

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



Th14a

A-3-STC-22-0018 (NIGHTTIME OVERSIZE VEHICLE PARKING RESTRICTIONS, Santa Cruz)

JULY 14, 2022 HEARING

EXHIBITS

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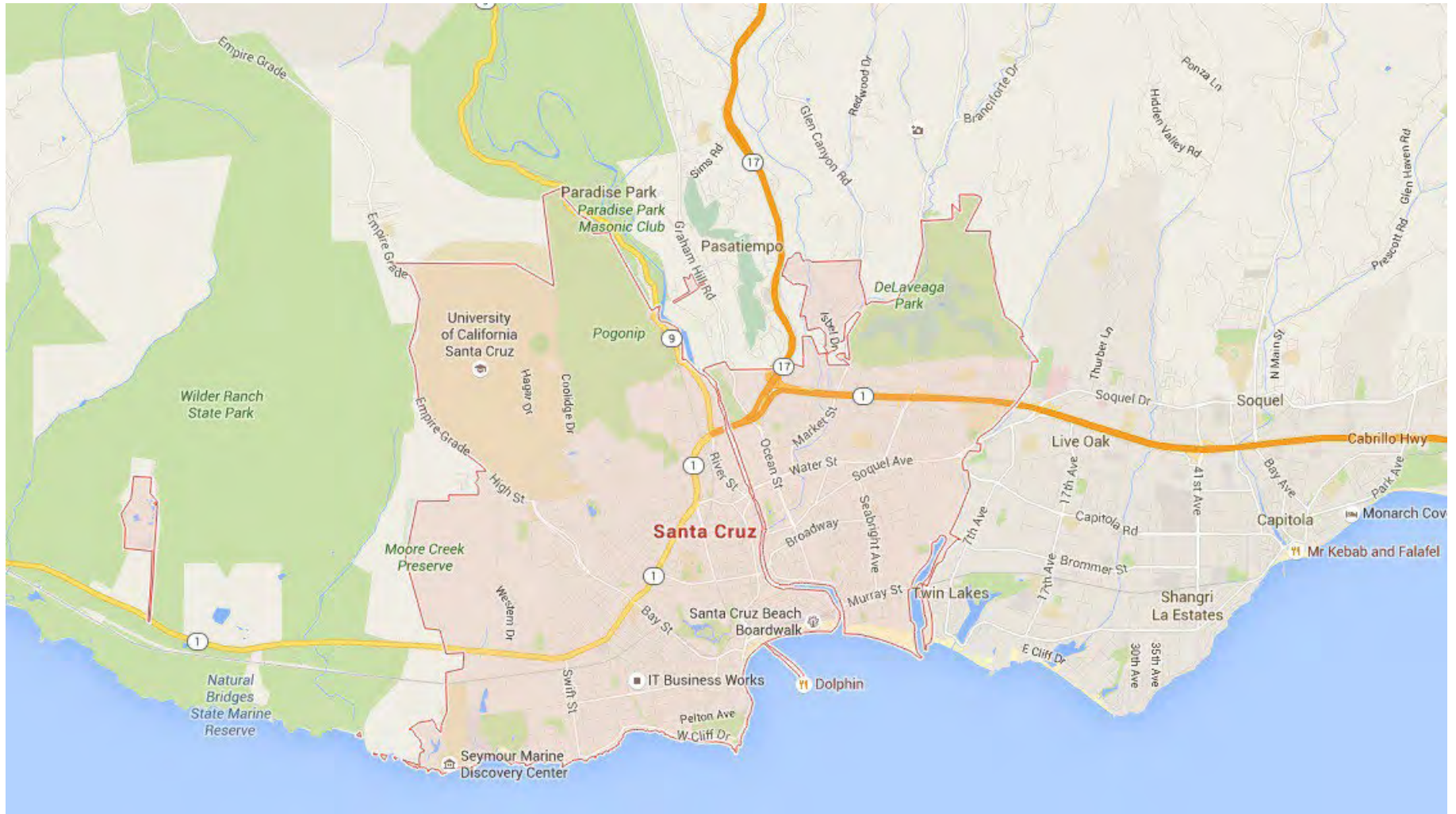
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ZONING ADMINISTRATOR AGENDA REPORT

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DATE: December 16, 2021

AGENDA OF: January 5, 2022

ITEM NO.: CP21-0174

City-Wide

RECOMMENDATION: That the Zoning Administrator acknowledge the environmental determination and approve the Coastal and Design Permits based on the Findings listed below.

PROJECT DATA

Property Owner:	City of Santa Cruz
Representative:	Lee Butler, Deputy City Manager
Application Type:	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 licensed and registered in the City of Santa Cruz.
Zoning Designation:	City-wide
Project Consistency:	Section 10.40.120(m) of the Santa Cruz Municipal Code authorizes City-operated or City-sponsored safe parking locations on public and private properties
General Plan:	City-wide
Project Consistency:	NA
Land Use:	
Existing:	Public parking
Proposed:	Public parking
Parking:	Number of spaces does not change
Coastal Review:	Coastal Permit required
Environmental Review:	Categorical Exemption: 15282-(j); 15301 Class 1-c, g; 15307; 15308 and 15061(b).
Mandatory Action Date:	60 days after acknowledgement of Environmental Exemption
Planner:	Michael S. Ferry

PROJECT DESCRIPTION

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. Staff is required to return to Council 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.

The staff report and attachments that went to the City Council for approval of Ordinance No. 2021-20 and the motion to implement the safe parking program are attached to this staff report.

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, and parking restrictions are not specifically exempted in the LCP. Section 24.08.410-12 of the Zoning Ordinance requires approval of a Design Permit for public projects located in the Coastal Zone. The Design Permit also serves to authorize safe parking locations on public and private properties outside the Coastal Zone, as 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.

ANALYSIS

This 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.

In the first eight months of 2021, there were at least 15 emergency calls for service to 911 that were 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

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2020, 2,243 abatement notices were issued, 197 vehicles were towed, including 20 which were oversized vehicles or camper vans. 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. 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.

Community input regarding the challenges and impacts of oversized vehicle parking have been substantial. 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. 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 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 and Santa Barbara.

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. In addition to the safe parking allowances on sites used for religious assembly, 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 identified as available in the City in 2015.

The ordinance amendment and policy direction is to provide parameters on time, place, and manner of parking of oversized vehicles on City streets in order to address environmental and

public health impacts. A three-tiered safe parking framework to support individuals living in their vehicles includes the following:

- a) Emergency overnight safe parking on City owned parcels for a minimum of three vehicles has already 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.
- 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.

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.

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.

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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. In conjunction with the proposed ordinance, a safe parking framework is proposed. Site locations would 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). 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. 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 any 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 take into account the 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 Safe Parking Program.

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 the conditions above have not been met or if it is determined that a use has impacted availability of public parking spaces such that public parking is not otherwise available in the location where the safe parking program is being operated, then the City shall propose modifications to operations so as to remedy those situations. A copy of the report shall be submitted to the Executive Director of the Coastal Commission for review and approval. If the

Executive Director determines that the safe parking program is negatively impacting public access, then the program shall be modified to eliminate such impacts, or mitigate then to the maximum extent feasible as directed by the Executive Director, including but not limited to elimination of the safe parking program in the Coastal Zone.

The safe parking framework will take a three-tiered approach.

- Emergency Safe Parking spaces - A minimum of three emergency safe parking spaces has already been provided. 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.
- 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.
- 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, and (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).

Additional Supports

After analyzing the best practices in other communities, members of the community suggested some ideas to bring forward that they would initiate. These include:

- A voucher Program for Oversized Vehicle Wastewater Dumping. Developing and funding a voucher program for Santa Cruz city residents residing in oversized vehicles, with a partial or full subsidy of the \$15 dump fee at the nearest dumping station.

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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.

Staff continue to analyze the best approaches for facilitating black water dumping into approved locations/facilities. Currently, the closest public black water dump site is 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.

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. 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.

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 reduce the likelihood of human waste entering the storm drain system or contaminating the nearby environment.

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

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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.

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 an oversized vehicles permitting system that limits the total amount of time any oversized vehicles parks their vehicle on the City's right-of-way, streets, and off-street parking lots. A three tiered safe parking program has also been approved 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 abates the noted impacts, the ordinance revision is an attempt to balance the needs of parking access with our community's quality of life and environmental resources that are being affected by oversized vehicles.

RECOMENDATION

Staff recommends approval of the Coastal Development and Design Permits based on the attached Findings.

FINDINGS

Coastal Permit, Section 24.08.250**1. Maintain views between the sea and the first public roadway parallel to the sea.**

The ordinance revision will not affect coastal views. This ordinance is expected to enhance views by regulating overnight parking of oversized vehicles adjacent to the coast. 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 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. 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 safe parking facilities are consistent with the General Plan, all Area Plans and Local Coastal Plan in that it implements many of the public safety and environmental protection policies from those plans. 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 well outside of the mapped "high impact" parking areas which will enhance coastal access by increasing the available parking that used to be occupied by RVs. 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. There are numerous 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. 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.

Safe 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. The safe parking facilities located within the Coastal Zone 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. Bona fide recreational access to the beach will not be impacted.

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 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 depending on the location, blackwater pumping facilities. 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 will enhance coastal access by providing a cleaner and safer environment for the general public, in part by minimizing litter and black water dumping. 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 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 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 will not adversely affect views of the coastline. 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 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. 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 will not affect 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 is consistent with the policies of the Local Coastal Program, the General Plan and the California Coastal Act in that the ordinance amendment will result will benefit the community along stretches of the coast that are currently impacted by black water dumping, littering, and other nuisance issues. 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 will result will benefit the community along stretches of the coast that are currently impacted by black water dumping, littering, and other nuisance issues. 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, 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 finding is not applicable.

- 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 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.**

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.

- 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.**

This finding does not apply.

AGENDA REPORT

ZA Meeting of January 5, 2022

SUBJECT: Regulation of oversize vehicles and safe parking program– Application No. CP21-0174

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- 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.

Submitted by:

Approved by:

Michael S. Ferry, AICP
Senior Planner

Ryan Bayne
Senior Planner

Attachments:

1. October 26, 2021 City Council Agenda report
2. Ordinance oversized vehicles - clean
3. Ordinance oversized vehicles – track changes
4. Snapshot of volunteer vehicle abatement data 9-2020 to 6-2021
5. West Cliff pilot parking analysis, 2018 & 2019
6. Public Safety Task Force recommendations
7. Santa Cruz Community Advisory Committee on Homelessness final report, August 2020



Dept. of Planning and Community Development
809 Center Street, Room 206
Santa Cruz, CA 95060
(831) 420-5100

**Notification of Final Local Action
on Coastal Permits**

RECEIVED

Date: April 14, 2022

To: California Coastal Commission
Central Coast District
725 Front St., Ste 300
Santa Cruz, CA 95060

APR 22 2022
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

From: City of Santa Cruz Planning Department

**FINAL LOCAL
ACTION NOTICE**

Please be advised of the following actions:

☒ **Zoning Administrator hearing of:** January 12, 2022.
(date)

☐ Local appeals **have not** been filed on the following case:

☒ Local appeals **have been** filed on the following case:

File No: CP21-0174

Address: CITY-WIDE

☐ Adopted findings and conditions are attached.

☒ Were previously submitted.

☒ **Planning Commission hearing of:** March 3, 2022.
(date)

☒ Local appeals **have not** been filed on the following case:**

☐ Local appeals **have been** filed on the following case numbers:

File No.: CP21-0174 Address: CITY-WIDE

☒ Adopted findings and conditions are attached.

☐ Were previously submitted.

☒ **City Council hearing of** April 12, 2022.
(date)

☐ Local appeals **have not** been filed on the following case:

☐ Local appeals **have been** filed on the following case numbers:

File No.: CP21-00174

Address: CITY-WIDE

☒ Adopted findings and conditions are attached.

☐ Were previously submitted.

☐ This project is not appealable to the California Coastal Commission. Section 24.04186.

Exhibit 3

**Planning Commission's decision to approve application was called up by a City Council Member pursuant to Section 24.04.175 of the Local Coastal Program

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
809 Center Street ~ Room 101 ~ Santa Cruz, CA 95060 ~ (831) 420-5100

ZONING PERMIT

PROJECT #: CP21-0174

OWNER: City of Santa Cruz

APN(s)/Address(es): CITY-WIDE

The following permit(s) was/were approved on by the and will be effective on unless appealed. If the final day for filing an appeal (ten calendar days following the approval date) occurs on a weekend day or holiday, the final filing date shall be extended to the following workday. If no appeal is filed, the effective date shall be the day after the final appeal filing date.

☒ Coastal Permit*

☒ Design Permit

By: -

Michael Ferry, Senior Planner

This permit is issued to the owner of the property. In executing this permit, applicant/owner agrees to comply with all terms of permit(s), including conditions of approval, if any. Permit must be exercised within 36 months of date of issuance (above) unless otherwise indicated in conditions of approval. See reverse for information regarding appeals and property reassessment.

* Coastal Permit - This Coastal Permit **is appealable** to the California Coastal Commission following appeal to the Planning Commission and City Council. Appeals must be filed within ten (10) working days after final action by City Council. There is no fee. Appeal forms are available in the Regional Office of the Coastal Commission: 725 Front St, Suite 300, Santa Cruz CA 95060.

In accordance with Chapter 24.04 of the Santa Cruz Municipal Code, any interested person may appeal a final action of a hearing body or staff. Appeal of a decision of the City Planning Director or the Zoning Administrator must be made to the Planning Commission through the Planning Department. Appeals of a decision of the City Planning Commission or Historic Preservation Commission must be made to the City Council through the City Clerk. All appeals must be made in writing and state the nature of the application and the basis upon which the decision is considered to be in error. Appeals must be accompanied by the required appeal fee. **Appeals must be received no later than ten (10) calendar days following the action from which the appeal is being taken. If the tenth day falls on a weekend or holiday, the appeal period is extended to the next business day.

Whenever any permit is denied or withdrawn, no new application for the same or substantially the same project may be filed for a period of one year from the date of said denial or withdrawal. Where an application has been denied without prejudice, application for the same or substantially the same project may be filed within said period of one year.

In accordance with Section 65863.5 of the Government Code, a copy of this permit has been sent to the County Assessor. It is the Assessor's duty, under Section 402.2 of the Revenue and Taxation Code, to reassess the property to the extent permitted by law. If, after receiving your notice of assessment, your opinion of value differs from the Assessor's valuation, you have the right of protest and appeal. Contact the Assessor's Office immediately to discuss the valuation. If there is still a difference of opinion, you may request a hearing before the Assessment Appeals Board. Application for such hearing must be filed in writing with the Clerk of the County Board of Supervisors, County Courthouse, 701 Ocean St, Santa Cruz CA 95060, between July 2 and August 26 of each tax year.



PLANNING COMMISSION AGENDA REPORT

AGENDA OF: March 03, 2022

DATE: February 25, 2022

PROJECT NO: CP21-0174

CITY WIDE

RECOMMENDATION: That the Planning Commission deny the two appeals, uphold the Zoning Administrator's acknowledgement of the environmental determination, and approve the Coastal and Design Permits based on the findings listed below and the Conditions of Approval attached in Exhibit A.

PROJECT DATA

Property Owner: City of Santa Cruz
Representative: Lee Butler, Deputy City Manager

Application Type: Appeal of the Zoning Administrators approval of a 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 licensed and registered in the City of Santa Cruz.

Zoning Designation: City-wide
Project Consistency: Section 10.40.120(m) of the Santa Cruz Municipal Code authorizes City-operated or City-sponsored safe parking locations on public and private properties

General Plan: City-wide
Project Consistency: NA
Land Use:

Existing: Public/private parking
Proposed: Public/private parking

Parking: Number of spaces does not change and will be evaluated on a case-by-case basis for sites where the designated safe parking spaces are required for other uses

Coastal Review: Coastal Permit required

Environmental Review: Categorical Exemption: 15282-(j); 15301 Class 1-c, g; 15307; 15308 and 15061(b).

