



COUNCIL REPORT

DATE: February 14, 2023

CATEGORY: Consent

DEPT.: City Manager's Office

TITLE: **Authorization of Funding and Associated Agreements to Expand the Safe Parking Program at Shoreline Lot B**

RECOMMENDATION

1. Appropriate \$201,340 from the General Non-Operating Fund for one-time expenditures in the amount of \$101,340 and prorated costs of \$100,000 for contracting with the County of Santa Clara for expanding the safe parking program at Shoreline Amphitheatre Lot B by 17 oversized vehicle spaces. (Five votes required)
2. Appropriate \$250,000 from the Housing Fund for the operation of safe parking sites through a contracted service provider and a case worker for permanent supportive housing, which is a clean-up appropriation inadvertently left out of the Fiscal Year 2022-23 Budget. (Five votes required)
3. Adopt a Resolution of the Shoreline Regional Park Community of the City of Mountain View Authorizing the Executive Director or Designee to Amend the Amended and Restated Amphitheatre Ground Lease Agreement with Live Nation to Increase the Portion of Lot B that May Be Used for Safe Parking and Finding These Actions to Be Exempt from the California Environmental Quality Act Under California Code of Regulations Title 14, Sections 15301 and 15061(b)(3), to be read in title only, further reading waived (Attachment 1 to the Council report).
4. Adopt a Resolution of the City Council of the City of Mountain View Authorizing the City Manager or Designee to: (1) Execute a Funding Agreement with the County of Santa Clara for Preventing and Ending Homelessness in Mountain View in an Amount Not to Exceed \$625,000; (2) Amend the Amended and Restated Amphitheatre Ground Lease Agreement with Live Nation to Increase the Portion of Lot B that May Be Used for Safe Parking; and (3) Amend the Shoreline Amphitheatre Lot B Lease Agreement with the County of Santa Clara to Increase the Number of Oversized Vehicle Spaces that May Be Used for Safe Parking and Finding These Actions to Be Exempt from the California Environmental Quality Act Under California Code of Regulations Title 14, Sections 15301 and 15061(b)(3), to be read in title only, further reading waived (Attachment 2 to the Council report).

BACKGROUND

At the June 14, 2022 City Council meeting, Council approved a routine agenda item for the continuation of 24/7 operations of the City of Mountain View's safe parking sites and received an update from staff regarding the status of the program and the considerations for the potential expansion of safe parking capacity. The June report provides helpful background on the variety of agreements with the multiple parties involved with safe parking, all of which are negotiated and updated when significant changes are made to the program. The report is included for reference in Attachment 3.

For additional information about the City's extensive programs and initiatives to assist the homeless and unstably housed, a comprehensive memorandum is available in Attachment 4.

This Council report focuses on actions related to the City Council's interest expressed at the September 27, 2022 City Council meeting to expand safe parking spaces at Shoreline Amphitheatre Parking Lot B (Shoreline Lot B or Lot B) and provides updates on the items discussed in the related October 14, 2022 memorandum entitled "Safe Parking Expansion in Shoreline Lot B" (Attachment 5).

This report recommends Council action to update contract terms with multiple partners, including Live Nation for additional spaces at Shoreline Lot B, and separate agreements with the County of Santa Clara for the operation of safe parking sites through a contracted service provider and the County's lease for its use of Lot B for safe parking. Staff also recommends Council approval of the necessary funding appropriations for the cost of expanding the number of spaces at Lot B.

Background on Development of the Mountain View Safe Parking Program

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 working actively to form partnerships, encourage regional solutions, and put in place policies and programs in an arena where best practices are still evolving, and the level of need far outstrips what any one entity 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 and has become the largest safe parking provider in the County of Santa Clara with the capacity for up to 101 vehicles (including faith-based lots).**

The City has been instrumental in securing three lots for the provision of safe parking at Shoreline Amphitheatre Lot B, which is owned by the City but leased to Live Nation, during the concert

season; Evelyn Avenue, which is leased from the Valley Transit Authority (VTA); and Terra Bella Avenue, which is leased from Terra Bella II, LLC (an Alta Housing company). The City has taken the lead in identifying and negotiating the use of these lots, funding lot preparation, providing funding for safe parking services, and identifying opportunities for increasing vehicle capacity on the sites.

