

## **CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WEB: [WWW.COASTAL.CA.GOV](http://WWW.COASTAL.CA.GOV)



# Th14a

**A-3-STC-22-0018 (NIGHTTIME OVERSIZED VEHICLE PARKING  
RESTRICTIONS)**

**JULY 14, 2022 HEARING**

**CORRESPONDENCE**



**From:** [Jenny Smith](#)  
**To:** [Ford, Kiana@Coastal](#)  
**Cc:** [Moroney, Ryan@Coastal](#); [Graeven, Rainey@Coastal](#); [Carl, Dan@Coastal](#); [Butler, Lee@City of Santa Cruz](#); [Cassie Bronson](#); [Anthony Condotti](#); [Mike Ferry](#); [mhuffaker@cityofsantacruz.com](#)  
**Subject:** City of Santa Cruz Response Letter to Appeal No. A-3-STC-22-0018  
**Date:** Thursday, June 23, 2022 1:59:42 PM  
**Attachments:** [image001.png](#)  
[2022-06-23 City of Santa Cruz Response to Appeal No. A-3-STC-22-0018.pdf](#)

---

Dear Kiana Ford:

On behalf of the City of Santa Cruz, please see the attached response letter regarding Coastal Commission Appeal No. A-3-STC-22-0018. Due to size restrictions via email, the City's referenced exhibits can be downloaded via Dropbox link: <https://www.dropbox.com/sh/pp6otfn7vnz22ax/AAAIGKNa2Ngt3MaDOSnbuBZTa?dl=0>

For additional information, please contact Lee Butler (Director of Planning & Community Development) or Cassie Bronson (Deputy City Attorney) for the City of Santa Cruz.

Thank you, and we appreciate your time and attention to this matter.

Sincerely,

**Jenny L. Smith**  
Paralegal



Atchison, Barisone & Condotti, APC  
P.O. Box 481 | Santa Cruz, CA 95061  
333 Church Street, Santa Cruz, CA 95060  
T: 831-423-8383 | F: 831-576-2269  
[jsmith@abc-law.com](mailto:jsmith@abc-law.com)

*Please consider the environment before printing this email.*

CONFIDENTIALITY NOTICE: This e-mail and any attachments may contain confidential and/or legally privileged information. If you are not the intended recipient, any review or use is strictly prohibited. If you have received this e-mail in error, please notify me and permanently delete this email and its attachments.





**PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**  
809 Center Street • Room 107 • Santa Cruz, CA 95060 • [www.cityofsantacruz.com](http://www.cityofsantacruz.com)  
LEE BUTLER, AICP, LEED AP

June 23, 2022

*Sent via hand delivery and email to [kiana.ford@coastal.ca.gov](mailto:kiana.ford@coastal.ca.gov)*

California Coastal Commission c/o Kiana Ford  
Central District Office  
725 Front Street #300  
Santa Cruz, CA 95060

RE: Coastal Commission Appeal No. A-3-STC-22-0018  
City of Santa Cruz Response Letter

Dear Chair Brownsey and Commissioners,

**I. Introduction**

The Coastal Commission should deny Appellants Santa Cruz Cares' and the American Civil Liberties Union's (ACLU) appeals, allowing the City to proceed with (a) the development associated with implementing certain amendments to the Santa Cruz Municipal Code (SCMC) pertaining to the parking of oversized/recreational vehicles (OVs) (the "OV Amendments"), and (b) the City's Safe Parking Program for unhoused City residents living in OVs. The City's OV Amendments and Safe Parking Programs comply with the City's General Plan and Local Coastal Plan. They do not reduce, but rather improve coastal access. They do not violate constitutional requirements, criminalize homelessness, or overbroadly regulate. These provisions are narrowly tailored to address longstanding accessibility, community, and environmental concerns within the City, and the approval of the Coastal Permit will facilitate the provision of a range of new and expanded services for OV dwellers. The Coastal Commission should deny these appeals.

**II. The City's Ongoing Challenges Related to Oversized Vehicles**

The City Council revised the City's OV ordinance due to the widespread impacts that OVs have had on the community, public health and safety, and the local environment. OVs are a regular source of service calls received by the City, including for the following issues: dumping of trash, debris and human waste onto City streets, sidewalks, and waterways; fires associated with OVs; and lack of access to neighborhood and coastal parking. See Exhibit 4 (1-5-2022 Zoning Administrator Meeting Agenda Report, Attachment 4, Snapshot of volunteer vehicle abatement data and public comment).

Recent public comment provided by community members provides a snapshot of the problem. For example, community members wrote:



- “I am an avid bike rider and go through the Delaware and Santa Cruz Westside area over 5 times a week. During the early am and often in to the late evenings. I have seen so much ! . . . the situation is out of hand. RV waste, camping, trash, drug dealing, etc. Many vehicles staying long periods of time. . . . I have seen an RV leave the side of the road dragging a bathroom waste house as it pour [sic] out in to the street in front of me.” See Exhibit 4, p. 267.
- “Every day I see the garbage from the night of partying left in the street. Whatever food was eaten, scraps and trash are left knee high in places and I’m sure a gift to the rats and other hungry prey. I watch people smoke and flick their ashes in the dry brush. I see other vehicles drive over to visit both the RV’s and those camping on the Caltrans side of the fence. They stay for a few minutes, sometimes longer to exchange “something”. . . . I have been screamed at and cursed at by a woman living on the street. Others have seen her throw rocks, excrement and food. I only witnessed the yelling but your police reports will tell more. Just today, a client from the 6am class had her car window smashed and her wallet and phone stolen! Now that school is back, I watch the children from Pacific Collegiate School on their lunch break walking to 7/11. They walk in the middle of the street because the sidewalks aren’t passable (trash and human waste).” See Exhibit 4, p. 260-261.
- “In the past 9 years that I have walked to Antonellis pond . . . I have witnessed people who are living in their vehicles defecate on the grounds that surround the UCSC building at 2300 Delaware and all around Antonell's pond in the bushes. I have found needles on the paths and a drug den set up beneath the railroad bridge that spans Antonell's Pond. . . .The first thing that happens when the houseless pull up in RV's, Campers or cars along Delaware or Natural Bridges Drive or Shaffer Road is to pull out their trash. The trash is left for the city of Santa Cruz to pick up daily if they manage to get to it and if not it is not scattered into the environment. . . . The RV's that are parked along Antonellis Pond dump their waste water in the storm drain that goes to the Ocean and they have also dumped their sewage water in the pond. Their generators are a noise nuisance. The RV's are rolling environmental health hazards. . . . Antonellis Pond is a wildlife sanctuary that supports wild birds, deer, coyotes, bobcats, mountain lions, foxes, . . . Protect them, they can’t speak for themselves.” See Exhibit 4, p. 255.
- “I frequently walk my dog at Natural Bridges SP and Antonelli Pond, and am dismayed at the mess that has resulted from the many RVs and other inhabited vehicles parked along the streets in that area. It often feels like a health hazard walking on the streets where these vehicles are parked because of the trash and sewage.” See Exhibit 4, p. 627.



- “I am a resident of the West Side and work in the Harvey West area. Both neighborhoods are heavily impacted by RVs residing on city streets for long periods of time. I have experienced sewage tank discharges, garbage left behind, and unleashed aggressive dogs loose around the vehicles, along with having the bike lane blocked. It's important to note that many of the RVs are from out of state.” See Exhibit 4, p. 638.
- “The Westside is in dire need for this ordinance to pass. . . . I live adjacent to the streets where these oversized vehicles are parked and I avoid these areas as much as possible now after encountering human feces and urine, garbage and dogs off leash and I don't feel safe.” See Exhibit 4, p. 665.
- “Since we moved in, the presence of dilapidated RVs has gotten worse and worse, often lining the entire length of Delaware Ave out to Shaffer St. We have been witness to dangerous fights and arguments, drug busts, and even fires within yards of our home. We can't use the sidewalk because of garbage and toxic junk overflowing and blocking passage, not to mention off-leash dogs belonging to RV owners. The green spaces, including Natural Bridges State Park, reek of urine from people using them as a bathroom. Despite the city's efforts, asking the RVs to move on is a game of whack-a-mole -- they come right back within hours.” See Exhibit 4, p. 667.
- “I am the proud owner of RV Service Center of Santa Cruz, . . . If a RV resident has a Propane leak it can be ignited by a stove pioret or lighting a lighter. This RV will blow up and cause a fire as well as potentially harming anyone in the surrounding area. Almost all of the vehicles have non operating Propane detectors. So if one is to be incapacitated while being under the influence or sleeping they are POTIENTIAL [sic] bomb ready to go off.. . . numerous RV's are here for days – weeks – months before being removed. A couple RV owners have portable propane tanks outside for use when their onboard Propane runs out. The tanks are placed on the roadside of the RV's. If a car hits one of these BBQ tanks the block can blow up. Huge hazard. There has been raw sewage dumped on the ground and trash piled everywhere. As a result many customers are reluctant to leave their RV's and Trailers for repair. In the past 2 months the RV's and Trailers have had propane tanks and batteries and whatever is not bolted down stolen. It has cost me aprox. \$3000 to replace stolen property. In addition, we now have to remove all propane tanks and batteries upon checking in for service. Loosing [sic] 30 to 45 minutes per unit to keep them safe. We have a fence around the property and night security checks the lot periodically. Despite this, they cut holes in the fence and get in to steal [sic] property.” See Exhibit 4, p. 686.

In the first eight months of 2021, the City received at least 15 emergency calls for service related to OVs.. From January 2020 through August 2021, the City's Fire Department reported 38



vehicle-related fire incidents, including at least three specifically involving OV's. Also, in the first eight months of 2021, the City received 12 OV-related service calls and 14 public right of way calls to the Wastewater Collection Division. See Exhibit 5 (3-3-22 Planning Commission Agenda Report), p. 18.

In the first nine months of 2021, the City Manager's Office spent approximately \$21,000 for dumpster refuse services solely in the far West Side neighborhood of the City to mitigate illegal dumping from OV/car dwellers. This \$21,000 figure does not include staff time necessary to coordinate those services. The City still provides this service, but despite these efforts, the City continues to experience adverse impacts (such as indiscriminate dumping of trash from OV's) related to OV parking in the areas where the services are provided. See Exhibit 5 (3-3-2022 Planning Commission Staff Report, (Attachment 6, Oversize vehicle dumpster cost for west side location, p. 777).

City staff also regularly observe evidence of OV's having discharged raw sewage onto City streets and into storm drains. See Exhibit 5 (3-3-2022 Planning Commission Staff Report). Any verified discharge of human waste into the storm sewer system causes the City to risk violating its National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit, which could result in a Regional Water Quality Control Board enforcement action.

In addition to challenges related to trash, debris, human waste, and calls for service, the City also faces challenges of decreased visibility for drivers, bikers, and pedestrians (especially at intersections) and reduced parking caused by the sheer mass of OV's parked on City streets.

Photographs of some of the challenges the City faces in addressing these issues are contained in Exhibit 10 and also in the public record, such as in the report to the Planning Commission on this topic.<sup>1</sup> See Exhibit 5 - 3/3/2022 Planning Commission Staff Report and Attachments.

### **III. Public Input Concerning OV's**

Since the Coastal Commission's 2016 finding that there was a "substantial issue" with the City's prior OV ordinance, there has been significant community comment regarding OV parking. 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

---

<sup>1</sup> A recent Google aerial map (dated September 2021) found approximately 110 OV's parked on City streets. The count did not include trucks over 20 feet in length without a camper shell (Santa Cruz Municipal Code (SCMC) Section 10.40.120(g)(8) exempts commercial vehicles from the 12:00 a.m. to 5:00 a.m. parking prohibition if a permit is properly displayed, and with the neighborhoods focused on people living in vehicles, trucks without a camper shell are unlikely to include a vehicle dweller). Of the 110 oversized vehicles identified, many are clearly not used as dwellings. For example, City residents might park their OV's or vans, such as Sprinter vans, on public streets. As such, the number of people dwelling in OV's is likely substantially less than 110. A total of 52 of the OV's shown were located within the Coastal Zone, with the vast majority of those parked in the lower West Side neighborhood, raising public access and environmental issues in that area. See Exhibit 9, City's OV Count Methodology. See also Exhibits 9A-9G (Google Earth Images).



sent to the city council. Community concerns cited included environmental impacts, neighborhood safety, increased crime, garbage, human excrement, fire danger, drug dealing, and other illegal and nuisance behaviors. 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.

City staff researched similar ordinances in other cities and counties throughout California, including coastal areas, in order to explore existing practices and options the City may have in addressing ongoing OV parking challenges. Commonalities in impacts of OVs in other communities were reviewed. The City's OV Amendments are similar to ordinances passed in at least 26 other coastal communities, such as Santa Monica and Santa Barbara. See Exhibit 8 (Summary of OV Laws in California Coastal Communities).

#### **IV. City's Consideration of a Revised OV Ordinance**

On September 21, 2021, three Councilmembers introduced a draft ordinance to begin discussions, within Council and the community at-large, to address OVs on City streets. Hundreds of people provided comments on the draft ordinance. At that meeting, Council voted to form an ad hoc Council committee to discuss a safe parking program. Two subsequent Council meetings, held on October 26 and November 9, 2021, considered additional public comment.

Then-Mayor Meyers appointed then-Vice Mayor Brunner, Councilmember Golder, and Councilmember Kalantari-Johnson to the ad hoc committee to work with City Staff and the community to develop recommendations for OV and safe parking. The ad-hoc committee received direct feedback from community members, public health/homeless service providers, members of the Association of Faith Communities (AFC), County staff, and members of the County Board of Supervisors and engaged in thought partnership to explore various options. Community engagement included emails, phone calls, one-on-one meetings, and group meetings. The ad hoc committee also walked areas of the City where individuals often reside in OVs and spoke with vehicle dwellers in those areas. The ad hoc committee also researched overnight parking enforcement and safe parking programs in similar communities. City staff also researched and met with County staff to promote community-wide alignment and explore collaboration and partnerships.

City Staff has also extensively researched and engaged community members on the issue of homelessness. In 2016, the City Council created a Homelessness Coordinating Committee that researched and prepared Council recommendations related to homelessness. In June 2019, the City Council established a Community Advisory Committee on Homelessness (CACH) to discuss with the community and consider various policy options related to homelessness. CACH members included people with a wide range of experience and knowledge, including individuals who either were or had been unhoused. Over twelve months, CACH held approximately 16 public meetings<sup>2</sup>

---

<sup>2</sup> See <https://www.cityofsantacruz.com/government/city-council-subcommittees/community-advisory-committee-on-homelessness-cach>



and made many successful policy recommendations to City Council, including but not limited to expanding safe parking capacity at faith-based properties' parking lots.

The City's efforts herein have also been informed by materials created by the County of Santa Cruz, 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.