Mandatory Action Date: 60 days after acknowledgement of Environmental Exemption

Exhibit 3

AGENDA REPORT

Planning Commission Meeting of March 3, 2022

SUBJECT: **Oversize Vehicle Ordinance Implementation – Project No. CP21-0174**

PAGE 2

Planner:

Michael S. Ferry

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.
- 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.

The staff report and attachments that went to the City Council for approval of Ordinance No. 2021-20 and the motion to implement the safe parking program are attached to this staff report.

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, 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, as further discussed below in the Analysis section of this report.

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 5th, 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 12th 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

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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 licensed and registered in the City of Santa Cruz. On January 14th, an appeal was filed by Reggie Meisler on behalf of Santa Cruz Cares and the item was subsequently scheduled for the February 17th Planning Commission meeting. On January 25th, 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.

The hearing on the Coastal and Design Permits is de novo, meaning that the applications are considered anew. With two appeals, the Planning Commission will consider both as part of a single item and will act on the application request and the two appeals together. Planning staff and the City Attorney's office comprehensively address the various issues raised in both appeals in the following section. 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.

ANALYSIS

The attached staff reports for the January 2022 Zoning Administrator hearings contain a substantial amount of information related to the description and analysis of the project. Some of that information is reiterated at the end of the Analysis section, while the beginning of the Analysis section focuses on the appeal letters and the City's responses thereto.

The first appellant, Reggie Meisler representing Santa Cruz Cares, states:

The Zoning Admin misunderstood the nature of this ordinance as intended to "help" the houseless, which the admin stated as such before passing it. Given that the services stood up by this ordinance before its enforcement are nowhere near sufficient to serve the population currently living in Santa Cruz (Even by city staff estimates it would serve less than 50%), I think this clearly demonstrates that the priority of this ordinance is to criminalize those living in vehicles, not to serve them. An ordinance meant to serve them would focus on delivering services and security to all vehicle dwelling residents the city knows about prior to enacting enforcement of vehicle sleeping bans which would result in majority harm of this population through the mass-scale separation of people from their shelter.

Neither the proposed Coastal Permit nor the proposed Design Permit would serve to criminalize the act of living in vehicles. Rather, the Coastal Permit will authorize implementation of parking restrictions for oversized vehicles during the hours of midnight to 5:00 a.m., violations of which would result in a parking ticket (Section 10.40.120(o)), not a criminal offense, and 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 currently exist (though a limited number of parking spaces have and are being offered to non-profits for their use in private safe parking programs). 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

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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.

The proposed conditions of approval tie the enforcement of the midnight to 5:00 a.m. parking restrictions to the implementation of the safe parking facilities, so that, coupled with the fact that the midnight to 5:00 a.m. parking restrictions cannot be enforced if a person and vehicle are eligible for a safe parking program but insufficient capacity exists in said program (Section 10.40.140(g)(7)), ensures that the act of sleeping in a vehicle is not criminalized.

The first appellant, Reggie Meisler representing Santa Cruz Cares, goes on to state:

Similarly, I had a concern about the ordinance during the meeting that the Zoning Admin clearly misunderstood. My concern was about CZU victims not being allowed to park in their friends and family member's private home driveways or in their backyards, due to how OVO is written and the CSSO provision (6.36.030(a)(4)) to which it is bound. After I asked my question, the Zoning Admin asked the City Manager's representative about CZU victims being able to park on private commercial parking lots. The City Manager's answer to that question was also made in error, in which he stated that they do not create any legal barriers to parking in private commercial parking lots. OVO clearly states in 10.40.120(e)(4) that:

"The oversized vehicle shall not be used for camping, lodging, residing or for accommodation purposes. Nothing in this section shall be construed to permit sleeping or camping in a vehicle as prohibited by the Santa Cruz Municipal Code."

The above statement thus ties the regulations of OVO to the regulations stated in CSSO, which formulates a variety of restrictions on camping, either in vehicles or tents, on private commercial property (6.36.030). This means the City Manager's representative was speaking in error and the Zoning Administrator clearly did not know that this was the case.

Because of the misinformation present during this discussion, we believe that another meeting should be had in which this policy can be scrutinized from a more accurate perspective.

In citing Section 10.40.120(e)(4) of the SCMC, the appellant is referencing the 2015 version rather than the 2021 version of the SCMC, and said language does not appear in the current, 2021 version of the ordinance. In conveying this to the appellant, the appellant indicated that he "amend[s] that issue with the notion that OVO specifically attempts to provide permits to motels/hotels but "only" to paying guests, implying that they are explicitly targeting hotels/motels who might want to have solidarity with our unhoused neighbors in vehicles and allow them to use their unused parking spaces for free." Staff's response is that the oversize vehicle permits issued to hotels would provide authorization for guests of the hotels to park on-

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street. Nothing in the ordinance precludes a hotel located in a non-residential district from authorizing oversized vehicles to park on their property pursuant to SCMC Section 6.36.030.

Section 24.10.120(m) allows safe parking program sites on public and private properties. Section 6.36.030(a) allows, with no permitting necessary, camping inside motor vehicles in religious assembly use parking lots, business parking lots in non-residential districts (including motels), and in residential driveways, subject to compliance with various provisions stated therein, such as addressing sanitation and nuisance issues. Further, Section 10.40.120(g)(6) states that the midnight to 5:00 a.m. parking restriction does not apply during a non-pandemic related state of emergency declared by the City Council. These provisions are all intended to provide safe parking options for oversized vehicles, both during and outside of emergency situations such as the fires of 2020.

The first appellant, Reggie Meisler representing Santa Cruz Cares, goes on to state:

Now, in considering how this ordinance conflicts with the City of Santa Cruz's General Plan, I would like to cite the mismanagement of CD2.2 (Work with local groups when planning significant public improvements for their neighborhoods and districts), in particular CD2.2.2 (Engage the public in long range planning projects including Area Plans and General Plan updates), as well as CC1.1 (Facilitate the participation of residents, citizen commissions, and other groups in local government decision-making) .

As we saw with the failure of TOLO, so too did the city fail to adequately engage with the public on the development of OVO, which is full of complexity when applied to houseless individuals, given it's indirect connection to regulations cited in CSSO. The city did not reach out to houseless community members in a significant way when developing this policy (as evidenced by the lack of knowledge of this ordinance's existence, discovered by Santa Cruz Cares after canvassing folks living in vehicles off of Delaware, shortly after the ordinance was passed), nor did they reach out to neighborhoods who regularly allow oversized vehicles to park on their street without complaint (My current neighborhood of 3+ years, just off Grandview & Mission, is an example of a tolerant neighborhood that is no longer allowed to be tolerant due to the strict wording of OVO & CSSO). Coupled with the incorrect comments made by the City Manager's own representative in the Zoning Administration meeting, as mentioned above, it seems clear that the effects of this ordinance are not only not fully known to the public (a failure of the goal of CC1), but possibly to city staff as well.

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

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number of individuals who either were or had been unhoused. Over the course of a year, the CACH held approximately 16 public meetings¹ 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 hearing² 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 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

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

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

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Planning Commission Meeting of March 3, 2022

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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 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.

The first appellant, Reggie Meisler representing Santa Cruz Cares, goes on to state:

I would also like to cite CD2.4 (Improve neighborhood quality and housing through rehabilitation and code enforcement). Given that the underlying issue of poverty behind vehicle homelessness is not actually being dealt with in the OVO, it's clear that people will continue to sleep in their vehicles, and simply be subjected to ever growing cruelties for doing so. Therefore CD2.4.3, for instance, which seeks to increase funding for code enforcement, which I'd imagine is being informally considered as part of CSSO & OVO, will not produce the desired result of CD2.4. In the spirit of the goal behind CD2.4 however, a better approach to improving neighborhood quality than OVO could be to use the county funds for homeless infrastructure to build a local gray water treatment site and formalize the concept of neighborhood contracts between housed neighbors and folks living in vehicles on their blocks. Contract disputes could then be mediated through neighborhood courts. Community groups could then better help fill the gaps, where necessary.

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 currently exist (though a limited number of parking spaces have and are being offered to non-profits for their use in private safe parking programs). 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).

The first appellant, Reggie Meisler representing Santa Cruz Cares, goes on to state:

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I'd also like to cite CC3.9 (Sustain long-term fiscal stability). It's clear that there has not been any fiscal considerations attached to the OVO regarding potential constitutionality lawsuits, nor a fiscal impact study as to the cost of enforcing the OVO without adequate tow yard capacity. This seems odd given that Section 4 of OVO puts forward a Severability clause which accounts for parts of this ordinance being found unconstitutional, implying that the members of city staff who drafted this plan were well aware of potential constitutionality lawsuits being upheld against this ordinance, but did not cite those dangers as potential fiscal impacts.

*Further investigation should find this oversight particularly galling given the fact that representatives of Disability Rights California, the ACLU, and the Santa Cruz Homeless Union sent letters to council during its public readings suggesting the likelihood of legal challenge if OVO or CSSO were to be enforced. The City of Santa Cruz would be unlikely to successfully defend these ordinances in court, if challenged, given the federal court ruling of *Martin v Boise*. Mountain View, CA also demonstrates that more legal precedents may soon come to pass which could be used to challenge OVO. Last year, houseless activists in Mountain View filed a lawsuit against their city in hopes of overturning an RV parking ban. Though the judge did not strike down that ban, they also refused to dismiss the lawsuit. In doing so, the judge signaled that, when this law is first used to actually remove someone from their vehicle-shelter, it could indeed be legally challenged, resulting in the city not only overturning parts of these ordinances but also paying out damages sustained in the removal of people from their vehicle-shelter.*

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. The City Attorney's Office has been regularly consulted on the legality of the ordinance. The severability clause contained in the ordinance is standard and included in many City ordinances. 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 is not the constitutionality of the ordinance but whether the implementation of the parking regulations adversely impacts coastal access in a manner inconsistent with the LCP.

The second appellant, William S. Freeman, Senior Counsel representing the American Civil Liberties Union of Northern California ("ACLU") states the following regarding one of the appellants:

By this letter, the American Civil Liberties Union of Northern California ("ACLU"), Disability Rights Advocates ("DRA"), Abbi Samuels, Peter Gelblum, and Veronica Crow (together, "Appellants") demand the City of Santa Cruz ("City" or "Santa Cruz") rescind Ordinance 2021- 20 (the "OSV Ban Ordinance" or "Ordinance"), which effectively prohibits people from residing in "oversized vehicles ("OSVs") within the City. Pursuant to Santa Cruz Municipal Code ("SCMC") Sections 24.04.182-183, this letter also serves as a notice of appeal of the coastal permit issued by the Zoning Administrator on January 12, 2022 in support of the OSV Ban Ordinance ("Permit"). The Ordinance and the Permit violate the California Coastal

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Act and related environmental justice policies, and Santa Cruz's local plans (including its General Plan, Housing Element, Local Coastal Program, and Municipal Code). The Ordinance and Permit also violate the Federal and California Constitutions and Federal and State disability laws. If enforced, the OSV Ban and associated Coastal Permit would have a disproportionate impact on marginalized groups, driving people of color, people with disabilities, and low-income people out of the City.

The ACLU and DRA are civil rights organizations that have repeatedly written to the City to inquire about its treatment of unhoused people, including vehicularly housed people. The ACLU and DRA submit this appeal both as organizations and on behalf of all people whose rights would be harmed if the OSV Ban Ordinance and Permit were allowed to go into effect.

Abbi Samuels and Peter Gelblum are members of the Santa Cruz ACLU Chapter who have individually contested the City's OSV Ban. Ms. Samuels lives on the Westside and is a neighbor of many vehicularly housed people in the area. Mr. Gelblum owns an OSV and has parked within the Coastal Zone, including when evacuated due to recent wildfires.

Veronica Crow is a 70-year-old woman who lives in a recreational vehicle ("RV") next to the ocean in west Santa Cruz. Ms. Crow resides in her RV because she cannot afford housing rents in Santa Cruz on her fixed income. She has several disabilities, including chronic brain cancer and arthritis in her hands and knees. Due to her disabilities, she cannot stay in congregate-type shelters (which are full) as the increased noise and stimulus cause her headaches to be even more unbearable. Congregate shelters also fail to provide sufficient safety for her as a trans woman. She has attempted to secure "safe parking" with the Association of Faith Communities ("AFC") Safe Parking Program without success. She always strives to be a good neighbor, but she is harassed and ticketed by the City.

If the OSV Ban is allowed to go into effect, Ms. Crow fears it will be aggressively and repeatedly enforced against her. She would be unable to park her RV on any of the designated spots along West Cliff Drive because it will be too big, too close to an intersection, or in a prohibited overnight area. Thus, if she were unable to park her RV in the coastal zone due to the ordinance she would effectively be driven out of Santa Cruz and the coast, and would have to drive miles to get to the ocean every day. However, she would be unable to afford that because of prohibitive gas costs—driving her RV is very expensive as it gets just five miles per gallon. Furthermore, if she were in a safe parking program an unknown distance away from the beach, she would be dependent on it to be close enough to walk to the beach every day, notwithstanding her disabilities. Being fined for parking her RV would make it even more difficult for Ms. Crow to afford food and other necessities, and make the possibility of returning to fixed housing even farther out of reach. Being towed for accumulating multiple infractions under the OSV Ban would deprive her of all her possessions and leave her with no place to live, leaving her in the precarious prospect

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of living the streets. If she were forced to leave Santa Cruz, she would lose her hometown of eighteen years, access to support groups and friends, access to her doctors, and access to the coast.

Ms. Crow deliberately parks within a half-mile from the ocean. She walks along the beach and along the cliffs every day. She loves the water and used to surf. Her dog Eric also loves it— especially playing with other dogs at the dog beach. She has said that “the ocean is the only thing that keeps me sane.” She has always lived relatively close to the beach, claiming “the peace and tranquility are in [her] blood, giving [her] a sense of calm.” She used to take her daughter to the seashore frequently and said that it has always been part of her life. She says that once one has lived so close to the ocean and had it in one’s life, it is hard not to feel that way. She would not know what to do without access to it.

Ms. Crow is respectful of people who live in homes with coastal views, avoiding parking in front of their houses. However, she feels that she also has the right to coastal access, having lived next to the coast her whole life, having contributed to the community for over 70 years, and—most importantly—because the ocean is there for the public. She finds the RV Ban and homeowners’ complaints especially galling because coastal access is supposed to be a public right in California, and complaints from wealthy homeowners about RVs ruining their nice views and expensive homes overlooks the fact that one should not be able to buy up the coast in California.

With rising rents, the influx of new homeowners from Silicon Valley have brought in what Ms. Crow calls a “gated community ethos” that is anti-Californian and that takes away her one of her rights as a Californian—access to the coast. She feels she is being told, “You don’t deserve to be on the beach because you are poor,” an idea she sees as biased, prejudiced, and trying “to privatize the ocean.” She said that coastal access should not just be for people with money.

With regards to Ms. Crow’s access to services, the City’s safe parking programs will include low-barrier parking spaces that she can utilize. The Tier 3 safe parking spaces, for which the City has requested and received responses to a Request for Proposals, will not only provide safe parking spaces, but it will also provide case management that will help Ms. Crow connect with resources on a path toward securing housing. These case management services are traditionally handled by counties in California, not Cities, as state funding for such services is allocated to counties. However, recognizing the need and the overall lack of resources from the state, the City is dedicating funding towards these services that Ms. Crow could utilize. Similarly, the City is investing significant funding towards temporary shelter, including low barrier shelter, and case management services.

