



DATE: February 25, 2020

CATEGORY: Consent

DEPT.: City Manager's Office

TITLE: **Various Actions in Support of Safe Parking (Extension of Operation at Shoreline Amphitheatre Lot B Through Lease to County of Santa Clara and Related Actions and Sponsorship of State Legislation)**

RECOMMENDATION

1. Authorize the City Manager or designee to enter into a six-month lease agreement with the County of Santa Clara for the current Shoreline Amphitheatre safe parking lot (at Lot B) to allow provision of 24/7 safe parking services under the County's authority to provide emergency housing during a shelter crisis.
2. Authorize the City Manager or designee to amend the existing agreement with Live Nation to allow use of Lot B for safe parking purposes beyond the March 15 start of concert season.
3. Approve being a sponsor of legislation introduced by Assemblymember Marc Berman, to designate safe parking as emergency housing exempt from compliance with mobile home park laws, facilitating implementation of safe parking programs in Mountain View and other jurisdictions.

BACKGROUND

The City Council has made the supply and affordability of housing a top priority during its last three biannual goal-setting processes. Although there have been great strides in planning for and permitting housing in Mountain View, finding stable housing continues to be a challenge for many residents. The City has responded with a range of policies, programs, and resources, including safe parking for residents living in vehicles. When the exploration of safe parking started in 2015, there were no responders to the City's Request for Proposals for a safe parking operator. Since that time, the City has been instrumental in supporting the formation of a local nonprofit (MOVE Mountain View) to provide this service, launching small safe parking programs at faith communities and partnering with the County of Santa Clara and the Community Services Agency (CSA) to meet the needs of the unstably housed. During

this time frame, the City has provided more than \$2.2 million to support outreach, case management, housing services, safe parking, rent relief, and basic needs.

On October 22, 2019, the City adopted a Safe Parking Ordinance to facilitate the expansion of safe parking locations. The ordinance establishes requirements to ensure health and safety and to minimize impacts on surrounding uses. Because safe parking is not a long-term solution, the ordinance also requires safe parking participants to engage in case management as a way to access services and support their transition to stable housing.

The City also identified two locations for safe parking programs on City-owned or controlled lots, which would provide a total of 59 safe parking spaces (29 at Shoreline Amphitheatre Lot B and 30 at the VTA lot on Evelyn Avenue). The City is funding safe parking services at these lots as well as for 16 to 19 additional spaces at other locations (the Palo Alto Housing Corporation site on Terra Bella Avenue and faith-based programs). With a total of approximately 75 spaces in Mountain View, this represents a significant portion of the total safe parking spaces Countywide.

The lots at Shoreline Amphitheatre and Evelyn Avenue have been prepared for safe parking, and preparation of the Terra Bella Avenue lot is under way. Following challenges in securing liability coverage, the City's agreement with MOVE to operate the Shoreline and Evelyn lots has been executed, and the Shoreline lot was opened on February 5, 2020. Council's direction for the Shoreline lot is to serve up to 30 oversized vehicles until March 15, 2020, at which point the City's existing lease agreement with Live Nation provides them with use of Shoreline Amphitheatre Lots A and B for overflow event parking.

MOVE and CSA have been conducting outreach to people living in vehicles in Mountain View to enroll them in the safe parking program. So far, 17 vehicle households, the majority of which are living in passenger vehicles, have expressed interest in participating. Through their outreach efforts, the agencies have identified real and perceived barriers for prospective participants to meet the safe parking requirements and transition to a new location. CSA and MOVE are working with clients to address various needs, including vehicle repairs, insurance, and gas cards. In addition, the agencies have heard from clients that safe parking hours and the requirement to find alternative daytime parking is an obstacle to fully utilizing the Shoreline safe parking lot. This may be particularly challenging for larger vehicles.

