



PLANNING COMMISSION
AGENDA REPORT

DATE: January 26, 2024

AGENDA OF: February 1, 2024

ITEM NO.: CP23-0176 Coastal Zone throughout the City

RECOMMENDATION: That the Planning Commission acknowledge the environmental determination and approve the Coastal Development Permit based upon the findings listed below and Conditions of Approval listed in Exhibit “A”.

PROJECT DATA

Property Owner: City of Santa Cruz

Representative: Lisa Murphy, Deputy City Manager

Application Type: Coastal Development Permit, as required by Conditions of Approval of Coastal Development Permit (CDP) A-3-STC-22-0018 approved by the California Coastal Commission, authorizing the City to, in perpetuity, continue implementation of Ordinance No. 2021-20, as amended by Ordinance No. 2023-08 and codified in Municipal Code sections 10.04.065, 10.04.085, 10.04.104, 10.04.106, 10.04.165, 10.40.120, 10.41.060, and 16.19.070, including, but not limited to, restrictions on overnight parking of oversized vehicles (“OVs”), prohibiting parking of unattached trailers, and providing for continued operation of the City’s Safe Parking Program; and to accommodate potential future minor modifications to the City’s Safe Parking Program and OV Regulations, including potential modifications to its OV residential parking permit program.

Zoning Designation: Citywide within the public right-of-way (ROW) and Safe Parking, primarily on City-owned or -operated property (City parking facilities)

General Plan: Various

Project Consistency: Consistent with conditions of approval of Coastal Development Permit A-3-STC-22-0018 as granted by the California Coastal Commission

Land Use: - Existing: Public streets and public parking
- Proposed: Public streets and public parking

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- In area: Various land use types surrounding both the public ROW and City-owned and -operated parking facilities in the Coastal Zone, including commercial buildings, residential buildings, and public facilities

Parking: No change to existing on-street daytime parking capacity; increased on-street parking capacity (12 AM to 5 AM); and no substantial change to daytime capacity of City-owned/-operated parking facilities

Coastal Review: Coastal Development Permit required

Environmental Review: Statutory exemption: CEQA Guidelines Section 15282(j) (14 CCR section 15282(j)).
Categorical exemption: CEQA Guidelines Sections 15301(c) and (g), 15307, 15308, and 15061(b) (14 CCR sections 15301(c) and (g), 15307, 15308, and 15061(b).)

Mandatory Action Date: 60 days after acknowledgement of Environmental Exemption

Planning Staff: Timothy Maier, Senior Planner

BACKGROUND

For over a decade, the City of Santa Cruz has pursued efforts aimed at attempting to alleviate the sometimes adverse impacts of long-term parking of oversized vehicles. As a result of extensive collaboration with various stakeholder groups and in response to feedback received from the community, the City has taken a number of affirmative steps aimed at balancing 1) community concerns regarding the effects of long-term, static parking of oversized vehicles in neighborhoods and in the City at large, with 2) the protection of potentially vulnerable individuals, including occupants of oversized vehicles who may have limited access to housing. Current actions seek to reduce the impacts of parking of oversized vehicles (defined as motor vehicles exceeding 20 feet in length, or eight feet in width and seven feet in height) along with unattached trailers, on City streets. Attached documents provide detailed background information demonstrating the expansive efforts taken by the City to address the topic in question.

Staff request that the Planning Commission consider approval of a Coastal Permit, following up to the California Coastal Commission's (CCC's) one-year approval of the City's application for a Coastal Development Permit (file number A-3-STC-22-0018) to allow, in perpetuity, implementation of Ordinance No. 2021-20, as amended by Ordinance No. 2023-08 and codified in Municipal Code sections 10.04.065, 10.04.085, 10.04.104, 10.04.106, 10.04.165, 10.40.120, 10.41.060, and 16.19.070, which, among other elements, prohibits parking Citywide of oversized vehicles between the hours of 12 AM and 5 AM; and to accommodate potential future minor modifications to the City's Safe Parking Program and OV Regulations, including potential modifications to its OV residential parking permit program. The proposed actions necessitate approval of a new Coastal Development Permit, as Required by the Coastal Commission via Coastal Development Permit (CDP) A-3-STC-22-0018.

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Current Regulations

The City Council has adopted a body of regulations and policies related to the parking of oversized vehicles (“Ovs”), which may encompass “recreational vehicles” (“RVs”), and the like, including the “Oversized Vehicle Ordinance,” or “OVO”, intended to maintain City streets as a means of conveyance of vehicular, bicycle, and pedestrian traffic; uphold health and safety; discourage long-term OV entrenchment; and safeguard the welfare of those without ready access to housing who may seek to utilize the public right-of-way for purposes of habitation within oversized vehicles. The Oversized Vehicle Ordinance is codified within Santa Cruz Municipal Code sections 10.04.065, 10.04.085, 10.04.104, 10.04.106, 10.04.165, 10.40.120, 10.41.060, and 16.19.070. Section 10.40.120 of the City’s Municipal Code, which serves as a focus of this report, contains several provisions related to the parking of oversized vehicles, including, but not limited to a prohibition against OV on-street parking from midnight (12 AM) to 5 AM (SCMC 10.40.120(a)) and a prohibition against parking of unattached trailers on City rights-of-way (SCMC 10.40.120(e)).

Past Actions

Attached documents include detailed information regarding efforts taken to address concerns associated with the parking of oversized vehicles on public streets within City limits. The following provides a summary of recent actions taken to date.

Following two prior Council meetings on the topic, on November 9, 2021, the City Council adopted Ordinance No. 2021-20, authorizing revisions to Santa Cruz Municipal Code (SCMC) Title 10; and Chapter 16.19, “Storm Water and Urban Runoff Pollution Control”, pertaining to the parking of oversized vehicles in public rights-of-way. The term “oversized vehicle” is defined in Section 10.04.106 of the Municipal Code, which provides, in relevant part:

“‘Oversized vehicle’ shall mean any motorized vehicle (as defined in Section 670 of the Vehicle Code) or combination of motorized vehicles and/or nonmotorized vehicles or trailers that: (1) meets or exceeds twenty feet in length at any time, or (2) [meets] both of the two following criteria, exclusive of fixtures, accessories, or property: eight feet in height and seven feet in width.”

At the November 9, 2021 public hearing, the City Council approved a motion directing staff to implement City-operated and sponsored Safe Parking Programs for unhoused residents of oversized vehicles licensed and registered in the City of Santa Cruz. As envisioned by the City Council, Safe Parking Programs would encompass a three-tiered approach offering successively more comprehensive services, from emergency parking (Tier 1) to 30-day overnight parking (Tier 2), through a broad suite of intensive support (“wraparound”) services including, among other amenities, access to 24-hour parking hygiene stations, and job placement assistance (Tier 3).

Following ordinance adoption, the City engaged in dialogue with, and outreach to, the California Coastal Commission (“Coastal Commission”, or “CCC”), with the intent of securing a Coastal Development Permit (“CDP”) authorizing the City to effect Ordinance No. 2021-20 within the Coastal Zone.

On January 12, 2022, the Zoning Administrator approved a Design Permit, authorizing actions included within the purview of that permit as a public project in the Coastal Zone per SCMC Section 24.08.210 and SCMC Sections 24.08.410-430, and granting entitlement of a Coastal Permit pursuant to SCMC Section 24.08.210 of the

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Zoning Ordinance, which requires approval of such permit for development within the Coastal Zone that is not specifically exempted. Two appeals of the Zoning Administrator’s approval of the Design Permit and Coastal Permit were filed, and, on March 3, 2022, the Planning Commission denied both appeals and upheld the Zoning Administrator’s approval of the Coastal and Design permits, but with revised conditions of approval. The decision of the Planning Commission was subsequently appealed to the City Council, which likewise, on April 12, 2022, denied the appeal and upheld the decision of the Planning Commission, with further revised conditions of approval. Thereafter, two separate parties filed an appeal of the City Council’s decision to the Coastal Commission. The Zoning Administrator, Planning Commission, and City Council staff reports are attached for reference.

On July 14, 2022, the Coastal Commission found substantial issue with the City’s Coastal Development Permit application, which mandated that a de novo hearing be held on the City’s application request. The CCC staff’s recommendation was initially that the Commission find no substantial issue. However, the Commission later came to understand that a portion of the City’s ordinance (at the time) prohibited oversized vehicle parking within 100 feet of intersections, including during the daytime. That provision resulted in the Commission staff’s providing an addendum to the Coastal Commission through which they changed their recommendation to a substantial issue finding. Following the Commission’s finding of substantial issue, the City subsequently withdrew that specific provision – the prohibition of oversized vehicle parking within 100 feet of intersections – from the City’s application. In advance of the CCC’s substantial issue hearing on July 14, 2022, the City prepared two letters and associated exhibits, both of which are attached for reference, as are the CCC staff’s June 2022 report and addendum.

On May 11, 2023, the California Coastal Commission authorized Coastal Development Permit A-3-STC-22-0018 for a period of one year, while imposing a number of conditions of approval. As a component of entitlement of the Coastal Development Permit, the Coastal Commission authorized the City to issue a new CDP on its behalf, stipulating that the City’s OVO and Safe Parking Programs could be implemented in the Coastal Zone, as amended by the terms and conditions of the CDP (classified as “development” by the Coastal Commission), for a period of one year. Condition of Approval No. 2 of CDP A-3-STC-22-0018 required that “any such development authorized by such new CDP shall substantially conform [to] the development authorized under this CDP [CDP A-3-STC-22-0018], including this CDP’s terms and conditions, and shall address any issues/problems encountered in implementation through May 11, 2024.”

