

DATE: January 26, 2023

TO: Public Safety Advisory Board

FROM: Parneet Dhindsa, Human Services Manager
Kimberly S. Thomas, Assistant to the City Manager
Janleah McPherson, Community Outreach Officer
Matthew Atkins, Police Lieutenant
Scott Nelson, Police Captain

VIA: Audrey Seymour Ramberg, Assistant City Manager/Chief Operating Officer

SUBJECT: **Update on Services for Residents Living in Vehicles and Enforcement of Parking Regulations**

PURPOSE

The purpose of this memorandum is to provide an informational update from the City Manager's Office Human Services Division and the Mountain View Police Department Neighborhood and Event Services Unit on services provided to residents living in vehicles and enforcement of parking restrictions. This memorandum also provides information regarding the City's responsibilities for managing the public right-of-way. This memorandum does not require action by the Public Safety Advisory Board.

BACKGROUND

The Public Safety Advisory Board (PSAB) Fiscal Year 2022-23 Work Plan, adopted by the City Council on September 13, 2022, includes an item to receive an informational report on support services and enforcement activities related to residents living in vehicles.

DISCUSSION

Introduction and Overview

The City Manager's Office has led the City Council's priority to respond to the growing homeless crisis since 2016. Over the past six years, the City's has committed nearly \$11 million in funding to serve residents who are homeless or unstably housed, going beyond the scale of what is typical for a city of Mountain View's size. The recently established Human Services Division, staffed with a new Human Services Manager position created through the elimination of a vacant Police

Officer position, leads the formulation of policy recommendations and response strategies and coordinates with community-based, nonprofit, faith-based, and intergovernmental partners to assist the homeless, unstably housed, and other vulnerable residents through a range of services. These services include housing, mental health, outreach, case management, and other basic needs and human services. The City's Human Services Division also coordinates cross-departmental City staff teams, including the Police Department, Fire Department, Public Works Department, Community Services Department, Community Development Department, and City Attorney's Office to develop solutions for issues related to homelessness and overall public health, community safety, and quality of life. Integral to these efforts is the collaboration with the Police Department Neighborhood and Event Services (NES) Unit, which works to balance compassion and enforcement of parking and other right-of-way management regulations.

Based on Council direction, staff has formed a strong collaboration with the County of Santa Clara Office of Supportive Housing system to leverage resources and expand public and private partnerships to address the needs of those who live in vehicles and others experiencing or at risk for homelessness in Mountain View. The needs and services related to homelessness can be viewed within a continuum of "coordinated care," which includes homelessness prevention, rapid rehousing, permanent supportive housing, emergency shelter, and interim/temporary housing. Across this continuum, services are provided to meet basic health and safety needs that are important in their own right and support the ability to sustain stable housing. The City has addressed homelessness across the continuum. A comprehensive memorandum on the City's initiatives is available for reference in Attachment 1.

Safe parking is one type of temporary housing included in the continuum of care. The City has taken extensive action to address the needs of people living in vehicles, with an emphasis on providing basic health and safety support services and implementing a safe parking program, as discussed below.

Living in Vehicles Background

Although those living in vehicles may not consider themselves homeless, it is helpful for context to understand how homelessness is defined by the United States Department of Housing and Urban Development (HUD) as "an individual or family who lacks a fixed, regular, and adequate nighttime residence." HUD categorizes homelessness into four broad categories: (1) Literally Homeless; (2) Imminent Risk of Homelessness; (3) Homeless Under Other Federal Statutes; and (4) Fleeing or Attempting to Flee Domestic Violence. While HUD does not have a specific category for individuals living in vehicles, this population is considered unsheltered by the County of Santa Clara in its comprehensive, biannual, "point-in-time" (PIT) homeless count.