As previously mentioned, the City and County of Santa Clara have been working together to develop solutions related to homelessness and living in vehicles. On

January 14, 2020, the Board of Supervisors (Board) approved an expansion of the County's involvement in supporting safe parking throughout the County, with a particular interest in addressing the barriers for 24/7 safe parking options. The January 14 Board memo states that: "as the need for safe parking grows, it is imperative that the County make clear to cities, non-profits and safe parking hosts (like churches and private businesses) that we will remain engaged as committed funding and technical partners." An explicit strategy identified in the memo is for the County to explore leasing lots which could be operated 24/7 under the County's shelter crisis declaration, which exempts County facilities from the Mobilehome Parks Act and Mobilehome Residency Law. In addition, the memo asserted the County's willingness to help address liability insurance coverage issues for safe parking operators, look for additional safe parking locations, and provide funding for safe parking services.

Shortly after the Board's action, in recognition of Mountain View's leadership in this area, County staff reached out to City staff to explore the possibility of the County leasing property in Mountain View for the provision of 24/7 safe parking. A letter from Supervisor Joe Simitian regarding the County's interest in working with Mountain View is included as Attachment 1. As described below, over the past few weeks, staff has been working on key lease terms with a focus on Shoreline Amphitheatre Lot B.

ANALYSIS

As indicated in the background section above and through the many Council reports on this topic over the years, the City has been working actively to develop programs, build partnerships, and encourage regional solutions in an area where policy and program best practices are still evolving. The City has tried a range of strategies and has learned along the way. Staff believes piloting a 24/7 safe parking program in the Shoreline Amphitheatre Lot B location would be desirable to assess the effectiveness of full-day hours of operation as an option for addressing temporary shelter needs and diverting RVs from parking on narrow rights-of-way. Further, staff believes that leasing the safe parking lot to the County addresses the legal concern presented to Council during the discussions of the Safe Parking Ordinance. This concern relates to the potential for safe parking programs to be subject to mobile home park law provisions for tenant relocation and other protections not intended for temporary emergency shelter. The County is exempt from these provisions through its shelter crisis declaration under California Government Code Section 8698.4.

This partnership with the County would not only allow Mountain View to assess different approaches but would also provide models for the County to explore with other jurisdictions to maximize the opportunity for additional cities in Santa Clara

County to help address the regional need. With continuous operations, additional services could be leveraged to provide assistance to clients who are at the site during regular business hours. In addition to supportive services, such as connection to benefits needed to achieve self-sufficiency, daytime hours would make it easier for the operator to secure on-site basic needs services, such as mobile showers and laundry. This type of stable, 24/7 option with wraparound services would be well suited for families with young children. It should be noted that even with a full-day program that does not require participants to move each day, the intention would remain for safe parking to be a temporary stop along a transition to more stable housing. In the appropriate location and under the right circumstances, such as Shoreline Amphitheatre Lot B, it would be helpful to add 24/7 safe parking as part of a menu of options for helping residents along this path.

County Lease Agreement Key Provisions

Staff is seeking Council authorization to enter into a lease agreement with the County for Shoreline Amphitheatre Lot B for the provision of safe parking services, pursuant to the key terms outlined below:

- **Term.** The term of the lease would be six months in order to assess the effectiveness of this option and identify any issues to be considered for possible lease modification and renewal. [In the event that the State Code for the County's shelter crisis exemption (Government Code Section 8698.4 or any replacement statute) is repealed, the lease could be terminated sooner.]
- **Use Fee.** This is intended to be a low-/no-cost lease agreement, with the County paying the City \$1 during the term of the lease.
- **Participating Vehicles.** The Council has directed that Shoreline Amphitheatre Lot B be used by up to 30 oversized vehicles. (As noted below, a site plan modification is being proposed that would reduce the number of available spaces to 29.) Staff is seeking Council approval to allow some flexibility for the operator to also serve a small number of households living in passenger vehicles, up to a maximum of 25 percent of the 29 spots. Standard-sized vehicles require roughly half of the space required by oversized vehicles. The number of spaces and total vehicles served would increase proportionally depending on the number of smaller vehicles permitted.
- **Site Plan.** The City has already prepared a site plan and made the necessary improvements for use of the lot for safe parking. Two modifications to the site

plan will be needed associated with the use of the lot beyond March 15 during Live Nation's event season: (1) installation, at the County's expense, of a temporary physical barrier (such as a K-rail) between the safe parking area and concert parking to prevent concert goers from encroaching on the safe parking area; and (2) removal of one of the 30 safe parking spaces to provide ingress/egress access to accommodate a special event previously planned by Live Nation.

