



**DATE:** June 11, 2019

**CATEGORY:** Unfinished Business

**DEPT.:** City Manager's Office and  
City Attorney's Office

**TITLE:** **Approve Direction for a Safe Parking  
Program on City Lots and Safe  
Parking Ordinance Parameters**

### **RECOMMENDATION**

1. Provide direction on the parameters and permit process for a Safe Parking Ordinance.
2. Adopt a Resolution for City Safe Parking Program Operations for Shoreline Amphitheatre Lot B and the Pioneer/Evelyn Lot Once Permitted under a Lease Agreement with the Valley Transportation Authority, to be read in title only, further reading waived (Attachment 1 to the Council report).
3. Authorize the City Manager to execute a contract with the County of Santa Clara to continue a case worker for Permanent Supportive Housing for chronically homeless for an amount not to exceed \$125,000.

### **PURPOSE**

This report seeks Council approval on safe parking operations for City-controlled lots and direction on development of a Citywide ordinance to facilitate the establishment of additional safe parking locations. Following City Council feedback, staff will draft a Safe Parking Ordinance which will be presented to the Environmental Planning Commission (EPC) and City Council in September 2019 for consideration and adoption.

### **BACKGROUND**

In October 2018, Council authorized a Safe Parking Pilot Program which allowed the consideration of a Temporary Use Permit (TUP) for a safe parking site on the Palo Alto Housing Corporation (PAHC) property located at 1020 Terra Bella Avenue to host more than four vehicles for up to one year. Council also confirmed that under this Pilot Program, the TUP process could be used for other short-term safe parking programs

(up to 360 days) for other lots in any zoning district. Use of a lot for more than 360 days for a safe parking program would require approval of a Provisional Use Permit (PUP) or Conditional Use Permit (CUP). To encourage private property owners to host a safe parking program, increase vehicle capacity within an existing safe parking program, or extend the time for safe parking program operations, staff recommended Council consider adoption of a Citywide ordinance to streamline and expedite safe parking.

On March 19, 2019, the City Council received an update on initiatives to assist homeless and unstably housed residents and considered four options for parking enforcement strategies (Attachment 2). The Council directed staff to draft a Safe Parking Ordinance, including a streamlined approach to allow more than four vehicles per lot, and establish temporary safe parking programs at Shoreline Amphitheatre (Lot B) from November 15, 2019 to March 15, 2020 (when Shoreline use for Safe Parking will end) and a City-negotiated lot (Pioneer/Evelyn Lot).

At this meeting, the Council also directed staff to draft an Oversized Vehicle Parking Prohibition Ordinance, with exceptions. As part of the discussion on both topics, Councilmembers expressed some interest in a transition plan to give time for people living in oversized vehicles to have an opportunity to be a part of safe parking or pursue other alternatives; therefore, both items are on the same Council agenda (June 11, 2019). This report provides examples of safe parking programs; recommended ordinance requirements to address health and safety issues; and a resolution to authorize the use of two potential City-controlled lots for safe parking programs. It also includes an updated count of vehicles used for housing; the known number of safe parking spaces; and the estimated timeline for safe parking participants to become housed.

## **ANALYSIS**

Staff previously provided three excerpted examples of Safe Parking ordinances from the cities of San Jose, San Luis Obispo, and Santa Barbara in the March 19, 2019 Council report (Attachment 2). These examples, combined with two additional examples from the cities of Lompoc and Saratoga, informed staff's development of options for Mountain View.

