



## City Council AGENDA REPORT

DATE: 04/05/2022

**AGENDA OF:** 04/12/2022

**DEPARTMENT:** Planning

**SUBJECT:** City Council Review of the Planning Commission’s Approval of the Coastal and Design Permits to Authorize the Development Associated with the Amended Municipal Code Pertaining to the Parking of Oversized Vehicles and to Implement City-wide Safe Parking Programs for Unhoused City Residents Living in Oversized Vehicles in the City of Santa Cruz (PL)

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**RECOMMENDATION:** Resolution acknowledging the environmental determination and approving the Coastal Permit and Design Permit based on the findings listed in the draft resolution and the Conditions of Approval attached as Exhibit “A”.

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**BACKGROUND:** On November 9, 2021, the City Council adopted Ordinance No. 2021-20 amending Santa Cruz Municipal Code (SCMC) Title 10 amending “Vehicles and Traffic” at Chapter 10.04 “Definitions” and Chapter 10.40 “Stopping, Standing and Parking” and Chapter 10.41 “City-Wide Parking Permit” pertaining to the parking of oversized vehicles and Chapter 16.19 “Storm Water and Urban Runoff Pollution Control” at Section 16.19.070.

The Council also approved a motion to direct staff to implement City-operated and sponsored safe parking programs for unhoused City residents living in oversized vehicles licensed and registered in the City of Santa Cruz. Council directed staff to return with draft-ready contracts and associated costs within four months of the passing of the ordinance. Safe parking programs would include a three-tiered approach that consists of the following:

- a) Emergency overnight safe parking on City-owned parcels for a minimum of three vehicles to be implemented immediately. (This has been implemented.)
- b) Safe overnight parking on City-owned parcels or other non-residential approved spaces for a minimum of thirty vehicles throughout the City to be implemented within four months of the passing of the above listed ordinance. (The initial pilot for this has been implemented, and capacity will be expanded in the near future.)
- c) A robust safe parking program in partnership with service providers, health providers, and County partners. The following subpopulations will be prioritized: Families with children; seniors; transition age youth; veterans; and those with a valid disabled placard or license plate issued pursuant to the California Vehicle Code. (Responses to a Request for Qualifications to conduct this work have been received and are being evaluated.)

Section 24.08.210 of the Zoning Ordinance requires approval of a Coastal Permit for “development” within the Coastal Zone that is not specifically exempted. This ordinance revision is defined in the Local Coastal Plan (LCP) as “development” because it could change the intensity of the use of the ocean or access thereto through the modified parking regulations, and parking restrictions are not specifically exempted in the LCP. Section 24.08.410.9 of the Zoning Ordinance calls for approval of a Design Permit for public projects located in the Coastal Zone, and Section 24.08.410 calls for a Design Permit for projects where the applicant is a public agency over which the City can exercise land use controls. Thus, the Design Permit can authorize safe parking locations on public and private properties inside and outside the Coastal Zone. Arguably, the use of parking lots for safe parking purposes would not trigger a Design Permit, as safe parking is essentially the intended and planned use of the property – parking. However, some locations could call for a Design Permit for such uses based on locational-specific requirements, such as a parks plan. The Design Permit and Coastal Permit considered herein are intentionally structured broadly so that they can cover a variety of circumstances where such permits may be necessary for implementation of the ordinance or the associated safe parking facilities.

On January 5, 2022, the Zoning Administrator heard this item and was notified by a member of the public that one of the Zoom links was not functioning, and the item was continued to a special meeting on January 12, 2020. At the January 5<sup>th</sup>, hearing two people spoke to the item – one in favor and one opposed. Staff received nine comments with two in favor of the ordinance and the rest opposed. The January 12<sup>th</sup> hearing included eight speakers and 23 written comments in opposition. The minutes to those hearings and comments submitted are attached to the staff report. On January 12, 2022, the Zoning Administrator approved Coastal and Design Permits to authorize the development associated with the amended municipal code pertaining to the parking of oversized vehicles (e.g., parking signage, time of use restrictions, etc.) and to implement City-wide safe parking programs for unhoused City residents living in oversized vehicles. On January 14<sup>th</sup>, an appeal was filed by Reggie Meisler on behalf of Santa Cruz Cares, and the item was subsequently scheduled for the February 17<sup>th</sup> Planning Commission meeting. On January 25<sup>th</sup>, a second appeal was filed by the American Civil Liberties Union (ACLU), which raised a number of issues that required more analysis than was originally envisioned following receipt of the first appeal.

Planning staff and the City Attorney’s office comprehensively addressed the various issues raised in both appeals, as discussed in the analysis section of the Planning Commission report (attached), with some information also included in the analysis section of this report. The appeal hearing was noticed in a one-eighth page newspaper advertisement in at least one newspaper of general circulation within the City 14 days prior to the scheduled February 17, 2022 Planning Commission hearing where it was continued to a time certain of March 3, 2022. On March 3, 2022, the Planning Commission heard this item at a noticed public hearing. Seventeen members of the public spoke to the item with a majority of speakers opposed. Commissioner Shiffrin recommended approval of the Coastal and Design Permits with numerous amendments to the conditions of approval, and the Commission voted 4-3 to approve the permits with the revised conditions.

Kevin Grigsby, in partnership with Santa Cruz Cares and HUFF (Homeless United for Friendship and Freedom), submitted a letter and expressed a desire to appeal the Planning Commission’s approval to the Council, however, he did not pay the appeal fee, and his appeal

was not acted upon. Although not a valid appeal, staff has responded to select points in his letter in the analysis section of this report.