## **V. Recent Council Action Related to OV's**

### **A. Ordinance Amendments**

On November 9, 2021, the City Council adopted Ordinance No. 2021-20 amending SCMC Title 10 revising "Vehicles and Traffic" at Chapter 10.04 "Definitions;" Chapter 10.40 "Stopping, Standing and Parking;" Chapter 10.41 "City-Wide Parking Permit" pertaining to the parking of OV's; and Chapter 16.19.070 "Storm Water and Urban Runoff Pollution Control" (collectively, the "OV Amendments"). See Exhibit 1 (Strike-out Version of OV Amendments and Exhibit 2 (Clean Copy of OV Amendments).

Some of the key amendments are summarized below:

- SCMC 10.40.120(a) contains a City-wide prohibition against parking OV's from midnight until 5:00, unless an exemption in SCMC 10.40.120(g) applies.
- SCMC 10.40.120(g) contains multiple exceptions to the prohibition contained in subsection (a), including an exception for out of town visitors (SCMC 10.40.120(g)(1)), an exception for contractors (SCMC 10.40.120(g)(8), and an exception for persons experiencing homelessness, which exempts, "*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.*" (SCMC 10.40.120(g)(7).
- SCMC 10.40.120(m) states: "In addition to the private property allowances authorized through Section 6.36.030, the city may operate, sponsor, or authorize safe parking programs for vehicles on any city-owned or city-leased properties in the city, or any city-sanctioned private parking lots. The city manager shall develop a policy that establishes operational criteria for safe parking programs."
- SCMC 10.40.120 (o) provides that the consequence for violating this code parking issues is simply a parking ticket: "Violations of any of the provisions of this chapter related to parking or standing vehicles shall be subject to a fifty dollar civil penalty (parking ticket)[.]"



- SCMC 10.40.120(f) states that “Oversized vehicles shall not be parked at any place within one hundred feet of a crosswalk, intersection, boulevard, stop sign, official electric flashing device or approach to any traffic signal.”

## **B. Safe Parking Program**

On October 26, 2021, and as part of the first reading of the OV Amendments, the City Council approved a motion directing City Staff to implement City-operated and sponsored safe parking programs for unhoused City residents living in OVs (the “Safe Parking Program”). The Safe Parking Program includes a three-tiered approach, including:

- 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 passing the OV Amendments.
- c) A robust safe parking program in partnership with service providers, health providers, and County partners, prioritizing: 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.

See October 26, 2021 City Council Agenda Report, Exhibit 3.

### **1. The City’s Safe Parking Program Framework**

In consultation with Coastal Commission staff, the City developed a Safe Parking Framework to limit any adverse impacts to coastal access and limit environmental impacts. City Safe Parking Program sites will include hygiene facilities, trash receptacles, and information and options for black water dumping. General parameters for the City’s safe parking sites include:

- Off-street locations (i.e. public/private parking lots). New signage shall be small-scale and designed to be incorporated into existing parking facility signage. Existing signposts shall be used when possible.
- Hours generally shall be from 8:00 PM – 8:00 AM. While hours of operation in the Coastal Zone will generally be within this time frame, exceptions apply when necessary to facilitate services to 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. For example, depending on the site services, one hour immediately before or immediately after the typical 8:00 PM to 8:00 AM operations, a mobile dump service could operate one day per week at the site or parking could remain in place so that a service provider (such as Cal Fresh, Homeless Persons Health Project, etc.) could offer services one to two days per week. As



noted above, any such services during hours outside of 8:00 PM to 8:00 AM will be scheduled with specific consideration given to minimizing interference 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.

- 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 parking occur. When that is not possible, all facilities shall be located or operated in a manner so as to minimize 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 consider adjacent uses, visibility, maintenance of views, 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.

See Exhibit 7 – 4-12-2022 Council Resolution Approving Coastal Permits Related to OV Amendments.

## 2. Additional Analysis and Reporting

Staff continues to analyze the approaches for facilitating black water dumping at approved locations/facilities. Currently, the closest public black water dump site in the City is located at the northeast corner of Soquel Avenue and Highway 1. Staff are actively investigating mobile dumping services (both those operated by the City and those operated by a private company), as well as additional dump station locations, with one central City location being carefully analyzed for infrastructure and vehicular circulation implications.

At the end of the first year of operating the Safe Parking Program, City Staff will prepare a report outlining 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 the conditions above have not been met, or if it is determined that a use has impacted public parking space availability such that public parking is not otherwise available, then the City will propose operation modifications. 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 negatively impacts public access, then the Program shall be modified to eliminate or mitigate such impacts, to the maximum extent feasible as directed by the Executive Director. See Exhibit 7 – Resolution, Condition of Approval No. 4.



## **VI. Current Safe Parking Facilities in Santa Cruz**

As of March 1, 2022, the City began operating three Safe Parking Program locations on public parking lots that allow for nine OV's as part of the Tier 1 and Tier 2 parking programs. So far, the demand has been minimal, most likely because OV's can legally park in other locations, without needing to move daily. One of these locations has additional off-street expansion capacity. The City also provides the Association of Faith Communities (AFC) one parking space at a public lot. The City established these locations as pilots in advance of expanding the Program to accommodate more OV's, and the City is prepared to expand the number of safe parking locations to accommodate a minimum of 30 OV's, consistent with Council direction to have a minimum of 30 Tier 2 OV spaces available.

On June 14, 2022, the City Council approved a one-year, approximately \$400,000 contract for a Tier 3 Safe Parking Program which will serve approximately 22 OV's, with the operator providing wrap-around services to provide case management and support people in moving from their vehicles into housing. The City is investing in infrastructure improvements and working with operators (AFC and The Free Guide) towards an expected start in July 2022.

Within City limits, AFC manages approximately 21 safe parking spaces, including approximately 20 on religious assembly sites and one on City-owned property. AFC also manages up to an additional 21 spaces within the County of Santa Cruz, but outside City limits.

Additionally, the City recently significantly liberalized regulations regarding vehicular dwellers on private property. Religious assembly uses can now host six (up from three, pre-2021) OV's on each property with no permits or authorizations required. (SCMC 6.36.030(a)(2).) The City also allows businesses to host up to three safe parking spaces (up from two, pre-2021). (SCMC 6.36.030(a)(3).) The City allows people to dwell in an OV indefinitely (previously only three days per month, pre-2021) on residential properties when certain conditions are met. (SCMC 6.36.030(a)(4).) These are each significant increases in overnight safe parking availability compared to what was previously available in the City. Since no permits or permissions are required to allow such parking, it is not known with certainty the total number of safe parking spaces currently being offered at businesses, religious assembly uses/churches, and residences in the City, but such uses are in existence (beyond those noted above with AFC), as City Staff is alerted through periodic complaints and anecdotal information.

## **VII. Other Programs for Persons Experiencing Homelessness ("PEH") in the City of Santa Cruz**

On March 8, 2022, the City Council adopted a Homelessness Response Action Plan (HRAP). The HRAP is a dynamic, action-oriented plan to help guide the City's homelessness response for the next three years. Embedded in the HRAP are steps necessary to help ensure: 1. Growth of City organizational capacity to execute the Plan; 2. Necessary coordination with the County and regional partners; 3. Identification of funding sources to support ongoing programming; 4. Appropriate data collection and reporting for tracking success; 5. Adequate alternative shelter options throughout the region; and 6. Effective land stewardship by the City.



With respect to Item 5 above, the City provides funding to the Salvation Army to operate a 24/7, 75-bed safe-sleeping program at the National Guard Armory (located adjacent to the City's DeLveaga Park, inside City-limits but outside the Coastal Zone). This facility opened to participants on May 16, 2022. Currently, the County of Santa Cruz operates a separate shelter program at the Armory. However, because the County intends to close this program on June 30, 2022, the City Council is considering amending its contract with The Salvation Army to expand the City's program by another 60 beds. That nearly \$3.9 million contract will run through June 2023 and includes dedicated transportation for shelter and Safe Parking Program participants to and from the site. The City's lease costs for the site increase City expenses to nearly \$4 million for the next fiscal year.

In addition, earlier this year, the City established a transitional community camp with approximately 30 participants at 1220 River Street.

The City is also coordinating with the County and Housing Matters, a local homeless service provider and non-profit organization, to add shelter capacity at both City-owned and privately-owned properties on Coral Street over the next several months. In May 2022, the City purchased 125 Coral Street, adjacent to the existing Housing Matters facility. Following that acquisition, the City released a Request for Proposals for a design charrette and master planning effort to evaluate and guide development, service, and other investment decisions along Coral Street properties, with a priority project anticipated as a new navigation center (24/7 shelter with wrap-around services) at 125 Coral Street.

The City also coordinates with the County to assist it with its shelter offerings in the City, including but not limited to supporting establishing master lease agreements with local motels/hotels to expand the number of available shelter beds.

The City recently hired two permanent, three-quarter time and one temporary, part-time homeless outreach staff members and is currently recruiting an additional, permanent half-time homeless outreach staff member.

Staff is also implementing additional components of the HRAP. Since adopting the HRAP, City Staff has developed detailed implementation plans, new job descriptions, and is in the process of hiring other new dedicated homeless response positions. The latest City Capital Improvement Plan<sup>3</sup> adopted on June 14, 2022 includes \$155,000 towards the following OV infrastructure:

Safe Parking: Establish a publicly accessible dump station within the City to support safe and sanitary discharge of blackwater and greywater tanks from recreational vehicles to support the OV Amendments and Safe Parking Programs.

---

<sup>3</sup> CIP, see excerpt at

<https://www.cityofsantacruz.com/home/showpublisheddocument/89236/637908981744970000>)



### **VIII. Permitting / Appeal History**

On January 5, 2022, the City's Zoning Administrator began its hearing on the subject Coastal and Design Permits. The hearing was later continued to a special January 12, 2022 meeting. At the January 5<sup>th</sup> hearing, two people spoke to the item – one in favor and one opposed. Staff received nine written comments with two in favor of the ordinance and the rest opposed. On January 12, 2022, the Zoning Administrator heard and approved Coastal and Design Permits authorizing the development associated with the OV Amendments (e.g., parking signage and time of use restrictions) and implementing City-wide safe parking programs for unhoused City residents living in OVs. The January 12<sup>th</sup> hearing included eight speakers and 23 written comments in opposition. See Exhibit 4 (1-5-2022 Zoning Administrator Meeting Agenda Report with Attachments).

On January 14<sup>th</sup>, Reggie Meisler filed an appeal on behalf of Santa Cruz Cares. The appeal was then scheduled for the February 17<sup>th</sup> Planning Commission meeting. On January 25<sup>th</sup>, the American Civil Liberties Union (ACLU) also appealed. Because the ACLU appeal required further analysis, City Staff requested and the Planning Commission continued the appeal to the March 3, 2022 Planning Commission meeting. Planning staff and the City Attorney's office comprehensively addressed the various issues raised in both appeals. See Exhibit 5 (March 3, 2022 Planning Commission Report).

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. The Commission voted 4-3 to approve the Permits, with several additional conditions of approval, including that the City stand up "zero barrier" (no preconditions for participation) safe parking sites. See Exhibit 5 (March 3, 2022 Planning Commission Report).

On March 14, 2022, Councilmember Golder called the item up for review due to the infeasibility of implementing the revised conditions of approval and their potential impact on the effectiveness of the OV Amendments and potential fiscal impacts. At its April 12, 2022 regular meeting, the City Council reviewed all previous testimony and materials from the Zoning Administrator and Planning Commission hearings, and public comments from the City Council hearing. It then approved the Coastal and Design Permits authorizing the development associated with the OV Amendments and to implement the Safe Parking Programs for unhoused City residents living in OVs in the City of Santa Cruz. See Exhibit 6 (4-12-2022 City Council Agenda Report Regarding Appeal of the Planning Commission Coastal Permit Approval) and Exhibit 7 (4-12-2022 Council Resolution Approving Coastal Permits Related to OV Amendments).



**IX. City's Responses to Specific Arguments Raised by Appellants**

**A. The City Has Not Criminalized Homelessness. Instead, the City's Framework Provides Adequate Alternatives for Unsheltered Individuals Residing in OV's.**

Appellants repeatedly allege that the City's parking restrictions "criminalize homelessness." This is false for at least two reasons.

First, the parking restrictions at issue are not "crimes." Instead, if someone violates the parking restrictions in SCMC 10.40.120, they will receive a \$50 (administrative) parking ticket. *See* SCMC 10.40.120(o).

Second, the City has thoughtfully designed its OV program in a way that provides unsheltered individuals ample opportunity to avoid that \$50 parking ticket. Specifically, unsheltered individuals can avoid a parking ticket by: (a) taking advantage of the shelter opportunities described in Section VII above; (b) taking advantage of the Safe Parking opportunities described in Section V and VI above; (c) if those shelter / safe parking opportunities lack capacity, registering for these programs in order to take advantage of the exception contained in SCMC 10.40.120(g)(7)<sup>4</sup>; or (d) taking advantage of the private property allowances contained in SCMC 6.36.030.

**B. The City's OV Amendments Do Not Unreasonably Limit Coastal Access, Nor Has the City Violated Environmental Justice Principles.**

The City's OV Amendments controlling OV parking between 12:00 a.m. and 5:00 a.m. do not unreasonably limit or reduce access to the coast. Other areas of the City's coastline also limit use between these hours, including Main Beach and Cowell Beach. This limitation was approved by the Coastal Commission in 2020, in order to address negative public health, safety, and welfare impacts associated with 24/7 camping on Main and Cowell beaches. Before the beach hours were implemented, 24/7 camping in the area was associated with excessive litter, urinating/defecating on the beach and in the ocean, negative interactions with other beach-goers, and out-of-state individuals literally moving to Main Beach to camp semi-permanently. Indeed, there are many parallels between that 2020 decision and the issues before the Commission now.

In 2008, the Coastal Commission approved parking restrictions on West Cliff Drive between 12:00 a.m. and 5:00 a.m.

---

<sup>4</sup> Enforcement of OV overnight parking limitation not enforceable 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."



It is also worth emphasizing that *the State closes and locks its own parking areas – both free and paid lots – during these hours.*<sup>5</sup>

The OV Amendments were intended to increase access to the coast for all. OVs are, by definition, oversized, taking up a large share of coastal parking. Based on the recent Google map analysis cited in Footnote 1, above, 52 out of the 110 total OVs in the City were located in the Coastal Zone, with the majority on the lower West Side of Santa Cruz. These vehicles commonly remain in coastal areas for long periods of time, thereby reducing the amount of coastal parking available for visitors to the coast. The City's OV Amendments facilitate the daily movement of OVs.

When it comes to environmental justice principles, the City is not aware of any precedent suggesting that the coastal rights-of-way must remain available for both indigent and non-indigent people to reside upon 24/7, in a way that degrades the local environment. To the contrary, as discussed above, in 2020, the Commission approved of beach hours on Main and Cowell beaches to address the same issues before the Commission in this appeal. Similar to 24/7 tent camping on the beach, 24/7 vehicular camping in the Coastal Zone greatly reduces accessibility for people of all income levels who wish to visit the beach, because visitors are discouraged from visiting due to the trash and pollution generated by OVs parked along the coast.

