise adaptation planning and implementation.

Step 2: Determine approach to forecast each funding source

Each funding source was split into ongoing funds or one-time funds. The forecast approach followed the same steps for each category, but the methodology differed to reflect differences in information available as well as how the funding is likely to be raised.

Step 3a: Account for committed funding and understand historic Bay Area awards

For **one-time funds**, administering agency budget documents were used to determine how much money, if any, had already been obligated. For state bonds, annual budget reports were used to confirm remaining funding. A majority of the IIJA, IRA, and California budget actions were one time increases or creations of new programs over the next one to five fiscal years. In those cases, because so much of that funding has yet to be spent, the total value of the program was used.

For **ongoing funds**, historic awards and allocations to the Bay Area were collected as far back as was possible. The total received by year was then escalated to 2022 dollars. The average across past years, in 2022 dollars, was used to forecast future years. If the funding trend changed significantly at any point, at times a rate of increase was reflected.

Ongoing funding programs that receive annual allocations were forecasted through the year 2050, or in the case of Measure AA, are forecasted through their approval year.

Step 3b: Determine share of funding for the Bay Area

The Framework assumes that the Bay Area only receives a share of State and Federal funding. For some ongoing fund sources, the past Bay Area share was used to assume the region's future share. For some one-time fund sources, there were specific callouts to Bay Area projects, or Bay Area specific programs which resulted in special assumptions on the Bay Area share. Otherwise, the share of the funding assumed for the Bay Area was calculated using population share in two different ways.

If the funding source specifically focused on sea level rise, coastal, or ocean actions, it was assumed that the Bay Area would receive a share comparable to the nine-county population share of California coastal counties, or comparable to the nine-county population share of US coastal states. The nine county Bay Area accounts for 29.1 percent of the State of California's coastal county population, and is 3.7 percent of the US coastal state population.

If the funding source was more general (e.g. focused on climate adaptation), it was assumed that the Bay Area would receive a share comparable to the nine-county population share of the California state population, or comparable to the nine-county population share of the United States. The nine County Bay Area accounts for 19.3 percent of the State of California's population, and 2.3 percent of the US population.

Step 4: Determine share of funding for sea level rise adaptation

Funding amounts were reduced to reflect how much of the overall funding is likely to be awarded to sea level rise adaptation. Many fund sources have broad eligibility. For example, many FEMA programs are focused on reducing risks from any climate impact or natural hazard. The Framework does not assume that all FEMA funds are spent toward sea level rise adaptation, but rather a percentage of funding. In other cases, a fund source, like bonds, may have programmatic categories with specific funding amounts of different goals. For each funding source a sea level rise share was assumed. For flexible funds with very broad programming goals, or funds for which a non-sea level rise adaptation was listed as the primary goal of the program, small shares of overall funding were assumed. For some fund sources with access to historic funding awards in the region, the assumption of the share of sea level rise was informed by past awards.

Step 5: Forecast existing funding sources

For most ongoing programs, it was assumed that the fund source would grow over time to track with inflation. This is not the case for all ongoing funding programs like Measure AA that are a uniform amount over time, or annual allocations that are defined by a flat value. For other ongoing programs, it was assumed that each year the value would increase at a rate of 3 percent, as established in **1.3 Estimating Regional Adaptation Needs Through 2050**.

The **total estimate for existing public sea level rise revenues is \$5.5 billion** through 2050, detailed in Table 3. Additional detail will be available in the Existing Revenue Sources Spreadsheet.

Table 3. Existing Revenue Estimate by Funding Source

Funding Level	Funding Source	Estimated Funding Timeline	Revenue Estimate (in millions Year of Expenditure)
Local	Local Adaptation Bonds	One-time	\$520
Local	Committed Project Funding Estimate	One-time	\$980
Regional	Measure AA	Through 2037	\$430
State	State Bonds	One-time	\$90
State	2021 and 2022 State Budgets	One-time	\$600
Federal	NOAA	Through 2050	\$70
Federal	EPA	Through 2050	\$110
Federal	FEMA	Through 2050	\$970
Federal	U.S. Army Corps of Engineers	Through 2050	\$1,590
Federal	Infrastructure Investment and Jobs Act (IIJA)	One-time	\$70
Federal	Inflation Reduction Act (IRA)	One-time	\$30
Various	Other State and Federal Sources	Various	\$60
		Total	\$5,500

2.2 Characterizing the Funding Landscape

In addition to forecasting total public funding sources, the Framework sought to understand the characteristics of the money as a next step. To this end, the Framework created a “periodic table” of funding sources to help identify patterns, and to support future conversations about how the region can complement and build on existing fund sources. The periodic table visualizes fund sources along with additional characteristics such as the agency, amount forecasted, funding nexus, and other factors, designed as a resource that can be referenced quickly and easily.

The 58 funding sources that made up the \$5.55 billion were characterized by 7 factors.

- **Fund name** describes the grant name or fund source name.
- **Agency** that administers or awards funds.
- **Amount forecasted** for sea level rise adaptation in the Bay Area. Importantly, this value built off of assumptions in the revenue forecast, as outlined in **2.1 Updating Existing Public Revenue Estimates**. Whether a fund is ongoing or one-time was also included and denoted by an asterisk.