On March 14, 2022, Councilmember Golder called this item up for review (see attached email) due to the feasibility of implementing the revised conditions of approval and their potential impact on the effectiveness of the ordinance and potential fiscal impacts. Section 24.04.175 of the Zoning Ordinance allows any city council member to call up for city council review the final action taken by the Planning Commission. All matters are heard by the City Council in their entirety (de novo) meaning that the applications are considered anew.

The City Council action for this item will be to consider all previous testimony and materials from the Zoning Administrator Hearings, the Planning Commission hearing, and to consider public comments at the City Council hearing and either approve, deny or continue the hearing on the Coastal and Design Permits to authorize the development associated with the amended municipal code pertaining to the parking of oversized vehicles and to implement City-wide safe parking programs for unhoused City residents living in oversized vehicles in the City of Santa Cruz.

Planning staff and the City Attorney's office have addressed the amended conditions of approval in the discussion section of this report. The staff report and attachments that went to the Zoning Administrator and Planning Commission are attached to this staff report. That staff report contains a substantial amount of information related to the description and analysis of the project, including additional background information and analysis beyond what is contained in this report. Additional information is also contained in the findings included with the attached draft resolution of approval.

**DISCUSSION:** This section evaluates the statements in the letter from Kevin Grigsby and goes on to evaluate and make recommendations regarding the conditions of approval from the Planning Commission.

*Kevin Grigsby Comments.* Excerpts of Kevin Grigsby's comments are evaluated in this section. Kevin Grigsby, in partnership with Santa Cruz Cares and HUFF, states:

*Similar to the issues noted in Robert Norse's LCP analysis of 2016, OVO specifically limits public access to open space lands and the coastline to oversized vehicles, and thus violates all of the above goals which suggest "enhancement" and "maximization" of public access. As noted in provisions below, the OVO did not properly solicit public opinion from our unhoused neighbors living in vehicles in determining how the OVO serves their diverse set of needs and interests, thus violating PR2.1.1 and PR2.1.2.*

*In canvassing people living in oversized vehicles on Delaware Ave, neighborhood group Santa Cruz Cares has found that a significant portion of the population would be excluded from both receiving a permit, as well as qualifying for the large majority of safe parking vacancies that the city is promising to create, due to restrictions placed on vehicle registration, tags, and more.*

The City has also undertaken extensive efforts to conduct research and engage community members, including those experiencing or having previously experienced homelessness, on the

topics of homelessness. In 2016 – 2017, the City Council appointed a Homelessness Coordinating Committee that researched and prepared recommendations related to homelessness (<https://www.cityofsantacruz.com/home/showdocument?id=63292>). The City Council established a Community Advisory Committee on Homelessness (CACH) in June of 2019 to engage with the community and consider various policy options related to homelessness. The CACH membership included people with a wide range of experience and knowledge, including a number of individuals who either were or had been unhoused. Over the course of a year, the CACH held approximately 16 public meetings<sup>1</sup> and made a range of recommendations to the City Council, including expansion of parking capacity at faith-based parking lots, which the City Council subsequently approved. The CACH also had a number of subcommittees that met on a regular basis to explore certain topics in more detail.

These efforts have also been informed by substantial outreach and engagement led by the County of Santa Cruz on the topic of homelessness, including the 2015 “All-In Toward a Home for Every County Resident: The Santa Cruz County Community Strategic Plan to Prevent, Reduce, and Eventually End Homelessness,” the 2021 “Housing for a Healthy Santa Cruz: A Strategic Framework for Addressing Homelessness in Santa Cruz County” (which the City Council endorsed in 2021), and the regular Point In Time homelessness census data.

The community input regarding the challenges and impacts of oversized vehicle parking have been substantial since the 2016 California Coastal Commission hearing<sup>2</sup> at which the Commission found “substantial issue” with a prior iteration of the Oversized Vehicle Ordinance. In February 2019, after a prior city council member's proposal to permit overnight oversized vehicle camping on Delaware Avenue on the lower Westside, over 400 letters in opposition were sent to the city council. Community input concerns cited included environmental impacts, neighborhood safety, increased crime, garbage, human excrement, fire danger, drug dealing, and other illegal and nuisance behaviors. One recent example in which the community provided input regarding impacts from illegally parked oversized vehicles was on a one-block section of Olive Street, a residential street off Mission Street. Many community members contacted council to request that oversized vehicles not be permitted to park in this area due to public health and safety impacts and ultimately their request was honored by Council. A petition with over 1,000 signatures, urging city staff and council to address the public health and safety impacts of oversized vehicle parking was created on Change.org and sent to City staff and council.

Information was gathered on similar ordinances in other cities and counties throughout California, including coastal areas, in order to explore existing practices and options the City of Santa Cruz may have in addressing the ongoing oversized vehicle parking challenges in Santa Cruz. Commonalities in impacts of oversized vehicles in like communities were reviewed. The draft ordinance is similar to ordinances passed in other coastal cities, such as Santa Monica.

On September 21, 2021, three Councilmembers brought forth a draft ordinance concept as an introduction to the topic of managing oversized vehicles on city streets. The purpose of this introduction was for other Councilmembers and the community to have the opportunity to provide direct feedback about the ordinance language as well as the safe parking framework. The Council voted for the Mayor to form an ad hoc Council committee to discuss a safe parking

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<sup>1</sup> See <https://www.cityofsantacruz.com/government/city-council-subcommittees/community-advisory-committee-on-homelessness-cach>

<sup>2</sup> <https://www.coastal.ca.gov/meetings/mtg-mm16-8.html>

program. Two subsequent Council meetings were held – on October 26 and November 9, 2021 – where additional public comment was considered.