The appellant here expresses concern about an ability to access the coast; however, the permits at issue here would facilitate that very access by allowing for safe parking facilities to be located throughout the City, including in the Coastal Zone. The ordinance prohibits oversized vehicle parking between midnight and 5:00 a.m., so nothing in the ordinance would preclude Ms. Crow from parking in a suitable location – presumably the same location where she currently parks – during the 5:00 a.m. to midnight timeframe, thus access to the coast would remain available to her. Analysis of the

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locational restrictions is provided below, and it shows that daytime parking options for oversize vehicles would remain throughout the Coastal Zone. Nothing in the Coastal Act or Coastal Act policies requires that the City provide 24-hour access to live in parking spaces immediately adjacent to the coast, and parking access to allow recreation, which the Coastal Act does speak to, remains available in the Coastal Zone.

While the Coastal Act does not require 24-hour access to live in public parking spaces immediately adjacent to the coast, affordable housing options are a concern in California. The proposed ordinance and its implementation seek to balance this issue by offering safe parking locations, free of charge, for people residing in vehicles, and as noted elsewhere in this report, the City routinely supports publicly- and privately-initiated affordable housing development, including on City-owned properties.

The second appellant, William S. Freeman, Senior Counsel representing the American Civil Liberties Union of Northern California (“ACLU”) goes on to state the following:

According to the 2019 Santa Cruz County Homeless Point-in-Time Count (“Count”), there are 2,167 unhoused people in Santa Cruz County (“County”), including those who live in their vehicles.² 78% of all unhoused people in the County are unsheltered, with 69% of chronically homeless people in the County unsheltered. 44% of unhoused people in the County live on the streets or in an encampment; 15% live in a car, van, camper, or RV. Approximately half of the unhoused population in the County is in the City of Santa Cruz. In the City, the Count found 1,197 unhoused residents, 865 of whom were unsheltered (72%). The majority of unhoused people in the County were housed residents in the County for five or more years prior to their houseless status.

In terms of racial demographics, the County’s unhoused population is disproportionately Black and Native American. 33% of unhoused people in the County are Hispanic/Latinx, 8% are Black, and 10% are Native, as compared to 34%, 1%, and 1% of the general population in the County, respectively. 67% of unhoused people in the County are men and 33% are women.

In terms of disability, 39% of unhoused people in the County reported at least one disabling condition, with 32% reporting a history of mental illness, 30% reporting post-traumatic stress disorder, 26% reporting a physical disability, and 21% reporting chronic health conditions. 31% were employed. In comparison, 7.5% of the City’s general population under 65 reported a disability.

It is undisputed that Santa Cruz lacks sufficient housing, shelter, and parking for its unhoused residents. The City has failed to set up any safe parking on its own nor has it identified the exact number or location of safe parking by nonprofits.

The City has approved nearly every housing proposal that has come before it for at least the last four years, including a wide range of affordable housing projects. In fact, the City has directly approved or authorized construction of (through streamlining efforts such as AB 2162) at least 522 affordable

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housing units, including at least 231 supportive housing units since just November of 2020. Approximately 170 of those affordable units, including within that 43 supportive housing units, are on City-owned properties where the City is the applicant, with supporting non-profit development partners. With two years remaining in the cycle, the City has already met its 5th Cycle Housing Element targets in all income categories with the exception of Very Low Income, and with the projects pending in the pipeline and the certainty of the City-owned projects and other projects that have been awarded grant funding, the City also expects to meet its Very Low Income targets this cycle.

The City has also invested substantial sums of money toward services that support the unhoused and that offer them stable locations to sleep. The City currently offers spaces for more than 200 people to reside, 24/7, including locations at the Benchlands (in San Lorenzo Park) and a transitional community camp at 1220 River Street. The City is also paying for a 75-bed expansion of shelter capacity at the National Guard Armory, which will also offer 24/7 accommodations. And the City provides direct monetary support to the County's shelter program at the Armory building, which has capacity for 60 tents inside that building. The City also directly supports homeless shelter and services on Coral Street, for example, through below-market-rate rents and through investments like the bid release that was authorized by Council on February 8, 2022, which sets into motion the selection of contractors for the hygiene bay (restroom and shower) remodel at that location, estimated at approximately \$1.9 million.

The City has facilitated safe parking locations by not only allowing them to operate without the need for any City permits or oversight in religious assembly and business parking lots, but the City expanded 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 Association of Faith Communities (AFC) currently manages 20 safe parking spots in the City limits and has 5 new spaces coming on line in the near future. AFC also has 25 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 businesses do participate or at least have participated in such allowances, as complaints are received regarding such uses from time to time.

At 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. These programs are set up in City parking lots, and the safe parking programs are simply the City using the parking facility for what it was designed for – parking. Therefore, the subject Design Permit may authorize safe parking uses at locations not already designated for parking, and it establishes conditions that all safe parking facilities will abide

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by. However, the use of City parking facilities for safe parking does not, in and of itself, technically trigger the need for a Design Permit.

The second appellant, William S. Freeman, Senior Counsel representing the American Civil Liberties Union of Northern California (“ACLU”) goes on to state the following:

Unable to alleviate its affordable housing shortage, the City has, for many years, sought to expel unhoused persons from the City by attempting to make it so difficult and dangerous for them to survive that they will decide to move elsewhere to live. The City’s efforts have included issuing repeated citations for alleged violations of unconstitutional laws prohibiting sitting or lying down in public places, or being in public places during prohibited hours; severely limiting the availability of “sanctioned” campground space to areas that are prone to winter flooding, and preventing encampment in other parts of the city; aggressive enforcement of parking and other motor vehicle ordinances targeted at people living in recreational vehicles; and verbally and physically harassing unhoused persons.

The City disputes this characterization of the City’s response to homelessness over the past several years, and appellant has provided no evidence in support of such statements. See also responses above regarding the City’s efforts to support the unhoused.

The second appellant, William S. Freeman, Senior Counsel representing the American Civil Liberties Union of Northern California (“ACLU”) goes on to state the following:

Most recently on November 9, 2021, the City Council adopted Ordinance 2021-20, which amended various provisions of the SCMC relating to the parking of oversized vehicles, like RVs. The Ordinance prohibits the overnight (i.e., between 12:00 a.m. and 5:00 a.m.) parking of OSVs anywhere in the City, with narrow exceptions for OSVs owned by individuals who already own or rent real property and wish to park their OSVs adjacent to their homes. SCMC §10.40.120(a), (g). It also prohibits the parking of OSVs at any time in many locations that are open to parking for other vehicles, such as within 100 feet of a crosswalk, intersection, stop sign, traffic signal, or on any arterial street. SCMC §10.40.120(f). These “prohibited zones” of 100 feet—or one-third the length of a football field—occur multiple times on any given street segment, and are each five times as long as the 20-foot zones “prohibited zones” pertaining to the parking of other vehicles near the same street features. See SCMC §10.40.040. Moreover, the prohibition of parking “at any place within 100 feet of a...boulevard” appears to prohibit parking along the entire length of all “boulevards.” Elsewhere in the SCMC, “boulevard” is defined as “[a]n arterial street or parkway.” See SCMC 23.24.030.7. Thus, the Ordinance appears to prohibit OSV parking at any time along the entire length of many of the major thoroughfares in the City.

Section 10.40.120(g) contains a wide range of exceptions to the prohibition of oversized vehicle parking between the hours of midnight and 5:00 a.m., including but not limited to exceptions for a person and vehicle that are registered to participate in a safe parking, safe sleeping, transitional shelter,

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or other City-sanction program but that are unable to participate due to a lack of capacity (see SCMC 10.40.120(g)(7)); vehicles undergoing emergency repairs for 24 hours (SCMC 10.40.120(g)(3)); and vehicles displaying permits issued by a hotel or by the City to residents or guests.

The “boulevards” issue referenced above is a typographical punctuation error. The ordinance is intended to read “boulevard stop sign” – without the comma inadvertently included so that it currently reads “boulevard, stop sign” – meaning that 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.) The rationale for restricting oversized vehicle parking near intersections is that, because of their size, they could block visibility of oncoming traffic if parked in proximity to an intersection.

The second appellant, William S. Freeman, Senior Counsel representing the American Civil Liberties Union of Northern California (“ACLU”) goes on to state the following:

In addition, the Ordinance requires that a person living in an OSV may not “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 property...unleashed animals, and garbage.” §10.40.120(d). This subsection of the Ordinance does not define “unsafe” or “untidy;” does not delimit by any kind of measurement what is the “surrounding area;” and imposes on an OSV resident an obligation to clean up after anyone else who may choose to dump trash or debris in the vicinity of their vehicle. A violation of this provision is a criminal misdemeanor, which subjects the person living in the vehicle to arrest⁴ and is punishable by a fine of up to \$1,000 and imprisonment for up to 6 months. SCMC §4.04.010(5). A single violation also subjects the vehicle to towing under Cal. Vehicle Code § 22651(h)(i).⁵ In addition, under the Vehicle Code, an accumulation of as few as five parking citations can subject a vehicle to towing. Cal. Vehicle Code § 22651. Given the history of the City’s enforcement of other parking ordinances against RV residents, this section is a powerful weapon that is likely to be used aggressively as a means to unlawfully threaten and harass OSV residents.

Appellant’s quarrel with this provision appears to be that it does not provide enough guidance as to whether particular “surroundings” are sufficiently untidy as to constitute a violation. In this regard, however, the OSV is consistent with many other ordinances and laws, such as the California Penal Code, which criminalizes the maintenance of a public nuisance, which is defines a “public nuisance,” at section 370 as “ anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway.” Measured against the California Penal Code, the OVO is a model of specificity. Moreover, while proximity to a parked vehicle may only constitute circumstantial evidence of who placed litter and debris in an area, it is usually either directly observed or readily apparent based on the positioning of the waste or its piling against a parked vehicle. (See, for example, the photograph below, showing debris spilling from the vehicle and piling behind the

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vehicle's wheel.) Other photos below depict similar situations. The intent of the ordinance is to address a severe problem in the City of Santa Cruz, and to hold parties responsible where there is substantial evidence that the unsafe/unhygienic conditions are clearly attributable to a particular vehicle or person. This is actually a lower standard than is applied to homeowners, who are required to maintain the street tree and sidewalk adjacent to their residence.



Delaware Ave., Saturday afternoon, 2/5/22, several blocks from a dumpster available for those living in oversized vehicles.

The second appellant, William S. Freeman, Senior Counsel representing the American Civil Liberties Union of Northern California (“ACLU”) goes on to state the following:

The Ordinance provides that any person who parks an oversized vehicle such as an RV anywhere in the City between the hours of 12:00 p.m. and 5:00 a.m. is subject to punitive and excessive fines and towing, regardless of the unavailability of alternative shelter or a “safe parking” alternative within the City.

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The above statement is inaccurate. As noted above, Section 10.40.120(g) contains a wide range of exceptions to the prohibition of oversized vehicle parking between the hours of midnight and 5:00 a.m., including but not limited to an exception for a person and vehicle that are registered to participate in a safe parking, safe sleeping, transitional shelter, or other City-sanction program but that are unable to participate due to a lack of capacity. (See SCMC 10.40.102(g)(7). Additionally, the penalty for a violation that is related to the parking vehicles is a \$50 parking ticket. SCMC 10.40.120(o).

The second appellant, William S. Freeman, Senior Counsel representing the American Civil Liberties Union of Northern California (“ACLU”) goes on to state the following:

While the Ordinance makes passing reference to the possibility that the City “may” operate or sponsor a “safe parking” program to enable people living in RVs to park their vehicles safely on City-owned property, it neither requires the City to develop such a program nor makes the ability of the City to ticket and tow the homes of vehicularly housed persons conditional on the availability of any “safe parking” spaces or alternative shelter.

Appellant’s comment, above, conflates enforcement of the OVO with the City’s legal authority to ticket and, potentially, impound vehicles may be in violation of any number of state statutes or municipal code provisions. The purpose of the ordinance amendment and policy direction was to provide parameters on time, place, and manner of parking of oversized vehicles on city streets in order to address environmental and public health impacts, not on the issuance of tickets for violating the California Vehicle Code or the City’s Municipal Code. As part of its motion to adopt the OVO, Council directed the implementation of a three-tiered safe parking framework to support individuals living in their vehicles. This three-tiered approach would include emergency overnight safe parking on city owned parcels for a minimum of three vehicles, a safe overnight parking on city owned parcels or other non-residential approved spaces for a minimum of thirty vehicles throughout the city, and 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. As noted above, the City has already begun implementation of Tiers 1 and 2, with expansion of those tiers occurring in the coming weeks, and responses to a Request for Qualifications are being ranked as the next step in the implementation of the Tier 3 program.

Additionally, to address potential safe parking capacity issues which could arise, the prohibition against OSV parking from 12AM-5AM does not apply to “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).

The second appellant, William S. Freeman, Senior Counsel representing the American Civil Liberties Union of Northern California (“ACLU”) goes on to state the following:

This is not the first time the City has attempted, by the enactment of an ordinance, to expel persons living in RVs. In 2016, the City passed a similar OSV ordinance and

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approved a coastal permit, which never went into effect following a finding by the Coastal Commission of the existence of a "substantial issue." Like the prior iteration presented to the Coastal Commission in August 2016, the OSV Ban Ordinance and associated Permit unlawfully limit access to the coast, particularly for low-income people, people of color, and those with disabilities. And given the amendment of relevant legislation in 2016 authorizing both the "issuing agency" and the Coastal Commission to consider environmental justice principles, the Ordinance and Permit must be reconsidered. Pub. Res. Code § 30604(h). The City has not cured the deficiencies identified by the Coastal Commission. The Ordinance and Permit create an absolute overnight OSV ban city-wide, severely curtail daytime OSV parking, treat RV inhabitants differently than persons who dwell in fixed housing, and uniquely subject OSV residents to criminal liability for their undefined "surrounding area[s]." The repackaged OSV Ban and associated Coastal Permit are still supported by scant evidence of the link between purported harms and RV residents. Instead, there is a perpetuation of stereotypes about poor people. Nor is the ban narrowly tailored to address those harms. Similarly, there is little data or analysis on the number of OSV residents and the availability of alternative parking. The City still has no publicly-provided safe parking alternative and relies on vague aspirational expansion of privately run safe parking programs. Condoning the OSV Ban and associated Coastal Permit will only encourage the proliferation of these exclusionary policies across the state.

The City is, in fact, facilitating the establishment of or directly establishing safe parking locations, and the subject appeals are actually delaying the full implementation of such programs in the Coastal Zone. The 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 ensures that individuals who are forced to live in their vehicles by circumstances beyond their control have an alternative to unregulated parking on any City street.

The attached City Council reports on the Oversized Vehicle Ordinance contain information related to the effects of oversized vehicles, and observations of areas with concentrations of oversized vehicles readily provide evidence of the side effects, such as litter and trash, that regularly occur in these areas. Some of the recent photographs contained herein depict those situations. The appellant refers to this as a "ban" of oversized vehicles, which is inaccurate in that safe parking options are available and more will become available following the approval of the subject permits.

The associated 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.

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In the first eight months of 2021, there were at least 15 emergency calls for service to 911 that were 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. 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. It is important to note that these enforcement actions were primarily related to other specific Vehicle Code or Municipal Code violations, not merely the act of parking on City streets.

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 5 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 do participate or at least have participated in such allowances, as complaints are received regarding such uses 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 proposed midnight to 5:00 a.m. parking restrictions are narrowly tailored to only address the late night/early morning hours. 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

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and wastewater disposal. Additionally, the exceptions contained in SCMC 10.40.120 further narrow the applicability of the parking restrictions contained in SCMC 10.40.120(a).

The second appellant, William S. Freeman, Senior Counsel representing the American Civil Liberties Union of Northern California (“ACLU”) goes on to state the following:

Article X of the California Constitution guarantees the right of access to navigable waters for all people. The California Coastal Act Section 30210 mandates that “maximum access...and recreational opportunities shall be provided for all the people...” Additionally, Section 30312.5 provides that “public facilities, including parking areas or facilities, shall be distributed throughout an area.” Further, Section 30223 protects “upland areas necessary to support coastal recreational uses,” including parking areas. It is undisputed that the OSV Ban Ordinance and Permit would severely limit street parking opportunities for OSV residents without any guaranteed alternatives.

