



City Council AGENDA REPORT

DATE: 10/15/2021

AGENDA OF: 10/26/2021

DEPARTMENT: City Council, City Manager, Police, City Attorney, Public Works

SUBJECT: An Ordinance of the City Council of the City of Santa Cruz Amending Title 10 “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 “Discharge of Sewage Prohibited” (CN/CM/PD/CA)

RECOMMENDATION:

- 1) Introduce for publication an ordinance amending Title 10 “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 “Discharge of Sewage Prohibited.”
 - 2) Motion to direct staff to implement City-operated and expand sponsored safe parking programs for unhoused City residents living in oversized vehicles licensed and registered in the City of Santa Cruz, and return to Council with draft-ready contracts and associated costs within four months of the passing of the above listed 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.
 - 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.
 - 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.
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BACKGROUND: The City of Santa Cruz is experiencing an increasing number of oversized vehicles parking for long periods of time on city streets, impacting public safety, health, and the environment for those who are housed and unhoused. The City must balance the preservation of

health and safety with helping our most vulnerable. The purpose of this agenda item is to provide tools to improve the health and safety in our community for both people living in their vehicles as well as for housed individuals experiencing the impacts of unsheltered homelessness.

Local Context. The increase in the number of oversized vehicles parking in the City of Santa Cruz, and the subsequent impacts, may be quantified in multiple ways. In July 2021, local residents conducted a two-week oversized vehicle count of the most heavily impacted streets on the lower Westside (Delaware, Shaffer, Natural Bridges, McPherson, Ingalls, Fair, Mission St., and Garfield Park), as well as some other areas of the city (Harvey West etc.). An average of 65 oversized vehicles were found to be parked on city streets in those areas. This number ebbs and flows based on a variety of factors.

Community residents contact the city regularly with requests to address the presence of and/or impacts from extended oversized vehicle parking. These requests come via Santa Cruz Police Dispatch, Public Works Parking Division, and through emails, phone calls, and verbal communications directly to staff and council.

The types of issues raised through these 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.

Local data demonstrates the extent of the challenges. In the first eight months of 2021 (at the time data collection was completed), there have been at least 15 emergency calls for service to 911 that have been related to oversized vehicles, with seven of those calls related to fire and/or gas leakage. In calendar year 2020 and in the first eight months of 2021, the Santa Cruz Fire Department reported 38 fire incidents that are vehicle related, three that were specifically related to oversized vehicles. Also, in the first eight months of 2021, there were 12 oversized vehicle related service calls and 14 public right of way calls to the Wastewater Collection Division. Additionally, vehicle abatement activities have continued over the years. According to the Vehicle Abatement Officer, in the calendar year 2020, 2,243 abatement notices were issued, 197 vehicles were towed, including 20 which were oversized vehicles or camper vans. Attachment 3 provides additional vehicle abatement information including recent heat map data and graphs of frequency and locations of vehicle abatement activities. As the graph demonstrates, various parts of the city are disproportionately impacted. The five streets with the most vehicle abatement activity (Delaware, Natural Bridges, Shaffer, Mission, and Almar) were all on the West Side, and approximately one third of the abatements citywide are focused on the far West Side. The Vehicle Abatement Officer counted 15 out of state license plates on oversized vehicles that he was able to assess in one morning in certain areas of the West Side. A pilot parking study was conducted using the city's Smart City Sensor located at the Cowell overview parking lot, and showed that fewer than 6% of vehicles were blocking access for almost 30% of all parking spaces (see Attachment 4), with some of those vehicles being oversized vehicles. The City Manager's Office has spent approximately \$10,000 so far this calendar year in refuse services solely on the far Westside to mitigate the illegal dumping from oversized vehicle/car dwellers. This does not include staff time from the City Manager's office or Public Works in coordinating these efforts.

One of the issues that is most often raised with regard to extended oversized vehicle parking is the discharge of raw sewage onto City streets and into storm drains. Runoff from the City's storm drain system is periodically tested as part of regional testing efforts, but not at a scale that would be able to quantify the environmental impacts under discussion. Any verified discharge of human waste into the storm sewer system is considered a violation of the City's Municipal Code (Section 16.19.090); if left unaddressed, the City is at risk of violating its National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit, which could lead to enforcement actions by the Regional Water Quality Control Board.