Thereafter, on June 13, 2023, the City Council approved Ordinance 2023-08, amending select portions of Chapter 10.40 of the Santa Cruz Municipal Code, in order to: (1) eliminate the prohibition on parking of oversized vehicles within 100 feet of intersections, consistent with the City’s withdrawal of that provision from the Coastal Development Permit request, (2) adjust provisions related to when the ordinance applies during a declared state of emergency, and (3) clarify provisions related to how the OVO interacts with the City’s existing residential parking permit program. The ordinance was then signed by Mayor Fred Keeley on June 27, 2023 and became effective 30 days later.

City Approval Authority

The City’s Zoning Administrator holds the authority to approve Coastal Permits on behalf of the California Coastal Commission per Municipal Code Section 24.04.130 but may elect to refer such Coastal Permit applications to the Planning Commission for decision pursuant to SCMC 24.04.130(2). Due to the broad policy

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implications and considerable geographic scope (the whole of the Coastal Zone) of the subject Coastal Permit application, along with the likelihood that the Zoning Administrator's decision would be appealed, as it was in 2022, the Zoning Administrator has elevated to the Planning Commission review of the subject Coastal Development Permit. The decision of the Planning Commission remains final unless appealed to the City Council and/or directly to the Coastal Commission.

At this evening's public hearing, staff request that the Planning Commission approve CP23-0176, subject to the attached Conditions of Approval.

ANALYSIS

The following narrative encompasses a discussion and evaluation of the City's actions taken to address homelessness through the activities pursuant to this subject permit application, including 1) compliance with conditions of approval of CDP A-3-STC-22-0018; 2) efforts made to address illicit disposal of refuse and blackwater; 3) response to public feedback; 4) management of the Safe Parking and associated programs; 5) potential future revision to the existing parking program to accommodate modifications for residential parking permits; 6) maintenance of consistency with the City's Local Coastal Program; and 7) conformance with the City's Health in All Policies standards.

City Actions Taken to Address Homelessness

The following outlines the significant achievements made, and milestones reached, by the City to date in efforts to address homelessness and long-term parking on-street of oversized vehicles. More detailed information appears in attached documents, including "Homeless Response Action Plan", "Homelessness Response Accomplishments 2023", and "Homelessness Response Shelter and Safe Parking Overview".

- Community engagement. Increased response capacity through integration of citywide services and addition of a full-time team of City employees dedicated to homelessness response, and formation of the Community Advisory Coalition on Homeless (CACH), a task force of community and business partners working collectively to craft homelessness response solutions. The volunteer members of the CACH identified the most pressing homelessness-related issues confronting the City and subsequently presented a Final Report to the City Council, which, on Aug. 11, 2020, accepted the committee's final report and recommendations.
- Development of new housing, including affordable housing. The City's Sixth Cycle Housing Element was certified on time by the State's Department of Housing and Community Development (HCD). The City has exceeded the minimum targets of housing production at all levels of affordability as specified in its Fifth Cycle Housing Element Regional Housing Needs Allocation (RHNA) mandated by the State, an accomplishment only approximately six percent of jurisdictions in the State were on track to achieve. The City also earned HCD's "Pro Housing" designation, garnering recognition as one of only thirty jurisdictions statewide to receive such official status.
- Development of temporary shelter. The City has coordinated with partner agencies and organizations to develop temporary shelter intended to satisfy the demand for such services, including the 1220 River Street Transitional Community Camp, as well as City Overlook at the National Guard Armory (see

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attached for more information). Additionally, the Coral Street Campus, a collaborative effort between the City and Housing Matters, incorporates the Paul Lee Loft Shelter, providing emergency shelter for 57 people; the Hygiene Bay, offering use of accessible bathrooms and showers for approximately 100 people per day; the Rebele Family Shelter, affording 28 units of emergency shelter for families; and Casa Azul, supplying 7 permanent supportive apartments. The City has additionally acquired property at 125 Coral Street, for potential development as a new navigation center (shelter) offering access to comprehensive services, including mental/behavioral health, physical health, and housing, to program participants. Further, a Building Permit for development of 119 Coral Street has proceeded through City review and, once issued, will authorize construction of a 120-unit permanent supportive housing project with ground-floor recuperative care beds and medical clinic space, with groundbreaking of that project expected to begin in mid-2024.

- Formation of the City-operated Safe Parking Program. Organization and implementation of the three-tiered Safe Parking Program as described further below.
- Continued collaboration with the Association of Faith Communities (AFC), which operates the SafeSpaces program. According to the AFC website: “The SafeSpaces program allows folks who are living out of their vehicles a safe place to park with access to sanitary facilities and other amenities. We also offer program staff to help plan their next steps to better housing. Currently, we have around 40 people working to improve their lives while safely living on faith community sites.” (See <https://www.afcsantacruz.org/> .)

Compliance with CDP Conditions of Approval

As a component of entitlement of Coastal Development Permit A-3-STC-22-0018, the Coastal Commission stipulated that the City’s CDP would remain effective for a period of one year, with the City’s renewal of the CDP thereafter required for the City to continue to implement its OV programs and regulations within the Coastal Zone.

The following lists the specific (“special”) conditions of approval of CDP A-3-STC-22-0018 imposed by the Coastal Commission and the City’s actions taken in response.

Condition of Approval #1: “Approved Project. CDP A-3-STC-22-0018 authorized a program including a prohibition on parking of oversized vehicles on public streets and other public rights-of-way and in parking lots within the City of Santa Cruz coastal zone; an alternative Safe Parking Program in three tiers (corresponding to levels of comprehensiveness) and multiple locations with services and amenities, all free to the user; and related implementation components (e.g., signage, striping, outreach, etc.), with adjustments as deemed reasonable and necessary and which do not adversely impact coastal resources.”

City actions: Based on data collected via a Point in Time (PIT) count gathered from 2022 to 2023 and published in 2023 consistent with State and Federal requirements, approximately 1,804 citizens experienced homelessness throughout the County of Santa Cruz, with approximately 1,028 of those residing within City limits. In 2022, the City of Santa Cruz launched a three-year Homelessness Response Action Plan (attached) including, among other

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elements, an overnight Safe Parking Program comprising three tiers of successively more comprehensive service offerings, as described below.

Note that the City's Safe Parking program was originally referred to as comprising three separate tiers, with Tier 1 being Emergency Parking, Tier 2 being Overnight-Only Parking, and Tier 3 being 24/7, long-term Parking with wrap-around services. This proved to be confusing for some City outreach workers and for some OV dwellers. As a result, staff abandoned references to program "tiers" and instead now refers only to the program type – Emergency, Overnight-Only, and 24/7.

Emergency, One-Night Parking

Overview: The Emergency Safe Parking Program offers access to an emergency, one-night-only, overnight parking space for any occupant of an oversized vehicle seeking an immediate, sanctioned parking stall. Lot 26 (see attached Map of Safe Parking Facilities) currently hosts Emergency, One-Night Parking, with trash and hygiene services provided to program participants. If maximum capacity at designated lot(s) has been reached, the operator of an oversized vehicle desiring access to emergency overnight parking would receive a pass to park on the public street adjacent to the designated parking facility.

Public Demand: Staff report that Emergency, One-Night Parking lots have operated below capacity since inception of the Safe Parking Program.

Overnight-Only Parking

Overview: The Overnight-Only Safe Parking Program offers access to nighttime parking for up to 30 days in City-owned lots, with extensions granted as capacity allows. An enrolled participant receives a permit providing access to a designated parking stall and access to both trash receptacles and hygiene facilities. The Overnight-Only program currently operates with a total capacity of 38 parking stalls at City Lots 2, 3, 4, 8, and 25. Additional locations may be made available across the city as demand dictates. Once enrolled, a participant is assigned a designated parking space and provided a permit for such parking space for 30 days from enrollment. With sufficient available parking supply, a new permit for an additional 30 days may be issued upon participant request.

Public Demand: As of January 11, 2024, program participants occupy 32 of 38 Overnight-Only stalls. Of those currently enrolled, eight had been enrolled in November 2023, prior to implementation of the Oversized Vehicle Ordinance but following initiation of City outreach efforts related to the OVO. Further, 24 new participants enrolled in the Overnight-Only Parking Program following enforcement of restriction on overnight parking of Ovs, commencing on December 4, 2023. Available data reveal that approximately 59 individual oversized vehicles have utilized Night-Only Parking since inception of the Safe Parking Program, including the 32 currently enrolled. Of the 27 former participants, 10 enrolled in 2022; 16 enrolled during the first eight months of 2023 (January through August); and one enrolled following implementation of the OVO of December 4, 2023 but thereafter voluntarily exited the program.