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.

With respect to the distribution of allowable daytime parking spaces in the Coastal Zone, some block lengths in the Coastal Zone exceed 1,500 feet, and many exceed 600 feet in length. Where blocks are 600 feet in length, the locational restrictions would still leave two thirds or more of such blocks available for oversized vehicle parking. Where blocks are not 600 feet in length, they are often over 400 feet in length, still leaving half or more of the block available for daytime oversize vehicle parking. Thus, locational restrictions, such as no parking within 100 feet of a stop sign or intersection, still provide ample space, distributed throughout the City, where oversized vehicles can park between the hours of 5:00 a.m. and midnight.

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 an aim of increasing the total number of parking spaces available for those who wish to visit the coast.

The second appellant, William S. Freeman, Senior Counsel representing the American Civil Liberties Union of Northern California (“ACLU”) goes on to state the following:

The Coastal Commission’s 2016 questions and observations remain equally unanswered and applicable to the current OSV Ban and Coastal Permit application.

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Commissioners Howell and Turnbull-Sanders asked how the City could blame OSV residents with any increase of crime. The City provides the same vague conclusory response. One of the few specific statistics provided is a reference to a mere three of thirty-eight recent fire incidents being related to an OSV.

Conspicuously absent is any evidence of a "specific nexus," as Commissioners Turnbull-Sanders described, that increased debris, water discharges, or thefts are causally connected to OSV residents. Instead, the Ordinance and Permit wrongly "identiffies] anyone [who] is homeless as a chronic drug user or thief" in the words of Commissioner McClure. The City has therefore failed to substantiate neighborhood complaints, raising the possibility that the complaints are actually driven by blanket animus towards unhoused people.

Statistics related to calls for service are provided above and in the attached City Council agenda report. With respect to three out of 38 recent vehicle fires being related to oversized vehicles, three fires represents nearly eight percent of the overall fires during that time frame. Oversized vehicles certainly do not represent eight percent of all vehicles, so fires in oversized vehicles are significantly more likely than they are in other vehicles. Said fires create safety, environmental, and resource concerns.

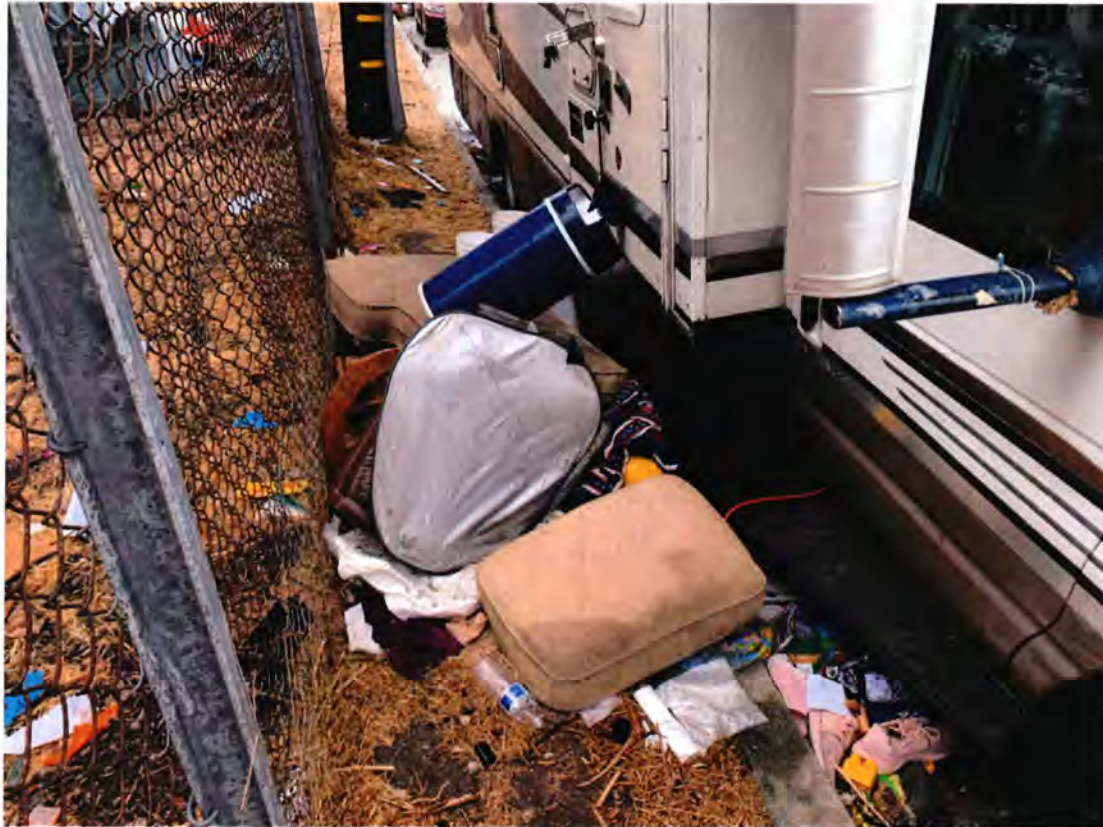
As shown in the photograph above from February 5, 2022 on Delaware Avenue, trash is frequently clearly attributed to a particular vehicle, such as when it is spilling out from the vehicle itself, piling up against the vehicle, and/or accumulating on both sides of a vehicles wheels, showing that it has not moved while trash has encompassed it. Another example is shown below.

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Mission Street Extension, November 2021

The second appellant, William S. Freeman, Senior Counsel representing the American Civil Liberties Union of Northern California (“ACLU”) goes on to state the following:

Not only do the alleged harms need to be substantiated, but the Coastal Commission requires that proposed solutions must be narrowly tailored. The City has failed to make any effort to tailor its proposed solutions. It has, for example, failed to consider providing RV residents with trash disposal or waste disposal. As Commissioner McClure observed, the provision of services also does not lead to a drawing in of unhoused people. Rather, if the OSV Ban and Coastal Permit are affirmed, it is such “drastic draconian” policies that would spread.

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 SCMC 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.

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This picture was taken Saturday afternoon, 1/29/22, from Schaeffer Road at Delaware Avenue. The shopping cart reflects the need for Public Works crews to have to deal with additional debris that is left around the dumpster.

Contrary to the appellant's assertions, the City has indeed provided trash disposal services, free of charge to vehicle dwellers, though it has come at an expense to the City. The City Manager's Office spent approximately \$21,000 during calendar year 2021 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.

The second appellant, William S. Freeman, Senior Counsel representing the American Civil Liberties Union of Northern California ("ACLU") goes on to state the following:

Despite multiple commissioners inquiring about the City's identification of parking alternatives in 2016, Santa Cruz provides largely the same response now. In the intervening six years, the City has not created a single public safe parking spot. Not one. Instead, the City identifies the same Association of Faith Communities safe parking program. "As many as 22 spots" are available in Santa Cruz, but their locations, requirements, and the hours of operation are not disclosed. It is therefore unknown whether such spaces can accommodate all OSV residents. Indeed, the City does not even provide a meaningful estimate of the number OSV residents. The City proffers a number of 65 OSVs based on a count of limited streets. The conservative 2019 Point-in-Time Homeless Count suggests there are 180 vehicularly housed people in Santa Cruz. Further, the Santa Cruz Police Department cited 294 OSVs in 2021, suggesting the number of OSVs is far greater than 65.

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The City has facilitated safe parking locations by not only allowing them to operate without the need for any City permits or oversight in religious assembly and business parking lots, but the City expanded 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 5 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 do participate or at least have participated in such allowances, as a complaint is received regarding such uses 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 that they have concerns about the location of that 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. These programs are set up in City parking lots, and the safe parking programs are simply the City using the parking facility for what it was designed for – parking. Therefore, the subject Design Permit may authorize safe parking uses at locations not already designated for parking, and it establishes conditions that all safe parking facilities will abide by. However, the use of City parking facilities for safe parking does not, in and of itself, technically trigger the need for a Design Permit.

With respect to the Point in Time count, not all vehicle dwellers reside in oversized vehicles; many individuals live in smaller vehicles. With respect to Police citations, their citing of 294 oversized vehicles does not mean that people are living in each of those vehicles, and vehicles can be and are cited more than one time. Responding to appellant's claims that the City will not have sufficient capacity at the safe parking locations to accommodate the demand, it is worth pointing out again that Section 10.40.120(g) contains a wide range of exceptions to the prohibition of oversized vehicle parking between the hours of midnight and 5:00 a.m., including but not limited to an exception for a person and vehicle that are registered to participate in a safe parking, safe sleeping, transitional shelter, or other City-sanction program but that are unable to participate due to a lack of capacity. This provision ensures that anyone who is forced to live in their oversized vehicle due to lack of capacity in available safe parking spaces can avoid citation by merely registering and participating in the City's safe parking, transitional shelter, or other City sanctioned program.

The second appellant, William S. Freeman, Senior Counsel representing the American Civil Liberties Union of Northern California ("ACLU") goes on to state the following:

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The City has also failed to provide any analysis on the impact of its daytime parking restrictions. Neither the unspecified AFC program spots nor the City's aspirational goal of adding 3 emergency parking spots and 30 safe parking spots can accommodate the need. The City has provided no specifics about their safe parking plans, hinting only that the programs would be time-limited (nighttime hours only), located outside of the Coastal Zone, and limited to unhoused people who meet certain barriers. Given the City's abysmal record of creating additional parking alternatives, the aspiration parking should not be credited when considering the OSV Ban and Coastal Permit. Without alternatives, the OSV Ban and Coastal Permit will only "push[] out" people and have them "living on the street instead" as Commissioner Turnbull-Sanders observed. Or in the words of Commissioner McClure, it is time to stop "chasing people around the city."

With respect to the daytime parking restrictions, some block lengths in the Coastal Zone exceed 1,500 feet, and many exceed 600 feet in length. Where blocks are 600 feet in length, the locational restrictions would still leave two thirds or more of such blocks available for daytime oversized vehicle parking. Where blocks are not 600 feet in length, they are often over 400 feet in length, still leaving half or more of the block available for daytime oversized vehicle parking. Thus, locational restrictions, such as no parking within 100 feet of a stop sign or intersection, still provide ample space, distributed throughout the City, where oversized vehicles can park between the hours of 5:00 a.m. and midnight.

The attached report to the Zoning Administrator, information later in this report, as well as conditions of approval that went to the Zoning Administrator and attached hereto all provide details on the proposed safe parking facilities. Those conditions of approval stated for the Zoning Administrator's approval and continue to state that 24/7 safe parking facilities are permitted outside the Coastal Zone. Safe parking program hours are limited inside the Coastal Zone so as to preserve coastal access opportunities.

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 eligible for a safe parking program but insufficient capacity exists, ensures that the act of sleeping in a vehicle is not criminalized.

The appellant claims that the safe parking spaces will be "limited to unhoused people meeting certain barriers." It is unclear what barriers are being referenced here, but the intent is to have safe parking spaces in Tiers 1 and 2 that have minimal to no barriers with a permit being issued and a participant agreement outlining some reasonable codes of conduct/guidelines to be followed.

The second appellant, William S. Freeman, Senior Counsel representing the American Civil Liberties Union of Northern California ("ACLU") goes on to state the following:

Newly adopted environmental justice policies also require reconsideration of the OSV Ban and Coastal Permit. In late 2016, the Governor signed AB 2616, which amended the Coastal Act and gives the Coastal Commission new authority to specifically consider environmental justice when making permit decisions.

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The Ordinance and Permit are in direct conflict with provisions of the Santa Cruz 2030 General Plan ("General Plan"). Santa Cruz's General Plan provides policies to effectuate a vision and principle of a balanced community with mobility, parks and recreation, affordable housing options, and community services. The General Plan states Santa Cruz will "maintain the community's longstanding commitment to shared social and environmental responsibility, fostering a balance between employment, housing affordable to persons of all income levels, transportation, and natural resources." The Ordinance does the opposite by limiting vehicle usage and parking. It makes streets inaccessible to people living in their vehicles by providing for an outright ban in the evening and severely curtails daytime parking without mandating additional, alternative parking for the parking lost.

The General Plan's prescriptions on parks and recreation are equally ignored. Under PR3.3 the City is to "enhance publicly accessible coastal and open space areas." This includes "ensur[ing] that development does not interfere with the public's right to access the ocean," (PR3.3.2), "requiring new development and public works projects to provide public access from the nearest public roadway to the shoreline and along the coast" (PR3.3.3), and "maximize public access and enjoyment of recreation areas along the coastline" (PR3.3.4). The public includes those who must reside in their vehicles, not just those with fixed housing. Therefore, the OSV Ban uniquely restricts RV residents, contrary to these provisions.

Furthermore, rather than promote "prosperity for all" or provide "provide excellent social services" (General Plan at 8), the OSV Ban and Coastal Permit promote instability by potentially stripping RV residents of their only homes. Rather than provides services or ensure alternative parking, the OSV Ban and Coastal Permit would leave people unsheltered in public.

They also run counter to Santa Cruz' 2015-2023 Housing Element, which provides that housing for "extremely low, very low, low, and moderate income households is of utmost concern."

"Mobile homes," "any vehicle designed, used, or intended to be used generally for living and/or sleeping quarters which is capable of moving, being moved, towed or transported," can be part of meeting that need which should be maintained. The Housing Element 3.1 also recognizes the special needs of housing for people with disabilities and the need for services. Again, the Ordinance and Permit limit use of OSVs, which disproportionately impacts people with disabilities, and fails to require the provision of any services to accommodate them.

The Coastal Act also requires that all counties and cities lying within the coastal zone prepare a Local Coastal Program (LCP) to guide coastal development actions with that jurisdiction. The City must ensure that any coastal permit will "[m]aintain public access to the coast along any coastline as set forth in the Local Coastal Land Use Plan." SCMC § 24.08.250. The Santa Cruz LCP is "an integral part of the City's General Plan since planning and land-use policies within the coastal zone are issues

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of concern to the community as a whole" and is aimed at "maximiz[ing] access to the coast for people of all income ranges." It includes directives to "enhance public access, open space quality and recreational enjoyment in a manner that is consistent with the California Coastal Act, "ensure that development does not interfere with the public's right to access the ocean," and "[d]evelop and implement plans to maximize public access and enjoyment of recreations areas along the coastline."

For the above reasons, the OSV Ban limits public access to the coast, particularly poor people, people of color, and those with disabilities. The LCP also has specific provisions requiring that vehicular access to coastal areas is maintained, including free parking. Prohibiting oversized vehicles from parking on city streets directly impedes that access.

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 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 eligible for the safe parking programs but are unable to access them due to 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.

The locational analysis above cites the presence of substantial opportunities for allowing daytime parking outside of the 100-foot buffer from intersections. Greater than 50% of the block length for blocks over 400 feet in length and over 66% of the block length for blocks over 600 feet in length remains available for oversized vehicle parking. Nothing in the Coastal Act speaks to access to live 24/7, free of charge in City streets in the Coastal Zone, and ample daytime oversize vehicle parking options remain available throughout the Coastal Zone and throughout the City parking to facilitate access to recreation.

Under the Eighth Amendment's prohibition on "cruel and unusual punishment," the City is prohibited from punishing indigent persons for life sustaining activities so long as those persons do not have reasonable alternatives for shelter. The Eighth Amendment also prohibits excessive fines, where the fine is grossly disproportionate to the gravity of the offense, will deprive the offender of their livelihood or is more than their circumstances and estate will bear. As the Supreme Court has recognized, excessive fines have often been used to wrongly punish status or a disfavored group. The OSV Ban violates these prohibitions because it imposes penalties for living in the only shelter some have access to, their RVs parked on public roads in Santa Cruz. There are not enough adequate shelters, housing, or safe parking for the unhoused in the City. So, for many, the only place to protect oneself from the elements is to sleep or simply "be" in their vehicles. It is clear that the City seeks to RV residents

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from the City by (1) issuing repeating parking citations so as to make it economically impossible for such persons to live in their RVs, (2) increasing the likelihood of losing their homes through impoundment, and (3) threatening a loss of liberty through imprisonment. Accordingly, the OSV Ban violates the Eighth Amendment.