### **C. The City has Complied with its General Plan and Local Coastal Plan**

#### *General Plan Consistency*

The project is consistent with the General Plan, the Beach South of Laurel Plan, and the Seabright Area Plan in that the ordinance amendment and its implementation will benefit the community along stretches of the coast that are currently impacted by black water dumping, littering, and other nuisance issues. Thus, the proposal will support a variety of environmental goals and policies of the General Plan, such as protection of riparian and natural habitats (General Plan Goals NRC 1 & 2).<sup>6</sup>

The safe parking facilities will promote protection of open spaces that provide scenic, recreational, educational, and environmental benefits by encouraging proper disposal of trash and waste, thereby supporting General Plan Policies LU3.11, LU3.11.1, LU3.11.2, and LU3.11.3.<sup>7</sup> Safe parking facilities will be distributed throughout the City and organized so as to provide locations where unhoused vehicle dwellers in the City can legally park overnight while at the same

---

<sup>5</sup> The 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. See [https://www.parks.ca.gov/?page\\_id=550](https://www.parks.ca.gov/?page_id=550) and [https://www.parks.ca.gov/?page\\_id=541](https://www.parks.ca.gov/?page_id=541). Both areas have gates that are locked during closed hours.

<sup>6</sup> See Santa Cruz General Plan, <https://www.cityofsantacruz.com/home/showpublisheddocument/71130/637453677885300000>, p. 122.

<sup>7</sup> Santa Cruz General Plan, <https://www.cityofsantacruz.com/home/showpublisheddocument/71130/637453677885300000>, p. 46.



time minimizing parking and aesthetic impacts. Recreational access to the beach will not be impacted, and it will not adversely affect free public parking or beach access. All safe parking sites to be developed will be located outside of the mapped high impact parking areas within the coastal zone.

Additionally, the OV Ordinance and its implementing permits support the following policies:

CC2.1 Provide community services and facilities in keeping with the needs of a growing and diverse population.

CC4.1 Provide an adequate and environmentally sound wastewater collection, treatment, and disposal system.

CC9.2 Provide adequate seasonal and permanent shelters and services.<sup>8</sup>

The ACLU and Santa Cruz Cares have argued that the OV Amendments are contrary to the City's 2015-2023 Housing Element, which encourages the City to preserve mobile homes parks as part of its low-income housing stock. The specific language from the Housing Element states: "The City's housing preservation policies also extended to its three mobile home parks - El Rio, Clearview Court, and De Anza." See <https://www.cityofsantacruz.com/home/showpublisheddocument/53264/636038354721300000>, p. 6-109. Clearly, this policy was intended to preserve specific *mobile home parks* on private property. This policy was not intended to encourage 24/7 vehicular dwelling on City rights-of-way. The City's Zoning Ordinance further supports this distinction by expressly excluding recreational vehicles from the definition of mobile homes. (SCMC 24.22.542.)

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

The OV Amendments and Safe Parking Programs provide OV coastal access while addressing 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 prohibit dumping materials into the Monterey Bay.
- 2.1.3 Protect the Monterey Bay National Marine Sanctuary and the shoreline, as well as 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.

---

<sup>8</sup> See City of Santa Cruz General Plan, <https://www.cityofsantacruz.com/home/showpublisheddocument/71130/637453677885300000>, p. 76, 79, 82.



- 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 recreation areas along the coastline.
- 1.7 Recognize and protect the Pacific Ocean and Monterey Bay as a valuable open space, natural resources, and a 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 principles, 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.

See City of Santa Cruz Local Coastal Program,

<https://www.cityofsantacruz.com/home/showpublisheddocument/51167/636924963727070000>.

#### **D. Oversized Vehicle Restrictions are Common in Coastal Areas.**

The ACLU appeal letter expresses fear of OV prohibitions spreading to other coastal areas if the Commission were to approve Santa Cruz's OV Amendments and related programming, as if such prohibitions did not already exist. In fact, prior to these recent local Municipal Code changes, the City of Santa Cruz was one of the few Coastal areas *without* OV prohibitions in its Municipal Code.

As noted in Exhibit 8, the City of Santa Cruz is aware of similar OV restrictions in the following coastal areas: San Luis Obispo, Morro Bay, Ventura, Newport Beach, Coronado, Laguna Beach, Ft. Bragg, Rancho Palos Verdes, San Juan Capistrano, Eureka, Redondo Beach, Manhattan Beach, Goleta, Los Angeles, Santa Barbara, Hermosa Beach, San Diego, Long Beach, Pacific Grove, Pacifica, Huntington Beach, Santa Monica, Half Moon Bay, Oceanside, Santa Cruz County, and Malibu.

Unlike the coastal communities listed above, the City of Santa Cruz's Municipal Code specifically contemplates Safe Parking and contains an exception if there is a lack of shelter or Safe Parking capacity. (SCMC 10.40.120(g)(7)).

If the Commission were to find substantial issue here, it would call into question the ordinances of dozens of coastal areas, potentially creating disastrous unintended consequences related to how coastal communities manage OVs within their jurisdictions.



### **E. The City's Action is Not Unconstitutional.**

The ACLU and others have argued that the City's Municipal Code is unconstitutional under the Eighth Amendment and the Due Process clause of the Fourteenth Amendment. (ACLU Letter, p. 10.) The City has three responses to this argument.

First, this appeal contention can be dismissed, because it does not relate to conformance with the City's Local Coastal Program or the Coastal Act. ,

Second, on the merits, there is simply no legal precedent to suggest that the City's OV Amendments violate the Eighth Amendment or the Fourteenth Amendment. The most similar district court case to assess this issue is *Potter v. City of Lacey*, 2021 U.S. Dist. LEXIS 45173, in which the court considered a regulation prohibiting RVs from parking for more than 4 hours City-wide. The court opined:

Neither a parking fine . . . nor potential impoundment violate the Excessive Fines Clause. "The Excessive Fines Clause limits the government's power to extract payments, whether in cash or in kind, 'as *punishment* for some offense.'" *Austin v. United States*, 509 U.S. 602, 609, 113 S. Ct. 2801, 125 L. Ed. 2d 488 (1993). It prohibits punitive, as opposed to remedial, fines, *id.*, that are "grossly disproportional to the underlying offense." *Pimentel v. City of Los Angeles*, 974 F.3d 917, 921 (9th Cir. 2020) (citing *United States v. Bajakajian*, 524 U.S. 321, 336-37, 118 S. Ct. 2028, 141 L. Ed. 2d 314 (1998)). . . .

A \$35 fine for violation of a parking ordinance, however, is not "excessive." *Id.* (finding a \$63 parking fine not to be grossly disproportionate). Though a parking violation is a "minor" offense, it is "not de minimis." *Id.* at 921. Cities have an interest in regulating parking and, a \$35 fine "bears 'some relationship' to the gravity of the offense. *Id.* at 924. "While a parking violation is not a serious offense, the fine is not so large, either, and likely deters violations." *Id.*

Nor can the possibility of impoundment be necessarily considered an excessive fine in this case. Costs associated with impoundment are not necessarily punitive; they can reflect the costs associated with towing and storage. Plaintiff does not provide facts from which it is possible to conclude that the fees associated with impoundment for this parking ordinance would be grossly disproportionate in all instances.

. . . [T]he Cruel and Unusual Punishments Clause applies almost exclusively to convicted prisoners, *see Ingraham v. Wright*, 430 U.S. 651, 669-70, 97 S. Ct. 1401, 51 L. Ed. 2d 711 (1977), though in "rare" cases it places "substantive limits on what the government may criminalize." *Martin v. City of Boise*, 920 F.3d 584, 615 (9th Cir. 2019). Criminal punishment is not at issue here, so the Cruel and Unusual Punishments Clause does not apply.



Therefore, neither a \$35 fine, nor possible impoundment for violation of LMC 10.14.020 violates the Eighth Amendment.

*Potter v. City of Lacey*, 2021 U.S. Dist. LEXIS 45173, \*2-4

Third, the City has procedural concerns with the Coastal Commission attempting to make a determination as to the constitutionality of the City's Municipal Code. If parties wish to challenge the City's Municipal Code on Eighth Amendment or Fourteenth amendment grounds, this is not the proper forum, as the Coastal Commission has neither the processes (i.e., ample legal briefing of specific legal issues on a factual record governed by the rules of evidence), the legal expertise, nor the legislative mandate to make these sorts of legal determinations that are better assessed with the courts.

#### **F. The OV Amendments Do Not Violate the Americans with Disabilities Act (ADA).**

Nothing in the OV Amendments or the implementing permits are discriminatory. Parking lots, including those where safe parking facilities will be operated, will meet accessibility requirements and will include accessible restrooms.

Moreover, no legal precedent is cited to support an argument that a City-wide, generally applicable parking restriction violates the ADA because of concerns that disabled people will not be able to live in their vehicles 24/7 along City rights-of-way. In order to succeed on an ADA claim, Appellants would need to show that they were denied the ordinary benefits of the City's rights-of-way or were otherwise discriminated against by the City and that such denial of benefits or discrimination was by reason of their disabilities. *Weinreich v. L.A. Cnty. Metro. Transp. Auth.*, 114 F.3d 976, 978 (9th Cir. 1997); see also 42 U.S.C. § 12132. Public right-of-way ADA claims are fact intensive claims with specific requirements and evidentiary burdens. See, e.g., *Kirola v. City & County of San Francisco*, 860 F.3d 1164, 1183 (9th Cir. 2017) (discussing evidentiary burden of demonstrating sidewalk "inaccessibility at a programmatic level"). Appellants cannot make the required showing to succeed on an ADA claim because the City's rights-of-way were neither built for nor intended to be places of habitation. There is no legal precedent suggesting that the ADA prohibits the City encouraging its rights-of-way to be used for their intended purpose, while at the same time providing safer, more appropriate options for indigent persons living in OVs.

It is also worth noting here that the City has ADA concerns related to *not* implementing the OV Amendments. As described in the public comment cited above, OVs, parked at the same locations 24/7, have been the source of trash, debris, and human waste, blocking adjacent sidewalks and making them less accessible for all pedestrians, including persons with disabilities.

Further, the City has procedural concerns with the Coastal Commission attempting to make a legal determination as to whether the City has violated the ADA. Much like the constitutional issues raised above, this appeal contention does not relate to conformance with the City's Local Coastal Program or the Coastal Act. And, again, if parties wish to challenge the City's Municipal Code on ADA grounds, this is not the proper forum. The Coastal Commission has neither the



processes (i.e., ample legal briefing of specific legal issues on a factual record governed by the rules of evidence), the legal expertise, nor the legislative mandate to make this sort of legal determination, which is better assessed by the courts.

**G. With Respect to the Housed Community, there is No Generally Applicable Legal Right to Park an OV on a City Right-of-Way 24/7.**

The appeal contained a complaint from a homeowner who purchased an OV but leases their on-site driveway to a tenant.<sup>9</sup> In instances where individuals lack on-site OV parking, they would need to find private overnight off-street parking accommodations. While their frustration may be understandable, no coastal access or legal argument is presented, as there is no conflict with the Coastal Act or the City's LCP. While some individuals may be upset that their vehicles are too big to park overnight on City streets under the City's OV Amendments, the Council identified a major problem and attempted to alleviate that problem through an open, democratic process. Difficult line-drawing decisions were made, and the community is free to lobby their elected representatives if they wish to see a change in the law.

**H. The Council Reasonably Determined that Providing Services Alone is Not Sufficient to Address the Serious Challenges Posed by OVs Parked 24/7 on City Streets**

The appeals contain arguments suggesting that the City should just provide services: both Safe Parking Programming and trash / sewage services to people residing on City rights-of-way. The Council made a reasonable determination that this would be insufficient to address the City's serious problems with OVs, for the following reasons:

- The City has heard from people either living in vehicles or previously living in vehicles, including in public comment, that many OV dwellers will not use the safe parking sites so long as they are allowed to park on the street. The City believes that its current Safe Parking Programs are not at-capacity for this very reason.
- The City's provision of trash service to people living in OVs on the City right-of-way has not been successful. Despite the City providing a dumpster free of charge, indiscriminate dumping of trash from OVs still commonly occurs, negatively impacting neighborhood quality.
- The City lacks the capacity to monitor OVs 24/7, and so dumping trash and blackwater will continue to occur if OVs are allowed to park 24/7 on City streets.
- Services do nothing to address the serious road visibility issues caused by the sheer size of OVs.

A democratically elected Council identified a major problem in the City and used their local knowledge and expertise to attempt to alleviate that problem through an open, democratic process, selecting a balanced approach that includes the provision of a range of services for affected OV dwellers.

---

<sup>9</sup> Note that the referenced address (205 Gault St.) does have a driveway. *See* <https://goo.gl/maps/QFbmbsNyzgqw3cLP6>



**I. SCMC 10.40.120(f) is Narrowly Tailored and Intended to Address Intersection Visibility Issues**

The ACLU has complained about SCMC 10.40.120(f), which states: “Oversized vehicles shall not be parked at any place within one hundred feet of a crosswalk, intersection, boulevard, stop sign, official electric flashing device or approach to any traffic signal.” Clearly, this provision was intended to address the serious intersection visibility issues caused by OV’s. OV’s at intersections and crosswalks block visibility and create a safety hazard for drivers, bicyclists, and pedestrians, and this provision is narrowly tailored to address those hazards.

The ACLU alleges that this section appears to potentially prohibit OV parking on all “boulevards.” As noted in the Planning Commission Staff Report (Exhibit 5, p. 14), there is a typographical punctuation error in this section. The ordinance was intended to read “boulevard stop sign” – without the comma inadvertently included between those two words. The language was intended to match other portions of the City’s Municipal Code, such as SCMC 10.40.040(j) (“Within twenty feet of the approach to any traffic signal, boulevard stop sign, or official electric flashing device”). Again, the intent is to not have oversized vehicles park near an intersection with a stop sign for visibility reasons. This typographical error will be corrected.

Even considering the 100-foot from intersection restriction contained in SCMC 10.40.120(f), ample daytime OV parking options remain available throughout the City, including the City’s Coastal Zone. The City’s Geographic Information Systems specialist has performed an analysis of this issue, and of the City’s approximately 140 of miles of public roadways (not including alleys), approximately 70 miles would remain available for daytime oversized vehicle parking after the 100-foot buffers specified in Section 10.40.120(f) are applied. In the Coastal Zone, approximately 52 miles of public roadways (not including alleys) exist, and approximately 24 miles of those Coastal Zone roadways would remain available for daytime oversized vehicle parking after the 100-foot buffers are applied. So, roughly 50 percent of the City’s public street areas would remain outside of the buffer areas specified in Section 10.40.120(f). Of note, the estimations above do not include any roadway calculations for the University of California, Santa Cruz campus areas.

**J. SCMC 10.40.120(a) is Narrowly Tailored and Intended to Promote Coastal Access and Prevent Environmental Degradation.**

The proposed midnight to 5:00 a.m. parking restriction is narrowly tailored to only address the late night/early morning hours. Additionally, many of the exceptions to the 12:00 a.m. – 5:00 a.m. rule further limit its applicability. See Section 10.40.120(g). By having OV’s access safe parking facilities during these hours and by offering services and restroom facilities at said locations, the OV Amendments and Coastal and Design Permits directly address two of the most problematic issues with OV’s – discarded trash and human waste.