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24/7 Parking

Overview: The 24/7 Safe Parking program provides participants with designated parking spaces available 24 hours per day, seven days per week, along with “wraparound” (comprehensive) support services, including case management and housing navigation. The 24/7 program participants receive access to hygiene facilities, electrical charging, community gathering space, and transportation to and from the program site. Capacity varies from approximately 15 to 20 vehicles, depending on the size of the vehicles participating in the program at any given time. The Free Guide, a third-party vendor contracted by the City, operates the 24/7 program, with its facility located at the National Guard Armory building in upper DeLaveaga Park.

Public Demand: Staff report that the subject lots have operated at maximum capacity since inception of the Safe Parking Program, with a waitlist established. As of January 11, the 24/7 Safe Parking program enrollment is comprised of 24 participants; 44 total individuals have enrolled since the beginning of the program. To date, seven former participants of the Overnight-Only Parking Program have transferred to the 24/7 Safe Parking Program.

Oversized Vehicle Ordinance Enforcement

A violation of Municipal Code provisions prohibiting parking of an oversized vehicle between the hours of 12 AM and 5 AM results in issuance of a \$50 parking ticket to the offending party, pursuant to SCMC 10.40.120(o). Along with receipt of a parking citation (ticket) related to violation of the OVO, enforcing staff provide to the ticket recipient a flyer (see attached) detailing information regarding the City’s Oversized Vehicle Ordinance and dismissal of the first issued ticket, description of the administrative review process, and instructions regarding access to the City’s Safe Parking Program. As stated in the flyer, the City has committed to dismissing the first ticket for a violation of SCMC section 10.40.120(a). Each subsequent violation results in issuance of a new \$50 parking ticket. Per provisions of the California Vehicle Code, and, as a result of recent case law, towing of an offending vehicle when five or more unpaid tickets have been issued may occur only after a warrant has been granted by an authorized court. Should the circumstance arise in which the City receives a warrant to tow a vehicle having incurred five unpaid tickets, all deriving from violations of SCMC § 10.40.120(a), the City will comport itself with the Court’s notice requirements. Additionally, should such a circumstance arise, the City has committed to, at a minimum, posting to the vehicle a 72-hour written Notice of Intent to Tow prior to towing the vehicle. Note that no such circumstances have actually arisen; the City has not recently towed any vehicle based on repeated parking citations, under the OVO or otherwise.

Enforcement of the prohibition against on-street parking of an oversized vehicle between the hours of 12 AM and 5 AM, and the prohibition against on-street parking of unattached trailers, commenced on December 4, 2023. As of January 11, 2024, 212 citations have been issued related to violations of the OVO’s provisions. Of the 212 total citations, only nine were issued between January 1 and January 10, 2024 (seven for unattached trailers and two for parking of oversized vehicles on public streets). The decline in the number of tickets written since initiation of enforcement to the time shortly before the present implies, at least for that time frame, increasing public awareness of consequences for violation of overnight parking restrictions and underscores the efficacy of enforcement efforts.

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As of January 10, 2024, six citations remain under appeal for review; three have resulted in denial of first appeal; and three citations have been dismissed based on appeal. The City's Parking Manager states that 98 of the 212 total citations have been dismissed by the City each serving as an initial ticket that constitutes a warning not requiring payment.

Outcomes of Enforcement Thus Far

Statistics regarding the number of tickets issued thus far appear above, and, primarily through anecdotal observations, information available to City staff reveals that the OVO and associated Safe Parking Program implementation have resulted in positive environmental outcomes and public access benefits. City staff have received feedback from members of the public, including OVO advocate participants of the Stakeholder Outreach Group, that overall, OV entrenchment has diminished, and impacts associated with long-term OV stays in areas such as Delaware Avenue, where OV entrenchment was previously common and where environmentally sensitive habitat is abundant, have significantly diminished. Councilmembers of the OVO Subcommittee have received similar reports from their constituents. A reduction in long-term stays by oversized vehicles, coupled with improved access by OV dwellers to proper hygiene and trash-disposal facilities via the City's Safe Parking Program, has corresponded with observations of decreased trash accumulation and diminished prevalence of outdoor disposal of untreated human waste, including in areas near sensitive habitat, such as Antonelli Pond, where OV entrenchment and incidents of outdoor restroom use were common prior to the OVO implementation. Such observations represent reasonably anticipated outcomes of implementation of the City's Safe Parking Program and enforcement of a prohibition on overnight parking of oversized vehicles in public rights-of-way. Informal accounts by Homelessness Response Field Crews, who regularly patrol areas frequented by the unhoused, including dwellers of oversized vehicles, have additionally corroborated anecdotal reports of the success of enforcement efforts.

Condition of Approval #2: "CDP Duration. This CDP shall expire on May 11, 2024. If the City intends to continue to implement the parking restrictions, Safe Parking Program, and related elements authorized by this CDP past that date, then a new CDP must be obtained from the City. Any such development authorized by such new CDP shall substantially conform the development authorized under this CDP, including this CDP's terms and conditions, and shall address any issues/problems encountered in implementation through May 11, 2024."

City actions: Staff have recommended to the Planning Commission approval of a Coastal Permit far in advance of the expiration date of the one-year approval granted by the Coastal Commission on May 11, 2023. Recommendations for program improvement to address the concerns raised in implementation follow in this report.

Should an appeal of the subject Coastal Development Permit (if granted) be filed, adequate time is provided for the permit application to be considered by the City Council and/or the Coastal Commission. Approval of the subject Coastal Permit application satisfies the terms of the Coastal Development Permit authorized by the Coastal Commission, will facilitate ongoing implementation of the City's Safe Parking Program, and will allow for consideration of minor modifications in the future (such as revisions to the City's OV residential parking

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permit program). The actions included in the scope of the present permit application substantially conform to the development authorized by Coastal Development Permit A-3-STC-22-0018, including its terms and conditions, and as expounded herein, address issues/problems encountered in implementation of the City's Oversized Vehicle Ordinance and Safe Parking Programs to date. A discussion of issues encountered, including disposal of refuse and blackwater, program management, and potential accommodation of some residents' larger vehicles, along with contemplated and implemented solutions, appear, in part, on pages 15 to 17 of this report.

The public and members of the unhoused community have voiced concern about a lack of services available to participants of the Overnight-Only Safe Parking program. The Overnight-Only Safe Parking Program generally operates from 8 PM to 8 AM, outside the normal operating hours of available service providers (such as County Social Services and private outreach organizations). As a result, when people seek to enroll in the Overnight-Only Safe Parking Program, the City asks whether they are interested in connecting with services. For those who express interest, members of the City's Homelessness Response Outreach Team have contacted participants of the Overnight-Only program to help connect enrollees with programs offering assistance.

Mechanical breakdown of OVs is an issue sometimes faced by OV dwellers, hampering their potential participation in City Safe Parking programs and their ability to comply with the 12 AM to 5 AM OV parking restriction due to a lack of mobility. In the one documented instance in which mechanical equipment failure has reportedly precluded relocation of an oversized vehicle, the City's Police Department has provided leniency, avoiding issuance of citation through assurances that repair of the malfunctioning vehicle had been scheduled and would take place in short order.

Heavy fuel consumption by oversized vehicles can present financial challenges to their owners and operators, and a lack of financial means to pay for fuel represents a frequently-voiced obstacle to participation in City-sanctioned Safe Parking programs, as both the Emergency and Overnight-Only offerings require relocation from daytime to nighttime hours. Many public streets offer free daytime parking within just one mile of the Safe Parking facilities, including public streets in the Coastal Zone and adjacent to or perpendicular to the coast, which allows for dispersed daytime vehicle parking, avoiding overconcentration of oversized vehicles within particular neighborhoods. The attached Map of Safe Parking Facilities illustrates the locations of City-sanctioned lots and the various land uses nearby, including both public rights-of-way and private property potentially available to dwellers of oversized vehicles for daytime parking. Further, to address this matter, members of the Westside Neighbors advocacy group have offered funds available to qualifying applicants for purchase of fuel cards to assist in offsetting the costs associated with oversized vehicle operation and frequent relocation.

Condition of Approval #3: "Outreach Plan. WITHIN ONE-MONTH OF CDP APPROVAL (i.e., by June 11, 2023), the Permittee shall submit two copies of an Outreach Plan to the Executive Director for review and written approval. The Plan shall identify the ways in which information regarding the approved project and its various components (e.g., overnight parking restrictions, Safe Parking options and services, enrollment protocols, appeal processes for parking tickets received, etc.) is to be disseminated to the general public and to oversized vehicle owners, both initially and over time and by whom (e.g., City Social Services staff, Public Works staff, Police Department staff, etc.), including as it relates to issues around blackwater holding tanks (e.g., how addressed when discovered, including eligibility for Safe Parking Programs), with a goal of ensuring that all affected parties are aware of the oversized vehicle parking restrictions and Safe Parking Programs, and how to participate. The Plan shall identify any media (e.g., brochures, websites, etc.) that will be used to provide this information, all of which shall be made available in Spanish and other appropriate non-English languages, and

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all of which shall be written in plain language designed to prevent educational and cultural barriers that might hamper access to the programs.”

City actions: The City has prepared the attached final OVO Communications and Outreach Plan dated June 9, 2023 and submitted said Communications and Outreach Plan to CCC staff within the required timeframe as required by the above Condition of Approval. The Plan addresses each of the requirements listed in the above Condition of Approval, and CCC staff have approved the plan.