Poto: Karl Nielsen, 2021

- **Equity priority** determined if the funds have an equity requirement, equity priority, or no equity component. For newer fund sources (e.g. 2022 state budget line items), the assumption is based on early program descriptions rather than formal guidelines. The search for each funding source explored whether disadvantaged or environmental justice communities were specifically named in program requirements or priority.
- **Funding focus** was characterized in different ways and determined based on available fund guidelines. Many fund sources are a result of new 2021 and 2022 state and federal action, and as such, there was limited information. When funding guidelines were not available, legislative language was used to understand the anticipated nexus for each fund. In some cases, a fund source description had broad eligibility, but historic fund awards suggested a narrower focus of the funding program.
 - **Eligible adaptation types** described if funds lean green, hybrid, or Gray. The hybrid tag was used for funds that could apply to any adaptation type.
 - **Eligible activities** described if the funding is weighted more toward planning or construction. Planning encompasses other activities like capacity building and engagement. Construction encompasses any implementation phase of a project. Engineering, design, and environmental phases between planning and construction were not explicitly identified. In general, O&M was not often an eligible expense, except in some cases with the United States Army Corps of Engineers (USACE).
 - **Targeted asset class** identified if there is an essential focus for the funds (e.g. transportation asset protected, habitat improved, communities adapted).

After collecting this information for each fund source, the information was compiled together to visualize the overall funding landscape, as shown in Figure 8. The “periodic table” design of the figure is in part to organize information in a quick reference table.

The characterization of funding uncovers a number of key takeaways.

- **There are almost no funding sources specific to sea level adaptation.** Most funding sources have sea level rise adaptation as only a component of how funds can be used, in contrast to other hazards such as wildfire. As such, fund sources have been filtered down significantly to account for sea level rise specifically.
- **In the past few years there have been many changes.** The number of federal agencies with funding has doubled, and many state agencies now have funding to support adaptation. However, new fund sources such as the IJA and IRA have broad programming goals, which limits the amount of funding that the region can expect to receive.
- **Only a portion of fund sources have equity goals.** No green or Gray fund sources have equity goals identified, but they are a part of many identified hybrid programs. However, most equity goals are a part of one-time fund sources or smaller programs such as NOAA’s National Coastal Resilience Fund and OPR’s Adaptation Planning Grants. FEMA’s Building Resilient Infrastructure and Communities program is a promising exception of a large new funding source with embedded equity goals.
- **The largest regional fund sources are federal programs from FEMA and the USACE.** As summarized in Table 4, the USACE and FEMA are estimated to provide approximately half of the region’s forecasted existing revenue through 2050, with the most significant support identified from USACE. It is also important to recognize that FEMA’s Building Resilient Infrastructure and Communities program is relatively new, and as such has a more uncertain long term funding outlook.
- **The biggest funding sources tend to fund “gray” adaptation.** However, programs such as FEMA’s BRIC program have recently been supporting more hybrid projects. Regional fund sources from Measure AA and the California State Coastal Conservancy also provide significant funding for green adaptation in the Bay Area.

The table is designed to set up future conversations around the properties of existing (and future/desired) funding sources and facilitate an understanding of the relationship between sources that lead to easy or challenging funding combinations. For example, programs with limited funding might be harder to get and less likely to be able to blend with other fund sources, while larger programs may be more accessible for use in adaptation project funding portfolios. Understanding which programs blend well with each fund source, as well as which ones do not, is helpful in understanding the existing landscape and considering desirable attributes for future funding sources and/or a Framework to help organize strategic and coordinated pairings.

Other information about some of these fund sources has been collected by the California Office of Planning and Research (OPR¹⁹) and the Bay Area Climate Adaptation Network (BayCAN²⁰) and include attributes that would be beneficial for individuals/staff interested in advancing funding proposals in the short term. Attributes include maximum award size, match requirements, applicant eligibility, schedules, and deadlines.

19 Office of Planning and Research, State Resilience Funding Program Timeline Chart, July 2022. https://opr.ca.gov/climate/icarp/tac/meetings/2022-07-18/docs/20220718-Gantt_Chart_Universal.pdf

20 Bay Area Climate Adaptation Network, Funding Tracker, Accessed April 2023. <https://www.baycanadapt.org/fundingtracker>

Figure 8. Sources of Potential Sea Level Rise Funding

		Lean Green Projects			
		A	B	C	D
Regional Funds	1			SFBRA \$428 Measure AA C ^P E	
	2	SCC \$186* Nature-Based Sea Level Rise Solutions C ^P TBD	SCC \$42* Climate Ready Sea Level Rise C ^P TBD	CNRA + OPC \$27* Nature-Based Coastal Adaptation Projects and Efforts C ^P TBD	CNRA \$4 Environmental Enhancement and Mitigation Program C ^P
	3	SCC \$8* San Francisco Bay Wetlands Support PC E	DCS \$27* Wetlands Restoration in the Delta E	DWR \$10* Habitat Restoration C ^P	SCC \$72* Climate Resilience C ^P
	4	USFAWS \$1 Funding for the U.S. Fish and Wildlife Service to Address Weather Events C	EPA \$110 San Francisco Bay Water Quality Improvement Fund C E	USDA \$1* NRCS Watershed Program C	NOAA \$79 National Coastal Resilience Fund C ^P E
	5	BLM/NPS \$1 National Parks, Public Lands Conservation and Ecosystem Restoration C TBD	BLM \$1 National Park and Public Lands Conservation and Resilience C	DOI-BIA < \$1* Tribal Climate Resilience C ^P E	EPA \$6* Environmental and Climate Justice Block Grant C ^P E
Legend		<p>Agency \$ in Millions</p> <p>Fund Source Name</p> <p>Project Focus Equity</p> <p>Fund amount, in millions, represents estimated portion likely for sea level rise projects in the San Francisco Bay Area.</p> <p>* Next to fund value designates one-time funds.</p> <p>Gray boxes/text have broad program goals and/or have smaller amounts anticipated for sea level rise adaptation.</p>			

