



JOINT REPORT

DATE: October 24, 2023

CATEGORY: Consent

DEPT.: City Manager's Office

TITLE: **Commuter Parking for Safe Parking Program Participants at Shoreline Lot B**

RECOMMENDATION

1. Adopt a Resolution of the Shoreline Regional Park Community Authorizing the Community Manager or Designee to Amend the Amended and Restated Amphitheatre Ground Lease Agreement with Live Nation to Expand a Portion of Lot B that may be Used for Safe Parking to Include a New Commuter Parking Area and Finding These Actions to be Exempt from the California Environmental Quality Act Under CEQA Guidelines Sections 15301 and 15061(b)(3), to be read in title only, further reading waived (Attachment 1 to the Council report).

2. Adopt a Resolution of the City Council of the City of Mountain View Authorizing the City Manager or Designee to:
 - (1) Amend the Amended and Restated Amphitheatre Ground Lease Agreement with Live Nation to Expand the Portion of Lot B that may be Used for Safe Parking to Include a New Commuter Parking Area;
 - (2) Amend the Shoreline Amphitheatre Lot B Lease Agreement with the County of Santa Clara to Add a New Commuter Parking Area; and
 - (3) Amend the Funding Agreement with the County of Santa Clara for Preventing and Ending Homelessness in Mountain View to Add a New Commuter Parking Area at Shoreline Lot B

and Finding These Actions to be Exempt from the California Environmental Quality Act Under CEQA Guidelines Sections 15301 and 15061(b)(3), to be read in title only, further reading waived (Attachment 2 to the Council report).

BACKGROUND

The City has received input about the need for commuter parking for safe parking program participants at Shoreline Amphitheatre Parking Lot B (“Shoreline Lot B” or “Lot B”). This report recommends Council action to update contract terms with Live Nation for additional space at Shoreline Lot B under the Amphitheatre Ground Lease and in two separate agreements with the County of Santa Clara (County) for its lease of Lot B for safe parking and for the operation of safe parking sites through a contracted service provider.

Background on Commuter Parking for Safe Parking Program Participants

Since the launch of the safe parking programs, the City has consistently collaborated with the County and program operator MOVE Mountain View to provide participants direction on available public parking within close proximity to the safe parking lots. Although on-site commuter parking is not required for emergency and temporary homeless services programs like safe parking, the City has worked to balance providing spaces used for living purposes with needs for commuter parking by implementing solutions at Shoreline Lot B and the Evelyn lot, which are detailed below.

Both Lots

The City provides Americans with Disabilities Act (ADA) commuter parking for two vehicles and a loading zone space at the Evelyn and Shoreline lots for program participants’ access. In addition, the City has worked with the County to ensure the program operator actively works with each client to ensure they are aware of the options available at Mountain View’s safe parking lots to best meet their needs.

Shoreline Lot B

In response to the COVID-19 pandemic, in May 2020, the City provided a temporary, emergency solution for the Shoreline Lot B safe parking program by allowing participants to use up to 15 permitted spaces in the adjacent Shoreline Dog Park parking lot (Dog Park Lot) from dawn to dusk, roughly 6:00 p.m. to 6:00 a.m. Lot availability was on a first-come, first-served basis for any participant requesting access to park a commuter vehicle. The program provider, the County of Santa Clara, was responsible for monitoring the Dog Park Lot during the hours of use. In September 2020, Council approved continuing use of the Dog Park Lot for nighttime commuter parking. At the June 8, 2021 Council meeting, use of the Dog Park Lot for commuter parking was removed due to clients indicating that the lot was not optimal for their needs and due to operational challenges (including illegal parking, trespassing, and other violations) encountered by the program operator, MOVE Mountain View.