The Mayor subsequently appointed then-Vice Mayor Brunner, Councilmember Golder, and Councilmember Kalantari-Johnson to the ad hoc committee to continue to work with staff and the community in development of recommendations to the Council for the ordinance and safe parking framework. The ad-hoc committee engaged community members, public health/homeless service providers, members of the Association of Faith Communities, county staff and members of the Board of Supervisors to receive direct feedback and engage in thought partnership to explore opportunities. This community engagement took the form of emails, phone calls, one-on-one and group meetings. The ad hoc committee members also walked areas of the City where individuals often reside in oversized vehicles, and they conversed with vehicle dwellers in the area. The ad hoc committee also gathered research on existing efforts in similar communities, both with regard to the ordinance enforcement approach and the safe parking program approach. City staff also gathered research and met with county staff to promote alignment and explore collaboration and partnership, and the pilot safe parking program is also being used to hear directly from participants, potential participants, and nearby neighbors and businesses to adjust the safe parking program to meet diverse needs.

Kevin Grigsby, in partnership with Santa Cruz Cares and HUFF, goes on to state:

*The city staff did not adequately address our concern regarding fiscal impacts in their response to our appeal. It has always been the case that the threat of constitutionality lawsuit against OVO would apply only after it has been enforced– and because the primary zone in which the city would like to enforce OVO is in the Coastal Zone, it makes sense that this concern be brought forward as a fiscal impact at this stage of its development.*

The direction provided by the City Council considered fiscal implications of the ordinance and its implementation. City staff and the Planning Commission are charged with implementing direction set forth by the City Council, and the proposed Coastal Permit and Design Permit facilitate implementation of the ordinance. As part of its actions on December 14, 2021 and March 8, 2022, the Council provided funding from the American Rescue Plan Act and the \$14 million provided to the City from the state for homelessness response efforts, respectively, that will support the City’s safe parking program and the implementation of the Oversize Vehicle Ordinance. However, it is not the ordinance that is under consideration with these actions. Rather, it is the Coastal and Design Permits to implement the ordinance. Thus, the key question at hand for the Coastal Permit is whether the implementation of the parking regulations adversely impacts coastal access in a manner inconsistent with the LCP, whereas the key question for the Design Permit relates to issues of physical design of the facilities.

Kevin Grigsby, in partnership with Santa Cruz Cares and HUFF, goes on to state:

*Diversity includes economic diversity (which itself often falls along racial lines). Providing community services and facilities with changing and growing needs of a diverse group of people means actually providing those services- greywater, blackwater, and trash pick up, utilities hook ups, at extremely low or no cost for those who require it. Implementing a permitting system that only applies to people who don't have access to driveways (like those who live in apartments or*

*on the street) is discriminatory. Those who live in their vehicles who aren't able to participate in the city's limited services will have their homes towed and wind up experiencing unsheltered homelessness.*

*Making a policy that prioritizes ticketing and towing makes it more likely that people who are ineligible for city safe parking programs will have insufficient resources to appropriately dump their gray/black water. Additionally, the unsheltered homelessness that this policy will undoubtedly cause will even further decrease the access people have to restrooms. This can potentially lead to lower water standards. The solution is creating equitable access to restroom facilities and black water dumping stations/mobile collection, regardless as to whether someone can access a safe parking site.*

The proposed Coastal and Design Permits will allow the City to serve, at no cost, unhoused City residents living in oversized vehicles through provision of safe overnight parking places where no such City-sponsored places previously existed (though a limited number of City-owned parking spaces have and are being offered to non-profits for their use in private safe parking programs, and a pilot project for safe parking has now been implemented for approximately five weeks, as of the drafting of this report). The safe parking locations would offer, at a minimum, trash, restroom, and hand washing services. Per Section 10.40.120(m) of the SCMC, in addition to the private property allowances authorized through Chapter 6.36.030(a), the City may operate, sponsor, or authorize safe parking programs for vehicles on any City owned or leased properties in the City, or any City-sanctioned private parking lots, and the City Manager shall develop a policy that establishes operational criteria for safe parking programs. The subject Coastal and Design Permits facilitate implementation of these provisions of the code, and in doing so, some of the ancillary impacts associated with oversized vehicles that negatively affect neighborhood quality will be addressed. For example, despite a dumpster being made available free of charge, indiscriminate dumping of trash from oversized vehicles still commonly occurs, and that conduct negatively impacts neighborhood quality. Trash services at safe parking sites will help to minimize littering in neighborhoods. Dumping of wastewater from oversized vehicles has also been a concern, and staff is exploring how best to assist oversized vehicle owners with dumping services, either through mobile services, a new facility, or vouchers for existing facilities (such as the 76 gas station at the northeast corner of Soquel Drive and Highway 1).

Kevin Grigsby's letter made statements about the safe parking program spurring harassment or intimidation. His assertion about the effect of affixing a sticker or placard to one's vehicle appear to be largely speculative, inasmuch as the vehicle parking program called for in the has not yet been implemented. And the Police Department disputes the characterization of its activities in ticketing vehicles for parking or other violations.

Kevin Grigsby's letter lists numerous General Plan Policies found in Parks and Recreation Element as well as Community Design, Land Use, Economic Development Elements that either relate to the Oversize Vehicle Ordinance that has already been approved by the City Council or that neither relate to the Oversized Vehicle Ordinance nor its implementation. As detailed throughout the Planning Commission report and other documentation, the implementation of the ordinance does not adversely affect recreational access to the coast given its limited time duration, applicability, and alternative options. This report and associated attachments, including but not limited to the Coastal and Design Permit findings in the attached resolution, include numerous General Plan and Local Coastal Plan Policies that support the approval of the Coastal

and Design Permits that will allow the implementation of the safe parking program for unhoused City residents in the Coastal Zone.