The OV Amendments and Coastal and Design Permits provide more options for those living in vehicles than are currently available, providing a safe place to park overnight with trash



and sanitation services – all free of charge. This, coupled with the fact that parking restrictions cannot be enforced if a person and vehicle are participating in a Safe Parking Program but insufficient capacity exists (Section 10.40.120(g)(7)), provides OV's with more options for legal parking. As part of the Safe Parking Program, the City will provide temporary permits allowing individual vehicles, who are registered for Safe Parking or shelter programs, to temporarily park on City streets, if there is lack of Safe Parking or shelter capacity.

**K. SCMC 10.40.120 (b) - (d) Are Generally Applicable Portions of Municipal Code, Intended to Address Criminal Conduct, and Are Outside of the Coastal Commission's Jurisdiction.**

The Council also passed provisions that *directly address* criminal conduct and the life/safety/environmental preservation issues regularly observed by staff:

SCMC 10.40.120 (b): "No person shall permit, cause, or allow any electrical, water, gas, telephone, or other utility connection (such as electrical cords, extension cords, hoses, cables, or other items) to encroach into any public right-of-way including across or above any street or sidewalk from a residential or commercial property to an oversized vehicle or trailer parked on a public highway, street, or city parking lot."

SCMC 10.40.120 (c): "No person shall establish or maintain an open fire on any public highway, street, alley or city parking lot (such as camp fires, bonfires, BBQs, recreational fires, burning of garbage, or portable outdoor fireplaces) without a permit from the city. In addition, it shall be unlawful to intentionally or negligently set fire to or cause the burning of combustible material on any public highway, street, alley or city parking lot in such a manner as to endanger the safety of persons or property."

SCMC 10.40.120 (d): "No person, who owns or maintains an oversized vehicle, shall permit the area surrounding the oversized vehicle to be maintained in an unsafe, untidy, and/or unsanitary/unhygienic fashion. Surrounding areas must be kept free from litter, debris, waste, discarded food products, discarded hypodermic needles, discarded property, improperly disposed gray or black water, unleashed animals, and garbage."

Enforcement of these rules will improve the coastal environment for locals and visitors alike. These portions of the Municipal Code are not "developments" and require no Coastal Development Permit. These are generally applicable portions of the Municipal Code, intended to improve the local environment by directly addressing life-safety and nuisance conditions routinely observed by staff and members of the public. The ACLU may disagree with the policies stated in these sections, or feel that the punishment is too harsh, but no Coastal Act issue is implicated.



## **X. Conclusion**

The City's actions here do not reduce coastal access, nor do they criminalize homelessness, violate environmental justice principles, or create accessibility barriers. The Coastal Commission should deny Appellants' appeal, permitting the City's OV Amendments and approved Coastal and Design Permits to go into effect. Denying the appeal will allow the City to serve unhoused City residents living in OVs by providing safe overnight parking places where no such City-sponsored places previously existed, all while improving coastal parking access, roadway safety, community quality of life, and environmental resources.

While no single or simple solution exists that can fully address the needs of or impacts associated with OVs in the City, the OV Amendments and implementation permits are the City Council's reasonable attempt to balance the needs of RV dwellers, parking access, roadway safety, community quality of life, and environmental resources.

\*\*\*\*\*

Thank you for your attention to this letter, submitted on behalf of the City of Santa Cruz. We look forward to discussing this matter with the Commission.

Sincerely,

Lee Butler, Director of Planning & Community Development  
Cassie Bronson, Deputy City Attorney

### Attachments:

- Exhibit 1 – Strike Out Version of OV Amendments
- Exhibit 2 – Clean Copy of OV Amendments
- Exhibit 3 – 10-26-2021 City Council Agenda Report
- Exhibit 4 – 1-5-2022 Zoning Administrator Meeting Agenda Report with Attachments
- Exhibit 5 – 3-3-2022 Planning Commission Staff Report with Attachments
- Exhibit 6 – 4-12-2022 City Council Agenda Report Regarding Appeal of the Planning Commission Coastal Permit Approval
- Exhibit 7 – 4-12-2022 Council Resolution Approving Coastal Permits Related to OV Amendments
- Exhibit 8 – Summary of OV Laws in California Coastal Communities
- Exhibit 9 - City's OV Count Methodology
  - Exhibits 9A – 9G Google Earth Images Used to Determine OV Estimate
- Exhibit 10 – Photographs of OV Conditions

CC: Ryan Moroney ([Ryan.Moroney@coastal.ca.gov](mailto:Ryan.Moroney@coastal.ca.gov))  
Rainey Graeven ([Rainey.Graeven@coastal.ca.gov](mailto:Rainey.Graeven@coastal.ca.gov))  
Dan Carl ([Dan.Carl@coastal.ca.gov](mailto:Dan.Carl@coastal.ca.gov))



ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING TITLE 10 “VEHICLES AND TRAFFIC” AT ~~CHAPTER~~CHAPTERS 10.04 “~~DEFINITIONS~~” ~~AND CHAPTER,~~” 10.40 “STOPPING, STANDING AND PARKING”,” 10.41 “CITY-WIDE PARKING PERMIT,” PERTAINING TO THE PARKING OF OVERSIZED VEHICLES- AND AMENDING CHAPTER 16.19 “STORM WATER AND URBAN RUNOFF POLLUTION CONTROL” AT SECTION 16.19.070 “DISCHARGE OF SEWAGE PROHIBITED”

WHEREAS, over the last decade, the community has worked on addressing the public health, public safety and environmental impacts of oversized vehicles parked on city streets, and these impacts affect both individuals who are housed and those who are unhoused; and

WHEREAS, our City is committed to the well-being of all and therefore is establishing a set of parameters to facilitate time and manner of oversized vehicle parking on city roads as well as alternative safe parking sites; and

WHEREAS, Chapter 6.36 of the Municipal Code allows for religious assembly uses to host six or fewer oversized vehicles and for businesses to host three or fewer oversized vehicles on a site, and pursuant to such regulations, safe overnight parking locations currently exist within the City to serve individuals experiencing homelessness who reside in their vehicles; and

WHEREAS, the City is now committing itself to further expand programs that provide parking and/or shelter options available to those living in oversized vehicles without the economic means to find non-vehicle shelter or safe legal parking locations; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Santa Cruz as follows:

Section 1. Chapter 10.04 “Definitions” is hereby amended by adding Sections 10.04.065 “Current Address,” ~~10.04.050~~085 “Loading and unloading,” 10.04.104 “Out-of-town visitor,” 10.04.106 “Oversized vehicle” and 10.04.165 “Resident,” as follows:

A. “10.04.065 CURRENT ADDRESS. “Current Address” shall mean the street name and postal address number, along with the city, state, and zip code, of the primary physical residence where an individual resides. If the individual has more than one address, it shall be the location where they are registered to vote. If they are not registered to vote, it shall be the location where they spend the most time during the year.

“10.04.085 LOADING AND UNLOADING.

A.B. “Loading and unloading” shall mean actively moving items to or from an oversized vehicle including the activities required to prepare the vehicle for travel or storage.”



~~B.C.~~ “10.04.104 OUT-OF-TOWN VISITOR. “Out-of-town visitor” shall mean any person who does not reside in the City of Santa Cruz, who is temporarily visiting as a guest of a resident of the city, and who has applied for and obtained an oversized vehicle overnight parking permit.”

~~C.D.~~ “10.04.106 OVERSIZED VEHICLE. “Oversized vehicle” shall mean any motorized vehicle (as defined of Section 670 of the Vehicle Code) or combination of motorized vehicles and/or non-motorized vehicles or trailers that: (1) meets or exceeds twenty-two feet in length at any time, or (2) both a combination of the two following criteria, exclusive of fixtures, accessories, or property: seventy-eight feet in height and seven feet in width.

(a) To determine the height, width or length of the vehicles defined in this section, any extension to the vehicle caused by mirrors, air conditioners, or similar attachments as allowed by Section 35109, 35110 or 35111 of the Vehicle Code as may be amended shall not be included.

(b) Oversized vehicle does not include pickup trucks, vans, or sport utility vehicles, ~~which that~~ are less than twenty-five feet in length and eight feet in height.”

~~D.E.~~ .“10.04.165 RESIDENT “Resident” shall mean a person who customarily resides and maintains a place of abode with a street address number in the City of Santa Cruz or who owns land within the City of Santa Cruz- with a street address number. It shall not mean a person who maintains an address at a post office box, mailbox drop, or who rents a room without it being the primary place of abode.”

Section 2. Chapter 10.40 “Stopping, standing and parking” is hereby amended by adding ~~Sections~~Section 10.40.120 “Parking of Oversized Vehicles,” ~~and 10.40.125,~~ to read as follows:

“10.40.120 PARKING OF OVERSIZED VEHICLES.

(a) No person shall stop, stand, park, or leave standing any oversized vehicle on any public highway, street, alley, or city parking lot at any time between the hours of 2:00 a.m. midnight and 5:00 a.m. unless ~~otherwise authorized~~explicitly permitted by ~~this article.~~Section 10.40.120(g).

(b) No person shall permit, cause, or allow any electrical, water, gas, telephone, or other utility connection (such as electrical cords, extension cords, hoses, cables, or other items) to encroach into any public right-of-way including across or above any street or sidewalk from a residential or commercial property to an oversized vehicle or trailer parked on a public highway, street, or city parking lot.

(c) No person shall establish or maintain an open fire on any public highway, street, alley or city parking lot, (such as camp fires, bonfires, BBQs, recreational fires, burning of garbage, or portable outdoor fireplaces) without a permit from the City. In addition, it



shall be unlawful to intentionally or negligently set fire to or cause the burning of combustible material on any public highway, street, alley or city parking lot in such a manner as to endanger the safety of persons or property. A violation of this subsection is a misdemeanor.

(d) No person, who owns or maintains an oversized vehicle, shall permit the area surrounding the oversized vehicle to be maintained in an unsafe, untidy, and/or unsanitary/unhygienic fashion. Surrounding areas must be kept free from litter, debris, waste, discarded food products, discarded hypodermic needles, discarded property, improperly disposed gray or black water, unleashed animals, and garbage. A violation of this subdivision shall be a misdemeanor, and may subject the vehicle to towing pursuant to Vehicle Code section 22651(h)(1)

(e) Unattached trailers are prohibited from being parked on any city street or alley at any time, unless in the process of actively being loaded or unloaded.

(f) Oversized vehicles shall not be parked at any place within 100 feet of a crosswalk, intersection, boulevard, stop sign, official electric flashing device or approach to any traffic signal.

~~(e)(g)~~ The ~~provisions of prohibitions contained in~~ Subsection (a) shall not apply to any of the following:

- (1) Oversized vehicles owned by a resident or out-of-town visitor displaying a permit for overnight parking issued by the city manager or ~~their~~ ~~his/her~~ designee in accordance with this article. The issuance of a permit shall not allow any other activity otherwise prohibited by law.
- (2) Oversized vehicles displaying a permit issued by the city manager to a hotel as defined in Sections 24.22.450 and 24.22.550, respectively, for the exclusive use of its registered guests.
- (3) 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.
- (4) Oversized vehicles belonging to federal, state, or local authorities or public utilities that are temporarily parked while the operator of the oversized vehicle is conducting official business.
- (5) Oversized commercial vehicles actively engaged in the loading and unloading and deliveries of person, merchandise, wares, supplies, goods, or other materials in the course of construction or other work from or to any adjacent



building or structure.

(6) Parking of any oversized vehicle during the pendency of a non-pandemic related state of emergency declared to exist within the City of Santa Cruz by the city council, city manager or governor.

(7) A person and oversized vehicle that are, collectively, 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.

(8) Any oversized commercial vehicle that has been issued and is displaying a contractor's oversized vehicle parking permit.

~~(d)~~(h) Any resident may obtain an oversized vehicle overnight parking permit to park an oversized vehicle registered to them adjacent to ~~his/her~~their residence. Any resident may obtain an oversized vehicle overnight parking permit to park an oversized vehicle belonging to an out-of-town visitor. The city manager or ~~his/her~~their designee may issue a permit for overnight parking of an oversized vehicle to any resident or out-of-town ~~visitor~~guest of a resident subject to the following provisions:

(1) The oversized vehicle shall be owned, leased, rented by, or registered to, a resident or out-of-town visitor.

~~(2)~~—The oversized vehicle shall park at the street curb immediately adjacent to the ~~residence~~address for which the oversized vehicle parking permit has been granted, or within four hundred feet of that ~~person's residence~~address if this~~the~~ area immediately adjacent to the address is not available for parking due to curb configuration; due to the adjacent parking spaces being occupied by vehicles belonging to someone other than the owner, permittee, or codified parking restrictions.

~~(3)(2)~~ ~~(3)~~—~~The oversized vehicle shall not be parked at any place within 20 feet of a crosswalk, intersection, boulevard, stop sign, official electric flashing device, the owner or within 30 feet of the permittee; or due to the immediately adjacent parking resulting in a violation of the approach to any traffic signal. Section 10.40.120(f).~~

~~(4)~~(3) The oversized vehicle overnight parking permit shall be prominently displayed in the lower driver's side of the windshield or the nearest window of the vehicle. The permit shall be clearly visible from the exterior of the oversized vehicle and shall not cover the Vehicle Identification Number. Trailers~~Attached trailers~~ shall display the permit on the side of the trailer so that the permit is visible from the street.

(4) Any oversized vehicle present in conjunction with a short-term rental shall need a valid permit to park and shall park immediately adjacent to the



short-term rental if that space complies with Section 10.40.120(f), or if the immediately adjacent space is unavailable, within 400 feet of the short-term rental.

(5) The city manager or ~~his/her~~their designee may deny or revoke an oversized vehicle overnight parking permit if, upon a review of the location where the oversized vehicle will be parked, the city manager or ~~his/her~~their designee determines that it would create a traffic hazard or otherwise would adversely affect public safety, traffic flow ~~or access, bike lanes, or access.~~ Upon the filing of the application, the City may make such an investigation as necessary to determine whether such a permit should be issued. The application for a permit must contain:

- a. Name, current address, phone number, and current valid driver's license number of the resident applicant.
- b. The vehicle license plate number, make, model and type of vehicle for which an overnight parking permit is requested.
- c. The name and current address of the registered owner of the vehicle
- d. Proof of ownership and current registration of said vehicle
- e. The dates for which the permit is requested.
- f. A statement that the applicant declares under penalty of perjury that all statements in the application are true; and
- g. The signature of the applicant and date of application.

In addition, the application shall include:

- a. Valid California Driver's License for the vehicle's owner
- b. Proof of current registration
- c. Proof of current utility bill which matches the resident's address indicated in the permit application

(6) Permits are not transferable. Individuals who are found to have sold or transferred their permit will lose future permit privileges.

~~(e)~~(i) Overnight Parking Permit Duration.