The recommended requirements and process would apply to all safe parking programs after ordinance adoption (the City sites would be exempt, however). This will include the existing interim pilot program sites located at two faith lots, which already generally comply or are close to compliance. Staff would work with each existing faith site to facilitate an application allowing ample time, such as a minimum of 90 days, for

the completion of an application. Staff also incorporated in the recommended requirements the health and safety requirements that will be applied to the PAHC lot as part of the TUP process. This application has not been submitted yet, but staff has been working with PAHC closely, and an application is anticipated in the next 30 to 60 days. If PAHC submits an application or obtains a TUP prior to the safe parking ordinance going into effect, the ordinance would not apply to them until expiration of their TUP. Use of a parking lot for safe parking operations is generally considered a land use (similar to Emergency Shelters) and would be added to the appropriate land use tables within the Zoning Code (Chapter 36). In addition, the ordinance would include permit requirements and operational criteria summarized below and provided in outline form in Attachment 3.

### **Recommended Requirements for Inclusion in a Safe Parking Ordinance**

The purpose and intent of a safe parking program is to provide homeless individuals and families living in vehicles a safe place to park overnight. Staff's recommendations include provisions to ensure safe parking facilities are compatible with surrounding uses; effective at facilitating participants' transition to permanent housing; and that basic health and safety requirements are met. The provisions of the Safe Parking Ordinance are outlined in Attachment 3 and include having a qualified safe parking provider; case management to facilitate the transition to permanent housing; site requirements for health and safety; an operations plan, including emergency evacuation procedures; and safe parking participant agreements to ensure expectations are communicated and complied with by program participants.

### ***Permitting Approach***

There are two different ways a safe parking program can be structured. Staff seeks Council direction on whether to require a nondiscretionary CUP for Safe Parking uses, or allow it by right in certain zoning districts. For either option, staff recommends that a Safe Parking use be allowed as either a primary use or ancillary use in the CN, CO, CRA, CS, ML, MM, PF, and A Districts, the P-39 (North Bayshore) Precise Plan and future East Whisman Precise Plan areas, and only as an ancillary use to a public assembly or church use in the R1, R2, R3, and R4 Districts, subject to an inspection by Police/Fire for compliance with health and safety requirements. Each option is summarized in the table below.

**Table 1: Permit Process for Regulating Safe Parking Programs**

Option	Process	Decision/Appeal	Council Considerations
<p><i>Option 1:</i> Allow safe parking by requiring a nondiscretionary CUP</p>	<ul style="list-style-type: none"> <li>• Applicant submits a permit to the Planning Division which is reviewed for compliance with the Safe Parking standards.</li> <li>• City would notice property owners/tenants within 750' of the proposed site at least 14 days prior to the date of the Zoning Administrator's decision on the application.</li> <li>• No public hearing is held unless requested in writing by the applicant or another person.</li> <li>• Conditions of approval would require an inspection by Police/Fire for compliance with health and safety requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• Administrative Zoning Public Hearing (only if requested).</li> <li>• Appealable to Council.</li> </ul>	<ul style="list-style-type: none"> <li>• Provides a streamlined process by which the City does the noticing for the site and does not require signed letters of authorization from adjacent property owners as a TUP does.</li> <li>• Process notifies nearby residents that a safe parking program will be located within their neighborhood and provides an opportunity for input.</li> <li>• Could elongate the permitting process if a public hearing is requested and/or appealed to Council.</li> <li>• This option will create an increase in the workload for the Community Services, Police and Fire Departments, and the City Manager's Office.</li> </ul>
<p><i>Option 2:</i> Allow safe parking by right in certain zoning districts and an application/permit through the Police Department.</p>	<ul style="list-style-type: none"> <li>• Applicant submits an application for a site within an allowable zoning district.</li> <li>• Police Department reviews application for completeness regarding submittal requirements.</li> <li>• Once accepted as complete, Police/Fire would perform a site inspection for compliance.</li> </ul>	<ul style="list-style-type: none"> <li>• Decision level is Department Head.</li> <li>• Decision is appealable to City Manager.</li> </ul>	<ul style="list-style-type: none"> <li>• This approach offers a streamlined process that would be by application to the Police Department only.</li> <li>• There would be no public noticing and no ability for neighborhoods to provide feedback and/or appeal.</li> <li>• This option will create an increase in workload for Police and Fire Departments and the City Manager's Office.</li> </ul>