The OVO Communications and Outreach Plan establishes a framework for public engagement, promoting enhanced community awareness and understanding of the City’s Oversized Vehicle Ordinance, including information related to overnight parking restrictions, Safe Parking options and services, enrollment protocols, appeal processes for parking tickets received, management of blackwater/graywater (i.e., sewage/wastewater) holding tanks, and similar aspects of program facilitation.

The City followed the Communications and Outreach Plan in advance of enforcing the Oversized Vehicle Ordinance, employing a wide range of methods to communicate with housed residents and OV dwellers. Such efforts, among others, includes public engagement conducted since the first week in November, encompassing distribution of information related to services available and implementation of the OVO on social media; and promulgation of relevant information through press releases, email, and interviews with local newspapers, as well as dissemination of flyers to residents of oversized vehicles. Street-level outreach by The Free Guide (the City’s contracted operator for the 24/7 Safe Parking Program), City Homelessness Response team outreach workers, and the City’s Parking Abatement team have served to raise awareness of the City’s Oversized Vehicle Ordinance and associated parking programs. This work occurred prior to enforcement of the OVO.

Beyond the efforts outlined in the Communications and Outreach Plan approved by the CCC staff, City personnel also provided flyers to those residing in OVs to inform them of the Planning Commission hearing that is the subject of this report.

Condition of Approval #4: “Signage Plan. WITHIN ONE-MONTH OF CDP APPROVAL (i.e., by June 11, 2023), the Permittee shall submit two copies of a Signage Plan to the Executive Director for review and written approval. The Plan shall also identify the location and design of all signs and related media that will be used to implement the approved project (e.g., on-street signs, stencils, striping, etc.). Such signage shall be sited and designed so as to provide clear information about parking parameters in a manner that does not substantially impair significant public views or result in visual clutter. The Plan shall also include parameters for removal of all signage and media upon expiration of the CDP, unless the City has obtained an extension or has obtained a new CDP with similar signage protocols.”

City actions: Following the City’s submittal of initial plans to Coastal Commission staff on June 9, 2023, the CCC provided comments and requested revisions. City staff subsequently forwarded the final, updated Oversized Vehicle Ordinance Sign Plan, including all specified parameters, dated August 2, 2023, along with applicable exhibits, to Coastal Commission staff. CCC staff confirmed approval of the revised plan shortly thereafter, following discussions.

Design of all signage included in the signage plan aligns to the standards of the Manual of Uniform Traffic Control Devices (MUTCD).

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Installation of signage began in November 2023 and was completed prior to the City's first day of enforcement of December 4, 2023. Signs have been posted at main arteries serving as gateways to City limits and on certain street segments throughout the City which have, in the past, experienced high levels of oversized vehicle parking. Gateway signs have been installed at the following locations as depicted in the attached Signage Plan Exhibit A:

- Soquel Avenue between Carl Avenue and La Fonda Avenue
- Capitola Avenue south of Soquel Avenue
- Murray Street west of the Murray Street Bridge
- Morrissey Boulevard at Chilverton Street
- Ocean Street between Ocean Street Extension and Pryce Street
- High Street at Tosca Terrace

Entry-point signs measure approximately 48" wide by 42" tall, providing for clear visibility as illustrated below and as attached:



Additional signage was installed on local street segments, with all such signs spaced approximately 250 feet apart, at the following locations, as depicted in the attached Signage Plan Exhibit A:

- Delaware Avenue between Shaffer Road and Swift Street
- Shaffer Road between railroad tracks and Mission Street Extension
- Shaffer Road between Delaware Avenue and railroad tracks
- Mission Street Extension between Natural Bridges Drive and Western Drive
- Western Drive between Mission Street Extension and Highway 1
- Swift Street between Jeter Street and Delaware Avenue
- River Street South between River Street and Soquel Avenue
- N. Branciforte Avenue between Sunnyside Avenue and Water Street
- Benito Avenue between Benito Avenue and Water Street
- Benito Avenue between Soquel Avenue and Benito Avenue
- Soquel Avenue between Pine Street and Pennsylvania Avenue
- David Way between West Cliff Drive and Oxford Way

Local-street-segment signs measure approximately 18" wide by 42" tall, as shown below:

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A photograph of posted signage appears as follows:



With the above actions, the City has fulfilled Condition of Approval #4 of the Coastal Development Permit.

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Condition of Approval #5: “Operations and Management Plan. WITHIN ONE MONTH OF CDP APPROVAL (i.e., by June 11, 2023), the Permittee shall submit two copies of an Operations and Management Plan to the Executive Director for review and written approval. The Plan shall be substantially in conformance with the Permittee’s “City of Santa Cruz Safe Parking Program Summary” (Exhibit 1) but shall be further fleshed out to identify additional operations and management details necessary to implement the Approved Project consistent with the terms and conditions of this CDP. Among other things, the Plan shall clearly detail the manner in which (a) parking restriction enforcement will be accomplished (including in terms of ticketing and towing protocols, where at a minimum vehicle owners shall be given at least 72 hour notice before being towed); (b) the Safe Parking Program will be operated and managed (including in terms of directing participants to Tier 3 level services when available); (c) illegal wastewater disposal and littering associated with oversized vehicles is to be timely and appropriately addressed; and (d) those with disabilities may request reasonable accommodation regarding the Safe Parking Program.”

City actions: The City has prepared an OVO Operations and Management Plan dated June 9, 2023 and provided it to the Coastal Commission within the timeframe as required by the above Condition of Approval. CCC staff issued comments on the initial version of the plan, and on July 21, 2023, the City submitted a final Operations and Management Plan, which was acknowledged and approved by Coastal Commission staff.

The Operations and Management Plan encompasses three primary components: a Permit Program, Safe Parking Program, and Enforcement (the latter two of which are expounded above). The Permit Program provides a variety of permit types related to parking of oversized vehicles, including the following:

- *Residents.* Residents may obtain limited-duration oversized vehicle (OV) parking permits, as permitted by Santa Cruz Municipal Code (“SCMC”) sections 10.40.120(g)(1), (h), (i).
- *Visitors of Residents.* Visitors of residents may obtain limited-duration OV parking permits per SCMC sections 10.40.120(g)(1), (h), (i).
- *Hotels.* Short-term stay establishments (i.e., hotels and motels, as defined in SCMC 24.22.450 and 24.22.550, respectively) may obtain OV parking permits, which may be used exclusively by the hotel’s registered guests per SCMC 10.40.120 Section (g)(2).
- *Contractors.* Contractors may obtain OV parking permits for commercial vehicles that are used for purposes of conducting business in the City of Santa Cruz per SCMC sections (g)(8), (n).
- *Insufficient Safe Parking Capacity.* The Santa Cruz Municipal Code contains a mechanism which affords issuance of permits to individuals regarding vehicles registered in the City’s Safe Parking Program, but that are unable to participate in the program due to lack of capacity (SCMC 10.40.120(g)(7)). At this time, the demand has not exceeded program capacity, and, therefore, issuance of such permits has not proven necessary. Should such permits become necessary due to lack of capacity, the City is prepared to issue such permits.

Details related to program enforcement, including notification prior to vehicle towing, appear in a prior section (beginning on page 8) of this report. As noted above, no vehicles have been towed due to violations related to the 12 AM to 5AM OV parking restrictions.

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Blackwater Disposal

Hygiene facilities available for use by operators of oversized vehicles are located at all Safe Parking sites, and additionally sited at various parks and other public facilities for access throughout the day. For those residing in vehicles with leaking or broken blackwater storage tanks, the hygiene facilities provide alternative restrooms that help prevent the leakage of untreated sewage into the public right-of-way and onto private property, thereby averting the associated adverse environmental and public health impacts of exposure to untreated wastewater.

Monitoring of incidents of illicit dumping of blackwater occurs via observation by City staff and through response to public concerns lodged through the Community Response to Service Portal (CRSP) accessed through the City's website. Enforcement is conducted the City's Police Department (PD), Public Works Environmental Compliance (PWEC), and/or Code Compliance Division, which collectively investigate and evaluate reported or observed instances of illicit disposal.

Residents of oversized vehicles may dispose of blackwater/greywater at the Unocal (Union 76) gasoline station located at 1500 Soquel Drive, situated at the corner of Soquel Drive and Highway 1, which offers a sanctioned dumping station, available for use through payment of a nominal fee. For expanded capacity and for envisioning a viable solution to past concerns related to unsanctioned refuse disposal, City staff have undertaken a feasibility analysis of potential locations for siting of a blackwater dumping station administered by the City.

Management

Emergency Parking: When SCPD officers are conducting enforcement activities and encounter OV dwellers who desire immediate access to sanctioned emergency overnight parking, officers direct affected parties to Emergency Parking locations. Emergency Parking has been continuously operational since the inception of the Safe Parking program circa March 2022. The spaces are currently located at Lot 25, adjacent to Depot Park. The City's parking enforcement team enrolls people in the Overnight-Only Parking program after they utilize the Emergency Parking.

Overnight-Only Parking: The City's Homelessness Response Team operates in concert with Parking Division staff to oversee the Overnight-Only Safe Parking program. Overnight-Only parking lots are currently located in the City's greater downtown area, making it easier for Police to observe the locations during their nightly shifts, since the Police Station is located in relatively close proximity. The Parking team and Homelessness Response team review the capacity and demand levels to assess if additional lots need to be opened to meet fluctuating demand.