Evelyn Lot

In September 2020, Council approved a redesign of the Evelyn lot to provide on-site commuter parking for safe parking program participants in order to reduce the on-street parking impact to nearby businesses. Currently, the Evelyn lot has 15 spaces solely for commuter parking and 21 flex spaces which can be used for either living in or commuter parking for passenger vehicles, providing **a total of up to 36 spaces for commuter parking.**

ANALYSIS

Commuter Parking at Shoreline Lot B

Providing commuter parking at Shoreline Lot B requires several steps, including: close collaboration with an interdepartmental team, the County of Santa Clara Office of Supportive Housing, nonprofit partners, and Live Nation; contract changes; lot preparation; and environmental review. The sections below further describe the recommended actions associated with the proposed commuter parking addition.

Contract Changes

As seen in the recommendations associated with this report, there are several 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 space used at Shoreline Lot B; 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; and an agreement with the County that specifies both County and City funding of safe parking, which requires an amendment for any changes to the provision of safe parking, including commuter parking.

Live Nation Shoreline Lot Contractual Term and Amendment

Under the Shoreline Amphitheatre ground lease, 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 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 17 additional oversized vehicle spaces at Lot B, beyond what they provided in 2021, and within the "existing footprint" of contiguous space to assist the operator programmatically and retain space for event parking. Staff executed an amendment with Live Nation each time there was an update to the contract provisions.

In September 2023, staff reengaged with Live Nation to secure additional space at Shoreline Lot B for commuter parking. Staff assessed a number of options to align with the existing programmatic space at Lot B and determined the adjacent area would be the ideal location. This area results in space for up to 23 commuter vehicles.

Staff recommends authorization to amend the agreement with Live Nation to expand the portion of Lot B that may be used for safe parking to include a new commuter parking area. Both the City Council and Shoreline Regional Park Community are required to take this action as included in the resolutions (Attachment 1 and 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 purpose 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 Council authorize the City Manager or designee to execute an amendment to the no-cost lease agreement with the County for a new commuter parking area at Shoreline Lot B.**

Agreement with the County of Santa Clara

The additional commuter parking space will expand the existing footprint of the safe parking site the County operates. This will result in a safe parking program of 46 spaces for vehicles used for living and an adjacent space for up to 23 commuter parking vehicles used for nonliving purposes. **Staff recommends Council authorize the City Manager or designee to execute an amendment to the agreement with the County of Santa Clara for the operation of safe parking sites to add a new commuter parking area at Shoreline Lot B.**

Implementation of Commuter Parking at Shoreline Lot B

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 exempt from the permitting requirements of the Safe Parking Ordinance, the safe parking program on Lot B has been implemented in adherence to the Ordinance's safety standards, as will the commuter parking portion. Subject-matter experts, such as staff from the City's Traffic Division, Fire and Environmental Protection 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 adding commuter parking and how to best meet programmatic needs. The Police Department also provided input. Staff reviewed ground conditions and developed and analyzed design options to ensure the new spaces comply with safety requirements.

Lot Preparation

Preparing the lot for the addition of a new commuter parking area includes the following actions:

- Maintaining the required ingress and egress for fire lane access;
- Moving the existing K-rail to provide enhanced security to the living area;
- Adding temporary fencing along the commuter parking area to demarcate areas used for living and nonliving; and
- Attaching “Parking by Permit Only” signage to the fencing.

Environmental Noticing

The Santa Clara County Department of Environmental Health regulates the closed landfill at Shoreline at Mountain View through a Postclosure Maintenance Plan. The City received a permit from the Santa Clara County Department of Environmental Health for the safe parking program on Shoreline Lot B for its existing footprint. A commuter parking area was not a designated use for the portion of the lot. The City is required to submit a formal letter noticing the Department of Environmental Health of the commuter parking area addition.

FISCAL IMPACT

There are no costs associated with any of the agreement amendments. The only anticipated cost is approximately \$2,000 for additional signage. This cost will be funded from the Human Services Limited-Period funding available in the Fiscal Year 2023-24 Adopted Budget.

ALTERNATIVES

1. Direct staff to redesign the commuter parking spaces and renegotiate the associated leases and contracts.
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 at the Department of Environmental Health and Office of Supportive Housing, 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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Attachments: 1. Resolution—Shoreline Regional Park Community
 2. Resolution—City of Mountain View