To augment the information from the County PIT count, the City also conducts a street-by-street count of vehicles that appear to be in use for living purposes. As shown in Figure 1 below, this count has been conducted at least once per year over the past five years, with the count of

vehicles in the public right-of-way used for living ranging from 200 to 300 vehicles. Recent counts are trending downward. Since the December 2018 count, more than one-half of the counted vehicles have been recreational vehicles (RVs). Between the count in February 2020, which was before the opening of the safe parking lots, and the most recent count in August 2022, there was a decrease in vehicles used for living purposes in the public right-of-way, although this decrease was not by the same amount as the number of vehicles that joined the safe parking program.

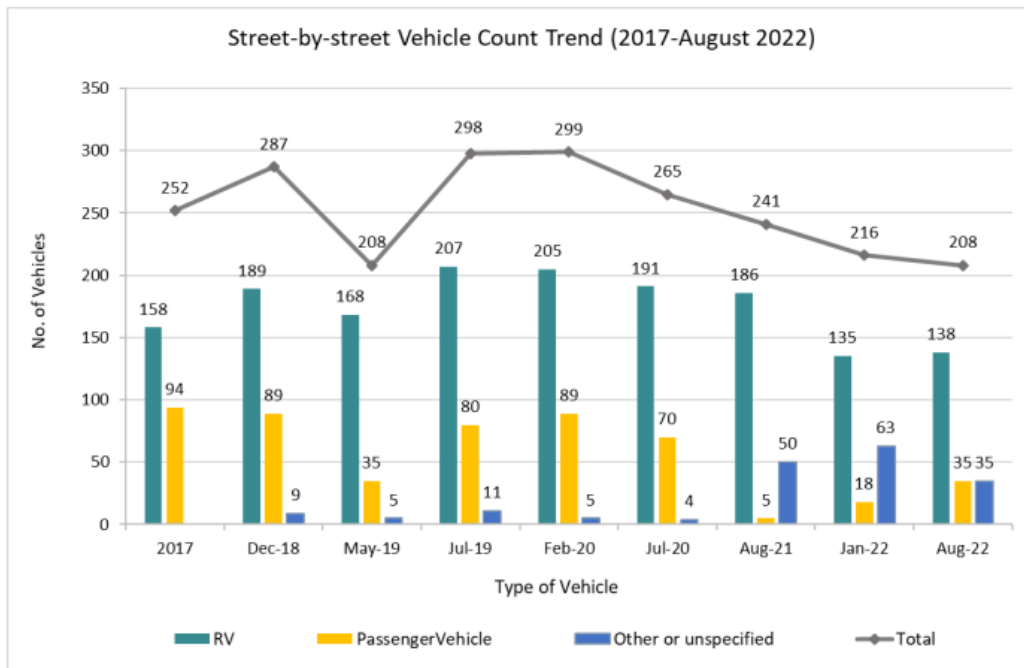


Figure 1: City of Mountain View Vehicle Count Trend (2017 - August 2022)

Services and Programs

As noted in the introduction, the City provides a broad set of services and programs across the continuum of homeless response strategies to address the needs of the homeless and living-in-vehicle residents. Services and programs include congregate shelters, safe parking, interim housing, core housing programs, outreach services, community resources, case management, basic services, and sanitation and hygiene. The overarching goal is to support residents to access services and get on the pathway to housing. City actions specific to the needs of residents living in vehicles are listed below, followed by a description of City initiatives to meet basic needs and the City’s safe parking program.

- Funded capital infrastructure for basic services programming for the cold-weather shelter programs at Trinity United Methodist Church.