24/7 Parking: The City has awarded a contract to The Free Guide to operate the 24/7 parking program. The Free Guide personnel, through regular meetings and close communication with City staff, manage activities of the 24/7 program, providing participants with case management and housing navigation, ensuring participants adhere to program standards and expectations, conducting outreach, and managing the enrollment waitlist.

Reasonable Accommodation: Individuals wishing to participate in the City's Oversized Vehicle Safe Parking program, but who are unable to do so due to disability, may request reasonable accommodation via the City's website.

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Consideration for Revision to Parking Permit Program

City staff, Councilmembers, and Planning Commissioners have received feedback from a limited number of community members regarding challenges related to parking of vehicles owned/operated by housed residents in the City that are used by the residents as their respective daily driver vehicles but which still fall within the vehicular sizing criteria of the Oversized Vehicle Ordinance. Such vehicles include extended-bed pickup trucks, light commercial vehicles (e.g. “Sprinter” vans), and the like. Many such vehicles exceed 20 feet in length, but nearly all measure below 23 feet in length. Some residents have conveyed reservations about enforcement of the OVO against such vehicles, given the sometimes-limited options for off-street OV parking, particularly for properties without driveways or on substandard-sized lots lacking adequate space available for off-street parking. To address this issue, some residents might desire a daily permit that would allow any such residents who lacks access to off-street parking the option to park their smaller Ovs from midnight to 5:00 AM near their individual home addresses.

This specific issue was raised as part of the Coastal Commission hearing in May of 2023, with the CCC providing direction to have this issue explored and considered as part of the stakeholder group. The matter was discussed with the Stakeholder Group at its third meeting. Detailed notes from that December 20, 2023 discussion are attached. While some stakeholders had questions about what type of vehicles should be allowed (e.g., one stakeholder indicated that boat trailers may warrant a permit, while others disagreed with that sentiment or did not comment), none of the stakeholders expressed objection to the creation of some kind of permit that would allow certain types of Ovs to park on-street, near a resident’s home address, during the hours of midnight (12 AM) to 5 AM. Potential parameters discussed included, but were not limited to, the length of the vehicle in question, the frequency of its use (e.g., daily driver or not), the existing contractor’s permit allowance (whether authorized under the current OVO), the ability/inability to park off-street, vehicle registration status, and proof of residency.

The ad-hoc City Council Oversized Vehicle Ordinance Subcommittee has met since the implementation of the OVO to discuss, among other items, the potential for establishment of a mechanism for granting a residential parking permit allowing for parking of Ovs owned/leased by City residents. The members of the Subcommittee were generally receptive to some of the concerns raised by the citizens. An ordinance amendment would be needed to accommodate an alternative resident permit such as this, but no direction has been provided with respect to specific ordinance provisions at this time, other than an acknowledgement that the parameters being considered during the Stakeholder Group discussions would be suitable for consideration and evaluation as a part of any such future update.

For purposes of comparison, staff have conducted research of regulations administered by jurisdictions throughout the State of California, including coastal communities with high parking demand, which reveals that some municipalities have adopted standards related to preferential parking of residents’ oversized vehicles (e.g., Santa Cruz County, Huntington Beach, Newport Beach, Oceanside, Pacific Grove, Santa Monica). Additionally, California Vehicle Code sections 22507 and 22507.5 expressly contemplate preferential parking privileges for residents.

Providing another residential permit option would have little to no impact on coastal access, and an argument could be made that the permit would increase coastal access, not limit it; so, from that test, such a permit would not frustrate the coastal access goals of the Coastal Act or the Local Coastal Program. Due to the limited number of complaints and requests received thus far, staff do not believe that use of such a program would be widespread. However, it would meet the needs of a very small segment of the community affected by the OVO. Part of the intent of the OVO was to 1) prevent access constraints associated with long-term parking of Ovs and 2) minimize the associated environmental effects of trash accumulation and lack of sanitary facilities associated with long-term habitation of

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vehicles on City streets. Staff does anticipate that as envisioned, particularly with its limited applicability, inducing any detrimental coastal access or environmental impacts.

Staff requests that, as an element of the subject Coastal Permit application, the City be afforded the authority to implement minor changes, including potentially instituting a program offering issuance of parking permits. A Condition of Approval has been crafted to address this.

Condition of Approval #6: “Stakeholder Group. The Permittee shall create a stakeholder group to inform and provide input regarding the implementation of the Approved Project, where such group shall be made up of key stakeholders (including City staff/officials, unhoused advocates, Safe Parking Program participants, and other affected individuals), where the committee makeup and its operational parameters shall be subject to Executive Director approval, and where the intent is to have relatively equal representation between unhoused advocates and oversized vehicle parking control advocates. The stakeholder group shall meet at least four times during the year. The group will discuss Approved Project implementation, including with respect to any issues/challenges and ways to improve. Among other things, the stakeholder group exempting residents/renters and visitors to residents/renters within the City of Santa Cruz from the overnight oversized vehicle parking restrictions.”

City actions: In response to the above Condition of Approval, the City prepared a plan for the stakeholder group that was presented to, and approved by, the CCC staff. The City subsequently formed a ten-member stakeholder group of the following composition:

- 1 dweller of an oversized vehicle parked within City limits and not participating in the City’s Safe Parking Program
- 1 participant of the Safe Parking Program
- 3 advocates for the unhoused, including one representative of each of the following:
 - 1 representative of the American Civil Liberties Union (ACLU)
 - 1 representative of Santa Cruz Cares
 - 1 representative from Disability Rights Advocates
- 2 housed residents representing neighborhoods situated in geographic areas of the city which have experienced significant effects related to the long-term parking of oversized vehicles, including the following:
 - 1 representative of Westside Santa Cruz
 - 1 representative of Eastside Santa Cruz
- 3 advocates of the City’s Oversized Vehicle Ordinance, including one member of each of the following organizations:
 - 1 representative of Westside Neighbors
 - 1 citywide neighborhood advocate
 - 1 businessowner of an enterprise situated in an area which has been impacted by long-term parking of oversized vehicles

With the above-referenced makeup, members of the Stakeholder Group demonstrate approximately equal representation between unhoused advocates and oversized vehicle parking control advocates.

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The stakeholder group has convened on four separate occasions, including meetings of October 17, 2023, November 15, 2023, December 20, 2023, and January 31, 2023. See attached agendas and notes of the proceedings of the first three meetings; the fourth and (potentially) final meeting is taking place following the release of this report, and the notes of the most recent stakeholder group meeting will be posted to the agenda packet materials and provided to the Planning Commission on February 1, 2024. The stakeholder group has offered various feedback to City staff regarding the appropriateness and efficacy of the oversized vehicle parking program, including suggestions for improvement, as noted in the attached proceedings. In addition, the organization Santa Cruz Cares has submitted written correspondence detailing concerns about the City's Stakeholder Outreach process and implementation of the Oversized Vehicle Ordinance in general. Attached documents include that correspondence and City responses to the statements made.

In addition to the meeting agendas and notes, also attached is a matrix that was developed in conjunction with the Stakeholder Group. The Stakeholder Group Issue and Response Matrix was initially populated from an exercise at the first Stakeholder Group meeting. Staff then prepared brief responses to the issues, and those responses were a key topic of discussion at the second Stakeholder Group meeting. Issues were broken down into five categories, as follows: outreach, environmental impact, permits, Safe Parking, and enforcement.

Staff responded to many of the comments within the purview of staff's authority and that were able to be implemented in an efficient manner given various constraints. Some examples of the issues that staff addressed, some of which are included in the matrix, and some of which were raised before or after, follow:

- A. Following concerns about how Overnight-Only participants would connect with services, staff included in the intake and sign-up forms questions about whether they would like to be connected to any services. Contact information for the individuals is then provided to the City's Homelessness Response Outreach Team, who then seeks to connect them with the requested service providers.
- B. Following an evening Stakeholder Group meeting where concerns were raised that OV dwellers think the Safe Parking spaces have no vacancy, staff communicated with City outreach team members the very next day to ensure that they were conveying to OV dwellers that Overnight-Only parking spaces are and will be available.
- C. Following concerns about needing to call to inquire about Safe Parking, staff added an email option (SafeParking@SantaCruzCA.gov) for Safe Parking inquiries instead of just the telephone number that had been used.
- D. Following concerns from Overnight-Only parking participants about activities surrounding one of the parking lots, staff closed that Overnight-Only parking lot and relocated those individuals and their vehicles to another nearby Overnight-Only lot.
- E. Following concerns expressed about outdated information on various external, non-City websites, the City notified various websites and apps of the new OVO regulations.
- F. Throughout the process, the City has continued to communicate with the County regarding the need for them to operate a similar Safe Parking program for OVs.