Additionally, the City's actions include 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; partnering with the County to provide a safe parking program operating 24/7; and installing running water and providing medical services, showers, hygiene services, garbage stations, and carbon monoxide/smoke detectors as part of program requirements.

City actions specific to implementing safe parking at Shoreline Lot B, which currently accommodates 29 oversized vehicles (OVs) and four passenger vehicles, include the following:

- Negotiating with Live Nation in 2019 to secure portions of Shoreline Lot B for a safe parking site from 5:00 p.m. to 9:00 a.m. during the break in the Shoreline Amphitheatre event schedule from November 15, 2019 to March 15, 2020;
- Renegotiating with Live Nation twice in 2020 to: extend use of the safe parking lot to be year-round and 24/7; utilize additional space in Shoreline Amphitheatre Lot B for the overflow parking needs of LifeMoves Mountain View Project Homekey residents; and secure use of Shoreline Amphitheatre Lot B through December 2025; and
- Seeking regulatory approval from the Santa Clara County Department of Environmental Health of an amendment to the Postclosure Maintenance Plan (PCMP) for the closed landfill and monitoring landfill gas at each safe parking vehicle. (As will be described later in this report, there are many complexities associated with this formal permitting process.)

Summary of Current Safe Parking Program Capacity

The current capacity of the lots (including the faith-based lots) is summarized in Table 1 below.

Table 1: Existing Safe Parking Lot Capacity

Lot	Planning Zone	Vehicle Type	Capacity (living spaces are noted in bold)	Time Frame Available
Terra Bella (Alta Housing)	General Industrial (MM)	OVs with some passenger vehicles	9 OVs	Use of the lot has been extended through June 2024*
Shoreline Lot B (on Crittenden Lane)	Public Facility (PF)	OVs with some passenger vehicles	29 OVs 4 passenger vehicles Two Americans with Disabilities Act (ADA) commuter vehicles 2 loading zone spaces	Could be ongoing for as long as Council directs, Live Nation extends the agreement, and County Environmental Health approves the plan
Evelyn Lot (former VTA parking lot)	General Industrial (MM)	OVs with some passenger vehicles	30 OVs 21 flex spaces (for either living or commuter parking purposes, where a buffer is only required for spaces used for living purposes)	Until construction for affordable housing begins (estimated Q1 2026)
St. Timothy's Lot (faith) <i>*On hiatus</i>	Single-Family Residential—R1	Passenger vehicles	4	No end date designated at this time
Lord's Grace (faith)	North Bayshore Precise Plan—P(39)	Passenger vehicles	4	No end date designated at this time
EXISTING TOTAL			101 safe parking spaces	

* Timing is dependent on the development of affordable housing.

Use of a Portion of Shoreline Lot B for LifeMoves Overflow Parking

As noted above, in 2020, staff negotiated with Live Nation to secure additional spaces at Shoreline Lot B for use by the LifeMoves Mountain View project for its residents to park vehicles that could not be accommodated at the LifeMoves site on Leghorn Street. Staff has continued to monitor the use of these spaces and LifeMoves' effort to provide a new parking lot on Leghorn Street. This lot is currently slated to come online in June 2023. Staff met with LifeMoves representatives in November 2022 to understand the program's off-site parking needs. LifeMoves determined they will no longer need the existing designated spaces at Shoreline Lot B through December 31, 2022 and has submitted a letter withdrawing their request.

ANALYSIS

Focus on Expansion of Safe Parking Spaces at Shoreline Lot B

As described in the October 14, 2022 Council memorandum (Attachment 5), the current effort to expand safe parking spaces is focused on Shoreline Lot B, specifically within the existing contiguous lot parameters of the program, which includes the portion of the lot currently designated for the off-site parking needs of LifeMoves Mountain View. Focusing on this portion of the lot creates a cohesive program area with a level grade and within a walkable distance. These factors, along with the total number of vehicle households to be served, are key to the effective operation of the program.