- Conducted pilots to test solutions, such as an RV Sanitary Waste Disposal Voucher Pilot Program.
- Funded basic health and safety services, such as biohazard waste clean-up services.
- Funded various hygiene services over the years, including significant expansion during the pandemic.
- Provided joint City-County funding for Community Services Agency (CSA) outreach to living-in-vehicle residents for three years and conducted ongoing multilingual outreach strategies using multi-channel communications to meet the homeless where they are.
- Convened the faith community and neighboring city agencies to discuss solutions to address the growing need for assistance in serving the unhoused in Mountain View.
- Developed a Safe Parking Ordinance and permit program for private lots.
- Funded the start-up of a nonprofit, MOVE Mountain View, to provide safe parking services.
- Provided all necessary safe parking site setup and lot preparation.
- Ultimately created the largest safe parking program in the County in conjunction with the County of Santa Clara that operates 24 hours per day, seven days per week.
- Supported the Human Relations Commission (HRC) Subcommittee for Safe Parking Outreach on its efforts to secure additional safe parking lots; continues to lead efforts to identify new lot opportunities.
- Contributed to the development of longer-term State legislative solutions to promote safe parking for all cities.
- Secured joint City-County funding for a CSA Homeless Case Manager and housing referrals for two years and currently provides City funding for the ongoing program.

Basic Services

Services and programs that meet basic health and safety needs help vulnerable individuals, such as residents living in vehicles, move across the continuum of care on the path to more stable housing. The City has worked with City departments, including the Human Services Division, Communication staff, and Multicultural Engagement Program in the City Manager's Office, and Police Community Outreach to provide information about the wide range of resources available through the City, County, nonprofit agencies, and community-based organizations.

The City has partnered with the Valley Homeless Health-Care Program to conduct site visits and provide “backpack” medical care. The City has funded portable restrooms and mobile/fixed showers and washers and dryers to help address basic hygiene needs. As part of its COVID-19 response, the City expanded its support of portable restrooms and hand-wash stations throughout the community with emergency funding received from the Federal government, in addition to providing funding to CSA to expand mobile shower services. During the transition from the pandemic, the City gradually reduced the number of hygiene stations and continued monitoring usage. To support focused areas of need, the City is returning portable restrooms and hand-wash stations to CSA and Hope’s Corner.

Safe Parking

Safe parking has been the major initiative to support living-in-vehicle residents through enhanced case management and support services and the opportunity to transition from living in the public rights-of-way and progress along the path to stable housing. The City began exploring safe parking in 2015, at which time there were no responders to the City’s Request for Proposals for a safe parking operator. Since then, the City has been actively forming partnerships, including the vital partnership with the County of Santa Clara, to develop and implement safe parking policies and programs. The level of need on this issue in Mountain View, as well as regionally and Statewide, far exceeds what any one city can do on its own with limited funding and resources. This is particularly true since counties serve as the primary safety net agencies for social service programs, including receiving substantial Federal and State funding that cities do not receive.

Despite these challenges, Mountain View has demonstrated tremendous leadership in this space and has grown to become the largest safe parking provider in the region. The City’s action included supporting the formation of a local, nonprofit safe parking provider (MOVE Mountain View); helping to launch small safe parking programs at faith-based locations; adopting a Safe Parking Ordinance to facilitate the creation of safe parking locations on private lots; securing three dedicated larger safe parking lots; partnering with the County to provide safe parking program operating 24/7; and providing access to running water, medical services, showers, hygiene services, and garbage stations.

Currently, four sites are in operation (three City-secured and one faith/congregation lot). These sites are at or near capacity with an average, over time, of 130 to 150 unduplicated participants living in 80 vehicles. The participants are families and individuals residing in oversized vehicles, such as RVs. A comprehensive safe parking update was provided at the June 14, 2022 Council meeting and includes outcome data in addition to a description of services offered within the program (included in Attachment 2).

The City has also continued to engage with private lot owners to find additional sites for safe parking as part of the broader efforts to assist the unhoused and unstably housed. The City’s

efforts to establish and expand safe parking locations demonstrate its longstanding commitment to addressing the needs of vulnerable residents. In a follow-up to the Council interest to expand the number of safe parking spaces, staff will bring an item on the February 14, 2023 Council agenda seeking approval of funding and contracts necessary to expand the number of safe parking spaces at Shoreline Lot B.