Some of the other issues staff either chose not, or were not able, to address at this time, given procedural, staffing, monetary, timing, or other constraints, include the following:

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- A. Requests for additional residential parking permits to accommodate residents who own OV's would require ordinance changes. This is contemplated as a potential option, as discussed above in this report, but could only be implemented in the future, should the program be able to continue.
- B. Requests for additional OVO signage were not accommodated, as signage is expensive to purchase and install. Should the program be authorized to continue, additional signage locations will be considered, with the City first seeking to utilize existing signposts for any new signage.
- C. Requests to expand the 24/7 parking are well taken. However, most of the City-owned parking lots are used for parking by other uses during the day, so few options exist for 24/7 parking. Even if additional spots were available 24/7, the City would need to identify additional funding sources for expansion of the services currently offered in the program.
- D. Requests for real-time vacancy data for occupancy of Safe Parking spaces were not provided, because of the logistics and technology constraints associated with the request. An OV is currently assigned an individual space, and the City has opened new Overnight-Only lots based on the overall number of registered participants, not based on real-time usage.

Planning Commissioners are encouraged to review the Stakeholder Group materials, including the issues matrix, to assess whether those materials raise additional questions, comments, or ideas about the program or how it can be improved.

Condition of Approval #7: “Report. Within the month prior to the expiration of this CDP (i.e., between April 11, 2024 to May 11, 2024), the Permittee shall submit a report that describes Approved Project implementation to date to the Executive Director, where such report shall at a minimum clearly describe all program outreach, enforcement and participation, including recommendations made by the stakeholder group, as well as opportunities for program improvements.”

City actions: This report and the associated attachments are expected to fulfill the above Condition of Approval. However, should the Coastal Commission require additional information or submittal of a separate document, a separate report will be prepared and presented to the California Coastal Commission within the prescribed timeframe. The report will include all requisite elements as noted in the above Condition of Approval.

Conditions #8 and #9 constitute “Assumption of Risk” and “Liability for Costs and Attorneys’ Fees” terms that require no further action on the part of the City.

As a result of the City’s actions taken in response to the Conditions of Approval placed on Coastal Development Permit A-3-STC-22-0018, the City has met or exceeded its obligations in demonstrating consistency with Coastal Commission feedback and direction by crafting a Safe Parking program and associated policies balancing 1) the needs of the community in preservation of the safety and integrity of its rights-of-way with 2) the needs of unhoused individuals residing in oversized vehicles. As a result, staff recommends that the Planning Commission approve Coastal Permit CP23-0176 to effectuate ongoing implementation of Ordinance 2021-20, as amended by Ordinance No. 2023-08 and codified in Municipal Code sections 10.04.065, 10.04.085, 10.04.104, 10.04.106, 10.04.165, 10.40.120, 10.41.060, and 16.19.070; and allowing for potential future minor modifications as

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described herein and as determined appropriate for ongoing implementation of an effective Safe Parking program upholding and advancing the health, safety, and welfare of all members of the Santa Cruz community, including both the housed and unhoused.

Public Feedback

A diversity of public feedback has been provided related to the proposed action, ranging from stark opposition to robust support. See attached written correspondence received as of the time of preparation of this report.

Among other input and requests, members of the public have offered a number of suggestions, including: requests to allow on-street parking for unattached trailers; requests that neighborhoods be able to opt-out of OV prohibitions; and requests to expand the 24/7 Safe Parking Program. The first two suggestions would necessitate official action by the City Council for implementation; while the third suggestion acknowledges the nature of demand for expansion of comprehensive homelessness services but which involves practical difficulties associated with siting of additional suitable 24/7 Safe Parking, along with acquisition of funding to defray the costs associated with an expansion of the City's existing 24/7 Safe Parking Program.

As noted above, meeting agendas, meeting summaries, and an issue and response matrix are included that highlight much of the work of the Stakeholder Group that was formed to provide feedback on the OVO's implementation. The organization Santa Cruz Cares, which provided a member to the Stakeholder Group, has submitted written correspondence detailing concerns about the City's Stakeholder Group process, implementation of the Safe Parking Program as a whole, and Oversized Vehicle Ordinance in general. Attached documents include that correspondence and City responses to the statements made.

Consistency with the Local Coastal Program (LCP)

The Oversized Vehicle Ordinance and Safe Parking Program, with potential future minor modifications as described herein, uphold and advance Policies and Programs of the Local Coastal Program, as listed below:

- Parks and Recreational Lands Policy 1.7: Develop plans to repair, maintain and maximize public access and enjoyment of recreational areas along the coastline consistent with sound resource conservation principle, safety, and rights of private property owners.
- Water Quality Policy 2.1: Meet or exceed State Water Resources Control Board standards for discharge of sewage and storm waters to the Monterey Bay.
- Community Design Policy 2.1 The dramatic views from West Cliff Drive shall remain unimpaired and unobstructed by vegetation, structures or accumulated refuse.
- Natural Setting and Scenic Resources Policy 2.2: Preserve important public views and viewsheds by ensuring that the scale, bulk and setback of new development does not impede or disrupt them.
- Water Quality Policy 2.3: Ensure that new development or land uses near surface water and groundwater recharge areas do not degrade water quality.
- Open Space Lands Policy 3.5: Protect coastal recreation areas, maintain all existing coastal access points open to the public, and enhance public access, open space quality and recreational enjoyment in a manner that is consistent with the California Coastal Act.
- Open Space Lands Policy 3.7: Recognize and protect the Pacific Ocean and Monterey Bay as a valuable

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- open space, natural resource, and National Marine Sanctuary.
- Natural Setting and Scenic Resources Program 2.1.3: Protect the Monterey Bay National Marine Sanctuary and the shoreline and views to and along the ocean, recognizing their value as natural and recreational resources.
- Residential, Commercial, and Industrial Lands Program 2.6.5: Protect neighborhood quality through improvement of blighted areas, traffic management, design guidelines, adequate buffers and other development techniques.
- Open Space Lands Program 3.5.4: Wherever feasible and appropriate, distribute public facilities (including parking areas) throughout the coastal recreation area to mitigate the impacts of overcrowding or over-use by the public of any single area.
- Open Space Lands Program 3.5.5: Develop and implement plans to maximize public access and enjoyment of recreations areas along the coastline.
- Biotic Diversity and Stability Program 4.1.5: Protect the quality of water discharged into the Bay and allow no dumping of materials into the Monterey Bay.
- Biotic Diversity and Stability Program 4.2.5: Protect and minimize the impact of development on bird, fish and wildlife habitat in and adjacent to waterways.

Health in all Policies (HiAP)

Health in All Policies (HiAP) is a collaborative approach to improving the health of all people by incorporating health considerations into decision-making across sectors and policy areas. HiAP rests on three pillars: equity, public health, and sustainability. HiAP serves to ensure that all decision-makers remain informed about the health, equity, and sustainability impacts of various policy options during the policy development process.

The subject Coastal Development Permit application supports the pillar of equity in that an appointed Council ad-hoc committee has coordinated with City staff and community partners to further develop and ensure implementation of the above-described Safe Parking framework, including proposed modifications, in a manner widely accessible, and will report to the City Council with additional recommended actions. The City's Safe Parking Program will continue to offer low-barrier parking services, free of charge, to program participants. The project encourages a sustainable and healthy lifestyle by avoiding the impacts to public health associated with long-term on-street OV entrenchment, including the associated disposal of trash, debris, and sewage onto City streets, sidewalks, and into local waterways. The proposed actions continue the provision of sanctioned parking facilities equipped with restrooms and trash services to offset detrimental impacts associated with long-term on-street OV parking, including reduced coastal access, degraded community character, unhygienic disposal of sewage, and illicit dumping of trash and debris. Environmental sustainability represents a fundamental value of the City of Santa Cruz, guiding all City operations, and the subject application upholds such ideal through continued restriction on overnight use of the public right-of-way for oversized vehicle parking within the Coastal Zone, coupled with ongoing implementation of a program providing options for Safe Parking of oversized vehicles, offering facilities that provide trash and bathroom services reducing the likelihood for environmental contamination associated with illicit dumping of trash and blackwater, along with reduction of spillage of hazardous materials onto City streets from maintenance and long-term storage of vehicles in the public right-of-way, while introducing further benefits through the amelioration of aesthetic impacts and visual blight derived from lengthy stays of oversized vehicles on City streets. The project, therefore, ensures consistency with the three pillars of the HiAP and demonstrates an efficient and judicious use of City land.

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ENVIRONMENTAL REVIEW

The City's continued implementation of its Oversized Vehicle programs does not constitute a new "project" under the California Environmental Quality Act ("CEQA"). However, even if the approval of a new Coastal Development Permit, as proposed, were considered a "project" pursuant to CEQA, the following exemptions would continue to apply.

The proposed actions remain statutorily exempt from environmental review under Article 19 of the California Environmental Quality Act (CEQA) Guidelines, Section 15282(j), related to restriping of City streets, and categorically exempt under Section 15301(c) and (g), 15307, 15308 and 15061(b), related to alteration of City streets not involving addition of lanes.

Statutory exemption 15282(j) applies to projects including restriping of streets to relieve traffic congestion, while Section 15301(c) accommodates alterations to existing streets, sidewalks, gutters and similar facilities not adding new automobile lanes. Past observations have revealed that overnight parking of oversized vehicles tends to occur in locales in which groups of oversized vehicles congregate and then become entrenched, inducing congestion and degradation of the environment. Continued implementation of existing OV regulations and the City's existing Safe Parking Program, including potential future minor modifications as envisioned in this permit, will reduce deleterious effects through continued provision of Safe Parking in a controlled environment.