*Planning Commission Conditions.* The revised conditions of approval show the Planning Commission's changes **underlined and in bold** (as compared to those recommended by staff at the Planning Commission hearing). Staff's responses to the changes follow, along with recommended revisions. To help distinguish between Planning Commission conditions and staff-recommended conditions, the Planning Commission conditions are in *italics* and are indented from both left and right margins. Staff recommendations are not italicized, and a clean version of staff's recommended conditions of approval is attached for easier reading.

1. *If one or more of the following conditions related to the safe parking program is not met with respect to all its terms, **the enforcement of the Section 10.40.120(a) will not be allowed and then** the approval of a safe parking program at a specified location may be revoked.*

Staff's response: Simple re-wording shown below is recommended. The tie between the safe parking program and enforcement of Section 10.40.120(a) is discussed below in more detail.

1. If one or more of the following conditions related to the safe parking program is not met with respect to all its terms, **Section 10.40.120(a) will not be enforced and then** the approval of a safe parking program at a specified location may be revoked.

The Planning Commission made no changes to the next condition.

2. *If, upon exercise of this permit, any developed safe parking site within the coastal zone is at any time determined by the Zoning Administrator to be incompatible with the surrounding neighborhood, revocation of, or amendment to, this permit by the Planning Commission could occur. Outside of the coastal zone the Design Permit can be revoked or amended in accordance with the Santa Cruz Municipal Code.*

Staff's response: No changes were made by the Planning Commission, and staff has one additional suggested edit that clarifies that a Design Permit may not be required – and therefore is not revocable – for all locations.

2. If, upon exercise of this permit, any developed safe parking site within the coastal zone is at any time determined by the Zoning Administrator to be incompatible with the surrounding neighborhood, revocation of, or amendment to, this permit by the Planning Commission could occur. Outside of the coastal zone the Design Permit, where required for a particular location, can be revoked or amended in accordance with the Santa Cruz Municipal Code.

The Planning Commission approved the following changes:

3. *The use shall meet the standards and shall be developed within limits established by Chapter 24.14 of the Santa Cruz Municipal Code as to the emission of noise, odor, smoke, dust, vibration, wastes, fumes or any public nuisance arising or occurring incidental to its establishment or operation. **Mitigation measures may***

**be applied when proposed by Safe Parking Program participants to bring them into compliance. City of Santa Cruz will actively seek funding to provide mobile mechanics to assist participants as needed.**

Staff's response: This language regarding mitigation measures is vague. The condition is not speaking to operational criteria, rather it speaks to potential impacts. Operational criteria and rules will be addressed separately by staff, and the conditions of approval need to allow flexibility to allow for changes in how facilities are managed.

The language regarding actively seeking funding to provide mobile mechanics is not direction that Council provided, nor is such policy direction within the purview of the Planning Commission. Providing funding towards mechanics to fix oversized vehicles could quickly become a costly endeavor for the City, particularly given the costly repairs that some vehicles require to meet smog or other standards. That said, the Council subcommittee did indicate that community members have expressed a desire to assist with such services. Staff's recommendation is to delete the language added by the Planning Commission, as shown below.

3. The use shall meet the standards and shall be developed within limits established by Chapter 24.14 of the Santa Cruz Municipal Code as to the emission of noise, odor, smoke, dust, vibration, wastes, fumes or any public nuisance arising or occurring incidental to its establishment or operation. ~~**Mitigation measures may be applied when proposed by Safe Parking Program participants to bring them into compliance. City of Santa Cruz will actively seek funding to provide mobile mechanics to assist participants as needed.**~~

The Planning Commission approved the following changes:

4. *The Safe Parking Program. As part of its consideration of the proposed development, a safe parking **program as described in Section 10.40.120(m) of the Vehicles and Traffic Section of the Municipal Code framework shall be implemented by the City and remain in effect for the life of these permits. Site locations shall be in the City of Santa Cruz, and will include basic sanitation services, at a minimum toilet, handwashing stations and trash containers, and detailed information would be provided with an up to date list of and options for sanitation and black water dumping. City of Santa Cruz will actively seek funding to provide vouchers for black water dumping and fuel to offset costs for relocation and waste management for participants in the Safe Parking Program.** General parameters for the safe parking sites include:*

Staff's response: Council provided direction to establish safe parking programs, but the Council did not initially tie the provision of a safe parking program to the enforcement of the ordinance's midnight to 5:00 a.m. parking restrictions. However, a prior condition of approval of the Coastal Permit did tie together these aspects together, as the Coastal Commission saw this as an important factor in their consideration of whether a substantial issue exists with the Coastal Permit. Thus, staff does not have a problem with retaining this portion of the language, even though it is redundant with a later condition.



Some safe parking facilities could be located just outside of the City limits, and those locations could involve City services. The text saying these facilities must be in the City limits is recommended for deletion.

Sanitation services are outlined in the bullet points below this same condition, so the added language regarding toilets, hand washing stations, and trash containers is recommended for deletion. As noted above and in prior reports, the City is seeking options for blackwater dumping, including mobile services, vouchers for use of existing facilities, and construction of a new facility. The condition calling for the City to “actively seek funding” to address the blackwater issue is not necessary, and staff’s recommendation is to delete language as shown below.