***Question No. 1: Which permitting approach for regulating safe parking programs does the Council prefer?***

### ***Safe Parking Services and Funding***

The recommended approach requires a service provider and case management functions, including managing referrals and client services to address identified needs, providing hygiene services, a program coordinator, and lot monitors. To encourage safe parking, the City could choose to provide funding for these services. This would relieve the burden on private property owners who may be interested in making their property available for safe parking but unable to pay for the services that could be required as part of the Safe Parking Ordinance. City support for safe parking services could be considered for up to a set amount, such as the funding needed to provide services to no more than 100 spaces. A combination of existing and Fiscal Year 2019-20 City and County funding sources could support services for up to 60 spaces, which is roughly the number to be served by the currently identified safe parking locations. While the City would seek County funding for additional safe parking services, it is possible that additional City funding would be needed. To expand the safe program to an additional 40 vehicles, resulting in a total of 100 vehicles, the estimated cost ranges from \$250,000 to \$280,000.

***Question No. 2: Is the Council willing to fund services that would be required by a Safe Parking Ordinance to encourage additional sites?***

### ***Vehicle Ownership***

Safe parking programs in other communities have allowed vehicles either owned or lawfully possessed to participate in safe parking. It is anecdotally known that some RV occupants pay rent to the owner of the vehicle to use the RV. In these cases, the vehicle registration would not match the licensed driver of the vehicle. Safe Parking could be limited to owner-occupied vehicles or also be made available to occupants of rented vehicles. Since the ordinance would apply to all Safe Parking Programs, this question should be considered in a broader context. If Council would like to limit the use of City-controlled lots to owner-occupied vehicles, this can be separately required.

***Question No. 3: Should safe parking be available to rented vehicles?***

### ***Establishment of Prioritization for Safe Parking Program Participation***

The City's existing affordable housing program incorporates a "live/work" policy. This policy, which gives a preference to those that live or work in Mountain View, is

documented in the existing Below-Market-Rate (BMR) guidelines and is suggested as a guide for safe parking program prioritization since the need for spaces will likely be larger than program capacity. Further, a preference may also be considered for families with children enrolled in Mountain View school districts or under the age of 18. Given the limited number of safe parking spaces, applicants for the City lots may need to be granted spaces by a lottery method if the number of eligible clients exceeds parking space availability.

*Question No. 4: Should preferences be established for City safe parking sites, such as the “live/work” policy in Mountain View’s BMR guidelines or for families with students? And should this apply to City sites and/or private properties?*

### **Living in Vehicles Status Updates**

This report also provides an updated Police count of vehicles showing signs of use for habitation; updates from CSA and MOVE on client engagement; the average time it takes to be housed; and the timeline of the known safe parking sites.

#### ***Recent Vehicle Count***

In May 2019, the Police Department assessed the public rights-of-way and several known parking lots and located 212 vehicles that appeared to be used for habitation, including 171 RVs, 36 passenger vehicles (typically vans or SUVs), and 5 categorized as “other” (box trucks, buses, etc.). Sixty-six (66) “associated vehicles” were located near RVs but did not appear to show signs of habitation. This data shows that since the December 2018 count, there has been a decrease in the number of RVs, standard vehicles, and other vehicles in the City that it appears are being used for habitation (11 percent, 60 percent, and 44 percent, respectively). In addition, there has been a 14 percent increase in the number of associated vehicles. While there has been ongoing outreach and engagement by CSA and the Police Department, the reason for the decline has not been identified.

#### ***Client Engagement and Housing Update***

CSA is seeing a decline in the numbers of vehicles on the streets, but CSA and MOVE are experiencing increased engagement through office visits and contacts. In Fiscal Year 2017-18, CSA served 597 homeless unduplicated individuals. In the first 10 months of Fiscal Year 2018-19, that number was 671.