The challenges described above have been on-going. In 2013, the Public Safety Citizens Task Force came together to address the negative impacts (as described above) created by oversized vehicles on city streets. In late 2013, the Task Force recommended that the City review and implement strict parking ordinances related to oversized vehicles parking on City streets and called for additional enforcement of existing parking restrictions (see Attachment 5). On November 24, 2015 City Council approved the first reading and on December 8, 2015, it finally adopted Ordinance No. 2015-17 adding Section 10.04.085, 10.04.104, 10.04.106, 10.04.165, 10.40.120 and amending Section 10.41.060 of the Municipal Code Relating to the Parking of Oversized Vehicles. After consultation with Coastal Commission staff, City staff processed a Coastal Development Permit (CDP) for implementation of the Ordinance in the Coastal Zone. On June 1, 2016 the City of Santa Cruz Zoning Administrator approved a CDP to prohibit overnight oversized vehicle parking on City streets within the coastal zone from midnight to 5 a.m., which was appealed to the Coastal Commission. On August 10, 2016, the Coastal Commission found "substantial issue" with respect to the Ordinance's consistency with Coastal Act policies. The appeal is currently pending. Since the 2016 Coastal Commission decision, other cities and counties in the coastal zone have passed similar ordinances.

Outreach, Council Direction and Efforts Underway.

This report responds to city council direction at the June 22, 2021 hearing to:

Direct staff to begin evaluating the City's existing RV ordinance (2015-2017) for amendments to align with the existing Camping Services and Standards ordinance including programming such as designated safe parking programs, in partnership with faith community/community partners; as well as time, place, and manner of use of RVs for daytime and nighttime camping, and return to Council to provide input on community engagement approach, with an update in October on ordinance amendment approach, and with an update on California Coastal Commission process for approvals in the coastal zone.

The community input regarding the challenges and impacts of oversized vehicle parking have been substantial since the 2016 Coastal Commission appeal. 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 1000 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 our City. 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.

Within City limits, the Association of Faith Communities (AFC) manages as many as 22 safe parking spaces, including approximately 20 on religious assembly sites and two on city-owned property. AFC also has up to an additional 21 spaces outside the city limits. The city also allows businesses to host safe parking spaces; however, since no permits are required to allow such parking, it is unknown whether or how many such spaces are being provided by businesses. This is a significant increase in overnight safe parking availability compared to what was present and available in the city when this ordinance was first introduced to the city council in 2015.

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 PowerPoint presentation provided as part of the September 21 hearing is attached to this report for reference.

The Mayor subsequently appointed Vice Mayor Brunner, Councilmembers Golder and Kalantari-Johnson to an 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 Board of Supervisor members 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 also gathered research on existing efforts in similar communities, both with ordinance approach and safe parking program approach. City staff also gathered research and met with county staff to promote alignment and explore collaboration and partnership.

DISCUSSION:

The purpose of this ordinance amendment and policy direction is to:

- 1) Provide parameters on time, place, and manner of parking of oversized vehicles on city streets in order to address environmental and public health impacts.
- 2) Implement a three-tiered safe parking framework to support individuals living in their vehicles. This three-tiered approach would include the following:
 - a) Emergency overnight safe parking on city owned parcels for a minimum of three vehicles, to be implemented immediately.
 - b) Safe overnight parking on city owned parcels or other non-residential approved spaces for a minimum of thirty vehicles throughout the city.

- 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.

The proposed ordinance amendments build on existing Santa Cruz Municipal Code provisions that address oversized vehicles' environmental and public health impacts while providing policy direction to expand safe parking programming.

A summary of the amendments are provided below.