- Safe Parking Requirements. The program will be subject to the City's Safe Parking Ordinance, which will be included in the lease agreement by reference (such as preferences for Mountain View residents, health and safety provisions, and requirement for participation in case management for a path to more stable/permanent housing). One exception to the City's Safe Parking Ordinance would be the hours of operation, which may be extended up to 24/7 enabled by the County's emergency shelter crisis. Like the City, the County would not be required to obtain either a Conditional Use Permit or Police Department Permit.
- County Funding. In addition to funding the temporary physical barrier mentioned above, the County will be responsible for funding safe parking operator services, case management, and basic needs at the Shoreline lot for the term of the lease extending beyond the hours and months already funded by the City.
- Administration of Safe Parking Services. It is expected that the County will enter into a new operator agreement for 24/7 safe parking services on the Shoreline lot upon the execution of the lease agreement and that this agreement will succeed the portion of the City's existing agreement with MOVE focused on the Shoreline lot, which terminates on March 15.

Live Nation Agreement

Staff is seeking Council authority to amend the existing lease agreement between the City and Live Nation, which provides Live Nation with use of Shoreline Amphitheatre Lots A and B for events from March 15 through November 15 each year. Staff has been in conversation with Live Nation, which has agreed to work with the City to extend safe parking into and through the concert season with certain provisions as described above in the terms for the proposed agreement with the County (i.e., placement of a temporary physical barrier and elimination of one of the 30 designated safe parking spaces). In addition, for the concert dates expected to be near or at capacity, Live Nation has identified alternative parking locations to offset the use of Lot B. City staff

greatly appreciates Live Nation's willingness to find solutions that meet the needs of the event season and also allow for an extension of the time frame for safe parking.

State Legislation

While the County's shelter crisis exemption will enable 24/7 safe parking on land leased by the County, the City has also been exploring a broader opportunity to address legal concerns creating a barrier to Mountain View and other municipalities having the option to provide 24/7 safe parking.

At its June 11, 2019 meeting, the Council provided direction for staff to seek a legislative solution to the legal concern that full-time safe parking programs could be considered subject to mobile home law requirements related to tenant relocation and other protections. Following this direction, staff met with Assemblymember Marc Berman in October 2019 to request his assistance in introducing legislation to designate the provision of safe parking as emergency shelter that would be exempted from such mobile home requirements. In mid-January 2020, the Assemblymember's office reached out to City staff to determine the potential scope of such legislation and to ask whether the City would be interested in sponsoring a bill. On February 19, staff learned the good news that Assemblymember Berman has introduced a bill (AB 2586), and staff seeks Council approval for the City of Mountain View to be a sponsor of this bill.

FISCAL IMPACT

There is no fiscal impact associated with the actions recommended in this report. City funds have already been appropriated for safe parking operations at Shoreline Amphitheatre during the evening hours, up to March 15, 2020. If the hours and months of operation are extended through a lease agreement with the County of Santa Clara, funding for safe parking services will be the responsibility of the County.

ALTERNATIVES

1. Do not authorize the execution of a lease agreement of Shoreline Amphitheatre Lot B with the County of Santa Clara for provision of a 24/7 safe parking program.
2. Specify modified or additional terms to include in a lease agreement with the County.
3. Do not approve sponsorship of legislation exempting safe parking, as a form of emergency shelter, from laws related to mobile homes.

4. Provide other direction.

PUBLIC NOTICING

Agenda posting and a copy of report to County of Santa Clara, Assemblymember Marc Berman, MOVE, and Community Services Agency.

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Attachment: 1. Letter from Supervisor Joe Simitian