4. The Safe Parking Program. **As part of its consideration of the proposed development, A safe parking program as described in Section 10.40.120(m) of the Vehicles and Traffic Section of the Municipal Code framework shall be implemented by the City and remain in effect for the life of these permits. Site locations, shall be in the City of Santa Cruz and will include basic sanitation services, at a minimum toilet, handwashing stations and trash containers, and detailed information would be provided with an up to date list of and options for sanitation and black water dumping. City of Santa Cruz will actively seek funding to provide vouchers for black water dumping and fuel to offset costs for relocation and waste management for participants in the Safe Parking Program.** General parameters for the safe parking sites include:

The Planning Commission modified sub-bullets under Condition 4, as follows:

- *Off street locations (i.e. public/private parking lots). New signage shall be small-scale and designed to be incorporated into other signage in existing parking facilities. Existing sign post shall be used when possible.*
- *Hours generally shall be from 8:00 PM – 8:00 AM time frame.*
  - *Within the Coastal Zone, hours of operation shall be within this time frame, except that occasional, minor deviations from the 8:00 PM to 8:00 AM hours within the Coastal Zone may be allowed to facilitate provision of services to the program participants, so long as the additional hours are of a frequency, duration, and/or location such that they do not adversely interfere with coastal access.*
  - **Outside the Coastal Zone, Facilities (for example, Tier 3 facilities where enhanced services are provided) may be operated with extended hours, including on a 24/7 basis, so long as plans adequately address required parking for other uses. If not operated on a 24/7 bases office of operation would at a minimum be 8:00PM – 8:00AM.**

Staff’s response: The proposed modifications here are problematic for a number of reasons. First, the Coastal Commission staff do not support 24/7 facilities inside the Coastal Zone, as they expressed concerns that such facilities could impact recreational coastal access by occupying parking spaces that would be used by visitors to the coast. Thus, staff recommends retaining the “Outside the Coastal Zone” qualifier in the condition.

The condition language that says the Tier 3 facilities must be operated from 8:00 p.m. to 8:00 a.m. at a minimum is also problematic. Flexibility is important for these facilities, and if a location were identified that, due to its normal uses, could operate from, for example, 9:00 p.m. to 9:00 a.m., retaining the ability to utilize that site is important. Another example is that certain days could have limitations, such as our current pilot project that typically has a morning departure of 8:00 a.m. but requires a 7:00 a.m. departure on farmers' market days. Similar events or unique circumstances could apply to different locations, so flexibility is important. Staff generally anticipates a larger number of safe parking facilities with fewer numbers of vehicles per facility. The safe parking locations are intended to be located at a variety of locations in the City so as to provide dispersed options for vehicle dwellers and to promote ease of access. Staff's recommendation is to delete the proposed language, as follows.

- **Outside the Coastal Zone**, Facilities (for example, Tier 3 facilities where enhanced services are provided) may be operated with extended hours, including on a 24/7 basis, so long as plans adequately address required parking for other uses. **If not operated on a 24/7 bases office of operation would at a minimum be 8:00PM – 8:00AM.**

The Planning Commission modified additional sub-bullets under Condition 4, as follows:

- *Sanitation will be provided at all locations (i.e., porta-potties, hand washing stations, and garbage cans). Black water dumping facilities may be provided at some locations. All facilities shall, whenever possible, be located where no impacts to public vehicular or bike parking occur. When that is not possible, all facilities shall be located or operated in a manner so as to minimize vehicular and bike parking impacts to the greatest extent feasible. Locations of porta-potties, hand washing stations, and trash receptacles, as well as the locations of overnight parking on the site, will also take into account the adjacent uses, visibility, maintenance of views, on- and off-site circulation, and accessibility.*
- *Safe Parking sites will not be sited in mapped "high impact parking areas" within the Coastal Zone.*
- *There will be no cost to participants in the Safe Parking Program.*
- **The prohibitions in Section 10.40.120(a) of the Vehicles and Traffic Section of the Municipal Code shall not be applied to any person and oversized vehicle, collectively, that does not have free and unrestricted access to a Safe Parking Program parking space and there shall be no registration or eligibility requirements to participate in the program.**

Staff's response: City staff must have a sign up and tracking system for the program. A code of conduct and sign-up procedure are needed to manage parking at the locations. To date, staff's understanding is that the City Council has contemplated a low barrier program but not a zero barrier program. A sign-up system allows staff to direct people to the right locations where they can maneuver a large vehicle, track the numbers and use of facilities, and designate a specific lot or lots for subpopulations, like families with children. Staff's recommendation is to delete the proposed added language, and staff does not have comments on the prior three bullets that were unchanged by the Planning Commission.

**The prohibitions in Section 10.40.120(a) of the Vehicles and Traffic Section of the Municipal Code shall not be applied to any person and oversized vehicle, collectively, that**

**does not have free and unrestricted access to a Safe Parking Program parking space and there shall be no registration or eligibility requirements to participate in the program.**

The Planning Commission further modified sub-bullets under Condition 4, as follows:

- **An Operations and Management Plan for the Safe Parking Program shall be approved by the Zoning Administrator within three months from the effective date of the permits and shall contain the following:**

Staff's response: Section 10.40.2120(m) directs the City Manager to develop a policy that establishes operational criteria for safe parking programs. This has been delegated to staff who will evaluate operations and establish regulations in a way to allow flexibility to easily modify the program administratively as conditions evolve and as staff hears more from program participants and nearby residents and businesses. Participant agreements will be included as part of the operations and management plan, and draft agreements for Tier 1 and Tier 2 programs are attached. Staff's recommendation is to modify the proposed language as shown below, which eliminates the need for a Zoning Administrator approval.

- **An Operations and Management Plan for the Safe Parking Program shall be developed by staff and shall contain, at a minimum, the following:** (See further below for staff's recommended contents, which differ from that of the Planning Commission conditions noted immediately below.)

The Planning Commission further modified sub-bullets under Condition 4, as follows, with the following text revisions falling under the Commission's condition related to the operations and management plan:

- **Procedures for informing law enforcement personnel in real time of the availability of Safe Parking Program parking spaces. This procedure shall be in place prior to enforcement of the Section 10.40.120(a).**

Staff's response: Real time can be interpreted in numerous ways. Staff's recommendation is to modify the proposed language as shown below, which represents one item to be included in the operations and management plan.