Overnight Parking Permit. The following provisions would apply to Overnight Parking Permits:

- Available to a “resident” or “out-of-town visitor,” as defined in Section 10.04.165 and 10.04.104, respectively.
 - Residents
 - Valid for one year, allowing parking of an oversized vehicle for four periods of up to 72 consecutive hours per calendar month.
 - Parking location: Street curb immediately adjacent to the residence, or within four hundred feet of that person’s residence if adjacent parking is not possible.
 - Out-of-town visitors
 - Valid for a maximum of 72 hours in the location identified above for residents.
 - No more than six out-of-town visitor permits per residential address per calendar year.
- Fee
 - A future Council resolution would establish the permit fee(s).
- Denial of Permits
 - The city may deny the issuance of an oversized vehicle overnight parking permit for up to one year if the city manager or his/her designee finds that: the applicant is not a resident; the resident or out-of-town visitor guests have been issued four or more citations for violations in the prior twelve months; the out-of town visitor is not a guest of the resident applicant; or an owner of an oversized vehicle has procured any oversized vehicle parking permit through fraud or misrepresentation.

City Operated or Sponsored Safe Parking Programs.

- In addition to the private property allowances authorized through Chapter 6.36.030 without the need for any permits from the City, the City may operate, sponsor, or authorize safe parking programs for oversized vehicles on any City owned or leased properties or on city sanctioned private properties. The City Manager shall develop a policy that establishes operational criteria for such safe parking programs.

Safe Parking Program.

As part of its consideration of the proposed ordinance, a safe parking framework is proposed. Site locations would include information and options for sanitation and black water dumping. The safe parking framework will take a three-tiered approach.

- 1) Emergency Safe Parking spaces - A minimum of three emergency safe parking spaces will be provided effective immediately. These emergency spaces will be available for up to 72 hours and are intended to support individuals who require time and support with vehicle registration and repairs.
- 2) Safe Overnight Parking - The City Manager's office, and the City Homelessness Response teams will identify and make available safe parking spaces on city owned land and/or other non-residential approved spaces for a minimum of thirty oversized vehicles. The city will either partner with outside providers or directly provide overnight monitoring. Individuals in these parking spaces will be connected and linked to other transitional sheltering options that are available throughout the county.
- 3) Safe Parking Program - 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. The Safe Parking program will return to Council within four months of the passing of this ordinance with a draft ready contract for services that includes costs.

As part of this approach, the city will implement a permit process that will allow individual vehicles to temporarily park on City streets overnight if, among other requirements, these individuals: (1) have applied to a safe parking or shelter program, (2) are unable to participate in a safe parking or shelter program due to lack of capacity, (3) the location of their vehicle will not cause public health, safety, welfare concerns, or nuisance conditions. These individuals will still be subject to citations or other appropriate law enforcement activity if they engage in otherwise illegal and/or nuisance behaviors (e.g., illegal dumping).

The Santa Cruz Community Advisory Committee on Homelessness (CACH) recommended that the Council adopt "municipal code amendments to increase safe parking capacity at faith-based parking lots" in their August 11, 2020 final report to the Council. The Council has already made such amendments through the Camping Services and Standards Ordinance. While not explicitly called out as one of the final CACH recommendations, the recommendation in this report to further expand the number of safe sleeping locations available within the City and County, including through a City-sponsored program, is consistent with the CACH's desire to expand safe parking capacity on faith-based parking lots (Attachment 6).

Additional Supports

Members of the community are committed to the success of these efforts in both mitigating negative impacts on surrounding neighborhoods where oversized vehicles are parked as well as supporting individuals who reside long-term in oversized vehicles. After analyzing the best practices in other communities, members of the community suggested some ideas to bring forward that they would initiate. These include:

- A voucher Program for Oversized Vehicle Wastewater Dumping. Developing and funding a voucher program for Santa Cruz city residents residing in oversized vehicles, with a partial or full subsidy of the \$15 dump fee at the nearest dumping station. Community members interested in initiating this would coordinate with local nonprofit service providers to distribute and track the vouchers.
- A limited number of financial support subsidies for individuals who are Santa Cruz city residents needing support towards vehicle repair and registration. These funds would be established through partnerships with neighborhood groups.

Consistency with Prior Council Direction.