(1) Each resident oversized vehicle overnight parking permit shall be valid for one year. A resident oversized vehicle permit allows a resident to park an oversized vehicle for four periods of up to seventy-two consecutive hours per calendar month. The oversized vehicle must be absent from the location authorized by Subsection ~~(d)(h)~~ (2) for a minimum of twenty-four consecutive hours to be lawfully parked overnight at the location again.



(2) Each oversized vehicle overnight parking permit issued to an out-of-town visitor shall be valid for a maximum of seventy-two hours.

(3) No more than six out-of-town visitor permits shall be issued ~~to a resident in respect of any address~~ in a calendar year. No more than one resident oversized vehicle overnight parking permit shall be issued in respect of any address at one time.

(j) Parking Permit fee. The parking permit fee for oversized vehicles shall be established by city council resolution.

~~(f)(k)~~ Fraudulent Permit Penalty. Every person who displays a fraudulent, forged, altered or counterfeit oversized vehicle parking permit or permit number is guilty of an infraction for the first offense. Any subsequent offense ~~within offense~~ committed within ~~one (1) calendar year~~ twelve months of a previous citation ~~is a misdemeanor. Pursuant to Section 4.04.010(3), any misdemeanor offense be may, at the discretion of the city attorney, be~~ charged and prosecuted as an infraction or a misdemeanor.

~~(g)(l)~~ Overnight Parking Permit Denial. The city ~~may~~ shall 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 any of the following conditions exist:

(1) The applicant or the person the applicant is visiting is not a bona fide resident. ~~as defined by section 10.04.165 above.~~

(2) The resident or out-of-town visitor guests of a resident have been issued ~~two~~ five or more citations for violations in the ~~same~~ twelve calendar ~~year for either exceeding the allotted seventy-two hour permit time and/or parking greater than four hundred feet from the designated residence or land owned address.~~ months prior to application.

(3) The out-of-town visitor is not a guest of the resident applicant.

(4) An owner of an oversized vehicle has procured any oversized vehicle parking permit through fraud or misrepresentation, for example, the information submitted by the applicant is materially false.

(5) The hotel or motel establishment is issuing oversized vehicle permits to non-paying guests of the commercial establishment and/or the guests are camping in the vehicle rather than residing in the commercial establishment.

(m) City Operated or Sponsored Safe Parking Programs. In addition to the private property allowances authorized through Chapter 6.36.030, 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. The City Manager shall develop a policy that establishes operational criteria for safe parking programs.

(n) A person may obtain a contractors oversized vehicle parking permit for a specific



oversized commercial vehicle if he or she demonstrates in writing to the satisfaction of the Public Works Director or his or her designee, on an application form prepared by the Public Works Director and upon payment of a fee prescribed by resolution of the City Council, that they meet and agree to each the following conditions:

(1) The person owns or lawfully possesses an oversized commercial vehicle which is registered with the Department of Motor Vehicles as a commercial vehicle and displays identifiable California commercial license plates;

(2) The person possesses a valid business license issued pursuant to Chapter 5.04 of the Santa Cruz Municipal Code and has paid all other applicable City taxes;

(3) The oversized commercial vehicle is necessary for use in the business for which the city business license has been issued;

(4) The oversized commercial vehicle will at no time be parked unattended in any location that creates or exacerbates a dangerous traffic safety condition; and

(5) The contractor's oversized commercial vehicle shall bear a clearly visible notice in the driver's side window which includes contact information which would allow City safety or enforcement personnel to contact the vehicle operator.

(o) A violation of any of the provisions of this chapter, except those provisions specifically identified as misdemeanors and/or provisions related to parking or standing vehicles, shall be punishable as an infraction. Violations of any of the provisions of this chapter related to parking or standing vehicles shall be subject to a \$50.00 civil penalty (parking ticket), the enforcement of which shall be governed by the civil administrative procedures set forth in Division 17, Chapter 1, Article 3 (commencing with Section 40200) of the California Vehicle Code.

(p) The City Manager is authorized to promulgate and publish rules and regulations to interpret and implement this section.

Section 3. Chapter 10.41 "Citywide Permit Parking" is hereby amended at Section 10.41.060 "Authority to Issue Parking Permits" to read as follows:

"10.41.060 AUTHORITY TO ISSUE PARKING PERMITS.

The local authority shall be authorized to issue parking permits for the city's permit parking programs, pursuant to the requirements of this Chapter, for vehicles that do not fall within the definition of "oversized vehicles" as defined by Section 10.40.106."

Section 4. Chapter 16.19 "Storm Water and Urban Runoff Pollution Control" is hereby amended at Section 16.19.070 "Discharge of Sewage Prohibited" to read as follows:

**"16.19.070 DISCHARGE OF SEWAGE PROHIBITED.**

No person shall cause the discharge of sewage or grey water to the storm drain system



including, but not limited to, discharges of recreational vehicle holding tanks. In addition, if the director determines that a building drain or building sewer is not operating properly and causes the discharge of sewage to the street, sidewalk, or storm drain system, the director may declare this condition to constitute a public nuisance and proceed to abate that nuisance in accordance with Section 16.19.180.

Section 5. Severability. If any section, subdivision, paragraph, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portion of the ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subdivision, subsection, paragraph, sentence, clause, or phrase of this ordinance.

Section 6. Effective Date. This ordinance shall take effect and be in force thirty (30) days after final adoption.

PASSED FOR PUBLICATION this ~~24<sup>th</sup>~~ 26 day of ~~November, 2015~~ October, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Donna Meyers, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator



PASSED FOR FINAL ADOPTION this \_\_\_\_ day of \_\_\_\_\_, 2021, by the following  
vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_

Donna Meyers, Mayor

ATTEST: \_\_\_\_\_

Bonnie Bush, City Clerk Administrator

This is to certify that the  
above and foregoing  
document is the original of  
Ordinance No. 2021-XX  
and that it has been  
published or posted in  
accordance with the  
Charter of the City of Santa  
Cruz.

\_\_\_\_\_  
Bonnie Bush, City Clerk Administrator



## ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING TITLE 10 “VEHICLES AND TRAFFIC” AT CHAPTERS 10.04 “DEFINITIONS,” 10.40 “STOPPING, STANDING AND PARKING,” 10.41 “CITY-WIDE PARKING PERMIT,” PERTAINING TO THE PARKING OF OVERSIZED VEHICLES AND AMENDING CHAPTER 16.19 “STORM WATER AND URBAN RUNOFF POLLUTION CONTROL” AT SECTION 16.19.070 “DISCHARGE OF SEWAGE PROHIBITED”

WHEREAS, over the last decade, the community has worked on addressing the public health, public safety and environmental impacts of oversized vehicles parked on city streets, and these impacts affect both individuals who are housed and those who are unhoused; and

WHEREAS, our City is committed to the well-being of all and therefore is establishing a set of parameters to facilitate time and manner of oversized vehicle parking on city roads as well as alternative safe parking sites; and

WHEREAS, Chapter 6.36 of the Municipal Code allows for religious assembly uses to host six or fewer oversized vehicles and for businesses to host three or fewer oversized vehicles on a site, and pursuant to such regulations, safe overnight parking locations currently exist within the City to serve individuals experiencing homelessness who reside in their vehicles; and

WHEREAS, the City is now committing itself to further expand programs that provide parking and/or shelter options available to those living in oversized vehicles without the economic means to find non-vehicle shelter or safe legal parking locations; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Santa Cruz as follows:

Section 1. Chapter 10.04 “Definitions” is hereby amended by adding Sections 10.04.065 “Current Address,” 10.04.085 “Loading and unloading,” 10.04.104 “Out-of-town visitor,” 10.04.106 “Oversized vehicle” and 10.04.165 “Resident,” as follows:

- A. “10.04.065 CURRENT ADDRESS. “Current Address” shall mean the street name and postal address number, along with the city, state, and zip code, of the primary physical residence where an individual resides. If the individual has more than one address, it shall be the location where they are registered to vote. If they are not registered to vote, it shall be the location where they spend the most time during the year.
- B. “10.04.085 LOADING AND UNLOADING. “Loading and unloading” shall mean actively moving items to or from an oversized vehicle including the activities required to prepare the vehicle for travel or storage.”
- C. “10.04.104 OUT-OF-TOWN VISITOR. “Out-of-town visitor” shall mean any person who does not reside in the City of Santa Cruz, who is temporarily visiting as a guest of a resident of the city, and who has applied for and obtained an oversized vehicle overnight



parking permit.”

- D. “10.04.106 OVERSIZED VEHICLE. “Oversized vehicle” shall mean any motorized vehicle (as defined of Section 670 of the Vehicle Code) or combination of motorized vehicles and/or non-motorized vehicles or trailers that: (1) meets or exceeds twenty feet in length at any time, or (2) both of the two following criteria, exclusive of fixtures, accessories, or property: eight feet in height and seven feet in width.
- (a) To determine the height, width or length of the vehicles defined in this section, any extension to the vehicle caused by mirrors, air conditioners, or similar attachments as allowed by Section 35109, 35110 or 35111 of the Vehicle Code as may be amended shall not be included.
  - (b) Oversized vehicle does not include pickup trucks, vans, or sport utility vehicles that are less than twenty feet in length and eight feet in height.”
- E. “10.04.165 RESIDENT “Resident” shall mean a person who customarily resides and maintains a place of abode with a street address number in the City of Santa Cruz or who owns land within the City of Santa Cruz with a street address number. It shall not mean a person who maintains an address at a post office box, mailbox drop, or who rents a room without it being the primary place of abode.”

Section 2. Chapter 10.40 “Stopping, standing and parking” is hereby amended by adding Section 10.40.120 “Parking of Oversized Vehicles,” to read as follows:

“10.40.120 PARKING OF OVERSIZED VEHICLES.

- (a) No person shall stop, stand, park, or leave standing any oversized vehicle on any public highway, street, alley, or city parking lot at any time between the hours of midnight and 5:00 a.m. unless explicitly permitted by Section 10.40.120(g).
- (b) No person shall permit, cause, or allow any electrical, water, gas, telephone, or other utility connection (such as electrical cords, extension cords, hoses, cables, or other items) to encroach into any public right-of-way including across or above any street or sidewalk from a residential or commercial property to an oversized vehicle or trailer parked on a public highway, street, or city parking lot.
- (c) No person shall establish or maintain an open fire on any public highway, street, alley or city parking lot, (such as camp fires, bonfires, BBQs, recreational fires, burning of garbage, or portable outdoor fireplaces) without a permit from the City. In addition, it shall be unlawful to intentionally or negligently set fire to or cause the burning of combustible material on any public highway, street, alley or city parking lot in such a manner as to endanger the safety of persons or property. A violation of this subsection is a misdemeanor.
- (d) No person, who owns or maintains an oversized vehicle, shall permit the area



surrounding the oversized vehicle to be maintained in an unsafe, untidy, and/or unsanitary/unhygienic fashion. Surrounding areas must be kept free from litter, debris, waste, discarded food products, discarded hypodermic needles, discarded property, improperly disposed gray or black water, unleashed animals, and garbage. A violation of this subdivision shall be a misdemeanor, and may subject the vehicle to towing pursuant to Vehicle Code section 22651(h)(1)

(e) Unattached trailers are prohibited from being parked on any city street or alley at any time, unless in the process of actively being loaded or unloaded.

(f) Oversized vehicles shall not be parked at any place within 100 feet of a crosswalk, intersection, boulevard, stop sign, official electric flashing device or approach to any traffic signal.

(g) The prohibitions contained in Subsection (a) shall not apply to any of the following:

(1) Oversized vehicles owned by a resident or out-of-town visitor displaying a permit for overnight parking issued by the city manager or their designee in accordance with this article. The issuance of a permit shall not allow any other activity otherwise prohibited by law.

(2) Oversized vehicles displaying a permit issued by the city manager to a hotel as defined in Sections 24.22.450 and 24.22.550, respectively, for the exclusive use of its registered guests.

(3) 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.

(4) Oversized vehicles belonging to federal, state, or local authorities or public utilities that are temporarily parked while the operator of the oversized vehicle is conducting official business.

(5) Oversized commercial vehicles actively engaged in the loading and unloading and deliveries of person, merchandise, wares, supplies, goods, or other materials in the course of construction or other work from or to any adjacent building or structure.

(6) Parking of any oversized vehicle during the pendency of a non-pandemic related state of emergency declared to exist within the City of Santa Cruz by the city council, city manager or governor.

(7) 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.

(8) Any oversized commercial vehicle that has been issued and is displaying a contractor's oversized vehicle parking permit.

(h) Any resident may obtain an oversized vehicle overnight parking permit to park an oversized vehicle registered to them adjacent to their residence. Any resident may obtain an oversized vehicle overnight parking permit to park an oversized vehicle belonging to an out-of-town visitor. The city manager or their designee may issue a permit for overnight parking of an oversized vehicle to any resident or out-of-town guest of a resident subject to the following provisions:

(1) The oversized vehicle shall be owned, leased, rented by, or registered to, a resident or out-of-town visitor.

(2) The oversized vehicle shall park at the street curb immediately adjacent to the address for which the oversized vehicle parking permit has been granted, or within four hundred feet of that address if the area immediately adjacent to the address is not available for parking due to curb configuration; due to the adjacent parking spaces being occupied by vehicles belonging to someone other than the owner, permittee, or a visitor of the owner or permittee; or due to the immediately adjacent parking resulting in a violation of Section 10.40.120(f) .

(3) The oversized vehicle overnight parking permit shall be prominently displayed in the lower driver's side of the windshield or the nearest window of the vehicle. The permit shall be clearly visible from the exterior of the oversized vehicle and shall not cover the Vehicle Identification Number. Attached trailers shall display the permit on the side of the trailer so that the permit is visible from the street.

(4) Any oversized vehicle present in conjunction with a short-term rental shall need a valid permit to park and shall park immediately adjacent to the short-term rental if that space complies with Section 10.40.120(f), or if the immediately adjacent space is unavailable, within 400 feet of the short-term rental.

(5) The city manager or their designee may deny or revoke an oversized vehicle overnight parking permit if, upon a review of the location where the oversized vehicle will be parked, the city manager or their designee determines that it would create a traffic hazard or otherwise would adversely affect public safety, traffic flow, bike lanes, or access. Upon the filing of the application, the City may make such an investigation as necessary to determine whether such a permit should be issued. The application for a permit must contain:

- a. Name, current address, phone number, and current valid driver's license number of the resident applicant.



- b. The vehicle license plate number, make, model and type of vehicle for which an overnight parking permit is requested.
- c. The name and current address of the registered owner of the vehicle
- d. Proof of ownership and current registration of said vehicle
- e. The dates for which the permit is requested.
- f. A statement that the applicant declares under penalty of perjury that all statements in the application are true; and
- g. The signature of the applicant and date of application.

In addition, the application shall include:

- a. Valid California Driver's License for the vehicle's owner
- b. Proof of current registration
- c. Proof of current utility bill which matches the resident's address indicated in the permit application

(6) Permits are not transferable. Individuals who are found to have sold or transferred their permit will lose future permit privileges.

(i) Overnight Parking Permit Duration.