- **Procedures for informing law enforcement personnel of nightly availability of Safe Parking Program parking spaces. This procedure shall be in place prior to enforcement of the Section 10.40.120(a).**

The Planning Commission further modified sub-bullets under Condition 4, as follows, with the following text revisions falling under the Commission's condition related to the operations and management plan:

- **Procedures for the filing and resolving of complaints.**

Staff's response: Staff recommends minor clarifying language for this component of the operations and management plan, as follows.

- **Procedures for the filing and resolving of complaints from participants and nearby residents and businesses.**

The Planning Commission further modified sub-bullets under Condition 4, as follows, with the following text revisions falling under the Commission’s condition related to the operations and management plan:

- **Procedures to ensure that potential participants of the Safe Parking Program will confront no barriers to their participation. Good neighbor rules of behavior may be applied.**

Staffs response: To date, staff’s understanding is that the Council has contemplated a low barrier program but not a zero barrier program. The Safe Parking Program will include low barrier sign-up requirements including a code of conduct and associated agreements. Issuing permits will allow staff to assign and track locations. Size of a vehicle will dictate where a vehicle can maneuver. Staff’s recommendation is to delete the proposed language and add language calling for the operations and management plan to include a code of conduct and participant agreement.

- **Procedures to ensure that potential participants of the Safe Parking Program will confront no barriers to their participation. Good neighbor rules of behavior may be applied. Code of conduct and participant agreement.**

The Planning Commission further modified sub-bullets under Condition 4, as follows, with the following text revisions falling under the Commission’s condition related to the operations and management plan:

- **Details regarding the funding and management of Safe Parking Program locations.**

Staff’s response: Budgetary considerations are handled through the regular process – either through authorization/use of existing budget or requesting funding from the City Council. Staff’s recommendation is to delete the proposed language.

- **Details regarding the funding and management of Safe Parking Program locations.**

The Planning Commission did not modify the final sub-bullet related to the operations and management plan.

- *Additional operational criteria may be applied by the City Manager, pursuant to Section 10.40.120(m) of the SCMC.*

Staff’s response: No comment.

The Planning Commission approved the following changes:

5. *Notwithstanding the exceptions noted in Section 10.40.120(g) of the Vehicles and Traffic Section of the Municipal Code and, in particular, the exception noted in Section*

*10.40.120(g)(7), the parking restrictions contained in Section 10.40.120(a) shall not be implemented until and unless at least one safe parking location is in operation a safe space is available. If all available safe parking spaces are filled, Section 10.40.120(a) shall not be enforced.*

Staff's response: Per Section 10.40.120(g)(7), Section 10.40.120(a) (the midnight to 5:00 a.m. parking restrictions) shall not be enforced against a person and oversized vehicle that are, collectively, registered and participating in a safe parking program or other safe sleeping or transitional shelter program operated or sanctioned by the City, but do not have access to a safe parking space or other shelter options under such programs due to a lack of capacity. Staff recommends using the language that was proposed to the Planning Commission, as shown below.

5. Notwithstanding the exceptions noted in Section 10.40.120(g) of the Vehicles and Traffic Section of the Municipal Code and, in particular, the exception noted in Section 10.40.120(g)(7), the parking restrictions contained in Section 10.40.120(a) shall not be implemented until and unless at least one safe parking location is in operation.

The Planning Commission approved the following changes:

**6. If a vehicle cannot relocate to a Safe Parking Location due a mechanical issue, lack or fuel or physical, mental or emotional difficulties of the vehicle operator that prevents safe operation of the vehicle the parking restrictions will not be enforced for up to 72 hours and the right to sleep at the current location will be observed. The City shall notify the occupant of any resources available to assist in remedying whatever is preventing them from moving their vehicle to an available safe parking spot.**

Staff's response: Section 10.40.120(g)(3) provides accommodations for oversized vehicles involved in an emergency or being repaired under emergency conditions. Emergency parking may be allowed for twenty-four consecutive hours where an oversized vehicle is left standing at the roadside because of mechanical breakdown or because of the driver's physical incapacity to proceed. Staff's recommendation is to delete this condition in favor of the existing ordinance language.

**6. If a vehicle cannot relocate to a Safe Parking Location due a mechanical issue, lack or fuel or physical, mental or emotional difficulties of the vehicle operator that prevents safe operation of the vehicle the parking restrictions will not be enforced for up to 72 hours and the right to sleep at the current location will be observed. The City shall notify the occupant of any resources available to assist in remedying whatever is preventing them from moving their vehicle to an available safe parking spot.**

The Planning Commission did not make any changes to the final condition.

*7. At the end of the first year of operation, City staff will prepare a report that outlines the program operations in the Coastal Zone, its usage, the number of parking stalls affected, and complaints received regarding the program. If it is determined that any of the standards applicable in the Coastal Zone and identified in conditions above have not been met or if it is*

*determined that a use has impacted availability of public parking spaces such that public parking is not otherwise available in the location where the safe parking program is being operated, then the City shall propose modifications to operations so as to remedy those situations. A copy of the report shall be submitted to the Executive Director of the Coastal Commission for review and approval. If the Executive Director determines that the safe parking program is negatively impacting public access, then the program shall be modified to eliminate such impacts, or mitigate them to the maximum extent feasible as directed by the Executive Director, including but not limited to elimination of the safe parking program location(s) in the Coastal Zone.*

Staff's response: No comment, except to note that this condition was developed in coordination with Coastal Commission staff.