On average, it takes anywhere from 8 months to 2 years to house someone who is homeless. As a general guideline from the County housing programs, it takes at least

18 months from assessment to placement in housing. Chronically homeless individuals require more time to be housed than someone employed but who has been living in a vehicle on a short-term basis. It can take longer to house a family due to the space required to house a family in comparison to housing an individual.

Performance measures for the County set a goal of 30 percent for people in shelters to obtain stable housing. With safe parking programs, which provide less intensive support than more traditional shelter programs, the target for achieving a housing placement would be around 20 percent.

***Capacity of Safe Parking Locations Currently Established or Being Explored***

The estimated safe parking capacity and timeline and availability are shown in the table below.

**Table 2: Known Safe Parking Program Sites**

Location:	Faith Lots	PAHC	Pioneer/Evelyn Site	Shoreline	Other Lots
<b>Estimated Capacity and Type:</b>	~8 (open to passenger vehicles)  – With a consideration for more after Ordinance adoption  – Seeking more faith sites	~8 to 11, depending on vehicle type (open to RVs)	~20 RVs	~20 RVs	Outreach continues.

Location:	Faith Lots	PAHC	Pioneer/Evelyn Site	Shoreline	Other Lots
Estimated Availability/ Timeline:	Currently Operating	<p>Pending July/ August 2019 to January 2020</p> <p>The site is working on the demolition process. A TUP application has not been submitted yet, but staff has been working with PAHC closely and an application is anticipate in the next 30 to 60 days.</p>	<p>October/ November 2019 to no later than 24 months after lease</p> <p>VTA requires review of the safe parking agreement which could impact the time frame.</p>	November 15, 2019 to March 15, 2020	TBD

Table 2 shows safe parking capacity of approximately 60 spaces, including the Shoreline lot which is available for 4 months of Fiscal Year 2019-20. After this site becomes unavailable, the number of spaces would be approximately 40. Both the City and MOVE continue outreach for additional lots. This includes preliminary discussions with the Mountain View Whisman School District, which has expressed willingness to consider evening parking, under certain conditions, for homeless students.

**Safe Parking Operations and Funding**

Nonprofit safe parking provider, MOVE, operates Lots of Love (LoL) Program launched on July 2, 2018. It currently operates two faith sites at St. Timothy’s Episcopal Church and Lord’s Grace Christian Church. MOVE will also provide program services at the PAHC lot which was approved by the City Council in December 2018. MOVE is committed to scaling up the existing safe parking model used successfully at the faith sites and planned for the PAHC lot on Terra Bella Avenue (Attachment 4). MOVE would provide site management with case management services contracted with the Community Services Agency (CSA) and other supportive services coordinated with the County. Staff recommends sole-source contracting with MOVE to expand operations and provide services for RV vehicles at both City sites. Staff estimates an additional 20 RVs/vehicles per City site would be feasible, and funded as follows:

- The County Board of Supervisors has funded MOVE’s safe parking program (\$287,525) for two years from June 2018 through June 2020, with a goal to serve up



to 40 vehicles, and the City lots will allow them to scale up operations to meet that goal.

- The City has designated additional funding (\$65,000) as part of the Fiscal Year 2019-20 budget for safe parking services for 20 additional vehicles, in addition to providing waste disposal, voucher funding (\$32,000), and contingency (\$35,000) for other needs such as fencing, fire extinguishers, and portable restrooms for the two City sites.

One of the main challenges with many of the older RVs will be ensuring they are roadworthy and in compliance with operating regulations. Funding was previously provided to CSA (\$10,000), and along with some County funding flexibility in the CSA and MOVE contracts, this may be used to assist RV owners with repairs, car registration, and insurance. However, the cost can be as high as \$1,000 per vehicle just for the registration and insurance, not including repair costs, which could be considerably higher. This is an area, in addition to supplemental funding for case management by CSA, where additional funding and donations would assist.