Initially, it was anticipated that it would be possible to develop an additional 20 safe parking spaces in the identified program area, the at-grade portion of Shoreline Lot B. In order to adequately provide for program operations, modifications were made to incorporate an additional standard restroom and modify the loading zone that is utilized for the mobile hygiene unit, which includes shower, washer, and dryer services. The ultimate site design will accommodate an additional 17 spaces for OV's. A map of the expanded lot layout is provided in Attachment 6.

Expanding the safe parking program at Shoreline Lot B requires significant effort and resources, including: additional funding; close collaboration with an interdepartmental team, the County of Santa Clara Office of Supportive Housing and Department of Environmental Health, nonprofit partners, and Live Nation; contract changes; lot preparation; and environmental review. The sections below further describe the recommended actions associated with the proposed program expansion.

Contract Changes

As seen in the recommendations associated with this report, there are many different agreements and leases that enable the operation of the current safe parking program. These include an agreement with Live Nation, which requires an amendment for any changes to the number of safe parking spaces at Shoreline Lot B; an agreement with the County, which specifies both County and City funding of safe parking and the provision of a continuum of housing services; and the City's lease with the County allowing their use of Shoreline Lot B, which requires an amendment for any changes to the design or parameters of the lot.

Live Nation Shoreline Lot Contractual Term and Amendment

Live Nation has contractual rights to use lots at Shoreline Amphitheatre for event parking. In 2019, the City first negotiated with Live Nation to secure portions of Shoreline Lot B for a safe parking site. The City has since reengaged Live Nation multiple times to allow use of the lot to be year-round and 24/7 and for the additional space for LifeMoves Mountain View residents. In 2021, the City further negotiated to secure portions of Shoreline Lot B for safe parking through December 2025. In September 2022, staff had discussions with Live Nation resulting in Live Nation agreeing to up to 20 additional OV spaces at Lot B, beyond what they provided in 2021, and within the "existing footprint," stating the need to retain space for event parking.

Staff recommends Council authorize the City Manager or designee to amend the agreement with Live Nation to increase the number of safe parking spaces at Shoreline Lot B. This action is included in the resolution (Attachment 1 to the Council report).

Agreement with the County of Santa Clara

The additional 17 spaces will result in a safe parking program of 46 vehicles at Shoreline Lot B, making it the largest safe parking site the County operates. Based on the County's analysis, the cost to cover the expanded program scope is \$300,000 per year, which is higher than the original estimate of \$215,000 included in the October 14, 2022 memorandum. This amount has been prorated to reflect the service for Fiscal Year 2022-23 from approximately March 1 through June 30, 2023. The updated cost includes an additional supplemental restroom desired by the provider and bike rack storage and provides the necessary level of program oversight and monitoring, which includes compliance with the Safe Parking Ordinance and the Santa Clara County Department of Environmental Health, routine site visits by the City's Fire and Police Departments, and monthly reporting.

The County currently provides \$1 million for program operations and ancillary services, such as showers, laundry, and mobile medical services. The County will bear the additional costs for the ancillary services associated with this program expansion at Shoreline Lot B.

Clean-Up Appropriation for Annual County Services Citywide

The City has an agreement with the County for safe parking operations at the three City-secured sites through a contracted provider (MOVE Mountain View). At the June 14, 2022 City Council meeting (Attachment 3), Council approved authorization for the City Manager or designee to enter into a funding agreement with the County in the amount of \$525,000 for continued 24/7 safe parking program operations Citywide and a case worker for permanent supportive housing for the chronically homeless through June 30, 2023. Of the \$525,000 approved amount, \$400,000 is to fund 24/7 safe parking services for the spaces currently at the sites and \$125,000 is for continued funding for a case worker for permanent supportive housing. Of the \$525,000 approved amount, \$250,000 was inadvertently not included in the Adopted Budget. As a related clean-up item, this report is seeking to appropriate the funding.