Further, under the Due Process Clause of the Fourteenth Amendment, a government may not act with deliberate indifference to place a person in a position of known or obvious danger that they would not otherwise have faced. OSV Ban Ordinance violates this prohibition because it empowers the City to fine RV residents (and potentially arrest them), forcing them into even greater financial destitution, and to tow the vehicles which constitute their homes and only shelter, exposing them to the severe hardship of being unsheltered in public. This would deprive them greater access to food, water, electricity, secure sleeping, storage of life necessities, and access to care and services which undoubtedly heightens the level of stress and anxiety among persons who are already confronted with the significant challenges posed by their poverty. During the COVID- 19 pandemic, the risks posed to individuals whose homes are towed are even greater. Individuals whose homes are towed are exposed to an increased risk of contracting the COVID-19 virus because they are unable to limit their travel in their homes. Rather than take COVID-19 into account, the City has expressly provided that it will only suspend enforcement during non- pandemic related emergencies.

The Federal and State Constitutions also protect the right of freedom of movement and travel. Because the OSV Ban effectively banishes RV residents from the coast and the City, without sufficient justification, it is unconstitutional.

Title II of the Americans with Disabilities Act ("ADA") provides: "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C. § 12132. A public entity is prohibited from "utiliz[ing] criteria or methods...that have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability." 28 C.F.R. § 35.130(b)(3)(i) (emphasis added). Further, under Title II a public entity is affirmatively obligated to make "reasonable modifications" when necessary to avoid discrimination based on disability unless the modifications would fundamentally alter the nature of the service, program, or activity. See 28 C.F.R. § 35.130(b)(7). The California Disabled Persons Act ("CDPA") incorporates the ADA and states that "a violation of the right of an individual under the Americans with Disabilities Act...constitutes a violation of the CDPA. Cal. Civ. Code § 54.1(d).

People with disabilities are overrepresented in the City of Santa Cruz's houseless population and many rely on oversized vehicles as their only form of shelter and vehicular transportation. Many such individuals have a disability-related need to remain in their RVs, which are crucial to managing their disabilities, and maintaining their physical and mental health. Though enforcement of the OSV Ban will harm everyone who uses an RV and seeks to access the coast in Santa Cruz, it

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will harm this population of houseless people with disabilities in a different and greater way. As just one example, while vehicularly-housed people who do not have disabilities may be able to walk the distances required to access services, facilities, and coastal areas the OSV Ban will prevent them from parking near—albeit with difficulty—many people with disabilities cannot. Moreover, the OSV Ban does not provide or allow for any accommodations to ensure that people with disabilities who rely on RVs for shelter and transportation are not disproportionately denied access to the coast, and to services and facilities in the Coastal Area.

Each of the arguments presented above has been addressed in the preceding responses.

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.

The ordinance and its implementing regulations do not criminalize living in an oversized vehicle. A violation of a parking rule results in a \$50 parking ticket – not a criminal infraction or misdemeanor offense. See SCMC 10.40.120(o). Additionally, the ordinance provides opportunities for safe places to park oversized vehicles, and they provide free trash and restroom services for those living in vehicles. The ordinance also ties the prohibition of midnight to 5:00 a.m. oversize vehicle parking to the provision of safe parking facilities, and the midnight to 5:00 a.m. oversize vehicle parking prohibitions are not applied to a person and vehicle who are eligible for the safe parking program but who cannot participate due to lack of capacity.

It is also worth noting here that the appellant cites no caselaw to support its position that imposing a parking ticket on an OSV is a constitutional or ADA violation. Appellant neglects to mention that there is recent caselaw supporting the legality of the OSV ordinance. In the case *Potter v. City of Lacey*, the Western District of Washington determined that

“neither a parking fine of \$35, nor potential impoundment violate the Excessive Fines Clause. . . . Though a parking violation is a "minor" offense, it is "not de minimis." Cities have an interest in regulating parking and, a \$35 fine "bears 'some relationship' to the gravity of the offense. "While a parking violation is not a serious offense, the fine is not so large, either, and likely deters violations."

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.”

[Potter v. City of Lacey, 2021 U.S. Dist. LEXIS 45173, *2-3 \(internal citations omitted\) \(case approving of a 4-hour time limit for RV parking\).](#)

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Additional analysis related to the issues raised and general analysis of the ordinance and implementing regulations follow. 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

The photos here were taken on April 12, 2021. They show where a blackwater tank was emptied 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.



Elimination System (NPDES) Municipal Regional Permit, which could lead to enforcement actions by the Regional Water Quality Control Board. In addition to the situation depicted here in the photographs, issues occur on public property as well. For example, on September 23, 2021, an oversized vehicle parked on Ingalls Street leaked raw sewage onto the right-of-way at that location and then drove to park on Mission Street Extension, where the blackwater leak continued. The City had to redirect staff to immediately address the biohazard and spent over \$2,000 in doing so.

The AFC currently manages 20 safe parking spaces in the City limits and has 5 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. In addition to the safe parking allowances on sites used for religious assembly, 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

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businesses. This is a significant increase in overnight safe parking availability compared to what was identified as available in the City in 2015.

The ordinance amendment and policy direction is to provide parameters on time, place, and manner of parking of oversized vehicles on City streets in order to address environmental and public health impacts. A three-tiered safe parking framework to support individuals living in their vehicles includes the following:

- a) Emergency overnight safe parking on City owned parcels for a minimum of three vehicles has already 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. 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.

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.

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:

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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, 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. In most instances, these facilities can be operated without the need for any permits from the City, though the subject permits will facilitate their operation should such permits be needed for a particular location.

Safe Parking Program. In conjunction with the proposed ordinance, a safe parking framework is proposed. Site locations would 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). 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. 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 any 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 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.

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

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

The safe parking framework will take a three-tiered approach.

- Emergency Safe Parking spaces - Three emergency safe parking spaces have already been provided. 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.
- Safe Overnight Parking - The City Manager’s office, Public Works, 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. At this point in time, during the pilot program that is currently operational, City staff are directly providing oversight. Individuals in these parking spaces will be connected and linked to other transitional sheltering options that are available throughout the county.
- 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. As of the drafting of this report, responses have been received for non-City entities to operate the Tier 3 safe parking program, and they are in the process of being scored. An update will be provided to the City Council on March 8,

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2022, and if necessary steps can be completed in time, the Council could potentially act on Tier 3 during said meeting.

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, and (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).

Additional Supports

After analyzing the best practices in other communities, members of the community suggested some ideas to bring forward that they would initiate. These include:

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

Staff will coordinate with community groups wishing to provide such support, and staff will continue to analyze the best approaches for facilitating black water dumping into approved locations/facilities. Currently, the closest public black water dump site is at the 76 station 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), vouchers for dumping at the 76 station, as well as additional dump station locations.

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.

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- 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.

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.

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

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“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 I-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 an oversized vehicles permitting system that limits the total amount of time any oversized vehicles parks their vehicle 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.

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RECOMENDATION

Staff recommends that the Planning Commission deny the appeals, uphold the Zoning Administrators acknowledgement of the environmental determination and approve the Coastal and Design Permits based on the findings listed below and the Conditions of Approval attached in Exhibit A.

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.

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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 recreational 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 oversized 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

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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 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 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.

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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.**

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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 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.**

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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

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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. Safe parking facilities will be organized so as to minimize 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.**

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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.**

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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.

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- 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.

Submitted by:

Approved by:

Michael S. Ferry, AICP
Senior Planner

Lee Butler, AICP
Deputy City Manager

Attachments:

1. Draft Conditions of Approval
2. Zoning Administrator staff report for January 12, 2022
 - a. October 26, 2021 City Council Agenda report
 - b. Ordinance oversized vehicles – clean
 - c. Ordinance oversized vehicles – track changes
 - d. Snapshot of volunteer vehicle abatement data 9-2020 to 6-2021
 - e. West Cliff pilot parking analysis, 2018 & 2019
 - f. Public Safety Task Force recommendations
 - g. Santa Cruz Community Advisory Committee on Homelessness final report, August 2020
3. Zoning Administrator January 12, 2022 minutes
4. Appeal letter dated January 14, 2022 filed by Reggie Meisler on behalf of Santa Cruz Cares
5. Appeal letter dated January 25, 2022 filed by the American Civil Liberties Union (ACLU)
6. Oversized vehicle dumpster cost for West Side location
7. Photographs of oversized vehicles in Santa Cruz

EXHIBIT "A" – MARCH 3, 2022

CONDITIONS OF APPROVAL FOR APPLICATION NO. CP21-0174

Coastal and Design Permits to authorize the development associated with 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 licensed and registered in the City of Santa Cruz.

1. If one or more of the following conditions related to the safe parking program is not met with respect to all its terms, then the approval of a safe parking program at a specified location may be revoked.
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.
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.
4. The Safe Parking Program. As part of its consideration of the proposed development, a safe parking framework is proposed. Site locations would 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). 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.
 - 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.
 - Additional operational criteria may be applied by the City Manager, pursuant to Section 10.40.120(m) of the SCMC.

Exhibit 3

CONDITIONS OF APPROVAL

Planning Commission Meeting of March 3, 2022

SUBJECT: Oversized Vehicle Ordinance Implementation – Coastal Permit & Design Permit – Application No. CP21-0174

Page 2

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.
6. At the end of the first year of operation, City staff will prepare a report that outlines the program operations in the Coastal Zone, its usage, the number of parking stalls affected, and complaints received regarding the program. If it is determined that any of the standards applicable in the Coastal Zone and identified in conditions above have not been met or if it is determined that a use has impacted availability of public parking spaces such that public parking is not otherwise available in the location where the safe parking program is being operated, then the City shall propose modifications to operations so as to remedy those situations. A copy of the report shall be submitted to the Executive Director of the Coastal Commission for review and approval. If the Executive Director determines that the safe parking program is negatively impacting public access, then the program shall be modified to eliminate such impacts, or mitigate them to the maximum extent feasible as directed by the Executive Director, including but not limited to elimination of the safe parking program location(s) in the Coastal Zone.

CITY OF SANTA CRUZ
City Hall
809 Center Street
Santa Cruz, California 95060



PLANNING COMMISSION

Action Summary March 3, 2022

7:00 P.M. GENERAL BUSINESS AND MATTERS OF PUBLIC INTEREST, ZOOM WEBINAR

Call to Order-The meeting called to order at 7:08 p.m.

Roll Call-Commissioners Conway, Dawson, Greenberg, Kennedy, Maxwell, Mesiti-Miller, and Schiffrin were present.

Absent w/notification-None.

Statements of Disqualification-None.

Oral Communications-The following members of the public addressed the Commission: Robert Norse, Rafa Sonnenfeld, Reggie Meisler.

Approval of Minutes

1. Approval of the Minutes of February 17, 2022.

MOTION: Motion made by Commissioner Schiffrin, seconded by Commissioner Kennedy, to approve the minutes of February 17, 2022.

ACTION: The motion passed by the following vote:

AYES: Conway, Dawson, Greenberg, Kennedy, Maxwell, Mesiti-Miller, and Schiffrin

NOES: None

ABSENT: None

Public Hearings

2. City-Wide Project Number: CP21-0173 Appeal of the Zoning Administrators approval of a 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 licensed and registered in the City of Santa Cruz.

MOTION: Motion made by Commissioner Schifffrin, seconded by Commissioner Maxwell, to uphold the Zoning Administrator's acknowledgement of the environmental determination, and approve the Coastal and Design Permits based on the findings listed below and the Conditions of Approval modified by the Commission as follows (Strike-through/underline indicates changes):

Coastal and Design Permits to authorize the development associated with 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 licensed and registered in the City of Santa Cruz.

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.
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.
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.
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. ~~is proposed. 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 ~~would include~~ 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:

- 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.
- 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.
- 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:
 - 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).
 - Procedures for the filing and resolving of complaints.
 - 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.
 - Details regarding the funding and management of Safe Parking Program locations.
- Additional operational criteria may be applied by the City Manager, pursuant to Section 10.40.120(m) of the SCMC.

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 a safe space is available. If all available safe parking spaces are filled, Section 10.40.120(a) shall not be enforced.

6. If a vehicle cannot relocate to a Safe Parking Location due a mechanical issue, lack of 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.

7. At the end of the first year of operation, City staff will prepare a report that outlines the program operations in the Coastal Zone, its usage, the number of parking stalls affected, and complaints received regarding the program. If it is determined that any of the standards applicable in the Coastal Zone and identified in conditions above have not been met or if it is determined that a use has impacted availability of public parking spaces such that public parking is not otherwise available in the location where the safe parking program is being operated, then the City shall propose modifications to operations so as to remedy those situations. A copy of the report shall be submitted to the Executive Director of the Coastal Commission for review and approval. If the Executive Director determines that the safe parking program is negatively impacting public access, then the program shall be modified to eliminate such impacts, or mitigate them to the maximum extent feasible as directed by the Executive Director, including but not limited to elimination of the safe parking program location(s) in the Coastal Zone.

MOTION: Motion to substitute the original motion with a motion to return the item to staff for further consideration of the suggested changes to the Conditions of Approval so they may be evaluated by staff for coherence, legality, and completeness made by Commissioner Mesiti-Miller, seconded by Commissioner Kennedy.

ACTION: The Commission accepted the motion to substitute the original motion for consideration by the following vote:

AYES: Conway, Greenberg, Kennedy, Mesiti-Miller

NOES: Dawson, Maxwell, Schifffrin

ABSENT: None

ACTION: The motion to substitute the original motion failed by the following vote:

AYES: Conway, Kennedy, Mesiti-Miller

NOES: Dawson, Greenberg, Maxwell, Schifffrin

ABSENT: None

ACTION: The original motion passed by the following vote:

AYES: Dawson, Greenberg, Maxwell, Schifffrin

NOES: Conway, Kennedy, Mesiti-Miller

ABSENT: None

Information Items

Subcommittee/Advisory Body Oral Reports

Items Referred to Future Agendas

Adjournment-The meeting was adjourned at 10:54 p.m.



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.)

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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 5th 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 12th 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 14th, an appeal was filed by Reggie Meisler on behalf of Santa Cruz Cares, and the item was subsequently scheduled for the February 17th Planning Commission meeting. On January 25th, 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

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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 meetings¹ 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 hearing² 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

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

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

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

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

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

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

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

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

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

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

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

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

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

Kevin Grigsby's letter lists numerous General Plan Policies found in Parks and Recreation Element as well as Community Design, Land Use, Economic Development Elements that either relate to the Oversize Vehicle Ordinance that has already been approved by the City Council or that neither relate to the Oversized Vehicle Ordinance nor its implementation. As detailed throughout the Planning Commission report and other documentation, the implementation of the ordinance does not adversely affect recreational access to the coast given its limited time duration, applicability, and alternative options. This report and associated attachments, including but not limited to the Coastal and Design Permit findings in the attached resolution, include Exhibit 3 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.

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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*

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

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

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

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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. Exhibit 3 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

CITY OF SANTA CRUZ
809 Center Street
Santa Cruz, California 95060



CITY COUNCIL AGENDA

Regular Meeting - April 12, 2022
Updated April 8, 2022 - see item 27.

- 10:30 A.M. CLOSED SESSION, ZOOM
- 1:00 P.M. CONSENT, CONSENT PUBLIC HEARINGS, PUBLIC HEARINGS, AND
GENERAL BUSINESS, ZOOM
- 6:00 P.M. ORAL COMMUNICATIONS AND PUBLIC HEARING, ZOOM

COVID-19 ANNOUNCEMENT: Due to the Omicron variant, this meeting will be held via teleconference ONLY.