Even with these efforts, the City of Mountain View alone cannot meet the needs of the unstably housed in our region, and we continue to advocate for regional solutions, including State legislation to support the replication of safe parking in other cities. The City serves as an example to other local government agencies who want to learn about safe parking and responds to requests for information about current programs on a continual basis.

With these capacity constraints, there are not safe parking spaces for all those who are living in vehicles in Mountain View. As noted previously in this memorandum, the City conducts a regular count of the vehicles in the public right-of-way that appear to be used for the purposes of living. In the most recent count conducted in August 2022, 208 vehicles were identified, of which 138 were RVs. The section below provides background information about the City's responsibilities for management of the public right-of-way.

Management of the Public Right-of-Way

Public right-of-way refers to an area of real property in which the City has a dedicated or acquired right-of-way interest in the real property. These right-of-way interests are for public street and utility purposes. As defined in the California Vehicle Code, a street is a way or place of whatever nature, publicly maintained and open to the use of the public, for purposes of vehicular travel, and a sidewalk is that portion of a street, other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel (Sections 555 and 590).

The City owns its right-of-way both in fee and in street easements over private property. Both of these right-of-way types are legally defined as being for public use as a street and for the purpose of laying, installing, maintaining, repairing, protecting, and replacing sanitary sewers, water mains, storm drains, gas mains, poles, overhead and underground electrical and telephone wire, electroliers, cable television, and other municipal uses.

Consistent with these legal definitions and requirements for the use of public right-of-way, the City ensures that the street system is available for the public's travel needs (vehicular, transit, bicycle, and pedestrian), including the necessary infrastructure for safe travel (e.g., traffic control devices, streetlights, drainage for flood control) and amenities to enhance the street (e.g., trees). In addition, the City uses the street right-of-way for its own public utilities (water, stormwater, sewer) and grants franchises and permits for other utilities (PG&E, telecommunications, etc.) to use the right-of-way.

While the City may issue special event permits for temporary private use of the right-of-way (e.g., a block party), the City does not grant ongoing exclusive use of the public right-of-way to any property owner, resident, or business. If a property owner has a need to encroach into the public right-of-way (e.g., retaining wall) in a way that does not interfere with the street and utility purposes, the City may enter into an encroachment agreement requiring the property owner to take full liability and maintenance for the encroachment and to remove it at their cost upon notice from the City. If the City and utility companies determine a portion of the public right-of-way is no longer needed for public street and utility purposes, the City may relinquish or sell its property interests by vacating the street or easement and quitclaiming the interest to the underlying property owner if held in an easement, or granting the interest to the adjacent property owner if the right-of-way is held in fee.

The City's right-of-way also provides a limited supply of on-street public parking, with the maintenance and operations funded by the City. As permitted in the California Vehicle Code and specified in the Mountain View City Code, the City restricts or regulates parking for the following purposes:

- To provide for public safety (e.g., vehicular line of sight and turning clearance, bicycle and/or pedestrian access, inadequate width for parking, fire hydrant access, etc.).
- To promote parking turnover to keep the parking available for general public use (e.g., time limits for areas with high parking demand).
- To clear the parking lane for maintenance, repairs, and construction in the right-of-way (e.g., temporary no parking for pavement, sidewalk, curb, tree, storm drain, and utility work). While advance notice of temporary no parking restrictions is usually provided for maintenance and construction, the City will require immediate removal of parked vehicles for urgent road or utility work.
- To meet Federal and State regulatory requirements (e.g., street sweeping to help keep debris and pollutants out of the storm drain system that outfalls to the creeks and Bay).

The City's Public Works Department has responsibility for right-of-way improvements and maintenance and provides noticing regarding work and restrictions in the right-of-way. The Public Works Department and Fire Department are responsible for meeting environmental regulations for the storm drain system. The City's Police Department is responsible for enforcement of parking restrictions. During the pandemic, enforcement of time-based parking restrictions was paused.