Staff recommends Council authorize the City Manager or designee to modify the term and execute an agreement with the County of Santa Clara for the operation of safe parking sites through a contracted service provider and a case worker for permanent supportive housing, increasing the amount to \$625,000. This amount includes both the \$100,000 needed for the expansion of the Shoreline Lot B program and the clean-up appropriation of \$250,000 inadvertently left out of the Fiscal Year 2022-23 Budget, which comprises a portion of the funding for the County contract. **This action is included in the resolution (Attachment 2 to the Council report).**

Lease Agreement with the County of Santa Clara for Shoreline Lot B

As previously mentioned, the County leases Shoreline Lot B from the City for the purposes of providing a safe parking program. Changes to the design or parameters of a safe parking lot require a modification to the associated agreements. Staff recommends that the City Council authorize the City Manager or designee to execute an amendment to the no-cost lease agreement with the County for 17 additional oversized vehicle spaces to be used for living at Shoreline Lot B.

Lot Layout and Costs for Preparation

There are various actions the City must complete in order to prepare the lot and provide services in a safe manner. Although the City is exempted from the City's Safe Parking Ordinance, the City has agreed to abide by the intent of the Ordinance's safety standards. Subject-matter experts, such as staff from the City's Traffic Division, Fire and Environmental Protection Division, Building Inspection Division, and the City Manager's Office, along with those who work most closely with the site, such as the County and the current designated operator of the lot, MOVE Mountain View, have met to understand the necessary requirements for expansion and how to best meet

programmatic needs. Subsequent review and input were also provided by the Fire Department. Preliminary designs were analyzed, and an on-site team meeting was held with all parties to review the ground conditions and operational needs with a subsequent analysis of iterative options completed in order to comply with safety requirements.

Expanded Lot Layout

In order to maximize the number of OV parking spaces, the existing four passenger vehicle spaces used for living purposes are being converted to OV spaces. The passenger vehicle spaces are underutilized at Shoreline Lot B, and there is capacity available at the Evelyn safe parking lot for people living in passenger vehicles. The modifications are summarized in Table 2 below. A map of the expanded lot layout is provided in Attachment 6.

Table 2: Lot Layout Modifications Summary

Parameter	Existing Layout	Expanded Layout
OV spaces	29	46
Passenger vehicle spaces	4 (includes two ADA commuter vehicles)	2 ADA commuter vehicles
Loading zone(s)	2	1 (includes a loading space/location for mobile hygiene unit)

Refined Costs for Preparation

In the October 14, 2022 memorandum, staff provided a preliminary cost estimate of \$85,000 in one-time start-up costs to prepare Shoreline Lot B for 20 additional spaces. Since then, staff has refined its analysis and received quotes for the costs of each recommended service or product, which are reflected in Table 3 below. Overall costs were in line with original expectations, with the exception of the proposal to add temporary fencing and signage. The temporary fencing will enhance the existing temporary barriers and provide additional safety during the concert season. Signage will provide increased awareness regarding the areas intended for safe parking program use.

Table 3: City Costs for Lot Preparation

Recommendation	Purpose	Cost
Site pavement striping and surface repairs	Site circulation and parking management	\$75,000
Fire extinguishers, stabilizing bases, and stands	Client and site safety	\$5,040
Smoke/carbon monoxide detectors	Client and site safety	\$1,600
Gas-detection monitors	Client and site safety; Department of Environmental Health requirement	\$4,000
Temporary fencing	Area identification and site safety during concert season	\$15,000
Signage	Area identification and site safety during concert season	\$700
TOTAL NOT TO EXCEED		\$101,340 in one-time costs

Environmental Review—Postclosure Maintenance Plan

The Santa Clara County Department of Environmental Health regulates the closed landfill at Shoreline at Mountain View. This plan is renewed/adopted every five years. The City is required to apply for a permit that describes any change in use not specified in the City’s PCMP and the safety requirements associated with such uses. The City received a permit for the safe parking program on Shoreline Lot B for its existing footprint. Safe parking (living in a vehicle) was not a designated use for the portion of the lot now utilized by LifeMoves and being proposed for safe parking expansion. Thus, a critical step is to secure interim approval for this expansion in advance of the next full PCMP update, which is scheduled for May 2023. If interim approval is granted, it is expected that the expanded safe parking spaces would be available for use around the end of the first quarter of 2023 or the beginning of the second quarter of 2023. If an interim permit is not granted and the City needs to seek approval of this expansion within the PCMP renewal process, the implementation of additional safe parking spaces at Shoreline Lot B will be significantly delayed.