In order to minimize exposure to COVID-19 and to comply with the social distancing suggestion, the meeting may be viewed remotely, using any of the following sources:

- Click on Zoom link (no time delay): <https://zoom.us/j/94684401344>
- Online at <http://www.cityofsantacruz.com/government/city-council/council-meetings>
- Online at [Watch - Community Television of Santa Cruz County](#)
- Comcast Channel 25

Or: Call any of the numbers below. If one is busy, try the next one.

- 1-833-548-0276 (Toll Free)
- 1-833-548-0282 (Toll Free)
- 1-877-853-5247 (Toll Free)
- 1-669-900-9128

Enter the meeting ID number: 946 8440 1344

- When prompted for a Participant ID, press #.
- Press *9 on your phone to "raise your hand" when the Mayor calls for public comment.
- It will be your turn to speak when the Mayor calls on you. Press *6 to unmute yourself. The timer will then be set to 2 minutes.

Correspondence to be included in the agenda packet must be received by 5:00 pm on Monday, April 11th.

PLEASE NOTE:

- Requests for extra speaking time on items other than Oral Communications must be made by 5:00 p.m. on Sunday, April 10th by emailing the Mayor and the City Clerk. Approval will be confirmed via email.

sbrunner@cityofsantacruz.com

bbush@cityofsantacruz.com

The City of Santa Cruz does not discriminate against persons with disabilities. Out of consideration for people with chemical sensitivities we ask that you attend fragrance free. Upon request, the agenda can be provided in a format to accommodate special needs. Additionally, if you wish to attend this public meeting and will require assistance such as an interpreter for American Sign Language, Spanish, or other special equipment, please call the City Clerk's Department at 420-5030 at least five days in advance so that we can arrange for such special assistance, or email CityClerk@cityofsantacruz.com. The Cal-Relay system number: 1-800-735-2922.

Si desea asistir a esta reunión pública y necesita ayuda - como un intérprete de lenguaje de señas americano, español u otro equipo especial - favor de llamar al Departamento de la Secretaría de la Ciudad al 420-5030 al menos cinco días antes para que podamos coordinar dicha asistencia especial o envíe un correo electrónico a cityclerk@cityofsantacruz.com. El número del sistema Cal-Relay es: 1-800-735-2922.

Closed Session

10:30 AM

Closed Session

1. Conference with Labor Negotiators (Government Code §54957.6)

SEIU Temporary Employees
SEIU Service Employees
Mid Managers, OE3
Supervisors, OE3
Fire Management
Fire, IAFF
Police Management
Police Officers Association
Executives

City Negotiator - Lisa Murphy

2. Conference With Legal Counsel - Liability Claims (Government Code §54956.95)

Claimant: Chris and Scott Pinheiro

Claim against the City of Santa Cruz

Closed Session (continued)

3. Conference with Legal Counsel - Existing Litigation (Government Code §54956.9(d)(1))

1) Dervishian v. Mott, Konzen, Gieringer, City of Santa Cruz, et al.
(Santa Cruz Superior Court, Case No. 18CV01510)

2) Regents of the University of California, et al. v. City of Santa Cruz
(Santa Cruz County Superior Court Case No. 20CV02152)

3) City of Santa Cruz v. Regents of the University of California, et al.
(Santa Cruz County Superior Court Case No. 22CV00373)

City Council

1:00 PM

Call to Order

Roll Call

Presentations

4. Small Business Development Center Presentation
5. Jane Mio - Service Award of Excellence Awardee
6. Mayoral Proclamation Declaring March 15, 2022 as Equal Pay Day for Women

Presiding Officer's Announcements

Statements of Disqualification

Additions and Deletions

City Attorney Report on Closed Session

City Manager Report

7. The City Manager will report and provide updates on the City's business, COVID-19 response, and events.

Council Meeting Calendar

8. The City Council will review the meeting calendar attached to the agenda and revise it as necessary.

Consent Agenda

9. Resolution Authorizing the City to Continue Teleconferenced Public Meetings Pursuant to Assembly Bill 361 (CA)

Resolution authorizing legislative bodies of the City of Santa Cruz to continue the use of teleconferenced meetings pursuant to Assembly Bill 361.

10. Minutes of the March 22, 2022 City Council Meeting (CC)

Motion to accept as submitted.

11. Minutes of the March 29, 2022 City Council Study Session (CC)

Motion to accept as submitted.

12. Minutes of the March 29, 2022 City Council Special Meeting (CC)

Motion to accept as submitted.

13. Resolution Declaring the City Council's Intent Regarding Possible Proceeds from Measure F, a Sales and Use Tax Ballot Item on the June 2022 California Statewide Primary Election (CN)

Resolution declaring the City Council's intent regarding the use of potential revenues generated by Measure F, a sales and use tax ballot item on the June 2022 California Statewide Primary Election.

14. Resolution Condemning Antisemitism (CN)

Resolution condemning antisemitism and expressing solidarity with the Jewish people in the community, in the United States, and around the globe.

Consent Agenda (continued)

15. Council Support of the Establishment of a New CalVet Veterans Home in Monterey County in Order to Provide Skilled Nursing and Memory Care Services for Aging, Disabled, and Homeless Veterans Living in the Central Coast Region of California (CN)

Motion to direct the Mayor to write a letter to the Monterey County Board of Supervisors and to California State Legislators in support of the establishment of a new CalVet Veterans Home in Monterey County.

16. Loan Consolidation and Affordability Term Extension for Sycamore Street Commons and La Playa Residential - Affordable Housing (ED)

Motion to approve loan terms for the consolidation and extension of City of Santa Cruz loans for Sycamore Street Commons and La Playa Residential and authorize the City Manager to execute the loan documents in a form to be approved by the City Attorney for the purpose of rehabbing this affordable housing and extending the affordability period.

17. Expiration of Statewide Evictions Moratorium - Authorization to Enter into an Agreement with the Community Action Board for \$150,000 for Tenant-Based Rental Assistance through December 31, 2022 (ED)

Resolution appropriating \$150,000 from the CA state funding for homelessness response and authorizing the City Manager to execute an agreement with the Community Action Board, in a form approved by the City Attorney, to provide tenant-based rental assistance through December 31, 2022.

Consent Agenda (continued)

18. Amend Lease with 1200 Pacific, LLC. to Include Conference Space at 1200 Pacific Avenue for use by the City's Finance Department and Appropriate \$442,827 for Conference Space, Space Improvements and Infrastructure, Lease Deposit, Office Furniture Move, Rental, and Purchase (FN)

Motion to:

1) Adopt a resolution amending the FY 2022 budget to increase appropriation in the amount of \$442,827 for conference space, space improvements and infrastructure, deposit rental, office furniture move, rental, and purchase.

2) Authorize and direct the City Manager to execute an amendment to the Lease Agreement with 1200 Pacific, LLC., and any amendments thereto, in a form acceptable to the City Attorney, for premises located at 1200 Pacific Avenue to serve as office space for the Finance Department.

19. UV Bypass Valve Repair (m409659) - Notice of Completion (PW)

Motion to accept the work of Anderson Pacific Engineering Construction Inc., (Santa Clara, CA) and to authorize the filing of the Notice of Completion for the UV Bypass Valve Repair Project (m409659).

Consent Agenda (continued)

20. High Voltage Portable Battery Charger for First All Electric Refuse Truck (g402205) - Budget Adjustment (PW)

Motion to:

1) Adopt a resolution amending the FY 2022 budget and appropriate funds in the amount of \$179,552.38 to fully fund the high voltage portable battery; and

2) Adopt a resolution to authorize the City Manager to apply, accept, and appropriate funding from California Energy Commission's grant programs that the City is eligible for a five-year term; and

3) Authorize the City Manager to apply, accept, and appropriate grant funds from California Energy Commission (CEC) Energy Infrastructure Incentives for Zero-Emission Commercial Vehicles (EnergIZE Commercial Vehicles) and authorize FreeWire Technologies to apply for funds on the behalf of the City for the Ultrafast EV Charger with Integrated Storage (g402205).

21. 3 Water Cogeneration Cooling Line Replacement (c401407) - Authorization to Advertise and Award (PW)

Motion to approve the plans and specifications for 3 Water Cogeneration Cooling Line Replacement (c401407), authorize staff to advertise for bids, and award the contract. The City Manager is hereby authorized and directed to execute the contract in a form approved by the City Attorney. The Director of Public Works is authorized to execute changes orders within the approved project budget.

22. T2 Systems Parking Pay Stations - Award Contract (PW)

Motion to award a contract for the purchase of 10 Luke II Parking Pay Stations from T2 Systems (Burnaby, BC) in the amount not to exceed \$148,009.04.

End Consent Agenda

Consent Public Hearings

23. Tax Equity and Fiscal Responsibility Act Hearing for Approval of the California Municipal Finance Authority for Issuance of Tax-Exempt Bonds for the Benefit of the Sycamore Street Commons and La Playa Residential Affordable Housing Projects (ED)

1) Conduct the public hearing under the requirements of Tax Equity and Fiscal Responsibility Act (TEFRA) and the Internal Revenue Code of 1986, as amended (the "Code").

2) Resolution approving the issuance of Tax-Exempt Revenue Bonds by the California Municipal Finance Authority ("CMFA") for the benefit of Mercy Housing California 72, L.P., a California limited partnership, or another entity to be established by Mercy Housing California or an affiliate thereof (collectively, the "Borrower"), in an amount not to exceed \$28 million dollars to provide financing for Sycamore Street Commons and La Playa Residential (the "Project"), such adoption is solely for the purposes of satisfying the requirements of TEFRA, the Code and the California Government Code Section 6500.

24. 2nd Reading and Final Adoption of Ordinance No. 2022-03 Repealing Santa Cruz Municipal Code ("SCMC") Chapter 5.81 ("Vending and Display Devices on City Property") and Adding SCMC Chapter 5.82 (CM)

Adopt Ordinance No. 2022-03 repealing Santa Cruz Municipal Code ("SCMC") Chapter 5.81 ("Vending and Display Devices on City Property") and adding SCMC Chapter 5.82 ("Sidewalk Vending").

Public Hearings

25. Municipal Code Amendments Relating to Small Cell Wireless Telecommunications Facilities Responding to Modifications Requested by the California Coastal Commission (PL)

This item is continued to the April 26, 2022 Council meeting.

26. Slope Regulation Ordinance Amendments to Chapters 18.45, 24.04, 24.08, 24.14, and 24.22 of the Santa Cruz Municipal Code (PL)

This item is continued to the April 26, 2022 Council meeting.

Public Hearings (continued)

The below item was updated to amend the recommendation and the resolution attachment.

27. Green Building Program Proposed Fee Increase (PL)

Motion to:

1) Introduce for publication an amendment to Chapter 24.15, (Green Building Regulations), to specify that the fee associated with the Green Building Educational Resource Fund will be established by resolution of the City Council; and

2) Adopt a resolution to increase the Green Building Fee from 0.0025 to 0.0100 times the overall valuation of a project **to retain the \$50,000 fee cap**, and **to** incorporate said **fee** increase into the City Unified Master Fee Schedule with a footnote that annual Consumer Price Index increases do not apply to the fee; and

3) Direct staff to update all associated fee schedules, such as user-friendly fee schedules developed by staff and post them online, where applicable, for the public.

General Business

28. Transportation and Public Works Commission (TPWC) Appointment (CC)

This item is continued to the May 10, 2022 Council meeting.

29. Parks and Recreation Annual Report (PR)

This item is continued to the April 26, 2022 Council meeting.

30. Public Gathering and Expression Events Ordinance Amendment (CA)

Introduce for publication an ordinance amending City of Santa Cruz Municipal Code ("SCMC") Chapter 10.65 - Public Gathering and Expression Events.

Recess - The City Council will recess to the 6:00 p.m. session.

City Council

6:00 PM

Call to Order

Roll Call

Oral Communications Announcement - Community members may address the Council for three minutes or less about any matter not on the agenda. 30 minutes is allocated for Oral Communications. No extra time for groups will be granted.

Oral Communications

Public Hearing

31. 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)

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".

Adjournment

INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS

ADDENDUM TO CITY COUNCIL AGENDA - APRIL 12, 2022

32. City Manager: Quarterly Grant Report - Fiscal Year 2022 as of December 31, 2021 - 3/17/22 (CMFYI 260)
33. Finance Department: Portfolio Management Report - Pooled Cash and Investments as of February 28, 2022 - 3/21/22 (FNFYI 352)

MAYOR'S PROCLAMATIONS

ADDENDUM TO CITY COUNCIL AGENDA - APRIL 12, 2022

34. Proclaiming the month of March 2022 as "Red Cross Month" and encouraging all citizens to reach out and support its humanitarian mission.
35. Proclaiming March 22, 2022 as "Jane Mio Day" in recognition of the past five years and countless hours that she has volunteered her time, while also engaging with numerous organizations and volunteers, to improve the community and habitat along the San Lorenzo River; for her ongoing dedication to the environment, parks, and people of Santa Cruz; for her work as a Parks and Recreation Commissioner and Chair; and for her special service creating the Benchlands Environmental Stewardship Team—she is truly a champion of the community.
36. Proclaiming March 23, 2022 as "Madelyn McCaul Day" and encouraging all local residents to join in recognizing this extraordinary resident of our local community.

Advisory Body Appointments

The following positions are vacant. Council will make the appointments at a future meeting.

Historic Preservation Commission	One opening
Sister Cities Committee	Two openings
Transportation and Public Works Commission	One opening
County Latino Affairs Commission	One opening

Public Hearing

If, in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

Any person seeking to challenge a City Council decision made as a result of a proceeding in which, by law, a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that action either 60 days or 90 days following the date on which the decision becomes final as provided in Code of Civil Procedure Section 1094.6. Please refer to code of Civil Procedure 1094.6 to determine how to calculate when a decision becomes "final." The 60-day rule applies to all public hearings conducted pursuant to the City's Zoning Ordinance, Title 24, Santa Cruz Municipal Code. The 90-day rule applies to all other public hearings.

City Council Agenda Legislative History Addendum

No information was submitted.

City staff is responsible for providing the City Clerk with such documentation and information for the Legislative History Addendum. The information will be on file in the City Clerk's Department.

The Addendum is a listing of information specific to City Council business, but which does not appear on a Council meeting agenda. Such entities would include, but not be limited to: Court decisions, Coastal Commission Appeals of City Council actions, Closed Session Agreements/Settlements, which are public record, Association of Monterey Bay Area Governments, Local Agency Formation Commission.

ACTION AGENDA

City of Santa Cruz
809 Center Street
Santa Cruz, California 95060

CITY COUNCIL REGULAR MEETING

April 12, 2022

Action Agenda prepared on April 13, 2022 with action taken in bold type

Closed Session

10:30 AM

The Presiding Officer **opened** the City Council Closed Session at **10:31 a.m.** in a public meeting via Zoom, for the purpose of announcing the agenda, and receiving public testimony.

Roll Call - Councilmembers Kalantari-Johnson (via Zoom), Cummings (via Zoom), Brown (via Zoom), Meyers (via Zoom); Vice Mayor Watkins (arrived at 10:37 a.m., via Zoom); Mayor Brunner (via Zoom).

Councilmembers absent: Councilmember Golder.

Mayor Brunner **opened** the public comment period at **10:33 a.m.** Mayor Brunner **closed** the public comment period at **10:34 a.m.** and the meeting was adjourned to closed session.

Closed Session

1. Conference with Labor Negotiators (Government Code §54957.6)

SEIU Temporary Employees
SEIU Service Employees
Mid Managers, OE3
Supervisors, OE3
Fire Management
Fire, IAFF
Police Management
Police Officers Association
Executives

City Negotiator - Lisa Murphy

Council received a status report from the City Negotiator, and took no reportable action.