The California Environmental Quality Act (CEQA) establishes several "categorical exemptions" applicable to classes of projects and varieties of activities which generally avoid inducing risk of significant impacts to the environment. Section 15307 of the CEQA Guidelines

"consists of actions taken by regulatory agencies... to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment."

Section 15308 of the CEQA Guidelines

"consists of actions taken by regulatory agencies... to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment."

Continuation of the City's existing Safe Parking Program, with minor modifications, will not likely result in any new construction, or need for building of additional facilities for public services such as Police, Parks, or Fire. Through provision of sanitation facilities in locations at or near designated safe-parking locations, and through continued restriction of oversized vehicle parking between the hours of 12 AM and 5 AM Citywide, ongoing implementation of the City's OV Regulations and Safe Parking Program, along with potential future minor modifications as discussed herein, will continue to ameliorate the detrimental effects, including environmental consequences and public health and safety effects, related to long-term OV entrenchment. As the majority of environmental impacts resulting from continued implementation of the City's OV Regulations and Safe Parking Program constitute beneficial, rather than detrimental outcomes, and with other potential environmental effects remaining de minimis, in addition to qualifying under the CEQA clearances listed above, the project also qualifies for an exemption pursuant to California Code of Regulations Section 15061(b), the "general rule" or "common

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sense” exemption, as it can be seen with certainty that no significant effect on the environment will occur resulting from the Coastal Permit application.

The proposed project complies with all of the foregoing criteria and demonstrates eligibility for implementation of both statutory and categorical exemptions as afforded by CEQA.

SUMMARY

The City of Santa Cruz seeks to balance community health and safety concerns regarding the effects of long term, on-street OV entrenchment with the protection of potentially vulnerable communities, including occupants of oversized vehicles whose access to housing options may remain limited. As such, staff requests that the Planning Commission approve the subject Coastal Permit application, as required by the Conditions of Approval of Coastal Development Permit (CDP) A-3-STC-22-0018 approved by the California Coastal Commission. Staff requests that the Planning Commission authorize the City to, in perpetuity, implement and enforce Ordinance No. 2021-20 as amended by Ordinance Nol 2023-08 and as codified in codified in Municipal Code sections 10.04.065, 10.04.085, 10.04.104, 10.04.106, 10.04.165, 10.40.120, 10.41.060, and 16.19.070, which, among other elements, restricts parking Citywide of oversized vehicles between the hours of 12 AM and 5 AM, prohibits on-street parking of unattached trailers, and facilitates continued operation of the City’s Safe Parking Program; and to accommodate potential future minor modifications to the City’s Safe Parking Program and/or to the Municipal Code, such as potential revisions to the City’s OV residential parking permit program and similar modifications. Approval of the requested actions will allow for ongoing efforts facilitating continued access to the coast, bolstering community character and quality of life, and likewise upholding protection of the natural and built environment.

FINDINGS

Coastal Permit, Section 24.08.250

1. Maintain views between the sea and the first public roadway parallel to the sea.

The proposed Coastal Development Permit will not induce adverse impact to coastal views, but, rather, enhance scenic vistas by regulating overnight parking of oversized vehicles in areas adjacent to the shore.

2. Protect vegetation, natural habitats and natural resources consistent with the Local Coastal Land Use Plan.

The Coastal Permit allows for ongoing implementation of the City’s Safe Parking program, which provides trash receptacles and hygiene stations, facilitating proper sanitation and thereby minimizing detrimental environmental consequences which contribute to elevated coastal bacterial loads, unsightly accumulation of litter, and exposure to hazardous materials. Through ongoing facilitation of programs which address actions related to unsanctioned disposal of trash and wastewater onto City streets and into storm drains, the City minimizes the risk of violation of the terms of its National Pollutant Discharge Elimination System (NPDES) Municipal Regional Stormwater Permit and resulting actions related to enforcement against such potential violation by the Regional Water Quality Control Board.

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The proposed actions provide for consistency with the California Environmental Quality Act (CEQA) and the City's environmental review and protection procedures. No disturbance of any vegetation, natural habitats, or natural resources will accompany the actions included in the subject Coastal Permit.

3. Be consistent with any applicable design plans and/or area plans incorporated into the Local Coastal Land Use Plan, in that it implements policies therein.

The proposed Coastal Permit provides for consistency with the General Plan, all Area Plans, and Local Coastal Program in that the proposal advances, and serves to implement, the goals and policies of such plans related to promotion of public health and safety and protection of the natural environment.

The proposed actions address policies and programs of the Local Coastal Program, including but not limited to the following:

- Parks and Recreational Lands Policy 1.7: Develop plans to repair, maintain and maximize public access and enjoyment of recreational areas along the coastline consistent with sound resource conservation principle, safety, and rights of private property owners.
- Water Quality Policy 2.1: Meet or exceed State Water Resources Control Board standards for discharge of sewage and storm waters to the Monterey Bay.
- Community Design Policy 2.1 The dramatic views from West Cliff Drive shall remain unimpaired and unobstructed by vegetation, structures or accumulated refuse.
- Natural Setting and Scenic Resources Policy 2.2: Preserve important public views and viewsheds by ensuring that the scale, bulk and setback of new development does not impede or disrupt them.
- Water Quality Policy 2.3: Ensure that new development or land uses near surface water and groundwater recharge areas do not degrade water quality.
- Open Space Lands Policy 3.5: Protect coastal recreation areas, maintain all existing coastal access points open to the public, and enhance public access, open space quality and recreational enjoyment in a manner that is consistent with the California Coastal Act.
- Open Space Lands Policy 3.7: Recognize and protect the Pacific Ocean and Monterey Bay as a valuable open space, natural resource, and National Marine Sanctuary.
- Natural Setting and Scenic Resources Program 2.1.3: Protect the Monterey Bay National Marine Sanctuary and the shoreline and views to and along the ocean, recognizing their value as natural and recreational resources.
- Residential, Commercial, and Industrial Lands Program 2.6.5: Protect neighborhood quality through improvement of blighted areas, traffic management, design guidelines, adequate buffers and other development techniques.
- Open Space Lands Program 3.5.4: Wherever feasible and appropriate, distribute public facilities (including parking areas) throughout the coastal recreation area to mitigate the impacts of overcrowding or over-use by the public of any single area.
- Open Space Lands Program 3.5.5: Develop and implement plans to maximize public access and enjoyment of recreations areas along the coastline.
- Biotic Diversity and Stability Program 4.2.5: Protect and minimize the impact of development on bird, fish and wildlife habitat in and adjacent to waterways.
- Biotic Diversity and Stability Program 4.1.5: Protect the quality of water discharged into the Bay and allow no dumping of materials into the Monterey Bay.

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The subject Coastal Permit application provides for ongoing implementation of the City's Oversized Vehicle regulations and Safe Parking Program which seek to minimize detrimental environmental impacts associated with dumping of debris, illicit discharge or blackwater and graywater, and exposure to hazardous materials associated with long-term occupancy of oversized vehicles within the public right-of way. No disturbance of vegetation, natural habitats or natural resources will derive from implementation of the ordinance. Locations of Safe Parking facilities will remain outside of mapped "high impact", environmentally-sensitive locales and enhance coastal access through increasing the availability of parking formerly occupied by long-term OVs and unattached trailers. An evaluation of the project's potential for generation of environmental impacts in accordance with the provisions of the California Environmental Quality Act (CEQA) and the City's Environmental Review Guidelines and procedures has resulted in the conclusion that all actions included qualify for established categorical and/or statutory exemptions and determination that the subject application holds no potential for generation of significant environmental impact. The proposed actions will further advance the quality of the aesthetic environment through avoidance of blight and obstruction of coastal views derived from long-term OV entrenchment adjacent to, and surrounding, the shore.

4. Maintain public access to the coast along any coastline as set forth in the Local Coastal Land Use Plan.

Continuation of existing OV and unattached trailer limitations related to coastside parking will increase access to the ocean and adjacent shore resulting from prohibition on the practice of extended-duration, long-term, on-street OV, and trailer parking. The subject application will likewise enhance cleanliness and safety by facilitating proper disposal of litter and wastewater, with associated benefits to preservation of community character and aesthetics. Numerous locations within City limits and in surrounding areas will continue to supply proper facilities as destinations for oversized vehicle camping and will continue to provide such amenities for visitors seeking to access the coast for overnight stays. Existing oversized vehicle parking restrictions will remain effective from 12 AM to 5 AM, and permit processes will continue to provide additional options for parking oversized vehicles on-street overnight, including for visitors to the coast.

The City Manager's Office and the City's Homelessness Response Team have identified and made available Safe Parking spaces on City-owned or -operated properties, totaling up to approximately 38 spaces for overnight only OV parking, along with 15-20 spaces available for long-term 24/7 OV parking. The City operates, and partners with, third-party homelessness response services to provide Safe Parking and transitional sheltering options. The Safe Parking facilities located within the Coastal Zone retain locational, hourly, and other operational criteria to retain public access. Staff have prepared analyses, provided to the Coastal Commission, detailing the results of implementation of the City's Safe Parking Program, and have collaborated with staff of CCC to address any concerns related to public access that may arise from such operations. The subject Coastal Permit will not generate negative consequences to bona fide recreational access to the coast.