The City is directly establishing or facilitating the establishment of safe parking locations. Staff's proposed conditions of approval tie enforcement of the midnight to 5:00 a.m. parking restrictions to the implementation of the safe parking facilities. The OVO specifies that the midnight to 5:00 a.m. parking restrictions cannot be enforced if a person and vehicle are registered to participate in a safe parking program but insufficient capacity exists. This provides individuals who are forced to live in their vehicles by circumstances beyond their control an alternative to unregulated parking on any City street.

The oversized vehicle ordinance revision was the result of the impacts that oversized/recreational vehicles (RVs) have had on the community, public safety and environment. In July 2021, a survey found an average of 65 oversized vehicles parked on city streets primarily within the Coastal Zone and raising many issues. The types of issues are reflected in the calls for service include: the illegal dumping of trash, debris and human waste onto City streets, sidewalks, and waterways; fires associated with oversized vehicles; lack of access to neighborhood and coastal parking; and increased criminal activities in areas where oversized vehicles are parked, including theft of bicycles and other property, private water connections being used, and gasoline thefts.

The City has responded by facilitating safe parking locations, allowing them to operate without the need for any City permits or oversight in religious assembly and business parking lots and expanding the number of vehicles allowed at said locations to six and three, respectively, at any such locations. The City has, in the past, incurred direct costs for provision of safe parking spaces on City-owned lots. For example, the City has allowed the Association of Faith Communities to manage safe parking facilities on City parking lots, and the City has paid for trash removal, portable restroom, and handwashing facilities to be located and serviced for said parking. The AFC currently manages 20 safe parking spaces in the City limits and has five new safe parking spaces coming on line in the near future. AFC also has 25 safe parking spaces in the County, for a total of 45 spaces. It is unknown how many safe parking spaces are operated at businesses or at religious institutions not affiliated with the AFC, because, as mentioned above, the City does not require any permits or oversight of said facilities. However, it is known that business and religious assembly uses do participate or at least have participated in such allowances, above and beyond those facilities operated by AFC, as complaints are received regarding such uses or such uses are observed from time to time.

As of the end of February 2022, the City is operating three safe parking locations that allow for nine vehicles to park as part of the Tier 1 and Tier 2 parking programs directed by the Council. Two of these locations have additional off-street expansion capacity. The City also provides the

AFC one parking spot at a public lot that they have used intermittently and has offered another public parking lot for them to use; however, they have indicated that they do not currently have the staffing to expand into another additional lot and have concerns about the location of the lot. The City has established these programs as pilots so that lessons can be learned from them in advance of expanding to accommodate larger numbers of vehicles.

The controlling of oversized vehicle parking during the hours of midnight to 5:00 a.m. does not unreasonably limit access to the coast. Other areas of the coast also have limited uses between the hours of midnight and 5:00 a.m., such as Main Beach and Cowell Beach, and in 2008, the Coastal Commission approved parking restrictions on West Cliff Drive between the hours of midnight and 5:00 a.m. The State also closes and locks its own parking areas – both free and paid lots. For example, hours posted on the California Parks and Recreation website for Lighthouse State Beach are 7:00 a.m. to sunset and for Natural Bridges State Park are 8:00 a.m. to sunset. Both areas have gates that are locked during closed hours.

It is also worth noting here that one goal of the City's OSV ordinance is to increase access to the coast for all. OSVs are, by definition, oversized, and take up a large share of coastal parking. It is common for large OSVs to remain in coastal areas for long periods of time, without significantly moving, thus, greatly reducing the amount of coastal parking available to those who wish to visit the coast. The City's OSV ordinance facilitates the daily movement of OSVs, with one aim being an increase in the total number of parking spaces available for those who wish to visit the coast.

The proposed midnight to 5:00 a.m. parking restrictions are narrowly tailored to only address the late night/early morning hours. And, there are exceptions to the 12:00 a.m. – 5:00 a.m. rule which further limit its applicability. See Section 10.40.120(g). By having the oversized vehicles access safe parking facilities in the evenings and into morning and by offering both trash services and restroom facilities at said locations, the proposed approach contemplated with the ordinance and the implementing Coastal and Design Permits directly addresses two of the most problematic issues with oversized vehicles – trash disposal and wastewater disposal. Additionally, the exceptions contained later in Section 10.40.120 further narrow the applicability of the parking restrictions contained in Section 10.40.120(a).

The proposed conditions of approval tie the implementation of the safe parking facilities to the enforcement of the midnight to 5:00 a.m. parking restrictions, so that condition, coupled with the fact that the midnight to 5:00 a.m. parking restrictions cannot be enforced if a person and vehicle are participating in a safe parking program but insufficient capacity exists, ensures that the act of sleeping in a vehicle is not criminalized.

The ordinance and associated permits provide more options for those living in vehicles than are currently available. A safe place to park overnight with trash and sanitation services – all free of charge – is being offered with implementation of the ordinance, and the conditions of approval previously did and still, as recommended, continue to require that at least one safe parking facility be established before overnight restrictions are enforced, while the ordinance states that nighttime restrictions cannot be enforced against a person and vehicle that are participating in the safe parking programs but are unable to access them due to lack of capacity.

Nothing in the ordinance or the implementing permits are discriminatory. Parking lots, including those where safe parking facilities will be operated, are designed to meet accessibility

requirements. Accessible restrooms will be provided in select safe parking facilities, and those with disabilities will be directed to those locations.

Ample daytime oversized vehicle parking options remain available throughout the Coastal Zone and throughout the City, even with the prohibition of oversized vehicle parking within 100 feet of an intersection, which is in place to promote safety by providing line of sight around oversized vehicles. Aside from the limitation of not parking within 100 feet of an intersection, access to recreate at the coast is otherwise unaffected between the hours of 5:00 a.m. and midnight.