						Lean Gray Projects	
E		F		G		H	
Caltrans	\$49*	Caltrans	\$8*	SGC	\$1*	OPR	\$16*
State Transportation Infrastructure Climate Adaptation Program		Transportation Infrastructure Climate Adaptation Planning Program		Regional Climate Collaboratives		ICARP - Regional Resilience Planning and Implementation	
C	TBD	P		P	E	P_c	E
DWR/SFEP	\$29*	CTC	\$39*	OPC/SCC	\$9*	OPR	\$2
Prop 1 (2014)		Local Transportation Infrastructure Climate Adaptation Program		Prop 68 (2018)		ICARP - Adaptation Planning Grants	
C		C^P	E	C^P	E	P	E
NOAA	\$3*	FEMA	\$691	FEMA	\$6*		
Community Based Restoration Project		BRIC		STORM			
C^P		C^P	E	C			
FHWA	\$16*	USACE	\$1,586	FEMA	\$300		
PROTECT (Competitive)		Flood Risk Management Program		HMA HMGP/FMA			
C^P		C^P		C^P			

E = Delineates programs with equity priority requirements

C = Anticipate 100% of the focus is construction

P = Anticipate 100% of the focus is planning

C^P = Anticipate >50% of the focus is construction, but not all

P^c = Anticipate >50% of the focus is planning, but not all



Photo: Karl Nielsen, 2021

3. Study How New Revenues for Sea Level Rise Adaptation Needs Can Be Raised Most Equitably

3.1 The Funding Gap

The Framework analysis has also found that estimate for adaptation need pales in comparison to what is at risk. Even just a partial estimate of the cost of inaction of over \$200 billion, not including a number of assets that have not been fiscally quantified, shows that with an estimated \$110 in estimated adaptation need, regional adaptation actions will be a worthwhile investment.

However, the Framework analysis has identified a significant funding gap of over \$104 billion using median estimates, reflecting \$110 billion is estimated adaptation need and \$5.5 billion in estimated existing revenue sources through 2050. The funding gap will require a number of funding, financing, and planning strategies to fill or reduce it.

The region will need to focus on project prioritization to identify which areas should be adapted first, and which areas are suitable for alternative adaptation strategies. Prioritizing adaptation projects regionally will help to ensure that areas with more risk and less resources are protected, and developing priority guidelines for local projects will also be an important step toward long term adaptation goals.

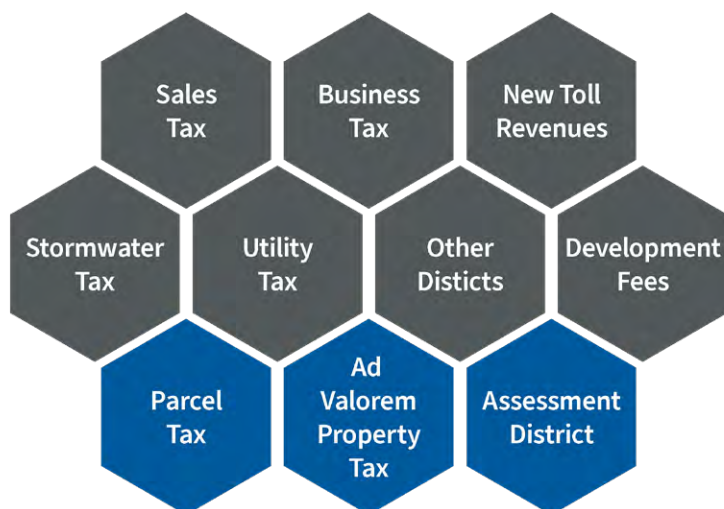
The region will also need to pursue strategies to minimize the impacts of sea level rise, such as discouraging or adapting new developments in highly vulnerable areas to reduce the need for future shoreline protection, facilitating faster permitting and construction of adaptation projects, and identifying alternative strategies for adaptation, such as adaptation without protection.

Finally, increasing regional revenue sources will also be critical, including advocating for additional funds from state and federal sources, leveraging private investment, as well as exploring potential new revenue sources at the local or regional levels.

3.2 Exploring Potential Revenue Sources

The Framework analyzed the potential of three local and regional revenue sources at a high, exploratory level to provide a starting point for future research on potential new revenue sources at the local and regional levels. While many revenue-generating mechanisms were considered for this analysis, which are summarized in in Figure 9, the Framework focused on three that seemed feasible based on regional precedence. These include parcel taxes, ad valorem (AV) property taxes/general obligation bonds, and assessment districts. Descriptions of each of these revenue-generating mechanisms are provided in Figure 10.

