



DATE: June 9, 2020

CATEGORY: Consent

DEPT.: City Manager's Office

TITLE: **Adopt a Resolution Extending the Declaration of a Shelter Crisis**

RECOMMENDATION

Adopt an Amendment to Resolution No. 18301, a Resolution of the City of Mountain View Declaring a Shelter Crisis, Extending the Duration of the Declaration Until June 30, 2022, to be read in title only, further reading waived (Attachment 1 to the Council report).

BACKGROUND

The City Council adopted a resolution declaring a shelter crisis in March 2019 with an expiration date of June 30, 2020 (Attachment 2 to the Council report). This declaration has provided the City more opportunity and flexibility to work with the County of Santa Clara and community-based organizations to assist homeless individuals, particularly in creating safe parking lots for individuals living in vehicles. Staff recommended the adoption of a resolution declaring a shelter crisis in Mountain View to enable potential assistance with transitional housing strategies or future grant opportunities. Staff noted at the time that an extension of the declaration would be considered in response to an ongoing homelessness crisis.

Since the declaration in March 2019, there have been many changes. Most notably, the City has taken the following actions to alleviate the constraints on temporary safe parking and emergency sheltering: (1) adopted a Safe Parking Ordinance to ensure the public's safety and streamline the safe parking lot approval process during a shelter crisis; (2) expanded land use options for sheltering; (3) pursued longer-term State legislative solutions; and (4) implemented immediate solutions by leasing City Safe Parking Lots to the County of Santa Clara for a 24/7 pilot program for homeless individuals living in vehicles. Nevertheless, the need for temporary sheltering remains great in Mountain View, as well as across the County and State. Thus, the findings from the last emergency shelter declaration remain applicable as discussed in the next section of this report.

ANALYSIS

According to the County's point-in-time counts, there were 606 homeless residents in Mountain View (with about half living in vehicles) in 2019. A street-by-street count conducted by the Mountain View Police Department over the past two years has identified an average of 296 vehicles showing signs of habitation, more than two-thirds of which are recreational vehicles (RVs).

There is fixed sheltering capacity for approximately 63 Mountain View participants, with the County's Cold Weather Shelter Program for women and children having capacity to serve 50 people total (consisting of 10 to 15 families and single women); Graduate House (transitional shelter, having capacity for 5 adults); and Quetzal House youth shelter, having capacity for 8 youth (6 for Foster youth, 2 for emergency use for homeless youth).

There are currently five Safe Parking Lots for Mountain View participants with a capacity of 67 Oversized Vehicles (OVs) and up to 18 spaces for cars/passenger vehicles. The two largest sites are operated on City-owned/controlled lots at Shoreline Amphitheatre and on Evelyn Avenue at the former VTA lot. A third is operated on Terra Bella Avenue which is provided in partnership with the Palo Alto Housing Corporation. Two smaller lots are operated on the property of private faith-based organizations.

Based on the large gap in available shelter or safe parking spaces relative to the number of homeless and unstably housed individuals in the community, staff recommends that Council extend the shelter crisis declaration until June 30, 2022, by which time the next County point-in-time homelessness count will have been completed, and the City will have additional information regarding the level of homelessness in Mountain View and the progress of its programs and partnerships with the County and community-based organizations. The continuation of the declaration will enable the continuation of a streamlined process for the potential expansion of safe parking sites since when a shelter crisis is declared, only a Police Department permit is required with an exemption from the Conditional Use Permit (CUP) process.

A shelter crisis declaration authorizes the provision of emergency housing on City-owned or controlled property and suspends State and local housing, health, and safety standards to the extent that strict compliance would hinder mitigation of the shelter crisis. The City may, in place of such standards, enact municipal health and safety standards to apply during the shelter crisis so long as minimal public health and safety

standards are met. In addition, State law provides immunity to the City from ordinary negligence in the provision of emergency housing.

The City has continued to work with Assemblymember Marc Berman's Office to extend the exemption from various State regulations of RV and mobile home parks to the City of Mountain View. The City's Safe Parking Program is currently limited to overnight hours because the limited hours of operation would be one factor considered in the possible determination of inadvertent creation of an RV park under the Special Occupancy Parks Act and Mobilehome Parks Act. In the event that it was determined that an RV park had been formed, it would need to comply with the Zoning Code, which only allows for RV parks in the MM (General Industrial) Zone with a Conditional Use Permit, and with specified regulations under State law. Exemption from these State laws would help enable the City to operate Safe Parking programs on a 24/7 basis on City-controlled sites. The City had been successful in getting a bill introduced as AB 2586; the City approved sponsorship in February and sent a letter of support and sponsorship in May.

Since that time, staff has been informed that this legislation will not be moving forward. A "gut and amend bill," AB 2533, has been modified by Assemblymember Phil Ting, modeled on AB 932, the existing legislation that expressly exempts named cities and counties, including the County of Santa Clara, from various State legislation that regulates RV and mobile home parks. This new draft bill would extend Government Code Section 8698.4, under which specified jurisdictions are exempt from related mobile home laws, to apply to political subdivisions Statewide, and provide a later sunset along with a few other modifications.

Assemblymember Berman is now signed on as a co-author to Assemblymember Ting's bill and staff has been providing input on the new bill. As drafted, AB 2533 would still require an extension of the shelter crisis declaration to enable the City and County to continue to implement sheltering solutions to assist unstably housed and homeless individuals.

The current state sunset for AB 932 is January 1, 2023. As drafted, AB 2533 has a sunset date of January 1, 2026. On March 24, 2020, the County extended its shelter crisis declaration, previously set to expire on December 31, 2020, to an undetermined future date (Attachment 3) to allow for the possibility that the State may further extend the sunset date.

FISCAL IMPACT

There is no direct fiscal impact from extending the declaration. Associated projects to provide sheltering options pursuant to further Council direction may require additional funds.

ALTERNATIVES

1. Do not extend the shelter crisis declaration.
2. Choose a different end date, such as the sunset date of the shelter crisis legislation specific to the County of Santa Clara (currently January 1, 2023, potentially extending to January 1, 2026 pending adoption of AB 2533).
3. Extend the declaration without a specific end date to align with the County.
4. Provide other direction to staff.

PUBLIC NOTICING – Agenda posting.

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- Attachments:
1. Amendment to Resolution No. 18301 Extending the Duration of the Declaration of a Shelter Crisis in Mountain View
 2. [Resolution Declaring a Shelter Crisis in March 2019](#)
 3. [County Resolution Declaring a Shelter Crisis](#)