(1) Each resident oversized vehicle overnight parking permit shall be valid for one year. A resident oversized vehicle permit allows a resident to park an oversized vehicle for four periods of up to seventy-two consecutive hours per calendar month. The oversized vehicle must be absent from the location authorized by Subsection (h) (2) for a minimum of twenty-four consecutive hours to be lawfully parked overnight at the location again.

(2) Each oversized vehicle overnight parking permit issued to an out-of-town visitor shall be valid for a maximum of seventy-two hours.

(3) No more than six out-of-town visitor permits shall be issued in respect of any address in a calendar year. No more than one resident oversized vehicle overnight parking permit shall be issued in respect of any address at one time.

(j) Parking Permit fee. The parking permit fee for oversized vehicles shall be established by city council resolution.

(k) Fraudulent Permit Penalty. Every person who displays a fraudulent, forged, altered



or counterfeit oversized vehicle parking permit or permit number is guilty of an infraction for the first offense. Any subsequent offense committed within twelve months of a previous citation is a misdemeanor. Pursuant to Section 4.04.010(3), any misdemeanor offense be charged and prosecuted as an infraction or a misdemeanor.

(l) Overnight Parking Permit Denial. The city shall 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 any of the following conditions exist:

(1) The applicant or the person the applicant is visiting is not a bona fide resident, as defined by section 10.04.165 above.

(2) The resident or out-of-town visitor guests of a resident have been issued five or more citations for violations in the twelve calendar months prior to application.

(3) The out-of-town visitor is not a guest of the resident applicant.

(4) An owner of an oversized vehicle has procured any oversized vehicle parking permit through fraud or misrepresentation, for example, the information submitted by the applicant is materially false.

(5) The hotel or motel establishment is issuing oversized vehicle permits to non-paying guests of the commercial establishment and/or the guests are camping in the vehicle rather than residing in the commercial establishment.

(m) City Operated or Sponsored Safe Parking Programs. In addition to the private property allowances authorized through Chapter 6.36.030, 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. The City Manager shall develop a policy that establishes operational criteria for safe parking programs.

(n) A person may obtain a contractors oversized vehicle parking permit for a specific oversized commercial vehicle if he or she demonstrates in writing to the satisfaction of the Public Works Director or his or her designee, on an application form prepared by the Public Works Director and upon payment of a fee prescribed by resolution of the City Council, that they meet and agree to each the following conditions:

(1) The person owns or lawfully possesses an oversized commercial vehicle which is registered with the Department of Motor Vehicles as a commercial vehicle and displays identifiable California commercial license plates;

(2) The person possesses a valid business license issued pursuant to Chapter 5.04 of the Santa Cruz Municipal Code and has paid all other applicable City taxes;

(3) The oversized commercial vehicle is necessary for use in the business for



which the city business license has been issued;

(4) The oversized commercial vehicle will at no time be parked unattended in any location that creates or exacerbates a dangerous traffic safety condition; and

(5) The contractor's oversized commercial vehicle shall bear a clearly visible notice in the driver's side window which includes contact information which would allow City safety or enforcement personnel to contact the vehicle operator.

(o) A violation of any of the provisions of this chapter, except those provisions specifically identified as misdemeanors and/or provisions related to parking or standing vehicles, shall be punishable as an infraction. Violations of any of the provisions of this chapter related to parking or standing vehicles shall be subject to a \$50.00 civil penalty (parking ticket), the enforcement of which shall be governed by the civil administrative procedures set forth in Division 17, Chapter 1, Article 3 (commencing with Section 40200) of the California Vehicle Code.

(p) The City Manager is authorized to promulgate and publish rules and regulations to interpret and implement this section.

Section 3. Chapter 10.41 "Citywide Permit Parking" is hereby amended at Section 10.41.060 "Authority to Issue Parking Permits" to read as follows:

**"10.41.060 AUTHORITY TO ISSUE PARKING PERMITS.**

The local authority shall be authorized to issue parking permits for the city's permit parking programs, pursuant to the requirements of this Chapter, for vehicles that do not fall within the definition of "oversized vehicles" as defined by Section 10.40.106."

Section 4. Chapter 16.19 "Storm Water and Urban Runoff Pollution Control" is hereby amended at Section 16.19.070 "Discharge of Sewage Prohibited" to read as follows:

**"16.19.070 DISCHARGE OF SEWAGE PROHIBITED.**

No person shall cause the discharge of sewage or grey water to the storm drain system including, but not limited to, discharges of recreational vehicle holding tanks. In addition, if the director determines that a building drain or building sewer is not operating properly and causes the discharge of sewage to the street, sidewalk, or storm drain system, the director may declare this condition to constitute a public nuisance and proceed to abate that nuisance in accordance with Section 16.19.180.

Section 5. Severability. If any section, subdivision, paragraph, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not



ORDINANCE NO. 2021-

affect the validity of the remaining portion of the ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subdivision, subsection, paragraph, sentence, clause, or phrase of this ordinance.

Section 6. Effective Date. This ordinance shall take effect and be in force thirty (30) days after final adoption.

PASSED FOR PUBLICATION this 26<sup>th</sup> day of October, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Donna Meyers, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

PASSED FOR FINAL ADOPTION this \_\_\_\_ day of \_\_\_\_, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Donna Meyers, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2021-XX and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

\_\_\_\_\_  
Bonnie Bush, City Clerk Administrator





## 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.

---

**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 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 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.

**Prepared By:**  
Sonja Brunner  
Vice Mayor

**Submitted By:**  
Sonja Brunner  
Vice Mayor

**Approved By:**  
Rosemary Menard  
Interim City Manager

Renee Golder  
Councilmember

Renee Golder  
Councilmember

Shebreh Kalantari-Johnson  
Councilmember

Shebreh Kalantari-Johnson  
Councilmember

**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





## 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)

---

**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".

---

**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

---

<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*



*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.**

Staff's 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*



*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 oversize 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 oversize 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.

**Prepared By:**

Michael Ferry  
Senior Planner

**Submitted By:**

Lee Butler  
Planning and Community  
Development Director

**Approved By:**

Matt Huffaker  
City Manager

### **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



## RESOLUTION NO. NS-29,964

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ  
ACKNOWLEDGING THE CATEGORICAL EXEMPTION AND APPROVING A COASTAL  
PERMIT AND DESIGN PERMIT 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 (APPLICATION NO. CP21-0174)

WHEREAS, 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; and

WHEREAS, On November 9, 2021, The City Council 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.
- 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; and

WHEREAS, the project qualifies for a Categorical Exemption in State CEQA Guidelines Categorical Exemption: 15282-(j); 15301 Class 1-c, g; 15307; 15308 and 15061(b), as discussed in full in the staff report; and

WHEREAS, the Zoning Administrator conducted a public hearing on January 12, 2022 and, after hearing public testimony, acknowledge the environmental determination and approved the Coastal Permit, and Design Permit; and



WHEREAS, the Zoning Administrators approval was appealed to the Planning Commission on January 14, 2022 by *Santa Cruz Cares* via representative Reggie Meisler; and

WHEREAS, the Zoning Administrators approval was also appealed to the Planning Commission on January 25, 2022 by the American Civil Liberties Union (ACLU) via representative William S. Freeman; and

WHEREAS, the Planning Commission conducted a public hearing on February 17, 2022, which was continued to March 3, 2022 and, after hearing public testimony, acknowledged the environmental determination and approved the Coastal Permit, and Design Permit with revised Conditions of Approval; and

WHEREAS, On March 14, 2022 Council member Golder called this item up for review due to the timing and feasibility of implementing the revised Conditions of Approval and their potential impact on the effectiveness of the ordinance and potential fiscal impacts; and

WHEREAS, the City Council conducted a duly noticed public hearing on April 12, 2022 to consider the application and the full public record; and

WHEREAS, the City Council now makes the following findings:

**Coastal Permit, Section 24.08.250**

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

The implementation of the ordinance revision will not affect coastal views. This ordinance and its implementation are expected to enhance views by regulating parking of oversized vehicles adjacent to the coast, because no oversize vehicle parking is allowed within 100 feet of an intersection. The intent of this is to promote visibility for people driving, thereby enhancing safety; however, a benefit is also that views from roadways intersecting the first public roadway parallel to the sea will be less obstructed. No safe parking facilities will be located in the high-impact parking zones identified by the Coastal Commission.

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

The ordinance and its implementation are designed to discourage illegal dumping of sewage and grey-water from RVs that may contribute to the high bacteria levels at Cowell Beach and other coastal areas. Free trash and restroom services will be provided at safe parking locations to discourage illegal dumping and littering. The project has been evaluated for potential environmental impacts in accordance with the California Environmental Quality Act (CEQA) and the City's environmental review procedures. No vegetation, natural habitats or natural resources will be disturbed.

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.

**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 ordinance revision and its implementation, including safe parking facilities, are consistent with the General Plan, all Area Plans and Local Coastal Plan in that they further and implement many of the public safety and environmental protection policies from those plans. The oversized vehicles permitting system will provide access with limited hours while trying to address many of the LCP policies 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. 3.7 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. The ordinance is designed to discourage illegal dumping of sewage and grey-water from RVs that may contribute to the high bacteria levels at Cowell Beach and other coastal areas. No vegetation, natural habitats or natural resources will be disturbed with implementation of the ordinance. Safe Parking will be located outside of the mapped "high impact" parking areas which will enhance coastal access by increasing the available parking that used to be occupied by oversized vehicles. The project has been evaluated for potential environmental impacts in accordance with the California Environmental Quality Act (CEQA) and the City's environmental review procedures.



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

The parking restriction will increase coastal access by making the coast cleaner and safer for the general public, in part by minimizing litter and black water dumping, and thereby more attractive as well. There are numerous locations in the area that provide overnight facilities for oversize vehicle camping. The Upper Harbor has RV camping facilities as well as Forest of Nisene Marks, Manresa, New Brighton, San Andres KOA, Seacliff and Sunset State Beaches. These are appropriate overnight camping areas designed to accommodate large vehicles that are seeking coastal access. The oversized vehicle parking restrictions are in effect from midnight to 5:00 AM, so recreational access to the beach will not be impacted. Permit processes will provide additional options for parking oversized vehicles on-street overnight, including for visitors to the coast.

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. The safe parking facilities located within the Coastal Zone will have locational, hourly, and other operational criteria that ensure public access is maintained. Staff will prepare an analysis at the end of the first year of operation that details the safe parking operations in the Coastal Zone and offers an opportunity for collaboration with Coastal Commission staff to address any public access issues that may arise as part of the operations.

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

There are numerous appropriate locations in the area that provide overnight facilities for RV camping. The Upper Harbor has RV camping facilities as well as Forest of Nisene Marks, Manresa, New Brighton, San Andres KOA, Seacliff and Sunset State Beaches. These are appropriate overnight camping areas designed to accommodate large vehicles that are seeking coastal access. Recreational access to the beach will not be impacted during the hours of 5:00 a.m. to midnight, and permit processes are available for visitors to the coast to temporarily park their oversized vehicles on City streets from midnight to 5:00 a.m.

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. Permit processes will provide additional options for parking oversized vehicles on-street overnight, including for visitors to the coast.

As part of its consideration of implementing the proposed ordinance, a safe parking framework is proposed. All site locations will be outside of the mapped high impact parking areas within



the coastal zone. The sites will include information and options for sanitation and black water dumping. General parameters for the safe parking sites include off street locations (i.e. public/private parking lots) with hours that will generally be from 8:00 PM to 8:00 AM in the Coastal Zone. Sanitation will be provided at these locations such as porta-potties, washing stations, garbage cans and potentially blackwater pumping facilities or vouchers. All sanitation facilities will be located to minimize parking impacts. There will be no cost to participants in Safe Parking Program.

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

The revised ordinance and its implementation will enhance coastal access by providing a cleaner and safer environment for the general public, in part by minimizing litter and black water dumping through provision of free trash and restroom facilities for those living in oversized vehicles. Recreational access to the beach will not be impacted. Permit processes will provide additional options for parking oversized vehicles on-street overnight, including for visitors to the coast.

All safe parking sites to be developed will be located outside of the mapped high impact parking 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 ordinance revisions and safe parking facilities will not affect trees, vegetation or sensitive wildlife 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.**



- 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 ordinance revisions and implementation of them, including safe parking facilities, will not affect any cliff or bluff.

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

The ordinance revisions and implementation of them, including safe parking facilities, will not affect any cliff or bluff.

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 ordinance revisions and implementation of them will not adversely affect views of the coastline. Oversize vehicle parking limitations within 100 feet of an intersection will enhance views, though their primary intent is to provide safe line of sight for drivers. Signage will predominantly be placed on existing sign-posts. All safe parking sites will be located outside of the mapped "high impact" parking areas within the coastal zone and generally 300 feet from the bluff.

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

The ordinance revisions and implementation of them, including safe parking facilities, are not expected to create any land disturbances that would affect any paleontological resources.

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

The ordinance revision will not take away any free public parking or bona fide beach access. The revised ordinance will enhance coastal access by providing a cleaner and safer environment for the general public, in part by minimizing litter and black water dumping through the provision of free, safe, oversized vehicle parking facilities that include trash and restroom services. Recreational access to the beach will not be impacted. Permit processes will provide additional options for parking oversized vehicles on-street overnight, including for visitors to the coast. Any new signage required will predominantly use existing sign-posts.

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

There are no mitigation measures required; however, various conditions have been included that protect the environment, such as provision of trash receptacles and porta-potties at the safe parking facilities.



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

The ordinance revisions and their implementation will not adversely affect the physical scale of any area, and any signage will be placed predominantly on existing sign-posts. Safe parking facilities will have restroom facilities, hand washing stations, and trash receptacles that, by their nature, would not be incompatible with the scale of the area.

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

The signage will be consistent with the Public Works and Police sign criteria.

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

The proposed ordinance revision and their implementation are consistent with the policies of the Local Coastal Program, the General Plan and the California Coastal Act in that the ordinance amendment and their implementation will result will benefit the community along stretches of the coast that are currently impacted by black water dumping, littering, and other nuisance issues. The oversized vehicles permitting system will provide access with limited hours while trying to address many of the LCP policies 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. 3.7 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.



Recreational access to the beach will not be impacted and it will not adversely affect free public parking or beach access. All safe parking sites to be developed will be located outside of the mapped high impact parking areas within the Coastal Zone.

**Design Permit, Section 24.08.430 (Applicable to the safe parking locations)**

- 17. The site plan shall be consistent with physical development policies of the General Plan, any required or optional element of the General Plan, any area plan or specific plan or other city policy for physical development. If located in the Coastal Zone, a site plan shall also be consistent with policies of the Local Coastal Program.**

The project is consistent with the General Plan, the Beach South of Laurel Plan and the Seabright Area Plan in that the ordinance amendment and its implementation will benefit the community along stretches of the coast that are currently impacted by black water dumping, littering, and other nuisance issues, thus the proposal will support a variety of environmental goals and policies of the General Plan, such as protection of riparian and natural habitats (General Plan Goals NRC 1 & 2). The safe parking facilities will promote protection of open spaces that provide scenic, recreational, educational, and environmental benefits by encouraging proper disposal of trash and waste, thereby supporting General Plan Policies LU3.11, LU3.11.1, LU3.11.2, and LU3.11.3. Safe parking facilities will be organized so as to provide locations where unhoused vehicle dwellers in the City can legally park overnight while at the same time minimizing parking and aesthetic impacts. Recreational access to the beach will not be impacted and it will not adversely affect free public parking or beach access. All safe parking sites to be developed will be located outside of the mapped high impact parking areas within the coastal zone.