Figure 9. Types of revenue measures considered by the Framework²¹



²¹ Other Districts includes value capture mechanisms such as Community Facility Districts and Tax Increment Financing.

In support of the Framework goals, the analysis of the three revenue-generating mechanisms focused on revenue generation potential, bond issuance potential, and the initial equity implications for “who pays?”. Parcel and AV property taxes were analyzed at both the county and regional scales, whereas assessment districts were analyzed at the district scale using hypothetical case studies across the region. This section provides a summary of findings from this analysis, while further details are provided in the Technical Appendix.

Figure 10. Funding Sources Explored by the Framework

Scale: County and Regional

Regional and county taxes distribute tax burden across wider base

Parcel Tax

- Typically, a flat rate property tax: each parcel charged the same amount
- Does not account for value or size of the property

Ad Valorem Property Tax/GO Bond

- Property-related tax that
- can be progressive: higher assessed properties pay more
- Subject to Prop 13 limitations

Scale: District-based (sub-local)

Regional and county taxes distribute tax burden across wider base

Assessment District

- Directly tied to specific benefits
- Most feasible in areas with greater resources and/or more direct impacts of SLR

3.3. Revenue and Bonding Potential

This analysis found that, based on local and regional precedence over the last 10 years, none of these potential revenue measures would likely be capable of addressing the funding gap alone. For example, a hypothetical 30-year regional parcel tax of \$25 per parcel has potential to earn an annual revenue of \$55 billion per year, which has the potential to support \$750 million in bond issuance. Meanwhile, precedent research suggests that Bay Area voters may support a regional general obligation bond issuance between \$7 and \$13 billion, which would result in an average annual tax of \$55 per parcel²². However, while the parcel tax and AV property tax are each unlikely to be capable of covering a significant portion of the region-wide funding gap, their bonding potentials would still be able to fund many impactful projects. Both parcel taxes and AV property taxes require a two-thirds approval rate to pass, requiring significant public outreach and support.

An assessment district is different than the parcel and AV property taxes in that it would be formed at a sub-local level. In other words, it would not cover an entire city, county, or region; instead, only a portion of parcels within an area. Other similar types of districts, such as Community Facilities Districts, were not studied within the scope of the Framework due to their more flexible design and variable analysis results. To develop an assessment district, parcel owners would self-organize and vote on whether to pay for an additional property-related assessment that would fund specific improvements or services within their self-defined district. In the context of adaptation, an assessment district could be formed to fund the implementation of an adaptation project (or suite of projects) which would primarily benefit the district itself. As a revenue-generating mechanism, it is a tool that can be deployed at the hyper local level to fund site-specific interventions. Rather than comparing it to a parcel tax or an AV property tax, it may be beneficial to consider the assessment district as a revenue-generating tool that may be paired with a local or regional tax.

²² General obligation bonds are backed by ad valorem taxes, which are a tax on assessed value of a property. The actual tax rate would be between \$5 and \$14 per \$100,000 of assessed value. The estimated average tax rate of \$55 per parcel is based on the regional median single-family home value.

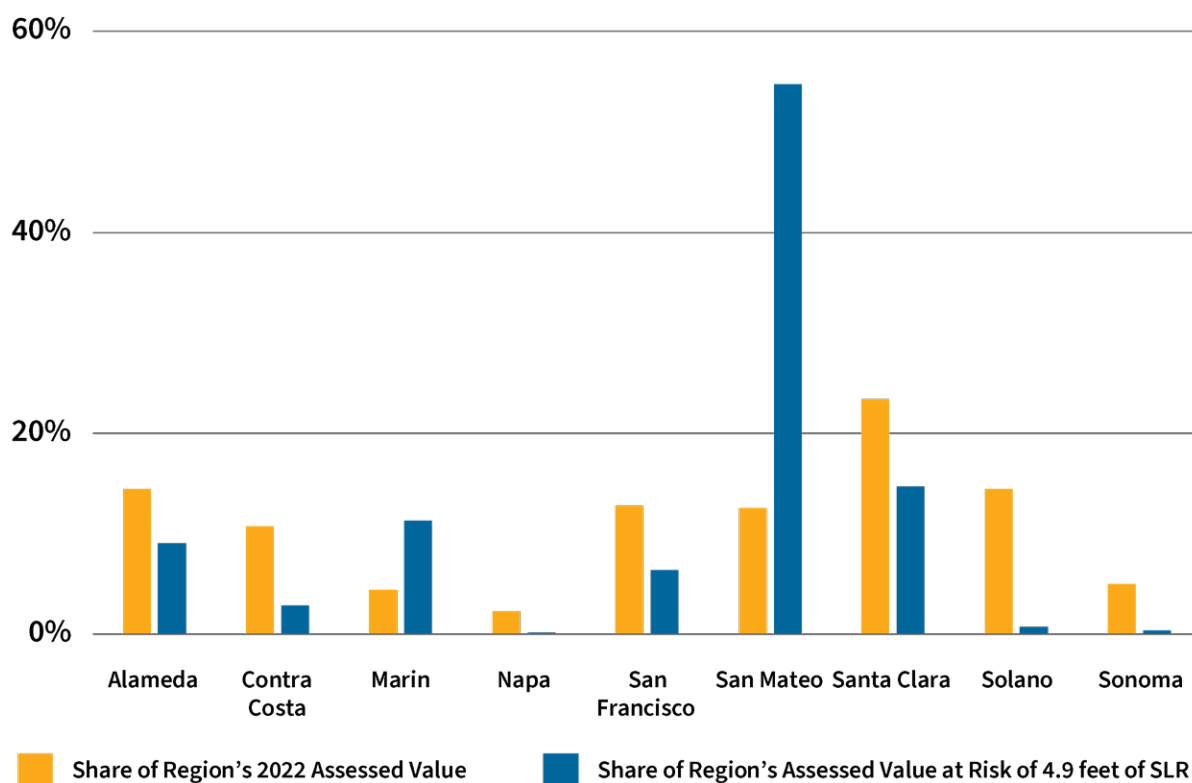
3.4 “Who Pays?”: Initial Understandings of Geographic Balance and Social Equity