Staff has engaged in conversations with the County Office of Supportive Housing and Department of Environmental Health to identify workable and timely solutions. The City has been asked to submit a Use Application, which allows the City to be in conference and dialogue with the Santa Clara County Department of Environmental Health about this expansion. Since the Department of Environmental Health is a regulatory agency, the approach is more formal and can be more time-consuming than the City’s work with its ongoing collaborative partners.

Next Steps

If Council approves the recommended actions, the next steps will be to purchase supplies and equipment for the site, execute contracts, and prepare the lot. The anticipated completion of these next steps and opening of the new safe parking spaces is anticipated to occur around the first quarter of 2023 or the beginning of the second quarter of 2023, if the City is able to secure the interim use from the County Department of Environmental Health. The City anticipates approval of this interim use. Should this not be the case, then staff would anticipate the new safe parking spaces to be available after the approval of the full PCMP in summer 2023.

Future Program Opportunities

The City's efforts to establish and expand safe locations demonstrate a longstanding commitment to address the needs of vulnerable residents. Safe parking is one strategy among many the City employs to meet the housing and supportive service needs for homeless and unstably housed Mountain View residents. The City has developed the largest safe parking program in the County, serving on average approximately 130 to 150 individuals every month. This expansion at Shoreline Lot B will expand that reach even further.

Staff will continue to engage with lot owners to maintain capacity and/or find additional sites for safe parking as part of the broader efforts to assist the unhoused and unstably housed. For example, efforts have included meeting with representatives to discuss the feasibility of the potential use of a site along El Camino Real. Though it turned out that the owner was not able to encumber the property with a multi-year lease, the efforts reviewing other lots are ongoing. Staff has also been meeting with affordable housing developers and, at this time, staff sees at least one prospective option to further explore. In addition, the City is pursuing longer-term capital improvements at Shoreline Amphitheatre Parking Lot C that may present future opportunities related to the use of other existing parking lots. Staff will continue to monitor these opportunities.

In addition, staff intends to devote significant focus over the next year to the development of a Homeless Response Strategy and Expenditure Plan. The purpose of this effort is to analyze and refine existing programs and services and determine additional solutions for homelessness and housing instability. While safe parking is an important form of temporary shelter, the hope is to build out the City's range of partnerships and policies to make a more sustainable impact in this critical regional issue.

FISCAL IMPACT

As shown in Table 3 above, the one-time cost of preparing the lot is \$101,340. The cost of the additional increase for contracting with the County is \$100,000. This amount has been prorated

to reflect the service for Fiscal Year 2022-23 from approximately March 1 through June 30, 2023. This results in a total cost of \$201,340 for the City to implement 17 additional spaces. The costs are not funded, requiring an appropriation of \$201,340 from the General Non-Operating Fund. This action also includes the appropriation of the \$250,000 in restricted housing funds for homelessness prevention, case management/housing information, referral sources, and rapid rehousing, which is approved annually in order to continue these programs but was inadvertently not included in the Fiscal Year 2022-23 Budget. Five votes are required to approve appropriations outside of the budget process.

CONCLUSION

This report recommends actions to expand the number of safe parking spaces at Shoreline Lot B. It also provides background information on the scope of the safe parking program and an update on the identification efforts for potential further expansion of safe parking.

ALTERNATIVES

1. Do not approve the staff recommendation.
2. Modify one or more staff recommendations.
3. Provide other direction to staff.

PUBLIC NOTICING

A copy of the report was sent to Santa Clara County representatives, MOVE Mountain View, Live Nation, and other community-based organizations and stakeholder group members and was shared with the safe parking lots via the operator and, as feasible, others who have corresponded with the City Manager’s Office on this topic.

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PD-KST/MS/6/CAM
626-02-14-23CR
202619

- Attachments:
1. Resolution—Shoreline Regional Park Community
 2. Resolution—City of Mountain View
 3. [Council Report—June 14, 2022](#)
 4. [Homeless Initiatives Memorandum—December 15, 2022](#)
 5. Safe Parking Expansion in Shoreline Lot B Memorandum—October 14, 2022