Closed Session (continued)

2. Conference With Legal Counsel - Liability Claims (Government Code §54956.95)

Claimant: Chris and Scott Pinheiro

Claim against the City of Santa Cruz

By motion, Council approved the settlement of the liability claim in the amount of \$170,773.

3. Conference with Legal Counsel - Existing Litigation (Government Code §54956.9(d)(1))

1) Dervishian v. Mott, Konzen, Gieringer, City of Santa Cruz, et al.
(Santa Cruz Superior Court, Case No. 18CV01510)

2) Regents of the University of California, et al. v. City of Santa Cruz
(Santa Cruz County Superior Court Case No. 20CV02152)

3) City of Santa Cruz v. Regents of the University of California, et al.
(Santa Cruz County Superior Court Case No. 22CV00373)

Council approved a settlement agreement relating to item 3.1 that has been negotiated through the court process.

Council received a status report, and took no reportable action on items 3.2 and 3.3.

City Council

1:00 PM

Call to Order - at 1:00 p.m.

Roll Call - Councilmembers Kalantari-Johnson (via Zoom), Golder (arrived at 4:54 p.m., via Zoom), Cummings (via Zoom), Brown (via Zoom), Meyers (via Zoom); Vice Mayor Watkins (arrived at 1:39 p.m., via Zoom); Mayor Brunner (via Zoom).

Councilmembers Absent: None.

Presentation

4. Small Business Development Center Presentation
5. Jane Mio - Service Award of Excellence Awardee
6. Mayoral Proclamation Declaring March 15, 2022 as Equal Pay Day for Women

Presiding Officer's Announcements

Statements of Disqualifications - None.

Additions and Deletions - None.

Oral Communications Announcement - The Mayor **provided** a brief announcement about Oral Communications.

City Attorney Report on Closed Session

City Manager Report

7. The City Manager **provided** a report and updates on the City's business, COVID-19 response, and events.

Council Meeting Calendar

8. The City Council **reviewed** and did not revise the meeting calendar attached to the agenda.

Agenda Items 13 and 16 were pulled for further discussion.

Consent Agenda

9. Resolution Authorizing the City to Continue Teleconferenced Public Meetings Pursuant to Assembly Bill 361 (CA)

Resolution No. NS-29,954 was adopted authorizing legislative bodies of the City of Santa Cruz to continue the use of teleconferenced meetings pursuant to Assembly Bill 361.

10. Minutes of the March 22, 2022 City Council Meeting (CC)

Motion **carried** to approve as submitted.

11. Minutes of the March 29, 2022 City Council Study Session (CC)

Motion **carried** to approve as submitted.

12. Minutes of the March 29, 2022 City Council Special Meeting (CC)

Motion **carried** to approve as submitted.

13. Resolution Declaring the City Council's Intent Regarding Possible Proceeds from Measure F, a Sales and Use Tax Ballot Item on the June 2022 California Statewide Primary Election (CN)

Resolution No. NS-29,955 was adopted declaring the City Council's intent regarding the use of potential revenues generated by Measure F, a sales and use tax ballot item on the June 2022 California Statewide Primary Election.

14. Resolution Condemning Antisemitism (CN)

Resolution No. NS-29,956 was adopted condemning antisemitism and expressing solidarity with the Jewish people in the community, in the United States, and around the globe.

Consent Agenda (continued)

15. Council Support of the Establishment of a New CalVet Veterans Home in Monterey County in Order to Provide Skilled Nursing and Memory Care Services for Aging, Disabled, and Homeless Veterans Living in the Central Coast Region of California (CN)

Motion **carried** to direct the Mayor to write a letter to the Monterey County Board of Supervisors and to California State Legislators in support of the establishment of a new CalVet Veterans Home in Monterey County.

16. Loan Consolidation and Affordability Term Extension for Sycamore Street Commons and La Playa Residential - Affordable Housing (ED)

Motion **carried** to:

- Approve loan terms for the consolidation and extension of City of Santa Cruz loans for Sycamore Street Commons and La Playa Residential and authorize the City Manager to execute the loan documents in a form to be approved by the City Attorney for the purpose of rehabbing this affordable housing and extending the affordability period.
- Support staff to work with Mercy Housing and relevant stakeholders to determine whether the affordability term can be extended in perpetuity and bring back an item for Council consideration at a future meeting.

17. Expiration of Statewide Evictions Moratorium - Authorization to Enter into an Agreement with the Community Action Board for \$150,000 for Tenant-Based Rental Assistance through December 31, 2022 (ED)

Resolution No. NS-29,957 was adopted appropriating \$150,000 from the CA state funding for homelessness response and authorizing the City Manager to execute an agreement with the Community Action Board, in a form approved by the City Attorney, to provide tenant-based rental assistance through December 31, 2022.

Consent Agenda (continued)

18. Amend Lease with 1200 Pacific, LLC. to Include Conference Space at 1200 Pacific Avenue for use by the City's Finance Department and Appropriate \$442,827 for Conference Space, Space Improvements and Infrastructure, Lease Deposit, Office Furniture Move, Rental, and Purchase (FN)

Motion **carried** to:

- Adopt Resolution No. NS-29,958 amending the FY 2022 budget to increase appropriation in the amount of \$442,827 for conference space, space improvements and infrastructure, deposit rental, office furniture move, rental, and purchase.
- Authorize and direct the City Manager to execute an amendment to the Lease Agreement with 1200 Pacific, LLC, and any amendments thereto, in a form acceptable to the City Attorney, for premises located at 1200 Pacific Avenue to serve as office space for the Finance Department.

19. UV Bypass Valve Repair (m409659) - Notice of Completion (PW)

Motion **carried** to accept the work of Anderson Pacific Engineering Construction Inc., (Santa Clara, CA) and to authorize the filing of the Notice of Completion for the UV Bypass Valve Repair Project (m409659).

20. High Voltage Portable Battery Charger for First All Electric Refuse Truck (g402205) - Budget Adjustment (PW)

Motion **carried** to:

- Adopt Resolution No. NS-29,959 amending the FY 2022 budget and appropriate funds in the amount of \$179,552.38 to fully fund the high voltage portable battery charger; and
- Adopt Resolution No. NS-29,960 to authorize the City Manager to apply, accept, and appropriate funding from California Energy Commission's grant programs that the City is eligible for a five-year term; and
- Authorize the City Manager to apply, accept, and appropriate grant funds from California Energy Commission (CEC) Energy Infrastructure Incentives for Zero-Emission Commercial Vehicles (EnerglIZE Commercial Vehicles) and authorize FreeWire Technologies to apply for funds on the behalf of the City for the Ultrafast EV Charger with Integrated Storage (g402205).

Consent Agenda (continued)**21. 3 Water Cogeneration Cooling Line Replacement (c401407) - Authorization to Advertise and Award (PW)**

Motion **carried** to approve the plans and specifications for 3 Water Cogeneration Cooling Line Replacement (c401407), authorize staff to advertise for bids, and award the contract. The City Manager is hereby authorized and directed to execute the contract in a form approved by the City Attorney. The Director of Public Works is authorized to execute change orders within the approved project budget.

22. T2 Systems Parking Pay Stations - Award Contract (PW)

Motion **carried** to award a contract for the purchase of 10 Luke II Parking Pay Stations from T2 Systems (Burnaby, BC) in the amount not to exceed \$148,009.04.

End Consent Agenda**Consent Public Hearings**

Agenda Item 24 was pulled for further discussion.

23. Tax Equity and Fiscal Responsibility Act Hearing for Approval of the California Municipal Finance Authority for Issuance of Tax-Exempt Bonds for the Benefit of the Sycamore Street Commons and La Playa Residential Affordable Housing Projects (ED)

- Conduct the public hearing under the requirements of Tax Equity and Fiscal Responsibility Act (TEFRA) and the Internal Revenue Code of 1986, as amended (the "Code").
- **Resolution No. NS-29,961 was adopted** approving the issuance of Tax-Exempt Revenue Bonds by the California Municipal Finance Authority ("CMFA") for the benefit of Mercy Housing California 72, L.P., a California limited partnership, or another entity to be established by Mercy Housing California or an affiliate thereof (collectively, the "Borrower"), in an amount not to exceed \$28 million dollars to provide financing for Sycamore Street Commons and La Playa Residential (the "Project"); such adoption is solely for the purposes of satisfying the requirements of TEFRA, the Code, and the California Government Code Section 6500.

Consent Public Hearings (continued)

24. 2nd Reading and Final Adoption of Ordinance No. 2022-03 Repealing Santa Cruz Municipal Code ("SCMC") Chapter 5.81 ("Vending and Display Devices on City Property") and Adding SCMC Chapter 5.82 (CM)

Motion **carried** to call the question.

Motion **carried** to adopt Ordinance No. 2022-03 repealing Santa Cruz Municipal Code ("SCMC") Chapter 5.81 ("Vending and Display Devices on City Property") and adding SCMC Chapter 5.82 ("Sidewalk Vending").

Public Hearings

25. Municipal Code Amendments Relating to Small Cell Wireless Telecommunications Facilities Responding to Modifications Requested by the California Coastal Commission (PL)

This item was **continued** to the April 26, 2022 Council meeting and was not discussed.

26. Slope Regulation Ordinance Amendments to Chapters 18.45, 24.04, 24.08, 24.14, and 24.22 of the Santa Cruz Municipal Code (PL)

This item was **continued** to the April 26, 2022 Council meeting and was not discussed.

Public Hearings (continued)

27. Green Building Program Proposed Fee Increase (PL)

Motion carried to:

- Introduce for publication Ordinance No. 2022-04 an amendment to Chapter 24.15, (Green Building Regulations), to specify that the fee associated with the Green Building Educational Resource Fund will be established by resolution of the City Council; and
- Adopt Resolution No. NS-29,962 to increase the Green Building Fee from 0.0025 to 0.0100 times the overall valuation of a project to retain the \$50,000 fee cap, and to incorporate said fee increase into the City Unified Master Fee Schedule with a footnote that annual Consumer Price Index increases do not apply to the fee; and
- Direct staff to update all associated fee schedules, such as user-friendly fee schedules developed by staff and post them online, where applicable, for the public.

General Business

28. Transportation and Public Works Commission (TPWC) Appointment (CC)

This item was **continued** to the May 10, 2022 Council meeting and was not discussed.

At this time, Mayor Brunner heard Oral Communications.

29. Parks and Recreation Annual Report (PR)

This item was **continued** to the April 26, 2022 Council meeting and was not discussed.

30. Public Gathering and Expression Events Ordinance Amendment (CA)

Introduce for publication Ordinance No. 2022-05 amending City of Santa Cruz Municipal Code ("SCMC") Chapter 10.65 - Public Gathering and Expression Events, with the following change:

10.65.050(3)(d): Is conducted on a regularly scheduled basis at a single location for more than four ~~two~~ consecutive days per week; and/or

At 6:02 p.m. Mayor Brunner opened Oral Communications. Mayor Brunner closed Oral Communications at 6:37 p.m.

General Business

31. 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)

Motion carried to call the question.

Motion carried to adopt Resolution No. NS-29,963 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".

Adjournment - The City Council **adjourned** at 10:06 p.m.

RESOLUTION NO. NS-29,963

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

RESOLUTION NO. NS-29,963

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.

RESOLUTION NO. NS-29,963

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 12th 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

RESOLUTION NO. NS-29,963
EXHIBIT A
CONDITIONS OF APPROVAL FOR APPLICATION NO. CP21-0174

Coastal and Design Permits to authorize the development associated with 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 in the City of Santa Cruz.

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.
 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.
1. 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.
 2. *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 will include an up to date list of 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). 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.
 - 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.

CONDITIONS OF APPROVAL

Planning Commission Meeting of March 3, 2022

SUBJECT: Oversized Vehicle Ordinance Implementation – Coastal Permit & Design

Permit – Application No. CP21-0174

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- 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.
 - Additional operational criteria may be applied by the City Manager, pursuant to Section 10.40.120(m) of the SCMC.
 - An Operations and Management Plan for the Safe Parking Program shall be developed by staff and shall contain, at a minimum, the following:
 - 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).
 - Procedures for the filing and resolving of complaints from participants and nearby residents and businesses.
 - Code of conduct and participation agreement.
3. 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.
4. At the end of the first year of operation, City staff will prepare a report that outlines the program operations in the Coastal Zone, its usage, the number of parking stalls affected, and complaints received regarding the program. If it is determined that any of the standards applicable in the Coastal Zone and identified in conditions above have not been met or if it is determined that a use has impacted availability of public parking spaces such that public parking is not otherwise available in the location where the safe parking program is being operated, then the City shall propose modifications to operations so as to remedy those situations. A copy of the report shall be submitted to the Executive Director of the Coastal Commission for review and approval. If the Executive Director determines that the safe parking program is negatively impacting public access, then the program shall be modified to eliminate such impacts, or mitigate them to the maximum extent feasible as directed by the Executive Director, including but not limited to elimination of the safe parking program location(s) in the Coastal Zone.

Appeal Packet for the
California Coastal Commission of the Central Coast
Requesting Denial of a Coastal Design Permit for the
Oversized Vehicle Ordinance

Lead Appellant: Reginald Meisler of Santa Cruz Cares
Co-Appellants: Chris Lang, Stacey Falls, Micah Posner, Rachael Chavez, Alicia Kuhl,
Joy Schendledecker, Marisol Goulett, Lira Filippini



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CURRENTLY APPEALABLE LOCAL PERMITS

Central Coast District covering Santa Cruz, Monterey, and San Luis Obispo Counties

Local Government CDP Actions Appealable as of: May 03, 2022

Local Application Number	CP21-0174
CCC Post-Cert Number	3-STC-22-0285
Local Jurisdiction	City of Santa Cruz
Final Local Action	Approved With Conditions
Applicant(s)	City of Santa Cruz

Project Location	Santa Cruz County Apn:
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Project Description	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-side safe parking program for unhoused City residence living in oversized vehicles licensed and registered in the City of Santa Cruz.
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Dates

Local Action	1/12/22
Local Action Notice Received	4/22/2022
Appeal Period Starts	4/22/2022
Appeal Period Ends	5/6/2022

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT ST., SUITE 300
SANTA CRUZ, CA 95060-4508
(831) 427-4863
CENTRALCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: Central Coast

Appeal Number: A-3-STC-22-0018

Date Filed: May 5, 2022

Appellant Name(s): Santa Cruz Cares

APPELLANTS

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review [the appeal information sheet](#). The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the Central Coast district office, the email address is CentralCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>.

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Reginald Meisler
Mailing address: 434 Morrissey Blvd, Santa Cruz, CA 95062
Phone number: 415-846-8097
Email address: reggie.meisler@gmail.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☐ Other

Describe: I lead the local appeal process as part of Santa Cruz Cares, a local

neighborhood group organizing around homeless advocacy

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe:

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: I appealed the initial approval by the local Zoning admin, gave a presentation

when it went to the Planning Commission on behalf of Santa Cruz Cares, and

responded to the next appeal by OVO supporters, which appeared before city

council (via council review process)

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision

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2. Local CDP decision being appealed²

Local government name: City of Santa Cruz

Local government approval body: City Council

Local government CDP application number: CP21-0174

Local government CDP decision: ☒ CDP approval ☐ CDP denial³

Date of local government CDP decision: 4/12/22

Please identify the location and description of the development that was approved or denied by the local government.

Describe: The Oversized Vehicle Ordinance is a parking permit program intended to
restrict time, place, and manner in which a large vehicle may be parked on a
public street in the city of Santa Cruz. Though it is seemingly framed in neutral
tones in the ordinance's language, this is broadly understood to be an attempt
to criminalize unhoused residents living in vehicles. During it's development, the
city attorney and then police chief Andy Mills said in plain language that the
purpose of the OVO is to enhance the city's ability to prosecute folks living in
vehicles for committing public nuisance-style offenses. A broad coalition of local
homeless advocates have been very vocal about the failures of this ordinance
and have their concerns ignored by city council and city staff. Our first appeal
to the Planning Commission resulted in some permit conditions which tried to
find compromise, but city council decided to call these conditions into review
and removed all of them at that meeting while granting OVO its CDP.