Both MTC/ABAG and BCDC are committed to advancing social equity in sea level rise adaptation. As such, the Framework generated initial equity findings related to begin to understand “who pays?” in terms of both geographic balance and social equity. The findings are focused on AV property taxes and parcel taxes, as they are scaled to the county and regional levels and impact entire counties. For AV property taxes and parcel taxes, revenues are expected to be higher, and benefits will be dispersed throughout the county or region. Assessment districts generally occur at the sub-local level and only impact a small subset of parcels that have primarily self-selected to participate. The self-organized nature of assessment districts makes it difficult to assess equity implications, as they are specific to the community or district in question. As such, the Framework does not include them in this initial, high-level equity analysis.

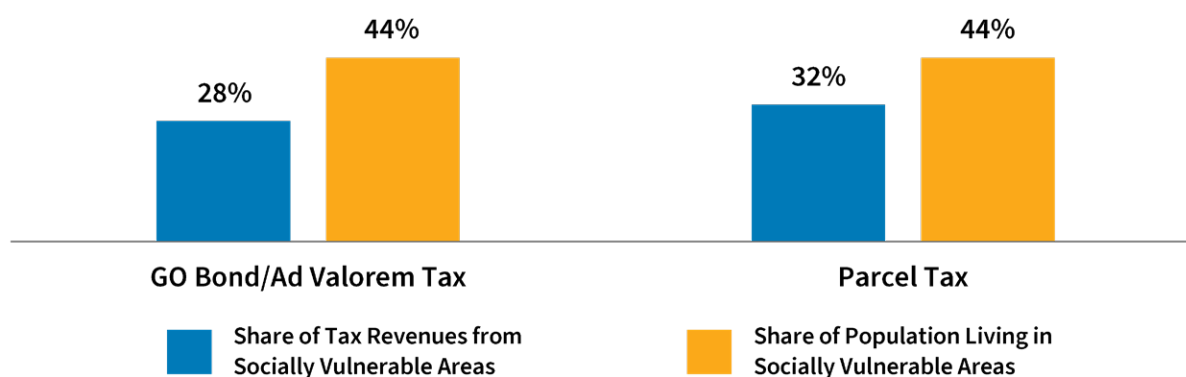
Geographic Balance

The geographic analysis sought to understand the relationship of local revenue contribution through AV property tax potential, and the risk of sea level rise inundation. With regards to geographic balance, local revenue contribution and SLR flood risk are not distributed evenly throughout the region. For example, as shown in Figure 11, Alameda, San Francisco, and Santa Clara Counties have the largest property tax base (based on assessed value), indicating that these counties would proportionally contribute more revenue to a regional AV property tax. Findings for a parcel tax are slightly different, because a parcel tax generally applies the same rate to all properties. As such, the number of tax-paying parcels would be more indicative of regional contribution than assessed value.

Figure 11. Geographic Balance for Ad-Valorem Property Taxes by County



With both AV property taxes and property taxes, San Mateo and Marin counties have a disproportionate share of regional property value at risk. A regional tax measure provides the opportunity to distribute the costs of paying for SLR adaptation throughout the Bay Area. This ability to distribute costs is particularly important given that SLR will not only impact property owners, but will also impact major regional assets, such as highways, train lines, business districts, ports, etc. Protecting these regional assets will benefit everyone, regardless of whether they live in Contra Costa or San Mateo counties. A key finding of the Framework is that **using multiple funding measures, such as AV property taxes or parcel taxes, would help to balance the tax burden geographically.**

Figure 12. Social Vulnerability for Parcel and Ad-Valorem Property Taxes at the Regional Level

Social Vulnerability

In terms of social equity, socially vulnerable areas were defined using BCD's Community Vulnerability data, which categorizes a community's ability to plan for, respond to, or recover from natural disasters using a number of vulnerability indicators, such as income and race²³. The analysis sought to understand if socially vulnerable communities would pay a disproportionate share of the tax burden, and to compare those findings across AV property taxes and parcel taxes. As illustrated in Figure 12, the analysis found that **with both AV property and parcel taxes, households within socially vulnerable areas would contribute less to a regional tax than their regional share of the population, therefore distributing costs across low socially vulnerable areas and advancing equity. Additionally, parcel taxes were found to be comparatively less equitably than AV property taxes, as they place a higher tax burden on socially vulnerable areas²⁴.** The trend was consistent at both the regional and county scales.

