

CITY OF MOUNTAIN VIEW**ENVIRONMENTAL PLANNING COMMISSION****STAFF REPORT****WEDNESDAY, SEPTEMBER 4, 2019****5. PUBLIC HEARINGS****5.1 New Regulations Pertaining to Safe Parking, Amendments to the Emergency Shelter Regulations, and Other Related Minor Text Amendments****RECOMMENDATION**

That the Environmental Planning Commission adopt:

1. A Resolution Recommending that the City Council Approve an Ordinance to Amend Chapter 36, Articles XVII, IX, XVI, IV, V, VI, and VIII of the Mountain View City Code Related to Safe Parking and Emergency Shelters (Exhibit 1); and
2. A Resolution Recommending that the City Council Approve Precise Plan Amendments to the P-39 (North Bayshore) Precise Plan related to Safe Parking (Exhibit 2).

PUBLIC NOTIFICATION

Notice of the September 4, 2019 public hearing was published in a newspaper of general circulation in accordance with Government Code Section 65090. Notice was also included in the standard Environmental Planning Commission (EPC) agenda notice and posting procedures. Mailed notices were sent to all property owners and residents in the City. Interested stakeholders were notified of this hearing through e-mail and the City News, homeless webpage, and all social media channels (Facebook, Twitter, Instagram, and NextDoor).

BACKGROUND

Homelessness and the inadequate supply of housing in the region, particularly housing that is affordable and accessible to the people in need, has been an issue the Council has grappled with for the last three years.

Mountain View has actively responded and implemented a multi-pronged approach to help residents in need and maintain the quality of life for our

neighborhoods, but the Countywide data shows that for every household housed, nearly three more enter the system (a measure of homeless inflow). This has created an environment where increasing numbers of people are sleeping on the streets, in cars, RVs, in abandoned properties, or in other places not meant for human habitation. Mountain View's homelessness is up 46 percent from the homeless population in 2017. In particular, the County has experienced an almost 300 percent increase from 2017 to 2019 in vehicle living, and the City's counts have ranged from 200 to 300 vehicles being lived in over the past two years.

In March 2019, Council directed staff to draft an ordinance regulating safe parking in the City. 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. A safe parking program includes 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.

On June 11, 2019, staff presented to Council safe parking ordinance parameters and raised three questions for direction related to the regulations (Exhibit 3). These parameters and the direction provided are discussed further below. Council directed staff to return in fall 2019 with regulations for safe parking as well as recommendations to allow emergency shelters in additional zoning districts. The Council also considered a second item for an Oversize Vehicle Prohibition, which was not adopted at that time, but will also return in the fall with options for parking restrictions.

City Actions to Address Homeless and the Unstably Housed

The City has committed nearly \$2 million in funding for new initiatives over three years to help address homeless and the unstably housed with additional significant staff time and resources devoted to the issue. This includes startup and operational funding in conjunction with the County and fostering a local safe parking program provider, MOVE Mountain View. There are currently three safe parking sites at faith-based properties in the City that provide safe parking for up to four passenger vehicles. Council approved the issuance of a Temporary Use Permit (TUP) to allow safe parking for up to 10 vehicles at a Palo Alto Housing Corporation (PAHC) site on Terra Bella Avenue. In addition, the Council authorized the use of two City-owned or -controlled lots to be used for safe parking temporarily (the Shoreline Amphitheatre Lot B and the VTA lot at Pioneer Way and Evelyn Avenue pursuant to a lease agreement with VTA).

ANALYSIS

The proposed safe parking regulations will be located in two separate chapters of the City Code: Chapter 36—Zoning (Exhibit 1) and Chapter 19—Motor Vehicles and Traffic (Exhibit 4). The EPC will provide recommendations to Council on changes to Chapter 36 of the City Code and the North Bayshore Precise Plan (Exhibit 2) for new regulations pertaining to safe parking, amendments to the emergency shelter regulations, and other related minor text amendments. The revisions to Chapter 19 of the City Code are not within the purview of the EPC but have been included for context.

Safe Parking Ordinance

The provisions included in the ordinance are directed to help 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 safe parking ordinance parameters taken to Council for review in June 2019 included the following and are included in the proposed ordinance:

- Qualified safe-parking provider required to operate the lot and provide case management services to facilitate the transition to permanent housing;
- General health and safety provisions, including: minimum 25' buffer from residential property lines; restrooms, water, and trash facilities; black/graywater disposal plan; and minimum 10' clearance distance between recreational vehicles;
- Use of parking lots only when not in use by an on-site business but not to exceed 7:00 p.m. to 7:00 a.m. daily;
- An operations plan to include emergency evacuation procedures;
- Prohibition of modified cooking equipment and cooking and fires outside vehicles;
- Prohibition of vehicles that leak domestic sewage or other fluids; and

- Prohibitions of generators or amplified sound that is audible outside the vehicle.