- Public Safety Task Force Recommendations of 2013 (Attachment 5)
- Adoption of Ordinance No. 2015-17 adding Section 10.04.085, 10.04.104, 10.04.106, 10.04.165, 10.40.120 and amending Section 10.41.060 of the Municipal Code Relating to the Parking of Oversized Vehicles, December 2015
- CACH Final Report and Recommendations, August 2020 (Attachment 6)
- Current council direction provided on June 22, 2021

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, fires and criminal activities such as bicycle and other personal property theft, private water connections being used, and gasoline thefts.

Equity. We acknowledge that the parameters set forth and permitting requirements in this ordinance may be challenging for some community members with oversized vehicles. Therefore 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 and report to the Council with additional recommended actions.

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 would accomplish reduction of 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 is 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 is 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 is 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 has 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. Therefore, the adoption of this ordinance is exempt from CEQA.

Summary.

The approaches proposed by the Ad Hoc Committee and City staff includes the amendment of existing codes to prohibit oversized vehicles parking in the City of Santa Cruz for extended periods of time; and an oversized vehicles Permitting system that limits the total amount of time any oversized vehicles or registered owner of an oversized vehicle parks their vehicle on the City's right-of-way, streets, and off-street parking lots.

Additionally, the Ad Hoc Committee proposes a three tiered safe parking approach for individuals who reside in their vehicles, from emergency parking to limited low barriers parking to a robust safe parking program that would provide service support and opportunities for pathways to permanent housing.

FISCAL IMPACT: The exact fiscal impacts of the ordinance and the policy direction contained in these recommendations is unknown at this time. However, each of the three proposed tiers will incur different costs for permit administration, sanitation services, monitoring, and (for tier three) case management services. Cost sharing with the County Health and Human Services departments, and with local non-governmental organizations is desirable and would be sought but is not guaranteed. City staff will need to dedicate time towards the issuance of oversized vehicle parking permits. Costs for said permits, along with the extent of cost recovery, are yet to be determined. The ultimate costs for the safe parking program will vary depending on the number of locations, number of vehicles, and hours of operation, each of which will affect the number of staff necessary to provide oversight and services to the program and participants. Initial research looking at other jurisdictions suggests an annual cost of between \$300,000 - \$500,000 for operating a robust safe parking program. In conversations with a local nonprofit service provider, it was estimated that it would cost approximately \$328,000 to operate a safe parking program for 30 vehicles. This estimate includes some initial infrastructure to establish the program and a staffing plan that includes case managers and counselors consistent with a tier 3 approach. Additional infrastructure costs, such as ongoing costs of hygiene units (port-o-potties and hand washing stations), would be in addition to these costs. The number of hygiene units necessary would depend on how many locations are provided, but

would run in the tens of thousands of dollars range annually. While some estimates are provided herein, more detailed cost estimates for the safe parking sites can be explored as part of the recommended policy direction. For example, the costs for the tier 2 program would be over \$100,000 per year in monitoring and hygiene services alone, though specific proposals or estimates have not been sought at this point. Additionally, increased costs for towing and associated enforcement activities would likely be incurred by the City's Police and parking teams.

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ATTACHMENTS:

1. DRAFT ORDINANCE OVERSIZED VEHICLES - CLEAN.DOCX
2. DRAFT ORDINANCE OVERSIZED VEHICLES - TRACK CHANGES.PDF
3. SNAPSHOT OF VOLUNTEER VEHICLE ABATEMENT DATA 9-2020-6-2021.PDF
4. WEST CLIFF PILOT PARKING ANALYTICS, 2018 & 2019.PDF
5. 2103 PUBLIC SAFETY TASK FORCE RECOMMENDATIONS.PDF
6. SANTA CRUZ COMMUNITY ADVISORY COMMITTEE ON HOMELESSNESS (CACH) FINAL REPORT AND RECOMMENDATIONS, AUGUST 2020.PDF
7. SEPTEMBER 21, 2021 POWERPOINT PRESENTATION TO COUNCIL ON THE OVERSIZED VEHICLE ORDINANCE.PDF