Parking Restrictions Related to the City’s Narrow Streets and Bike Lane Ordinances

In October 2019, the Mountain View City Council passed Ordinance 14.19, referred to as the “Narrow Streets Ordinance,” or “Measure C,” which restricts the parking of oversized vehicles, including boats, large trucks, and RVs, on streets that are 40’ wide or less to address traffic safety concerns. After the ordinance passed, a referendum was placed on the November 2020 election ballot, in which Mountain View voters passed Measure C by 56.6%. In July 2021, a lawsuit was filed (*Navarro v. City of Mountain View*) over the voter-approved Narrow Streets and Bike Lane Ordinances. In accordance with the stipulated agreements, the City agreed not to ticket or tow oversized vehicles for failing to comply with either ordinance until September 30, 2022.

Settlement on the Narrow Streets and Bike Lane Ordinances

The settlement on litigation over the Narrow Streets and Bike Lane Ordinances outlines specific requirements for a vehicle to be towed or a citation to be issued. Table 1 below summarizes these actions.

Table 1: Requirements for Issuing a Citation or Towing a Vehicle

| No. | Action |
|-----|--|
| 1. | Provide warnings and distribute parking maps to vehicles parked on narrow streets and streets with bicycle lanes. <u>NOTE:</u> There is a 14-day grace period after new signs are posted. |
| 2. | Post “No Parking” signs on narrow streets or streets with bicycle lanes. All streets on the parking restriction map (included in Attachment 3) have been posted with either a narrow street sign or bicycle lane sign. |
| 3. | If an oversized vehicle is parked on a narrow roadway or bicycle lane roadway, a parking citation can be issued. |
| 4. | If a citation is issued, the following must also be provided: <ul style="list-style-type: none"> • A “Notice of Parking Violation.” See attached Notice of Parking Violation. • A map with parking restrictions included in Attachment 3. (This map must be in color, be 11”x17” in size, and be in English, Spanish, Russian, and Chinese.) |
| 5. | If at least one citation is issued and the vehicle remains at the location, the vehicle can be towed within 72 hours of the citation being issued. |

Table 2 below outlines the circumstances for towing.

Table 2: Circumstances for Towing

| | |
|-------------------------|---|
| Immediate Towing | Immediate towing is allowed for: <ul style="list-style-type: none"> • A vehicle obstructing traffic or blocking a driveway under the appropriate California Vehicle Code section. • A repeat offender (three parking citations for violating the Narrow Streets and Bike Lane ordinances issued at least 72 hours apart at any time during the “Effective Period”). <u>NOTE</u>: This exception cannot be used until the settlement agreement is fully executed, which will be announced at a later date. |
|-------------------------|---|

Enforcement on the Narrow Streets and Bike Lane Ordinances

The settlement agreement states that enforcement shall be conducted by the MVPD Youth and Community Services Unit (YCU) or its successor units. YCU contains both the Neighborhood and Event Services (NES) and the School Resources Officer (SRO) Units. The NES Unit was formed in 2017 in response to an increasing need for outreach efforts for those experiencing homelessness. NES consists of one Sergeant, one Community Outreach Officer (COO), and one Community Services Officer. The current COO was selected through a process that included a community member in the interview panel. The COO is tasked with locating and assisting persons who are unstably housed or persons and families currently experiencing homelessness. The COO helps connect local and Countywide social-service groups with this vulnerable population.

Per the agreement, it may be necessary at times for other Officers to engage in enforcement activities pertaining to the Narrow Streets and Bike Lane Ordinances. The NES team is primarily responsible for enforcement. However, if a patrol officer comes across a situation where immediate enforcement action is needed, they are encouraged to contact an Officer or Sergeant from the NES team for direction. If a patrol call involving a complaint related to the Narrow Streets and Bike Lane Ordinances is created, the assigned Officer will respond to the call and assess for potential violations. If no immediate enforcement is needed, all cases or incidents that involve potential violations of Narrow Streets and Bike Lane Ordinances will be directed to NES for review and follow-up. Although patrol officers are not the primary enforcement unit, all Officers will be prepared to answer questions from residents and direct individuals living in vehicles to additional resources.