If safe parking were to be further expanded, additional funding would be required. It is estimated that program services for up to 40 additional vehicles would range in cost from approximately \$250,000 to \$280,000. It is possible that cost savings may be gained over time as the economies of scale increase.

### **Resolution for City-Controlled Lots**

To facilitate safe parking operations on the two identified City-controlled lots (once permitted under a lease agreement with the Valley Transportation Authority), staff recommends adoption of a resolution authorizing the use of the lots for safe parking. Implementation would be consistent with the recommended Safe Parking Ordinance parameters and any other direction provided by Council.

### **Environmental Review**

The designation of Shoreline Amphitheatre Lot B and the Pioneer/Evelyn Lot for safe parking operations is categorically exempt from the California Environmental Quality Act (CEQA) because the action involves minor alteration of existing structures and facilities per CEQA Guidelines Section 15301, and no exceptions to this exemption apply. In addition, the “common sense exemption” contained in CEQA Guidelines Section 15061(b)(3) applies because it can be seen with certainty that there is no possibility the activity may have a significant effect on the environment. When staff

returns with a safe parking ordinance for Council consideration, additional environmental review will be performed at that time.

### **FISCAL IMPACT**

With existing funding, and funds in the Fiscal Year 2019-20 Proposed Budget (to be voted on June 18), the City can assist in serving up to 60 vehicles. As described earlier in this report, other expansion of safe parking would require additional funding and a future budget request.

### **CONCLUSION**

It is recommended that the Council provide direction on the parameters and permit process for a new Safe Parking Ordinance; direction and adoption of a resolution for City safe parking lot operations and find that the adoption of the resolution and related actions are exempt from the California Environmental Quality Act pursuant to Sections 15301 and 15061(b)(3) of the CEQA Guidelines; and authorize the City Manager to execute a contract with the County to continue a case worker for Permanent Supportive Housing for chronically homeless for an amount not to exceed \$125,000.

### **NEXT STEPS**

Following City Council feedback, staff will draft a Safe Parking Ordinance. The Safe Parking Ordinance would be presented to the Environmental Planning Commission, which is anticipated to be September 4, 2019, and then return to Council for a first reading on September 24, 2019 and a second reading on October 22, 2019.

### **ALTERNATIVES**

The Council may wish to consider the following alternatives to the recommendations discussed:

1. Council could consider more or less restrictive requirements for safe parking.
2. Council could direct staff to pursue options that were not recommended by staff.
3. Council could decide not to approve a safe parking program at this time.
4. Council could provide other direction.

## **PUBLIC NOTICING**

Agenda posting and a copy of the report was sent to the County, CSA, MOVE, stakeholder group members, and, as feasible, others who have corresponded with the City Manager's Office on this topic. Supplemental Citywide communications for this agenda item included the following: webpage updates, a web news posting, an ad for the KMVT Cable-TV bulletin board, multiple postings to all social media channels (Facebook, Twitter, Instagram, NextDoor), one ad in *The Mountain View Voice*, and sharing information by e-mail with outreach to the collaborators, partners, stakeholders, members of the faith community, mobile outreach to RV residents with flyers in English and Spanish and e-mail to the RV residents neighborhood association, all neighborhood associations, City advisory bodies, legislative contacts, school districts, Foothill College, the Chamber of Commerce, the Central Business Association, and businesses that have provided their e-mail for the City's business license program.

Prepared by:

Kimberly S. Thomas  
Assistant to the City Manager

Approved by:

Audrey Seymour Ramberg  
Assistant City Manager/  
Chief Operating Officer

Daniel H. Rich  
City Manager

Jannie L. Quinn  
City Attorney

KST/KB/3/CAM  
609-06-11-19CR  
190220

- Attachments:
1. Resolution for City Safe Parking Program Operations
  2. [Council Report for March 19, 2019](#)
  3. Ordinance Key Provisions Outline
  4. Map of City Lots