5. Be consistent with the Local Coastal Land Use Plan goal of providing visitor-serving needs as appropriate.

A number of existing facilities within and surrounding the City supply overnight facilities for recreational vehicle (RV) camping. Overnight stays for occupants of RVs remain available at the

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Upper Harbor, as well as Forest of Nisene Marks, Manresa, New Brighton, San Andres KOA, and Seacliff and Sunset State Beaches, all designed to accommodate large vehicles and afford visits to the coast. No impact to recreational beach access would result from the proposed actions.

Parking permits available to residents, guests of residents, contractors, and guests of local hotels offer available parking to those seeking to shorter-term, overnight OV parking.

6. Be consistent with the Local Coastal Land Use Plan goal of encouraging coastal development uses as appropriate.

The Coastal Permit and its implementation will enhance coastal access by providing a cleaner and safer environment for the general public, in part by minimizing litter and blackwater dumping through provision of free trash and restroom facilities for residents of oversized vehicles. No adverse impact to recreational beach access would stem from continued implementation of the City’s Safe Parking Program and ongoing implementation of the City’s OV Regulations. Permit processes will provide additional options for parking oversized vehicles on-street overnight, including for visitors to the coast.

All Safe Parking sites will remain located outside of the mapped high-parking impact areas within the Coastal Zone.

Shoreline Protection Overlay District, Section 24.10.2430

7. The project protects trees and vegetation and sensitive wildlife habitat.

The proposed Coastal Permit and ongoing implementation of the City’s OV Regulations and Safe Parking program, with potential future minor modifications, will not negatively affect trees, vegetation, or sensitive wildlife habitat. By reducing litter and improper human waste disposal, the continued operations will continue to have a positive impact on trees, vegetation, and sensitive habitat.

8. The project is consistent with the following criteria for bluff or cliff development:

- a. The development is sited and designed to assure stability and structural integrity of its expected economic life span and minimize alterations to natural landforms.**
- b. The development will not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas.**
- c. The development minimizes alteration of cliffs, bluff tops, faces or bases, and will not interfere with sand movement.**
- d. The development which proposes use of retaining walls shall be allowed only to stabilize slopes. Sea walls at the toe of sea cliffs to check marine erosion shall be allowed only where there is no less environmentally damaging alternative.**

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- e. **The development within one hundred feet of any cliff or bluff line shall follow the recommendations of an approved geologic report by a registered geologist. The area where such a report is required may be increased where the issue of slope stability requires a greater distance from any cliff or bluff line.**

The proposed actions will not induce impacts to any cliff or bluff, and the above finding remains inapplicable.

9. **The project provides maximum erosion protection, using accepted engineering practices and other methods and specifications set forth in this title.**

The proposed actions will not affect any cliff or bluff, and the above finding remains inapplicable.

10. **The project maintains public view corridors between the sea and the first public roadway parallel to the sea and maintain natural views of the coastline.**

The proposed actions will not result in impact to any cliff or bluff, and the above finding remains inapplicable. Installation of signage associated with parking limitations has occurred on existing signposts to the extent possible, without physical effects to any cliff or bluff. Future installation of signage as proposed in the Signage Plan will remain located within public rights-of-way, without any potential for alteration to a cliff or bluff.

11. **The project protects paleontological resources as prescribed in the Land Use Plan.**

The proposed actions do not encompass any appreciable subsurface excavation and therefore will not impact paleontological resources as prescribed in the Land Use Plan. The above finding remains inapplicable.

12. **The project protects and enhances free public access to or along the beach, and sign such access when necessary.**

The proposed actions will not reduce the capacity of, or access to, free public parking or bona fide recreational use of the shore.

13. **The project includes mitigation measures prescribed in any applicable environmental document.**

No mitigation measures apply, and the above finding remains inapplicable.

14. **The project is compatible with the established physical scale of the area.**

The proposed actions will not impact the established physical scale of the area, and the above finding remains inapplicable. Installation of signage associated with parking limitations has occurred on existing signposts to the extent possible, without physical effects to any cliff, bluff, or mapped sensitive habitat. Future installation of signage as proposed in the Signage Plan will remain located within public rights-of-way, without any potential for alteration the physical scale of any affected area.

15. The project is consistent with the design review guidelines of this title and the policies of any applicable area plan.

All signage will remain consistent with relevant criteria of the Public Works and Police departments.

16. The project is consistent with the policies of the Local Coastal Program, the General Plan, and the California Coastal Act.

The proposed actions demonstrate consistency with the policies of the Local Coastal Program, the General Plan, and the California Coastal Act in that ongoing implementation of provisions of the City's Municipal Code related to parking of oversized vehicles, along with continued operation of the City's Safe Parking program, will result in continued benefits to the community along spans of the coast previously and currently detrimentally affected by dumping of raw sewage, accumulation of trash and debris, and occurrence of other impacts to health and safety associated with the generation of noise and resulting from entrenchment of oversized vehicles and congregations of individuals engaging in sometimes unlawful activities. The proposed actions will address the policies of the LCP as listed below:

- Parks and Recreational Lands Policy 1.7: Develop plans to repair, maintain and maximize public access and enjoyment of recreational areas along the coastline consistent with sound resource conservation principle, safety, and rights of private property owners.
- Water Quality Policy 2.1: Meet or exceed State Water Resources Control Board standards for discharge of sewage and storm waters to the Monterey Bay.
- Community Design Policy 2.1 The dramatic views from West Cliff Drive shall remain unimpaired and unobstructed by vegetation, structures or accumulated refuse.
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- Open Space Lands Policy 3.5: Protect coastal recreation areas, maintain all existing coastal access points open to the public, and enhance public access, open space quality and recreational enjoyment in a manner that is consistent with the California Coastal Act.
- Open Space Lands Policy 3.7: Recognize and protect the Pacific Ocean and Monterey Bay as a valuable open space, natural resource, and National Marine Sanctuary.
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- Open Space Lands Program 3.5.5: Develop and implement plans to maximize public access and enjoyment of recreations areas along the coastline.
- Biotic Diversity and Stability Program 4.2.5: Protect and minimize the impact of development on bird, fish and wildlife habitat in and adjacent to waterways.

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- Biotic Diversity and Stability Program 4.1.5: Protect the quality of water discharged into the Bay and allow no dumping of materials into the Monterey Bay.5

Recreational access to the beach will remain unaffected, and the proposed actions will avoid negative impact to availability of free public parking and access to the shore. All Safe Parking Program locations will remain outside of mapped high-impact, environmentally sensitive sites within the Coastal Zone.

Submitted by:

Approved by:

Timothy Maier
Senior Planner

Lee Butler
Director of Planning and Community
Development

Attachments:

1. Conditions of Approval
2. Map of Safe Parking Program Facilities
3. Ordinance 2021-20
4. Ordinance 2023-08
5. Zoning Administrator Public Hearing Agenda Report, CP16-0090
6. Zoning Administrator Public Hearing Agenda Report, CP21-0174
7. Planning Commission Public Hearing Agenda Report, CP21-0174
8. City Council Public Hearing Agenda Report, CP21-0174
9. City Letter to Coastal Commission and Exhibits, June 23, 2022
10. City Letter to Coastal Commission and Exhibits, July 8, 2022
11. City Council Public Hearing Agenda Report of October 26, 2021
12. City Council Public Hearing Agenda Report of June 13, 2023
13. California Coastal Commission Substantial Issue Determination Staff Report Th14a-7-2022
14. California Coastal Commission Staff Report Addendum Th14a-7-2022
15. California Coastal Commission Agenda Report Th12b-5-2023
16. California Coastal Commission Revised Findings W18.1-6-2023
17. OVO Operations and Management Plan dated July 21, 2023
18. Final OVO Communications and Outreach Plan dated June 9, 2023
19. OVO Informational Flyer dated December 1, 2023
20. OVO Stakeholder Group Engagement Plan dated July 21, 2023
21. Updated Oversized Vehicle Ordinance Sign Plan dated August 2, 2023
 - a. Signage Plan Exhibit A
 - b. Signage Plan Exhibit B
22. Homelessness Response Team Impact Report (Homelessness Response Accomplishments 2023)
23. Homelessness Response Team Shelter Impact Report (Homelessness Response Shelter and Safe Parking Overview)
24. Homelessness Response Action Plan

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25. Agenda of Stakeholder Outreach Meeting of October 17, 2023
26. Agenda of Stakeholder Outreach Meeting of November 15, 2023
27. Agenda of Stakeholder Outreach Meeting of December 20, 2023
28. Agenda of Stakeholder Outreach Meeting of January 31, 2024
29. Notes of Stakeholder Outreach Meeting of October 17, 2023 (Stakeholder participant names redacted)
30. Notes of Stakeholder Outreach Meeting of November 15, 2023 (Stakeholder participant names redacted)
31. Notes of Stakeholder Outreach Meeting of December 20, 2023 (Stakeholder participant names redacted)
32. Notes of Stakeholder Outreach Meeting of January 31, 2024
33. Stakeholder Issue and Response Matrix
34. Oversized Vehicle Ordinance Informational Flier (English and Spanish)
35. Sample Oversized Vehicle Permit
36. Public correspondence
37. Correspondence of Santa Cruz Cares
38. City Responses to the Statements Included in the Correspondence of Santa Cruz Cares