The Framework only studied initial, high-level findings for "who pays?" with regards to geographic and social equity. If a local jurisdiction or the region were to pursue a tax measure to support adaptation, additional research and analysis should be conducted, particularly to ensure that revenue-generation strategies ensure equitable outcomes. With consideration for equity, other important factors to consider are tax design (e.g., exemptions for certain households), the existing local tax burden, and distribution of funding (e.g., which projects are funded and who they benefit).

²³ Social vulnerability defined by medium, high, and highest levels of BCD's Community Vulnerability Data. <https://data-bcdc.opendata.arcgis.com/datasets/BCDC::community-vulnerability-bcdc-2020/about>

²⁴ A parcel tax is, generally, a flat tax on all parcels regardless of value, whereas an AV tax is based on assessed value and increases (or decreases) based on property value. By design, higher value properties pay more.

4. Next Steps

The Framework builds off of and advances several major regional efforts, and serves as a stepping stone for other local and regional efforts in the future. While specific outputs such as the shoreline project inventory, revenue forecasts, and analysis findings may all inform future work, the Framework has identified six specific next steps for both MTC/ABAG and BCDC, and the region at large.

Cross-Agency Efforts

Better define lead agency roles for sea level rise funding efforts in the Bay Area. While tackling sea level rise requires robust partnerships, the lack of a lead agency to secure additional funding and distribute it equitably hinders the Bay Area's ability to mitigate climate impacts. Regional agencies currently lack the resources needed to lead in the funding space, and thus they will need the support of elected officials to both identify and support the development of regional leadership in this area.

Engage, educate, and mobilize elected officials to accelerate advocacy at the state and federal levels to secure more funding for the Bay Area by messaging the magnitude of need. The Framework analysis indicated that based on regional precedent, it is unlikely that any single fund source at the local or regional level will be able to close the regional funding gap. As such, the region will need additional funding from the state and federal levels to support sea level rise adaptation. The region has an opportunity to advocate for a larger share of sea level rise adaptation funding due to its relatively high vulnerability and the significance of the potential impacts, as referenced in X.1 Context.

Through regional plans, prioritize sea level rise investments to reduce the funding gap and better align local and regional planning. MTC/ABAG's Plan Bay Area 2050+ and BCDC's Regional Shoreline Adaptation Plan are opportunities to explore which resilience projects require early action and which low-density areas might be more appropriate for lower-cost adaptation activities. Plan Bay Area 2050+ will be focused on the initial prioritization of projects, while the Regional Shoreline Adaptation Plan is expected to develop future prioritization goals through the creation of regional guidelines that encourage local sea level rise adaptation planning and project prioritization within a regional framework. The Regional Shoreline Adaptation Plan is anticipated to support the development of prioritized adaptation projects at the local scale, complementing Plan Bay Area 2050+'s efforts to prioritize the identified inventory projects at the regional scale.

Support cities, counties, and the private sector to develop funding and financing tools at multiple scales. In addition to new or increased state and federal funding, private or philanthropic funding, and the potential financing tools identified by the Framework, there are other opportunities for other local revenue sources that can fill the gap. While some jurisdictions have developed measures in this space, such as 2018 bond measures in San Francisco and Foster City to support local infrastructure, communities with less resources will need support to develop appropriate funding tools. These tools can be facilitated by regionally available assistance, information, and support.

MTC/ABAG

Explore how envisioned regional measures can make communities and transportation more resilient. With no regional sea level rise measure on the horizon, it is critical to explore how planned measures for affordable housing and transportation could, to the extent possible, integrate policies or programs to advance more resilient outcomes. With expenditure plans likely to be developed in the coming months for both measures, resilience will be a key lens to consider.

BCDC

Complete and maintain the development of the Shoreline Adaptation Project Mapping Program to ensure that the region has access to the best possible inventory data. The Framework has illustrated the utility of having an inventory of shoreline projects. In addition to assisting with regional cost estimates, inventory data can help the region to understand planning and implementation gaps, to share and learn from best practices, and more.

4.1 Additional Sources

Additional details on Framework assumptions and methodologies can be found in the **Technical Appendix**.

Other Framework resources are also available for local and regional use, including:

Framework Shoreline Project Inventory Interactive Map: an interactive GIS webmap of the Shoreline Project Inventory including select attributes used in the analysis such as cost, adaptation activity, and project status. Corresponds with the spreadsheet.

- Framework Shoreline Project Inventory Interactive Map: an interactive GIS webmap of the Shoreline Project Inventory including select attributes used in the analysis such as cost, adaptation activity, and project status. Corresponds with the spreadsheet.
- Framework Shoreline Project Inventory Spreadsheet: a list of the project inventory and placeholders, including select attributes used in the analysis such as cost, adaptation activity, and project status. Corresponds with the interactive map.
- Estimating Activity Archetype Costs Spreadsheet: a resource of the full activity archetype cost assumptions.
- Existing Revenue Sources Spreadsheet: a resource of the full existing revenue sources identified, and the assumptions used in the analysis.