In addition, the following key provisions are modified from what was discussed in June 2019 and included in the proposed ordinance:

- The maximum capacity of 30 vehicles is included, consistent with the size of other safe parking lots currently in operation in Santa Clara County, but the maximum use of 50 percent of the striped parking area has been removed in light of the other safe parking program requirements included to address health and safety issues.
- If operation of the safe parking use is proposed during the operational hours of another use(s) on a site, it shall be demonstrated that adequate parking is maintained to serve all on-site uses.
- The applicant shall submit and comply with the submitted stormwater pollution controls and clean-up response plan to minimize and/or address the water quality impacts of litter and spills from the site.

Permit Process

The proposed safe parking regulations will be located in two separate chapters of the City Code (Chapter 36 and Chapter 19). Chapter 36 will include the land use permit requirements and Chapter 19 contains the operational requirements for Police administrative review and Police and Fire inspection.

The proposed process includes the following:

1. ***A Nondiscretionary Conditional Use Permit***—Council directed the use of a nondiscretionary Conditional Use Permit to allow safe parking on private property with exceptions discussed below. A nondiscretionary use permit allows approval by the Zoning Administrator based on a defined set of review and operational criteria. Public noticing with a 750' radius would be provided prior to a decision being made on a safe parking application, which would allow for a request for a public hearing from any member of the public. If no public hearing is requested within the defined time frame, the application would be approved if the Safe Parking requirements are met. The nondiscretionary Conditional Use Permit process is currently utilized for large family day-care homes.

2. *An operational permit from the Police Department*—would focus on the specific operations at the site and include inspections by Police and Fire for health and safety.

Council directed staff to include two exemptions from the nondiscretionary Conditional Use Permit requirement, in which case only the Police Department permit would be required during a declared shelter crisis, and for City-owned or -controlled lots. In March 2019, the City Council declared a shelter crisis as existing shelter capacity could not meet homeless needs in Mountain View.

Allowed Areas

Safe parking is proposed to be conditionally permitted in accordance with the land use regulations in the designated zoning districts and precise plans as specified in the applicable land use tables, which include all commercial, industrial, and public facilities zones in the City; North Bayshore Precise Plan area; East Whisman Precise Plan area (if adopted); and at parking lots in conjunction with the following uses in residential zones: churches; community centers; membership organization facilities; and private and public schools.

Emergency Shelter Regulations

As part of the oversized vehicle and safe parking discussion at the Council Meeting on June 11, Council requested staff bring back recommendations for allowing emergency shelters in additional zoning districts. Currently, they are a permitted use in only the MM (General Industrial) Zoning District in conformance with California Senate Bill 2 (SB 2). Staff is proposing modifications to the existing regulations which would expand the zones to allow emergency shelters with approval of a Conditional Use Permit in all commercial, industrial, and public facilities zones, with the exception of the MM Zoning District, which would continue to allow it as a permitted use.

Other Related Text Amendments

To support the recommended permit process for safe parking uses, staff is recommending amendments to Section 36.28.20—Child Day-Care Facilities and Section 36.48—Conditional Use Permits, to expand the nondiscretionary Conditional Use Permit process to include safe parking uses.

An amendment to the “Definitions” Sections 36.60.19 and 36.60.41 of the Zoning Code is also proposed to define safe parking as a use and to include a definition of “homeless.”

COMMUNITY OUTREACH

In addition to the public noticing for this item, City Manager’s Office staff is scheduled to meet with representatives of the RV residents stakeholders group on August 30, 2019.

ENVIRONMENTAL IMPACT

Adoption of the ordinance is exempt from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines, which applies to the minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use. Adopting the ordinance to allow the use of existing parking lots for temporary overnight safe parking would not constitute any significant expansion of use. CEQA Guidelines Section 15061(b)(3) also applies because it can be seen with certainty that there is no possibility that the activity (parking overnight in existing parking lots as well as the expansion of emergency shelters into additional zoning districts and minor code amendments) will have a significant effect on the environment. The safe parking regulations have many operational requirements to avoid impacts, and the emergency shelters will be subject to all City codes and subject to environmental review in conjunction with the issuance of a conditional use permit to operate in any of the added zoning districts.

NEXT STEPS

Following a recommendation from the EPC, the City Council will hold a public hearing, tentatively scheduled for September 24, 2019, to consider the proposed ordinances and resolutions to establish the regulations.

CONCLUSION

Staff recommends that the EPC recommend to the City Council approval of amendments to Chapter 36 (Zoning Ordinance) of the Mountain View City Code and the North Bayshore Precise Plan for new regulations pertaining to safe parking, amendments to the emergency shelter regulations, and other related minor text amendments.

ALTERNATIVES

1. Recommend not adopting the proposed ordinances and resolutions to establish the regulations.
2. Modify the proposed ordinances or resolutions for Council consideration.
3. Provide other direction to staff.

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SW-KST-NCW/KB/2/CDD
679-09-04-19SR

- Exhibits:
1. Draft Resolution – Zoning Code Amendments – Chapter 36
 2. Draft Resolution – Precise Plan Amendments
 3. [City Council Report – June 11, 2019](#)
 4. Redlined Ordinance – Chapters 36 and 19
 5. Comments Received from Public Notice