- 18. The exterior design and appearance of buildings and structures and the design of the site plan shall be compatible with design and appearance of other existing buildings and structures in neighborhoods which have established architectural character worthy of preservation.**

A condition of approval requires that locations of porta-potties, hand washing stations, and trash receptacles will take into account the adjacent uses, visibility, maintenance of views, accessibility, and maintenance of public parking spaces.

- 19. Design of the site plan shall respect design principles in terms of maintaining a balance of scale, form and proportion, using design components, which are harmonious, materials and colors that blend with elements of the site plan and surrounding areas. Location of structures should take into account maintenance of view; rooftop mechanical equipment shall be incorporated into roof design or screened from adjacent properties. Utility installations such as trash enclosures, storage units, traffic-control devices, transformer vaults and electrical meters shall be accessible and screened.**

A condition of approval requires that locations of porta-potties, hand washing stations, and trash receptacles will take into account the adjacent uses, visibility, maintenance of views, accessibility, and maintenance of public parking spaces.



- 20. Where a site plan abuts, or is in close proximity to, uses other than that proposed, the plan should take into account its effect on other land uses. Where a nonresidential use abuts or is in close proximity to a residential use, the effect of the site plan should maintain the residential quality of adjacent or nearby areas.**

A condition of approval requires that locations of porta-potties, hand washing stations, and trash receptacles will take into account the adjacent uses, visibility, maintenance of views, accessibility, and maintenance of public parking spaces.

- 21. The orientation and location of buildings, structures, open spaces and other features of the site plan shall be such as to maintain natural resources including significant trees and shrubs to the extent feasible, maintain a compatible relationship to and preserve solar access of adjacent properties, and minimize alteration of natural land forms, building profiles, location, and orientation must relate to natural land forms.**

A condition of approval requires that locations of porta-potties, hand washing stations, and trash receptacles will take into account the adjacent uses, visibility, maintenance of views, accessibility, and maintenance of public parking spaces.

- 22. The site plan shall be situated and designed to protect views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan shall restore and enhance visual quality of visually degraded areas.**

The view of the ocean will remain unchained.

- 23. The site plan shall minimize the effect of traffic conditions on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances, exit drives and walkways; through the adequate provision of off-street parking and loading facilities; through an adequate circulation pattern within the boundaries of the development; and through the surfacing and lighting of off-street parking facilities.**

A condition of approval requires that locations of porta-potties, hand washing stations, and trash receptacles, as well as locations of overnight parking on the site, will take into account the adjacent uses, visibility, maintenance of views, accessibility, on- and off-site circulation, and maintenance of public parking spaces.

- 24. The site plan shall encourage alternatives to travel by automobile where appropriate, through the provision of facilities for pedestrians and bicyclists, including covered parking for bicycles and motorcycles where appropriate. Public transit stops and facilities shall be accommodated as appropriate, and other incentive provisions considered which encourage non-auto travel.**

The conditions of approval seek to preserve access to bike parking.



- 25. The site shall provide open space and landscaping which complement buildings and structures. Open space should be useful to residents, employees, or other visitors to the site. Landscaping shall be used to separate and/or screen service and storage areas, separate and/or screen parking areas from other areas, break up expanses of paved area, and define open space for usability and privacy.**

A condition of approval requires that locations of porta-potties, hand washing stations, and trash receptacles, as well as locations of overnight parking on the site, will take into account the adjacent uses, visibility, maintenance of views, accessibility, and maintenance of public parking spaces.

- 26. The site plan shall reasonably protect against external and internal noise, vibration and other factors, which may tend to make the environment less desirable. The site plan should respect the need for privacy of adjacent residents.**

The safe parking program has limited hours of operation and will generally be located in existing parking facilities within the City. Conditions of approval require adherence to established standards related to noise and other nuisance activities.

- 27. Signs shall complement the site plan and avoid dominating the site and/or existing buildings on the site or overwhelming the buildings or structures to which they are attached. Multiple signs on a given site should be of a consistent theme.**

Conditions of approval require that new signage shall be small-scale and blend with other signage in existing parking facilities. Existing sign post shall be used when possible.

- 28. Building and structures shall be so designed and oriented to make use of natural elements such as solar radiation, wind, and landscaping for heating, cooling and ventilation.**

This finding does not apply, as no conditioned space will be constructed.

- 29. The site plan shall incorporate water-conservation features where possible, including in the design of types of landscaping and in the design of water-using fixtures. In addition, water restricting showerheads and faucets shall be used, as well as water-saving toilets utilizing less than three gallons per flush.**

It is anticipated that portable restroom facilities will be provided at most safe parking locations, and such facilities minimize water use. Should permanent facilities be provided, water using fixtures will meet all applicable standards for minimizing water use.

- 30. In all projects in Industrial (I) Zones, all buildings and structures shall be so designed and oriented to make use of natural lighting wherever possible.**

This finding does not apply, as new structures are not anticipated. If restroom structures are constructed in Industrial Zones, natural lighting will be considered in the design and orientation.



NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that it hereby acknowledges the Categorical Exemption and approves the Coastal Permit, and Design Permit 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 subject to the Findings listed above and the Conditions of Approval listed in Exhibit "A," attached hereto and made a part hereof.

PASSED AND ADOPTED this 12<sup>th</sup> day of April, 2022, by the following vote:


AYES: Councilmembers Kalantari-Johnson, Golder, Meyers; Vice Mayor Watkins;  
Mayor Brunner.

NOES: Councilmembers Cummings, Brown.


ABSENT: None.

DISQUALIFIED: None.

APPROVED:

  
Sonja Brunner, Mayor

ATTEST:

  
Bonnie Bush, City Clerk Administrator



### Summary of OV Laws in Other Coastal Communities

The City of Santa Cruz's rules on oversized vehicle parking are not unique. Cities all over California, including multiple coastal cities, have passed similar rules.

1. San Luis Obispo – SLOMC 10.80.020 (“No vehicle or structure which exceeds the size and/or weight limitations established by the California Vehicle Code shall be allowed on city streets without first obtaining a permit issued by the public works director or their designee(s) and complying with the conditions set forth by the permit.”). See:  
<https://sanluisobispo.municipal.codes/Code/10.80.010>
2. Morro Bay – MBMC 17.48.060 (“Motorhomes, recreational vehicles or other vehicles shall not be used for human habitation or occupied for living or sleeping quarters except when installed within a licensed trailer court, recreational vehicle park or mobile home park.” See:  
[https://library.municode.com/ca/morro\\_bay/codes/code\\_of\\_ordinances?nodeId=TIT17ZO\\_CH17.48GERECOEX\\_17.48.060MOREVE](https://library.municode.com/ca/morro_bay/codes/code_of_ordinances?nodeId=TIT17ZO_CH17.48GERECOEX_17.48.060MOREVE))
3. Ventura – VMC 16.217.050 (A) (“Except as otherwise provided in this section, it is unlawful for any person to park or leave standing any oversized vehicle on any street in a residential or business area between 10:00 a.m. and 4:00 p.m. Monday through Fridays, inclusive, holidays excepted.”) See:  
[https://library.municode.com/ca/san\\_buenaventura/codes/code\\_of\\_ordinances?nodeId=DIV16\\_VETRRE\\_CH16.217OVVETRPA\\_S16.217.050OVVEARPREX](https://library.municode.com/ca/san_buenaventura/codes/code_of_ordinances?nodeId=DIV16_VETRRE_CH16.217OVVETRPA_S16.217.050OVVEARPREX)
4. Newport Beach – NBMC 12.40.055 (“Subject to the exceptions set forth in subsection (G), no person shall, at any time, park or leave standing any large motor vehicle, heavy-duty commercial vehicle, or nonmotorized vehicle, as defined in this section, on any public street or alley within any residential district.”) See:  
<https://www.codepublishing.com/CA/NewportBeach/html/NewportBeach12/NewportBeach1240.html#12.40.055>
5. Coronado – CMC 56.30.200 (“Except as otherwise provided in this section, no person who owns or has possession, custody or control of any oversized vehicle shall allow such vehicle to remain stopped, standing or parked in one location upon any public street, alley, highway, including State highways, within the City for a period of time exceeding three consecutive hours. Relocating a vehicle a distance of less than 500 feet from its original parking position shall not constitute a change of parking location for purposes of complying with this section.”) See:  
<https://www.codepublishing.com/CA/Coronado/#!/Coronado56/Coronado5630.html#56.30.190>
6. Laguna Beach – LMC 10.13.010(a) (“Parking time for commercial vehicles, camp trailers, trailer coaches, house cars, trailer-mounted boats, recreational vehicles, and trailers (both attached and unattached) is limited to no more than five cumulative hours within a twenty-four consecutive hour period on all public streets, public alleys, public parking lots, and public parking structures. A vehicle listed in this section shall not be permitted to park up to five hours in one location and then move and park five hours in another location within a twenty-four consecutive hour period; the five cumulative-hour limit shall be inclusive of all parking in multiple locations listed in this section within a twenty-four consecutive hour period.”) See:  
[https://library.qcode.us/lib/laguna\\_beach\\_ca/pub/municipal\\_code/item/title\\_10-chapter\\_10\\_13-10\\_13\\_010](https://library.qcode.us/lib/laguna_beach_ca/pub/municipal_code/item/title_10-chapter_10_13-10_13_010)



7. Fort Bragg – FBMC 10.20.261(A) (“Except in a verifiable emergency, no person shall use any vehicle parked or standing upon any public street, alley, right-of-way, public park or other public property as a temporary or permanent substitute for a residence or dwelling unit.”) See: <https://www.codepublishing.com/CA/FortBragg/#!/FortBragg10/FortBragg1020.html#10.20.260>
8. Rancho Palos Verdes – RPVMC 10.36.020 (“No person who owns or has possession, custody or control of any oversized vehicle shall stop, stand, park, or leave standing an oversized vehicle on any public street or alley within the city, except as provided below . . .”) See: [https://library.municode.com/ca/rancho\\_palos\\_verdes/codes/code\\_of\\_ordinances?nodeId=TIT10VETR\\_CH10.36REPAOVVE](https://library.municode.com/ca/rancho_palos_verdes/codes/code_of_ordinances?nodeId=TIT10VETR_CH10.36REPAOVVE)
9. San Juan Capistrano – SJCMC 4-6.325(a) (“No person shall park and leave standing upon any public street or highway within the City of San Juan Capistrano any motor vehicle or combination of vehicles in excess of twenty-five (25) feet in length, or having a width in excess of ninety (90) inches as measured at the widest portion of the body, not including mirrors or other extensions, or a weight in excess of ten thousand pounds.”) See: [https://library.qcode.us/lib/san\\_juan\\_capistrano\\_ca/pub/municipal\\_code/item/title\\_4-chapter\\_6-article\\_3-sec\\_4\\_6\\_325](https://library.qcode.us/lib/san_juan_capistrano_ca/pub/municipal_code/item/title_4-chapter_6-article_3-sec_4_6_325)
10. Eureka – EMC 90.16(A)(1) (“Except as otherwise provided by law or this chapter, the following vehicles may only be parked in Limited Industrial Districts and General Industrial Districts. . . . (1) Any motor vehicle over 20 feet long, measured from the extreme forward point to the extreme rear point, including extensions;”). See [https://codelibrary.amlegal.com/codes/eureka/latest/eureka\\_ca/0-0-0-34638#JD\\_90.16](https://codelibrary.amlegal.com/codes/eureka/latest/eureka_ca/0-0-0-34638#JD_90.16)
11. Redondo Beach – RBMC 3-7.2102 (“No person shall stop, stand, park or leave standing any oversized vehicle on any public highway, street or city parking lot at any time between the hours of 2:00 a.m. and 6:00 a.m. unless otherwise authorized by this article.”) See: [https://library.qcode.us/lib/redondo\\_beach\\_ca/pub/municipal\\_code/item/title\\_3-chapter\\_7-article\\_21-3\\_7\\_2102](https://library.qcode.us/lib/redondo_beach_ca/pub/municipal_code/item/title_3-chapter_7-article_21-3_7_2102)
12. Manhattan Beach – MBMC 14.46.020 (“No person who owns, leases or has possession, custody or control of any oversized vehicle or trailer shall stop, stand, park or leave standing an oversized vehicle and/or trailer at any time upon any public street, alley or highway in a restricted oversized vehicle and trailer parking area as defined in Section 14.46.040.”) See: [https://library.municode.com/ca/manhattan\\_beach/codes/code\\_of\\_ordinances?nodeId=TIT14TR\\_CH14.46REPAOVVETR\\_14.46.020PRPAOVVETR](https://library.municode.com/ca/manhattan_beach/codes/code_of_ordinances?nodeId=TIT14TR_CH14.46REPAOVVETR_14.46.020PRPAOVVETR)
13. Goleta – GMC 10.01.410 (“ Except as provided in Sections [10.01.420](#), [10.01.430](#) and [10.01.440](#) of this code, no person may park or leave standing any large vehicle upon any street within a residential area or a commercial area of the City between the hours of 7:30 a.m. and 4:00 p.m. Monday through Friday. There restrictions shall not apply on City recognized holidays.”) See: [https://library.qcode.us/lib/goleta\\_ca/pub/municipal\\_code/item/title\\_10-chapter\\_10\\_01-article\\_vii-10\\_01\\_410](https://library.qcode.us/lib/goleta_ca/pub/municipal_code/item/title_10-chapter_10_01-article_vii-10_01_410)
14. Los Angeles – LCMC 80.69.4(a) (“No person shall stop, stand or park, when authorized signs are in place giving notice of the restriction, any oversize vehicle, defined as a motor vehicle in excess of 22 feet in length or over 84 inches in height, between 2:00 a.m. and 6:00 a.m.”) See: [https://codelibrary.amlegal.com/codes/los\\_angeles/latest/lamc/0-0-0-166619#JD\\_80.69.4](https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/0-0-0-166619#JD_80.69.4).
15. Santa Barbara – SBMC 10.44.220(B) (“No person shall park or leave standing any oversized vehicle on any streets or portions of streets in areas where the Public Works Director has caused



signs or markings giving adequate notice of the restriction to be placed, except as provided in subsection C below.”) See:

[https://library.qcode.us/lib/santa\\_barbara\\_ca/pub/municipal\\_code/item/title\\_10-chapter\\_10\\_44-10\\_44\\_220](https://library.qcode.us/lib/santa_barbara_ca/pub/municipal_code/item/title_10-chapter_10_44-10_44_220)