Potential Sea Level Rise Construction Methods



BUILDING A RESILIENT COMMUNITY

Suisun City, City Council
January 16, 2024



1

What is Resilience?

Resilience

The ability to plan for, withstand, and recover from severe events—without suffering permanent loss of functions, devastating damage, diminished productivity or decreased quality of life.

Engineers, planners and staff are encouraged to proactively assist their communities to better understand and reduce the frequency of flooding by addressing the causes of flooding, flood risk, and emergency response and recovery.



2

2



Why Plan for future storm events

- To lessen their impact
- To protect critical resources
- To reduce the potential for injury and loss of life
- To shorten the time to recovery

3



Flooding Challenges

- Urban flooding occurs when precipitation overwhelms existing systems, insufficient or degraded stormwater or wastewater infrastructure.
- Many communities are in low-lying areas or near bodies of water. Frequent flooding and damage to homes that discourage economic development and create public health risks.
- Disinvested urban neighborhoods often have a concentration of impervious surfaces, abandoned buildings and lack of green spaces that could absorb flood water.
- Vulnerable communities do not always receive the aid and relief funding they need to recover from flood events.

4



What is the path forward

- Limited information/data
- *Sea Level Rise Adaption Funding and Investment Framework Final Report (ABAG/MTC)*
- Discovery – what do we need
- Limited staff time and funding

5



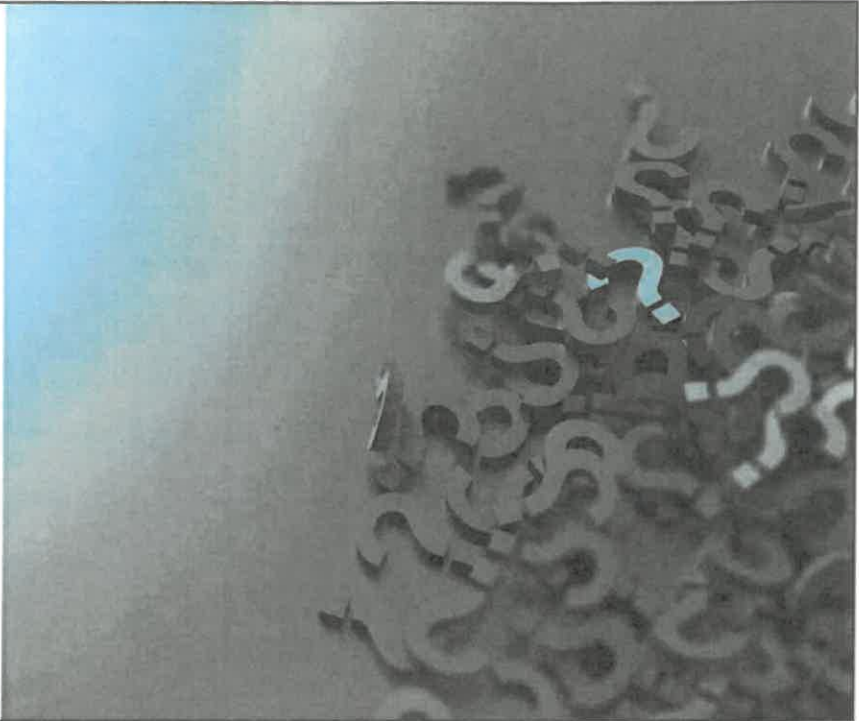
Costs Estimates

- 29,500 feet , limited information/data
- 5.6 miles of shoreline
- \$250 million, encompassing the following components:
 - Project Management
 - Feasibility Analysis
 - Preliminary Design
 - Community Engagement
 - Environmental Compliance
 - Engineering Design
 - Construction Management, Inspection, and Quality Control
 - Construction Activities



6

Questions and Direction



7

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SUISUN CITY MAYOR INFORMATIONAL REPORT

JANUARY 16, 2024

REGIONAL BOARDS / COMMISSIONS / COMMITTEES:

Solano Transportation Authority Board Member (STA)
Solano County Water Agency Board Member (SCWA)
Capitol Corridor Joint Powers Authority (CCJPA)
SolTrans Board of Directors
Local Agency Formation Commissioner (Alternate) (LAFCO)
CAP2 Solano JPA (Solano Regional Homelessness Board)
Solano Economic Development Center Board Member
Napa-Solano Area Agency on Aging

- ✓ Solano County Mayor's Committee
- ✓ City-County Coordinating Committee

Suisun City Committees / Ad-Hoc:

- ✓ Suisun-Solano Water Authority Executive Committee

Suisun-Solano Water Authority Board
Fairfield-Suisun Sewer District Executive Committee
Fairfield-Suisun Sewer District Board
Suisun City Environment and Climate Committee Chair
Suisun City / Fairfield-Suisun Unified School District Joint Advisory Committee
30 Acre Parcel Highway 12 and Marina Mixed Use Ad-Hoc Committee
City Manager Evaluation 2023 Ad-Hoc Committee
Suisun City Economic Vitality Ad-Hoc Committee

Other:

- ✓ Bay Adapt Local Electeds Regional Task Force
- ✓ Promotion Ceremony in Honor of Brigadier General Derek M. Salmi at Travis Air Force Base
- ✓ Suisun City Kwanzaa Celebration
- ✓ Mayor Mobile Office Hours
- ✓ Mayor Town Hall
- ✓ Mayor Newsletter

Bay Adapt Local Electeds Regional Task Force

(December 19, 2023 / Appointed by Supervisor Vasquez)

Link to Agenda: <https://www.bcdc.ca.gov/bayadapt/2023/2023-12-19-BayAdpat-local-electeds-regional-task-force-Agenda.pdf>

Link to Presentation: <https://www.bcdc.ca.gov/bayadapt/2023/2023-12-19-BayAdpat-local-electeds-regional-task-force-Presentation.pdf>

- Attended the Bay Adapt Electeds Regional Task Force Meeting. We discussed the following: Briefing and Discussion: Regional Shoreline Adaptation Plan Updates and Outreach Plans
- I provided a progress report regarding Suisun City's collaboration with Fairfield-Suisun Sewer District, Sustainable Solano, Greenbelt Alliance, and Solano Land Trust.

- Provided status report on the Kellogg Resiliency Project.
- We also reviewed Briefing and Discussion: Implementing SB 272 and the Regional Shoreline Adaptation Plan.
- We discussed how local governments in San Francisco Bay area can work together to best meet legislation that requires local governments to develop sea level rise plans.
- Sea level rise is a topic on our January 16th City Council meeting.

City County Coordinating Committee

(December 20, 2023 / Solano County Mayors Meeting)

- Attended the Mayor's City Selection Committee meeting.
- Approved the Chair and Vice Chair for 2024. The order of cities are set on a rotating basis for who will serve next in these seats. The City of Fairfield will now hold the Chair position and the City of Rio Vista the Vice Chair position.

Solano County Mayor's Committee

(December 20, 2023 / Solano County Mayors Meeting)

- Attended the Solano County Mayor's Committee meeting.
- Agenda included:
 - A. Discussion on Flannery Associates LLC and whether to take a position opposing the new city proposed.
 - Mayors voted no unanimously stating they would prefer to bring this back to a future agenda once a project proposal had been disclosed.
 - B. Discussion on Alameda County and some of their cities having an OR code for citizens to report sideshows and donuts.
 - Discussion took place on ideas for regional ordinances.
 - C. Discussion on gas tax distribution
 - This was discussed and requested to continue on next agenda to include additional information.

Suisun City First Kwanzaa Celebration

(December 28, 2024 / City sponsored event)

- Attended Kwanzaa celebration at the Joseph Nelson Community Center.
- The event provided an opportunity to members of the community to learn about Kwanzaa and enjoy food, entertainment, music, vendors, and access to local organizations.
- The event included a play with students from the Suisun City Youth Commission led by Mayor Pro Tem Washington.
- In attendance were also Mayor Pro Tem Washington and Councilmember Dawson.

Suisun-Solano Water Authority Executive Committee Meeting

(January 2, 2024 / Chair of SSWA Board)

- Attended the SSWA Executive Committee meeting
- Discussed and approved the Agenda for the SSWA Board Meeting
- Reviewed the need of a closed agenda item to be included at the next SSWA Board Meeting.
- Discussed current projects and provided feedback to staff of additional items to share with the board to provide additional context or clarity.

Promotion Ceremony in Honor of Brigadier General Derek M. Salmi

(January 4, 2024 /Solano County Mayor Invitation)

- Attended the promotion ceremony of Travis Air Force Base 60th Air Mobility Wing former Colonel Salmi to his role appointed by the White House as Brigadier General Derek M. Salmi.
- The event took place at Travis Air Force Base with limited number of attendees.
- Solano County Mayor's were requested to attend as representatives of the individual cities.
- The ceremony included a pinning ceremony, a new flag presentation for General Salmi, speeches, and oath swearing ceremony.

Mayor Mobile Office Hours

(The Office of Mayor Alma Hernandez)

- I launched the 2024 mayor mobile office hours on January 4th, 2024, at La Guagua Latin Café located in the Marina Center.
- I will be hosting community chats throughout Suisun City to make it easier for community members to connect with me.
- The next scheduled Mobile Office Hours Community Chat will take place on Wednesday, January 10th from 10 am to 12 pm at Sunflower Bakery located at 301 Marina Center.

Mayor Town Hall

(The Office of Mayor Alma Hernandez)

- I will be hosting a Mayor Town Hall on a quarterly basis at City Hall to provide updates and engage with community members The Town Hall schedule is as follows (meetings will take place in City Hall Chambers starting at 6pm):
 - February 1, 2024
 - May 30, 2024
 - August 29, 2024
 - December 19, 2024
- Additional dates for Town Halls hosted in Spanish and virtually will be forthcoming.

Mayor Newsletter: Weekly Updates

(The Office of Mayor Alma Hernandez)

- This past week I launched a new newsletter called "Weekly Updates".
- The newsletter includes updates to the community regarding meetings and events I attend, information, updates on City Council Meeting's, answering a Frequently Asked Question, links to upcoming meeting agenda's, and more.
- Members of the community can sign up to receive these updates at bit.ly/mayorupdates

