



DATE: April 13, 2021

CATEGORY: Consent

DEPT.: Community Services and
City Manager's Office

TITLE: **Live Nation Lease Amendment and
LifeMoves Parking License
Agreement**

RECOMMENDATION

1. Acting as the City Council and Shoreline Regional Park Community Board, authorize the City Manager to amend the lease agreement with Live Nation related to the use of Shoreline Lot B to extend the safe parking use and authorize off-site parking for Project Homekey through December 31, 2022 and 2021, respectively, with options to extend on an annual basis through 2025, and authorize the City Manager to execute future minor amendments related to the site plan as needed for these programs.
2. Acting as the City Council and Shoreline Regional Park Community Board, authorize the City Manager to execute a license agreement with the nonprofit organization LifeMoves for the use of a designated portion of Shoreline Lot B for Project Homekey off-site parking through December 31, 2022, with options to extend on an annual basis through 2025, and authorize the City Manager to execute future minor amendments related to the site plan as needed.

BACKGROUND

On May 10, 2006, the City, Shoreline Regional Park Community, and Live Nation Worldwide, Inc. (f/k/a SFX Entertainment, Inc.) (Live Nation), executed an Amended and Restated Amphitheatre Ground Lease for the premises known as Shoreline Amphitheatre at Mountain View. This agreement contains an initial term through December 2020 and provides two five-year options for extension. Live Nation has executed the first extended term, which will extend the lease through December 31, 2025.

The ground lease describes the terms of use for Live Nation operations, including the provisions discussed in this report, such as parking use, safe parking lot use for living in vehicles, and the term. The lease has been amended twice since the start of the COVID-19

pandemic (to provide for safe parking on Lot B in March 2020 and extended in September 2020).

Live Nation staff has collaborated with City staff on a variety of initiatives, both before and during COVID-19. This has enabled the City to address the needs of unstably housed members of the Mountain View community. Also, Live Nation took responsibility for working with businesses in the North Bayshore Area to find additional off-site concert parking to offset the loss of spaces due to the Safe Parking program.

At the City Council meeting on December 8, 2020, at which Council considered the Live Nation rent modification and the separate item on Measure C, the City Council requested that staff work with Live Nation for additional opportunities associated with parking to assist homeless needs. Council provided staff flexibility to focus on addressing priority projects, such as Project Homekey.

The City and the nonprofit organization LifeMoves were coapplicants for State Project Homekey funds to establish an innovative interim modular housing community for people experiencing homelessness. The project was awarded a State grant of \$11.95 million for capital expenditures and \$2.4 million for operations. The project is located at 2566 Leghorn Street. It will provide rooms for 100 households (approximately 124 people) to help them overcome homelessness and return to stable housing. This new interim housing is expected to be open this spring. Priority will be given to people referred from the local area.

Staff has been in ongoing discussions with Live Nation, having several productive conversations about lot use options to support the City's homeless needs with the details discussed in the next section of this report. The collaborative relationship and flexibility shown by Live Nation are much appreciated.

ANALYSIS

As noted in Council updates, staff has been taking a phased approach to balancing the needs and uses for the Shoreline lots. The City most recently allowed the use of a portion of Parking Lot A at Shoreline Amphitheatre for the temporary storage of the unoccupied modular housing units for Project Homekey. Staff also worked on securing a portion of Shoreline Lot B to meet the long-term parking needs for the residents of Project Homekey because the new facility on Leghorn Street has limited on-site parking, and the operator LifeMoves has been unable to secure other parking locations. More information about LifeMoves' extensive outreach efforts and shuttle service plans is below.

A lease amendment would need to be executed with Live Nation to facilitate the use of Shoreline Amphitheatre Lot B for Project Homekey's off-site parking. Further, and as discussed below, a lease amendment is needed to extend safe parking use beyond June 30, 2021 and extend the concert season for 2021 as requested by Live Nation. In addition, a new agreement is needed with LifeMoves. The terms for the recommended amendment and agreement are summarized below.

Live Nation

Live Nation is agreeable to the terms noted below with the advisory that these terms of the agreement have been established without Live Nation being in operation. Live Nation was unable to open and operate Shoreline Amphitheatre for the entire 2020 concert season due to the COVID-19 pandemic and public health emergency. The start of the 2021 concert season continues to be delayed with the expectation that events will be able to return later in the season. Live Nation has sought to extend the end of the concert season from November 15 to November 21 to host the Audiotistic Festival. While there have been some issues with this event in the past, it has been more orderly over the past two occurrences due to actions taken by Live Nation working with City staff. Consequently, staff recommends this extension.

Safe Parking

The City's Safe Parking program provides capacity for over 100 parking spaces, currently serving on average approximately 130 to 150 individuals. Thirty-three (33) of the spaces are provided on Shoreline Lot B. The Safe Parking program is operated through contracts with the County of Santa Clara. The existing contracts for safe parking expire on June 30, 2021, and staff anticipates bringing the extension of the County contracts and a recommendation concerning 24/7 operations for Council consideration on the June 8, 2021 consent agenda. Staff also anticipates proposing continued funding for safe parking for the current scope of spaces served as a part of the Fiscal Year 2021-22 budget process. Given the need for parking for Project Homekey at this time, the potential for expansion of safe parking at Shoreline Lot B can be better assessed after Project Homekey parking use data is available.

Live Nation Summary of Terms

(NOTE: The first three terms in bold font are common to both the Live Nation agreement amendment and the LifeMoves agreement.)