16. Hermosa Beach – HBMC 10.32.340(B) (“Except as provided in this section, no person shall park or leave standing any oversized vehicle upon any public street or highway or in a public parking lot in the city.”) See: <http://online.encodeplus.com/regs/hermosabeach-ca/doc-viewer.aspx#secid-1544>
17. San Diego – SDMC 86.0139 (“It is unlawful for any person to park or leave standing upon any public street, park road, or parking lot, any oversized vehicle, non-motorized vehicle, or recreational vehicle between the hours of 2:00 a.m. and 6:00 a.m.”) See: <https://docs.sandiego.gov/municode/MuniCodeChapter08/Ch08Art06Division01.pdf>
18. Long Beach – LBMC 10.24.078 (A) (“No person who owns, has custody, or control of an Oversized Vehicle as defined in Section 10.24.005, shall cause it to be parked in a residential area, as defined in Section 10.24.005, on any public street.”) See: [https://library.municode.com/ca/long\\_beach/codes/municipal\\_code?nodeId=TIT10VETR\\_CH10.24PAES\\_10.24.078PAOVVEPR](https://library.municode.com/ca/long_beach/codes/municipal_code?nodeId=TIT10VETR_CH10.24PAES_10.24.078PAOVVEPR)
19. Pacific Grove – PGM 16.40.045 (“It shall be unlawful to park any trailer or oversize vehicle on any public street, highway, roadway, alley, parking lot, or other public place between the hours of 10:00 p.m. to 5:00 a.m.”) <https://www.codepublishing.com/CA/PacificGrove/#!/PacificGrove16/PacificGrove1640.html#16.40>
20. Pacifica – PMC 4-7.1405 (“No person shall park, stand, or store any motor vehicle, semitrailer, trailer, camper, recreational vehicle, or boat on any public property, unless such property has been officially designated for such purpose by the governmental entity which owns the property.”) [https://library.municode.com/ca/pacifica/codes/code\\_of\\_ordinances?nodeId=TIT4PUSA\\_CH7TR](https://library.municode.com/ca/pacifica/codes/code_of_ordinances?nodeId=TIT4PUSA_CH7TR)
21. Huntington Beach – HBMC 10.44.060 (“Except as provided herein, no person shall park or leave standing upon any public highway or alleyway: A. Any motor vehicle, over 22 feet long or 84 inches wide, including, but not limited to, buses, motor trucks, trailers, vehicles used or maintained as farm machinery or a special purpose or equipment machine, any non-motorized vehicle such as a semitrailer, recreational vehicle trailer, watercraft trailer, trailer, trailer coach, utility trailer, unattached trailer, motorcycle trailer, two or more axle camper, or one axle camper, over 84 inches wide, measured from the extreme forward/widest point to the extreme rear point. Measurements shall include extensions and/or attachments. ... B. Recreational vehicles of any size are not permitted.”) See: [https://library.qcode.us/lib/huntington\\_beach\\_ca/pub/municipal\\_code/item/municipal\\_code-title\\_10-chapter\\_10\\_44-10\\_44\\_060](https://library.qcode.us/lib/huntington_beach_ca/pub/municipal_code/item/municipal_code-title_10-chapter_10_44-10_44_060)
22. Santa Monica – SMMC 3.12.860 (Between the hours of nine p.m. and six a.m. on any public street or alley in the City no person shall park any hitched or unhitched trailer of any size, or any vehicle of which any part of the vehicle, together with all fixtures, accessories or property with the exception of single post radio antennas, measures more than eight feet in width, or eight feet in height, or twenty feet in length, unless such person shall have a permit for such trailer or



vehicle.”) See: [http://www.qcode.us/codes/santamonica/view.php?topic=3-3\\_12-3\\_12\\_860&frames=on](http://www.qcode.us/codes/santamonica/view.php?topic=3-3_12-3_12_860&frames=on)

23. Half Moon Bay – HMBMC 10.37.020 (“No person shall park or leave standing upon any public street or highway any oversize vehicle or nonmotorized vehicle at any time between the hours of 2:00 a.m. and 5:00 a.m.”) See: <https://www.codepublishing.com/CA/HalfMoonBay/html/HalfMoonBay10/HalfMoonBay1037.html#10.37.020>
24. Oceanside – OCO 10.28 (“No person shall park or leave standing an oversize vehicle or non-motorized vehicle or unattached trailer upon any street between 2:00 a.m. and 6:00 a.m.”) See: [https://library.municode.com/ca/oceanside/codes/code\\_of\\_ordinances?nodeId=OCTRCO\\_ARTX\\_STSTGEPARE\\_S10.28PAOVVEUNTRRE](https://library.municode.com/ca/oceanside/codes/code_of_ordinances?nodeId=OCTRCO_ARTX_STSTGEPARE_S10.28PAOVVEUNTRRE)
25. Santa Cruz County – SCCC 9.70.620 (“It shall be unlawful to park a mobile home or recreational vehicle overnight upon any highway, street or alley, including the right-of-way, except for emergency purposes.”) See: <https://www.codepublishing.com/CA/SantaCruzCounty/#!/SantaCruzCounty09/SantaCruzCounty0970.html#9.70.620>
26. Malibu – MMC 10.18.030 (“Non-commercial oversize vehicles and trailers may park along public streets for only two hours between the hours of 12:00 a.m. and 5:00 a.m. before the vehicle must be moved at least one thousand (1,000) feet from the location it was parked.”) See: <https://qcode.us/codes/malibu/>

















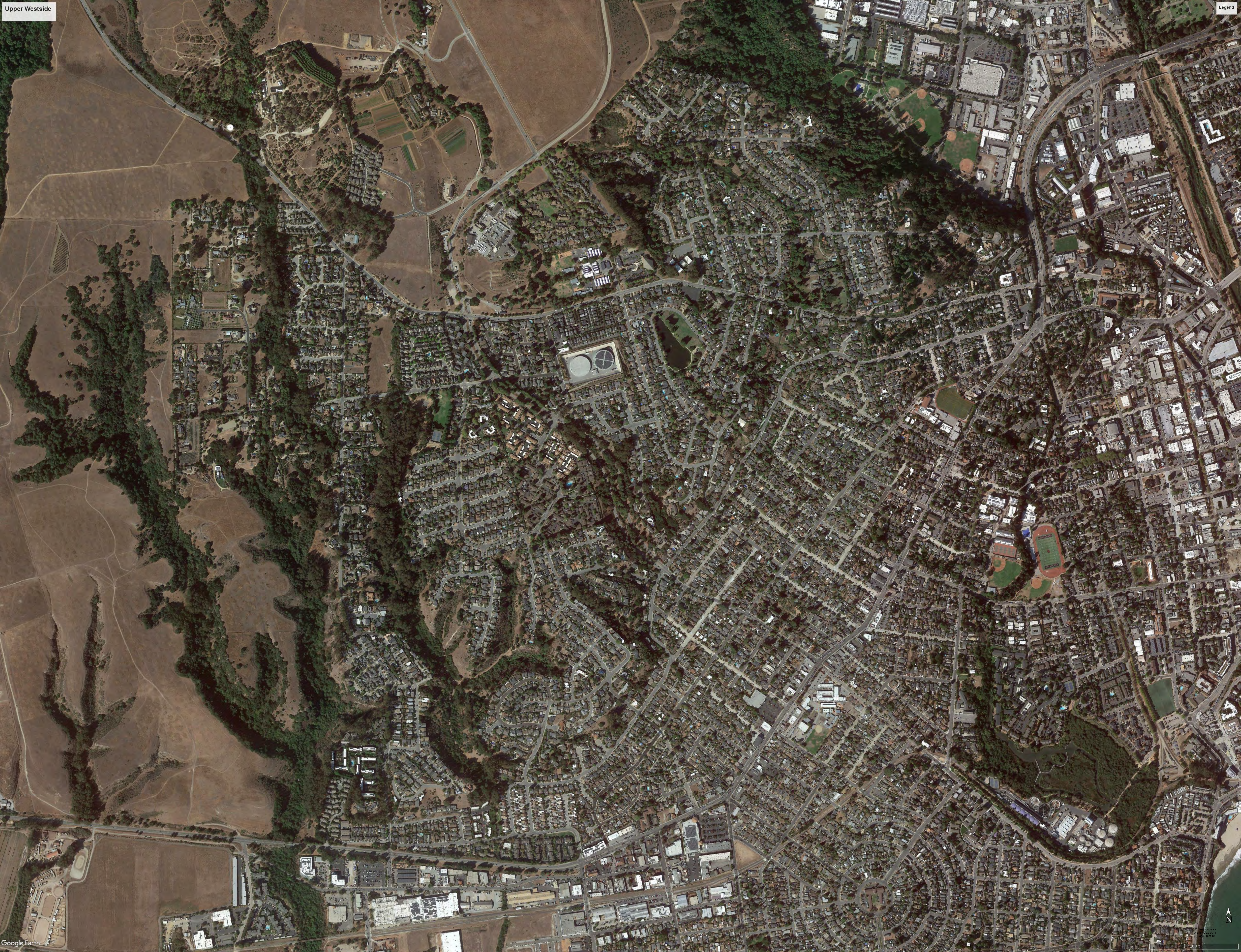














**Photo Documentation of Oversized Vehicle (OV) Conditions and Implications in the City of Santa Cruz**

A current Safe Parking Program participant:



Delaware Avenue and Natural Bridges, in the Coastal Zone and mostly in the Coastal Appeal Zone – materials next to or under various oversized vehicles, June 23, 2022:





Sidewalk access restricted and trash on ground (Delaware Avenue, June 23, 2022):



Trash on sidewalk restricting access and trash piled behind adjacent bushes (Delaware Avenue, June 23, 2022):







Items piled under OV (Delaware Ave., June 23, 2022)





Trash and belongings adjacent to sensitive habitat (Delaware Avenue, adjacent to Antonelli Pond (to the right in photo), across the street from Natural Bridges State Park, June 23, 2022):



Belongings piled in right-of-way and OV taking up substantial space in the right-of-way (Delaware Avenue, adjacent to Natural Bridges State Park, June 23, 2022):





Mission Street Extension (June 23, 2022)



RV cantilevered out and restricting sidewalk access (June 23, 2022):





Delaware Avenue, in the Coastal Zone and Coastal Appeal Zone – trash adjacent to a oversized vehicle (June 22, 2022):



Delaware Avenue, in the Coastal Zone and Coastal Appeal Zone – materials spilling out and thrown out from an oversized vehicle onto adjacent right-of-way and private property, while City pays for free dumpster a half mile away (February 5, 2022):

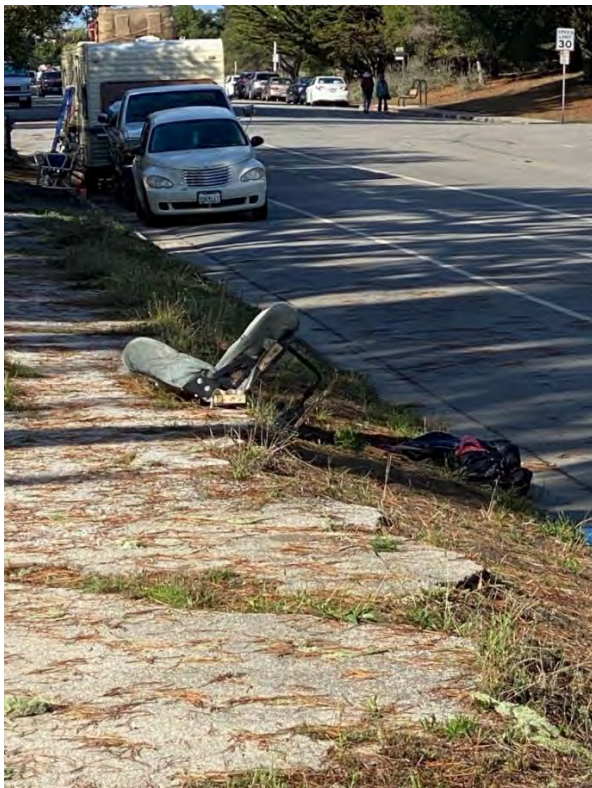




Mission St. Extension, debris piled next to and against an oversized vehicle:



Delaware Avenue in Coastal Zone and Coastal Appeal Zone, debris in foreground and background associated with oversized vehicles:





Natural Bridges Drive in Coastal Zone and Coastal Appeal Zone, debris tossed out of vehicle and blocking sidewalk access:



City-provided dumpster at corner of Delaware Avenue and Schaeffer Road:





Additional photographs of OV's (many of which are in the Coastal Zone):

























Dumping of blackwater tank into storm drain on a private road, where it made its way to a storm drain leading to the Monterey Bay. This location is adjacent to Delaware Avenue, where oversized vehicles regularly park. The private property owners had to pay a company specializing in biohazard clean-up to address the illegal dumping. (Photos taken April 12, 2021)





**From:** [Tom](#)  
**To:** [Ford\\_Kiana@Coastal](mailto:Ford_Kiana@Coastal)  
**Subject:** Fwd: Santa Cruz Oversize Vehicle Ordinance  
**Date:** Saturday, June 18, 2022 8:27:41 PM

---

>

> I would like to express my support of the Oversize Vehicle Ordinance recently passed by the City Council in Santa Cruz.

>

> Unlimited parking for oversized vehicles in raises a number of public health and safety issues. The city Council has considered this measure thoroughly and has put together a plan to address these issues. Upholding the appeal by the ACLU and Santa Cruz Cares is not the solution.

>

> Thank you,

> Thomas Gordon

> Santa Cruz resident

>

> Sent from my iPad...excuse typos.

>



**From:** [leslie wooding](#)  
**To:** [CentralCoast@Coastal](#)  
**Cc:** [Ford, Kiana@Coastal](#)  
**Subject:** Keep Santa Cruz OVO  
**Date:** Sunday, June 19, 2022 5:00:24 PM

---

Regarding Santa Cruz OVO: please help us keep the existing OVO as written. There is a very lowd minority fighting to let vehicles park everywhere, but the OV's do not have the same responsibility for the neighborhoods that the more permanent residents housed residents have. There is a much higher rate of crime (littering, dumping, theft, noise complaints) coming from the people living in the vehicles than from more permanent tax-paying neighbors who are fully invested in living in Santa Cruz. Working taxpayers don't have time to get involved, however homeless advocates such as the homeless union and Food not Bombs spend a lot of time denouncing the OVO as unfair. I believed if we could poll Santa Cruz, by far most people do not want people living in a vehicle outside their homes.

Let's use common sense. Not everyone can live in Santa Cruz and we cannot have the streets lines with people living in their vehicles. Please support our OVO!

kind regards,  
Leslie Wooding  
santa Cruz resident  
Co-director San Lorenzo Park Neighbors  
831-888-6840



**From:** [Nancy Maynard](#)  
**To:** [Ford, Kiana@Coastal](#)  
**Subject:** Parking along the coast. Santa Cruz. Help  
**Date:** Saturday, June 18, 2022 8:00:47 PM

---

Areas of the coast in our county have become overrun with cars and campers that people are living in. The city and county are doing nothing... meanwhile trash and fluids are left nearby. The problems keep growing. The commission needs to do something about this. It cannot fix itself. Our coast is special and needs protecting. Time to take charge

Thank You  
Nancy Maynard  
Santa Cruz, Ca