Postsettlement Education and Outreach

Since October 1, 2022, the YCU has continued providing education and contacting individuals who were previously determined to be in violation of the Narrow Streets and Bike Lane Ordinance with courtesy warnings. Many of these individuals have complied with the Ordinance and moved to other streets throughout the City. After October 1, MVPD started receiving an increase in the number of 72-hour restriction violation complaints. NES, along with other units, have responded to these complaints. While many of the complaints identified oversized vehicles being in violation, other vehicles, including passenger cars and trucks, parked on these same streets were also in violation of the 72-hour restriction.

MVPD has continued to monitor all streets, and not solely those with oversized vehicles, using an education and outreach approach. This approach began with identifying vehicles in violation of the 72-hour restriction and placing warning cards on vehicles. Additionally, MVPD compiled concerns from numerous community groups, unhoused advocates, oversized vehicle residents, and neighboring residents.

Enforcement of 72-Hour and Other Time-Based Parking Restrictions

Due to the COVID-19 pandemic, all timed parking enforcement in the City of Mountain View had been suspended since March 2020. As of October 1, 2022, all timed parking enforcement, along with enforcement of the Narrow Streets and Bike Lane Ordinances, has resumed.

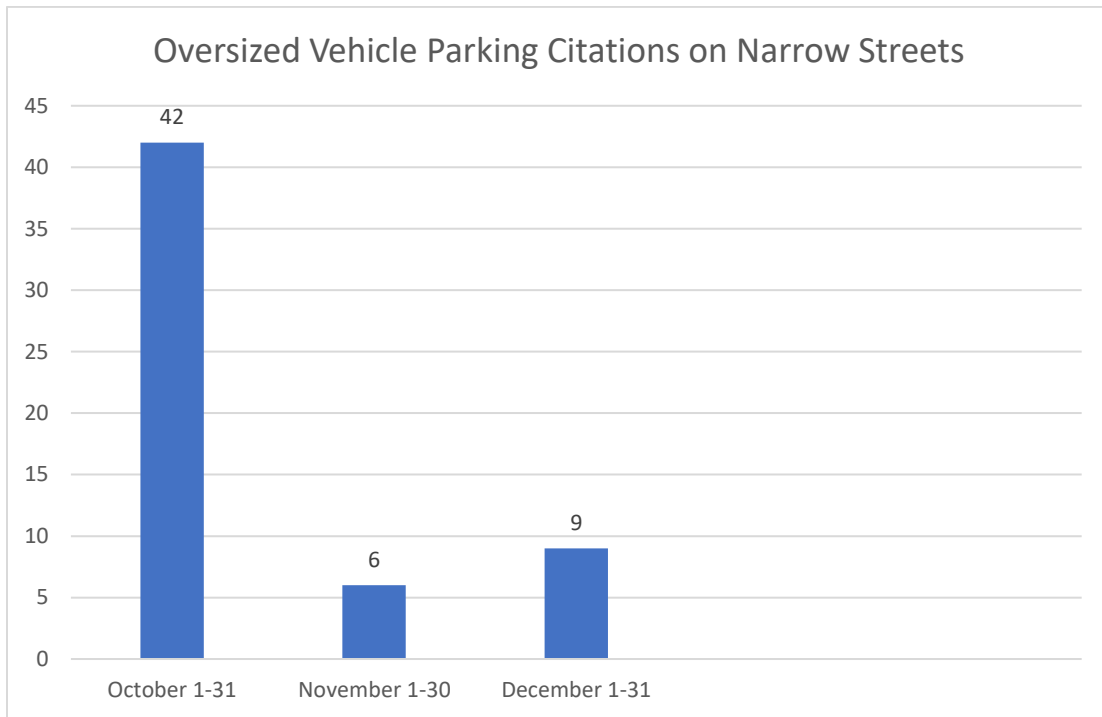
Transition to Enforcement Framework

Upon a detailed review of the complaints, MVPD developed a three-phased approach to enforcement. This approach has been conducted throughout the City to include all vehicles (passenger, oversized, trailers, etc.), and a designated rotation of enforcement areas has been established and implemented. The three-phased enforcement approach consists of the following:

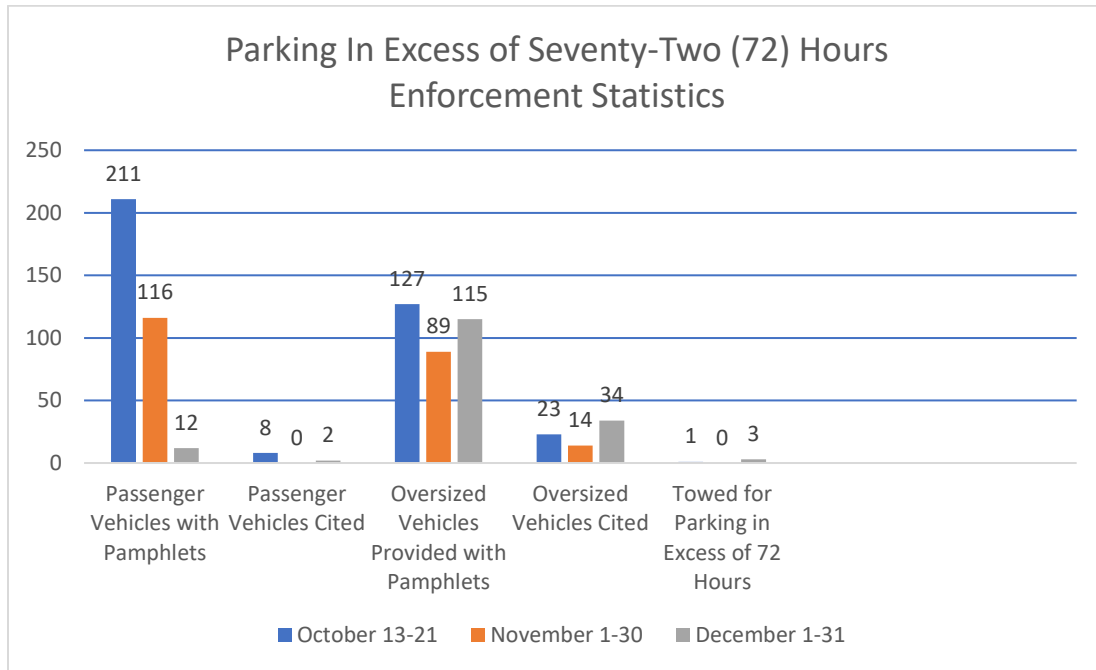
- **Phase 1:** Chalking around vehicle tires.
- **Phase 2:** Returning after 72 hours and providing every vehicle in violation of the 72-hour restriction with a pamphlet warning of possible citation and tow.
- **Phase 3:** Returning after an additional 72 hours have passed and issuing citations to vehicles remaining in violation of the 72-hour restriction.

The MVPD Lieutenant overseeing this enforcement meets on a regular basis with NES along with other units tasked with enforcement to continuously evaluate the process.

Enforcement Data



During the time frame, no vehicles have been towed for oversized vehicles on narrow streets. Two vehicles parked on narrow streets were towed for expired registration.



* An additional 17 vehicles were cited for parking in excess of 72 hours through the Abandoned Vehicle Abatement Services Authority (AVASA) program.

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- Attachments:
1. December 15, 2022 Memorandum
 2. [Council Report—June 14, 2022](#)
 3. Parking Restrictions Map