- **The site plan reflects requirements, including turning radius, aisle clearance for Fire access, and the use of a portion of Lot B (Attachment 1) to park up to 34**

vehicles, including RVs, with an option to allow an increase of 10 more vehicle parking spaces for a total of up to 44 vehicles after parking lot surface improvements.

- **Access to the north side parking spaces (top half) through the East aisle.**
- **After execution of the agreement with LifeMoves, access to and use of the lot for the operation of the shuttle by LifeMoves to transport Project Homekey residents from the interim housing site on Leghorn Street to the off-site parking area on Lot B.**
- Initial term for LifeMoves parking to start upon execution of the agreement but no earlier than April 14, 2021 to December 31, 2021. During this initial term, there would be a review of the initial term to see if needs are being met and whether modifications may be needed.
 - Staff is seeking Council authorization to allow the City Manager to execute minor amendments related to the site plan to allow for any needed modifications as they relate to the site plan for off-site Project Homekey parking or commuter parking (nonliving) for safe parking participants.
- The City, as authorized by the City Manager, has the option to renew the off-site Project Homekey parking use on an annual basis through December 31, 2025.
- Extend the term for safe parking use to December 31, 2022, with an option for the City, as authorized by the City Manager, to renew on an annual basis through December 31, 2025. Currently, the use of the lot for safe parking purposes terminates 30 days after the termination of the Local Emergency but no later than June 30, 2021.
- The parties agree to meet and work in good faith to resolve issues, concerns, or operational matters.
- Extend the concert season for 2021 from November 15 to November 21.

LifeMoves

LifeMoves staff sought to secure 20 to 50 off-street parking spaces for the passenger cars and RVs of Project Homekey residents, preferably within walking distance of Leghorn Street, for many months. However, the outreach campaign to secure parking agreements

with surrounding businesses, churches, and other facilities did not result in any parking space agreements. RV storage was also looked at but is cost-prohibitive.

An off-site parking plan or Transportation Demand Management (TDM) parking plan (similar to ones used by other companies in the region) is not required by the City for this project, but there is a strong interest in assisting the facility with parking options as part of the facility's good-neighbor strategy and serving residents who live in vehicles.

LifeMoves would be responsible for the execution of the plan to use Shoreline Amphitheatre Lot B for off-site vehicle parking, including commuter vehicles and longer-term RV parking, and to operate a shuttle program to transport Project Homekey residents from the interim housing site to the Shoreline Lot B off-site parking area. The LifeMoves case manager(s) will work closely with clients, addressing their parking and housing needs.

LifeMoves Summary of Terms

Staff has confirmed LifeMoves is agreeable with the following proposed terms to perform, at their expense:

(NOTE: Avoiding repetition, the site plan provisions are the same as noted in bold on the previous page and reflected in Attachment 1.)

- Staff is seeking Council authorization to allow the City Manager to execute minor amendments related to the site plan to allow for any needed modifications as they relate to the site plan for off-site parking.
- LifeMoves will begin with a lesser capacity site plan and can request City approval of the higher capacity with the improvements undertaken. Initial term for LifeMoves parking to start upon execution of the agreement but no earlier than April 15, 2021 to December 31, 2021. During this initial term, there would be a review of the initial term of the program to see if needs are being met and whether modifications may be needed.
- LifeMoves has the option to request, for the City Manager's approval, renewal on an annual basis through December 31, 2025.
- The parties agree to meet and work in good faith to resolve issues, concerns, or operational matters.

- LifeMoves will establish a community contact number for any concerns or questions associated with parking or operations of the Project Homekey facility.
- LifeMoves will paint parking lines, install signage, and place or coordinate the placement of concrete barriers to delineate and serve as a buffer between the off-site parking uses from the other Lot B uses.
- LifeMoves will ensure each vehicle using off-site parking is provided a placard for their vehicle designating the vehicle's participation in the Project Homekey program.
- Keep Fire access and turning radius clear at all times.
- Ensure plan and shuttle drop-off/ pickup (location to be determined) to comply with Americans with Disabilities Act (ADA) requirements. The LifeMoves van will be ADA-compliant. Wherever possible, clients with mobility challenges will be offered access to the main lot at Leghorn Street.
- Require case managers providing client services to the homeless residents at Project Homekey to assist residents with participating in the off-site parking option for their vehicle(s) and educate residents on measures to safeguard their property while it is stored on the lot.
- LifeMoves will ensure that all the parties using the lot are well-informed of the specific areas of use and responsibilities. Include acknowledgment of parking options, client vehicle insurance required, and sign-off that no spaces are to be used for living in Client-Management Agreements.

Other Requirements

Before using the lot for the Project Homekey off-site parking purpose, the City must obtain approval from the Santa Clara County Department of Environmental Health (DEH) since this is a closed landfill site. As of the date of this report, a request has been made and is pending review. Staff requested and received from the County similar approval for the temporary storage of the Project HomeKey modular units.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations.

CONCLUSION

Staff recommends the City Council and Shoreline Regional Park Community Board authorize the City Manager to amend the lease agreement with Live Nation and to execute a license agreement with the nonprofit organization LifeMoves per the terms discussed in this report.

ALTERNATIVES

1. Modify the staff recommendation to amend the ground lease with Live Nation.
2. Modify the staff recommendation to execute a license agreement with LifeMoves.
3. Do not approve any recommendations at this time.
4. Provide other direction.

PUBLIC NOTICING

Agenda posting and a copy of the report were sent to Brian Rutkowski, Shoreline Amphitheatre General Manager, and Joanne Price, LifeMoves Vice President of Real Estate and Operations.

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Attachment: 1. Site Plan – Version 1 for immediate use and Version 2 for expansion