### *Local Coastal Plan (LCP) Consistency*

The oversized vehicles permitting system will provide access with limited hours while trying to address many of the LCP policies listed below.

- 2.1 Meet or exceed State Water Resources Control Board standards for discharge of sewage and storm waters to the Monterey Bay.
- 2.3 Ensure that new development or land uses near surface water and groundwater recharge areas do not degrade water quality.
- 4.1.5 Protect the quality of water discharged into the Bay and allow no dumping of materials into the Monterey Bay.
- 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.
- 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.
- 2.6.5 Protect neighborhood quality through improvement of blighted areas, traffic management, design guidelines, adequate buffers and other development techniques.
- 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.
- 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.
- 3.5.5 Develop and implement plans to maximize public access and enjoyment of recreations areas along the coastline.
- 1.7 Recognize and protect the Pacific Ocean and Monterey Bay as a valuable open space, natural resource, and National Marine Sanctuary.
- 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.
- 2.1 The dramatic views from West Cliff Drive shall remain unimpaired and unobstructed by vegetation, structures or accumulated refuse.

### *Health in All Policies.*

*Health.* The health and well-being of all Santa Cruz residents and the environment are of utmost importance. The public health impacts of extended oversized vehicle parking include dumping of trash, debris, and human waste onto City streets, sidewalks, and waterways. The proposed implementation of the ordinance will provide safe parking facilities that include restrooms and trash services to minimize the need for illegal dumping.



The provision of restrooms and trash services will be provided to those living in oversized vehicles within the City, and there will be no cost to participants in Safe Parking Programs. The City Manager's office, Public Works, and Homelessness Response teams will continue to work closely with County partners including the Human Services and Health Departments and service providers to either expand the existing, non-profit-run program or establish a new safe parking program. This program will include case management support to assist individuals in directly engaging in pathways to housing. Families with children, seniors, transition aged youth, veterans, and individuals with disabilities will be prioritized.

*Equity.* An appointed Council ad-hoc committee will continue to work with City staff and community partners to further develop and ensure implementation of the above described safe parking framework in a manner that is widely accessible and will report to the Council with additional recommended actions. The safe parking operation will include low barrier spaces and participation will be free.

*Sustainability.* Environmental sustainability is a core value of the City of Santa Cruz and informs all City operations. Prohibiting the use of public right-of-way for oversized vehicle parking throughout the City of Santa Cruz, coupled with safe parking options that provide trash and bathroom services, would reduce the likelihood of human waste entering the storm drain system or contaminating the nearby environment.

**Environmental Review.** The California Environmental Quality Act (CEQA) provides several "categorical exemptions" which are applicable to categories of projects and activities that the Natural Resource Agency has determined generally do not pose a risk of significant impacts on 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." The proposed ordinance and its implementation are not anticipated to result in any new construction, including but not limited to any construction of new facilities for public services such as police, parks, or fire. Many individuals already park oversized vehicles in the City, and the ordinance and its implementation are not anticipated to result in any additional impacts associated with parking of oversized vehicles. By providing safe parking locations where sanitation facilities would be present and by prohibiting overnight parking elsewhere, the proposed ordinance and its implementation are expected to result in significantly fewer instances of overnight parking on City streets where sanitation facilities, including restrooms and trash services, are unavailable. That change, in and of itself, will create beneficial impacts to the environment through an increase in the proper disposal of waste compared to existing conditions and allowances, where the City itself has historically hosted no designated safe parking locations. Further, the City's experience has been that the most significant environmental degradation associated with oversized vehicle overnight parking occurs in places where groups of oversized vehicles congregate and become entrenched in an area and remain in that area for an extended period of time. As such, the ordinance will reduce environmental impacts when comparing its outcomes to the status quo. As the majority of environmental impacts resulting from the ordinance will be beneficial rather than detrimental and with the other potential environmental effects being de minimis, the project is also exempt under

Code of Regulations Section 15061(b), the “common sense exemption,” since it can be seen with certainty that no significant effect on the environment will occur.

Section 15282-(j) is for projects restriping streets to relieve traffic congestion while Section 15301 Class 1-c allows for alterations of existing streets, sidewalks, gutters and similar facilities that do not create additional automobile lanes. The City’s experience has shown overnight parking occurs in places where groups of oversized vehicles congregate and become entrenched in an area causing congestion and degradation of the environment. The ordinance will reduce these impacts by providing safe parking in a controlled environment.

**SUMMARY**

In response to community concerns about oversized vehicle parking impacts to neighborhoods and the environment, the City Council approved amendments of existing codes to prohibit oversized vehicles parking for extended periods of time as well as establishment of an oversized vehicles permitting system that limits the total amount of time that any oversized vehicle parks on the City’s right-of-way, streets, and off-street parking lots while simultaneously directing implementation of a three-tiered safe parking program for individuals who reside in their vehicles, from emergency parking to low barrier parking to a robust safe parking program that will provide service support and opportunities for pathways to permanent housing.

While no single and simple solution exists that adequately mitigates the noted impacts, the ordinance revision and its implementation are an attempt to balance the needs of parking access with the community’s quality of life and environmental resources that are being affected by oversized vehicles.

**FISCAL IMPACT:** None.

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**ATTACHMENTS:**

- 1) Resolution
- 2) Conditions of Approval
- 3) Email from Councilmember Golder Calling Item up for Review
- 4) Planning Commission Action Summary of March 3, 2020
- 5) Planning Commission Staff Report dated March 3, 2022
- 6) Draft Participation Agreement Tier 1
- 7) Draft Participation Agreement Tier 2