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

Appeal of local CDP decision

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3. Applicant information

Applicant name(s):

Reginald Meisler

Applicant Address:

434 Morrissey Blvd, Santa Cruz, CA 95062

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: See following page of pdf

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Dear Coastal Commissioners,

I am writing to you today as a member of Santa Cruz Cares, a neighborhood group aimed at advocating for our unhoused neighbors, asking you to deny a Coastal Design Permit to the Oversized Vehicle Ordinance (OVO) for the following reasons:

1. **OVO violates LCP goal (4) “maximize access to the coast for people of all income ranges...”**, given that unhoused individuals who live and work in Santa Cruz are specifically not allowed to obtain an oversized vehicle parking permit as they often do not meet the requirements defined under “resident”. Even if they do get a permit, they are only allowed to park their vehicle at night for up to 12 days a month, staggered in 72 hour blocks.

While OVO provides hotels and motels with oversized vehicle parking permits for their guests, it specifically specifies that hotels and motels are not allowed to give these permits to “non-paying guests” (10.40.120(l)(5)), exposing the fact that OVO is really about targeting the poor and preventing them from broadly existing in the city limits (even if local motels would like to provide them permits as an act of solidarity). It is also worth noting that the average rate for a local motel is over \$200/night. Much more than a low-income visitor can easily afford.

2. **The public access restrictions to the coast that OVO places on both unhoused and housed owners of oversized vehicles are substantial.** As noted in point 1, this permit program effectively makes it impossible for even homeowners without driveways to own oversized vehicles throughout the city and coastal zone, as the permit only enables 12 days of parking a month. Low-income, otherwise housed, out-of-town visitors without the ability to pay for increasingly expensive motel rooms and airbnbs, and without a personal relationship to a housed resident, are effectively priced out of being able to park their vehicle overnight in Santa Cruz for more than a few days at a time.

Their very existence in the city and coastal zone from 12am-5am is criminalized unless they are willing to fight over a handful of safe parking spaces that the city is willing to provide; thereby reducing safe parking capacity to serve the unhoused, specifically.

3. According to Section 30116 of the Coastal Act, “Sensitive Coastal Resource Areas” include “(f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons”. **If the Coastal Act means to protect the housing of low income persons in the Coastal Zone, then according to the City’s Housing Element, this section should also protect those living in vehicle shelter.**

The City’s Housing Element states that *“any vehicle designed, used, or intended to be used generally for living and/or sleeping quarters which is capable of moving, being*

moved, towed, or transported, can be part of meeting that need which should be maintained”, implying that the city should treat the preservation of vehicle shelter as it would the preservation of extremely-low income affordable housing units. This means that the OVO, in intentionally making it easier to ticket and tow vehicle shelter in the Coastal Zone via its coercive parking permit program, is violating not only the City’s Housing Element but Section 30116 of the Coastal Act.

4. 10.40.120(m) of the OVO gives the City Manager broad authority to define what safe parking is. Safe parking is not clearly defined in the “definitions” section of the ordinance, nor is it described with any amount of detail elsewhere in the ordinance.

Beyond the obvious lack of accountability this places on the content of safe parking sites, this also seemingly presents a broader problem of giving unchecked authority to the City Manager to develop in the Coastal Zone.

10.40.120(m) of the OVO seemingly allows the City Manager to do “anything” in the Coastal Zone that they wish to do, so long as they define it to be “safe parking”. One could imagine the City Manager using this loophole of sweeping authority to hypothetically rubberstamp all manner of development projects along the coast (hotels, residential real estate, etc), so long as it could be argued to include something they could point to as “safe parking” (a parking lot, perhaps).

5. **Past Coastal Commission decisions show a strong precedence in determining that overly complicated, discriminatory, and restrictive parking permit programs have a “substantial issue”.** These include the *rejection of the Santa Cruz OVO of 2016, the Newport Beach parking permit program of 2019, and the letter sent to the County Board of Supervisors to kill a 40-year parking permit program in Live Oak in January of this year.*
6. Santa Cruz city staff have noted that one of the primary issues inspiring this parking ban is “environmental concern” brought about by the existence of oversized vehicles in “ecologically sensitive areas”. **Staff may suggest that this is a reason that OVO is in compliance with the Coastal Act, because it is actively trying to prevent environmental degradation through enhancing the city’s ability to prosecute the unhoused for committing crimes of poverty through survival behaviors.** We would like to counter this hypothetical argument.

In city staff’s response to Santa Cruz Cares’ Planning Commission appeal, **staff admit that it is sanitation services which mitigate the impacts of unhoused living on surrounding neighborhoods and the environment, not the criminalizing effects of a restrictive oversized vehicle parking permit system, nor the enhanced ability to prosecute poor people for survival behaviors.**

“...by offering both trash services and restroom facilities at said locations [safe parking sites], the proposed approach contemplated with the ordinance and the implementing

Coastal Design Permit directly addresses two of the most problematic issues with oversized vehicles - trash disposal and wastewater disposal.”

Staff further proved this point by placing trash receptacles and port-a-potties at various locations along the Coastal Zone (e.g. Delaware Ave, Shaffer Rd, Natural Bridges, etc) whilst providing photo evidence of its efficacy in reducing the presence of waste and debris in a cost-effective way.

It is also important to note that the subsection of the OVO which seemingly grants the City Manager authority to support, operate, or authorize safe parking sites (10.40.120(m)) is unnecessary. In the staff report for the OVO drafting meeting held on September 21st 2021, they make reference to several pre-existing safe parking sites that are authorized (safe parking on commercial lots), supported (safe parking at AFC), and even operated by the city (safe parking at the police station). It's also probably safe to assume that the city's work with these various sites is currently under the discretion of the City Manager, given that these programs were never brought before council. **What this means is that the act denying OVO a coastal design permit should not impede the city from moving forward with new safe parking sites, nor should it affect existing safe parking sites.**

7. Another hypothetical argument Santa Cruz city staff may make about the OVO is that, because it contains provisions for safe parking, it is not necessarily harming oversized vehicles from accessing the coast. **In taking a closer look at precisely how safe parking is mentioned in the OVO, however, we see a complete lack of accountability on the city's part in ensuring safe parking exists in adequate number to meet the need of our existing unhoused residents, let alone low-income visitors.**

In the drafting meeting for OVO, city staff noted that there are at least 300 unhoused individuals living in vehicles in the city of Santa Cruz who may be affected by the passage of OVO. Despite this fact, staff have not promised to stand up enough safe parking spaces to fill the existing need, much less ensure these spaces are actually accessible to all residents by making them no-barrier. In fact, following the Planning Commission appeal meeting, the commission attached a permit condition making all safe sleeping spaces no-barrier. When city councilmember and OVO proponent Renee Golder appealed that decision, city staff recommended removing this permit condition and the majority of city councilmembers voted in approval of that decision.

While this letter attempts to make the case against giving OVO a Coastal Design Permit using narrowly defined arguments of LCP and Coastal Act violation, we have also attached letters from co-appellants to help further contextualize the danger of OVO from the perspective of a diverse set of Santa Cruz residents. We know Coastal Act arguments are your primary determinant for the provision of permits, but we hope that these personal letters help to deepen your understanding of this issue. Here's a quick breakdown of who my co-appellants are:

- Chris Lang is a PhD student at UCSC who has struggled to find stable, affordable housing near campus, opting to live in his van in order to finish his education
- Stacey Falls is a local teacher for Santa Cruz City Schools who has spent the last three years living in an RV after struggling to find affordable housing following an eviction from her rental home of 11 years
- Micah Posner is a local homeless advocate who helped organize his neighborhood block to defend the right of unhoused folks living in RVs and vans to park in their neighborhood without being intimidated, ticketed, or towed
- Rachael Chavez is a local nurse and homeless advocate, well-versed in public health and social science research relating to public policy for the homeless
- Alicia Kuhl is the president of the Santa Cruz chapter of the California Homeless Union, and has spent several years living in an RV in the city and county of Santa Cruz with her partner and three children
- Joy Schendledecker is the founder of a local mutual aid group known as "Sanitation for the People", dedicated to helping reduce the presence of trash in and around houseless encampments, which is understood to often be the result of inadequate sanitation services provided by the city to the unhoused
- Marisol Goulett is a local home owner who owns an oversized vehicle, but is unable to stay in compliance with the OVO because her home does not have a driveway
- Lira Filippini has been involved in numerous local campaigns and activist causes and has personal experience working on the issue of homelessness in other communities

We hope that the Coastal Commission agrees with Santa Cruz Cares that the city needs to move away from these misguided punitive policies of the past and move toward the evidence-based, service-oriented policies of the future.

City staff themselves admit that it is the sanitation services they intend to provide to folks in safe parking spaces that addresses the environmental impacts and quality of life concerns some housed neighbors fear, not any threat of criminalization. This admission by staff is further echoed by policy experts in the area of homelessness. Help us steer Santa Cruz in the right direction.

Please reject the Oversized Vehicle Ordinance from receiving a Coastal Design Permit.

Reggie Meisler of Santa Cruz Cares
434 Morrissey Blvd
Santa Cruz, CA 95062
415-846-8097

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Reginald Meisler

Signature 

Date of Signature 4/26/22

7. Representative authorization⁵

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Christopher A Lang
Mailing address: 219 Stockton Ave, Santa Cruz, CA 95060
Phone number: 650-387-9239
Email address: calang@ucsc.edu

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☐ Submitted comment ☐ Testified at hearing ☒ Other

Describe: I was unaware of the CDP process. Gave public comment against OVO as

it was being drafted.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: I am personally affected by OVO. I own an oversized vehicle which I now live in so that I can work at UCSC as a PhD student. OVO would further criminalize my means of survival while I work to get my degree.

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: As I mentioned, I was unaware of the CDP process, but had I known, I would not have been able to afford the cost burden to appeal (which the city set at \$699)

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Page 4

Applicant name(s): Christopher A Lang

Applicant Address: 308 Nevada St, Redwood City, CA 94062

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[illegible]

Exhibit 4
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Dear Santa Cruz Coastal Commission,

My name is Chris Lang, and I'm a fifth year graduate student in the Environmental Studies department at UC Santa Cruz. Before my first year, it took almost 3 months to find a house that would accept my dog and I. Warned by my advisor, I spent the summer months and the first month of Fall quarter unsuccessfully commuting between my brother's place in Oakland and Santa Cruz to investigate Facebook housing groups and Craigslist postings. Fortunately, by October of that year, I found a quaint house in Felton with two other graduate students, and the following years I was able to leverage my personal student network to find another house after my last one decided not to renew its lease.

When the pandemic hit in March of 2020 and the university transitioned to remote learning, I made the decision to move back home with my mom in Redwood City for personal and family health reasons. I moved all of my stuff out in a week's time. Even though I was not living in my rented room, I continued to pay my landlord three months of rent (each month, this amounted to more than 60% of my monthly student employee paycheck) during Spring quarter before I was able to find a subletter who could finish off my lease through the summer, which ended in September.

After September of 2020, without knowing the university's return status during the pandemic, I hesitated to lock myself into another year-long lease and decided to remain with my mother for an additional year. Only this quarter, in Spring of 2022, have I more permanently relocated back over the hill to Santa Cruz. I saved up money while working for the university remotely and living in my mom's house. Due to my extreme difficulty to find affordable, dog-friendly housing during my first few years, I decided to use my savings from the year and a half of living rent-free to purchase a used commercial passenger van that would serve as a mobile home for me and my dog to return to Santa Cruz post-pandemic.

Little did I know that the City of Santa Cruz would soon after pass an Oversized Vehicle Ordinance that criminalizes people like myself for simply parking on the street to sleep overnight. As difficult as it is to survive while living in a van—noting a void of public spaces in this city to charge devices, cook meals, wash dishes, and maintain general hygiene—the toll of feeling like a fugitive each night is the icing on top of the cake. I do not want to be woken up by police in the middle of the night, or to wake up to a parking ticket on my windshield, for simply sleeping.

As a former marine biologist who now studies the systemic injustice of plastic pollution, this coastal city of Santa Cruz holds many of the core reasons I went to graduate school in the first place: to explore this region's idyllic natural environment; to live in a city that values and incentivizes sustainable consumer behavior; to swim in the Pacific Ocean and breathe in the cleansing, saltwater breeze; to take my dog on hikes along the beach and in the Redwoods; the list goes on...As a scholar of waste, I am interested in how urban planning and public infrastructures can positively influence community health and environmental well being.

Yet since I have arrived, I continually have to ask myself if this unique coastal area is for me. Despite my rare privilege to have a Black mother who owns a house in the Bay Area, which has served as a necessary home base for me both before and during the pandemic, this city has been nothing short of extremely inaccessible to me (and many of my peers). I am 33 years old. I can only imagine how my younger colleagues, and those with less privilege than myself, experience the way the cost of living in this city extracts from their existence and overall experience. To add insult to injury, despite my most sincere, strategic, and intentional attempts to fashion a livelihood on my own terms that circumvents this extreme cost of living, I now have to constantly internalize the looming threat of punitive measures through this ordinance.

Please reject the Coastal Design Permit for the Oversized Vehicle Ordinance as you did in 2016 and send a clear message that the City should be focusing its efforts on addressing the root causes of this housing crisis rather than criminalizing those who are simply responding to it.

Sincerely,

Chris Lang
650 387 9239

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Christopher A. Lang

Signature 

Date of Signature 4/24/22

7. Representative authorization⁶

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Stacey Falls
Mailing address: 216 Broadway, Santa Cruz, CA 95060
Phone number: 831-334-3408
Email address: staceyffalls@yahoo.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☐ Other
I believe that I've spoken at every appeal hearing there's been and sent in

Describe: a letter to at least the Planning Commission appeal meeting

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: Santa Cruz Cares lead the appeal process, so I didn't need to file when OVO
was initially given a permit by Zoning admin, but the following appeal which
sent the permit decision to city council was executed by OVO supporters.

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 4

3. Applicant information

Applicant name(s):

Stacey Falls

Applicant Address:

216 Broadway, Santa Cruz, CA 95060

4. Grounds for this appeal⁴

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Describe: See following page of pdf

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

To Whom it May Concern,

I have spent the last three years living in an oversized vehicle, and I am opposed to the new Oversized Vehicle Ordinance passed by the Santa Cruz City Council.

In 2019 when I was kicked out of my rental of 11 years, in retaliation for campaigning for rent control, my life was turned upside down. Every day I poured over Craigslist, hoping to find a reasonable rental, but day in and day out there was a dearth of listings in general, and all of the listings were exorbitantly expensive, requiring half of my take-home pay.

I don't believe living in Santa Cruz is a God-given right, but I have taught at Santa Cruz High School since 2006. I wanted to continue to live close to where I work, close to where I have built my life. Every day that I failed to find a rental, I worried that I would be forced to move, maybe out of the City, maybe out of the state altogether, moving away from friends and family because of a lack of affordable housing.

Eventually a friend offered to let me park an RV in his back yard. My husband and I bought a trailer, and moved in to my friend's back yard on Riverside, a half a mile from the ocean. This offer felt like a life-saver, allowing me to stay in Santa Cruz, close to my job, close to the beaches, close to the redwoods, close to my twin sister. We loved the community associated with being close to friends, and we were able to save enough money for a downpayment on a house that we recently moved into.

Santa Cruz is so painfully expensive. Average, working people can simply not afford the rents, and buying a house is virtually impossible for most people. Even people who can afford rents sometimes have to fill out half a dozen rental applications, with a rental search taking many months. Of course people are moving into RVs and vans! There is no way for average people to live here without sometimes resorting to alternatives! Criminalizing people who are trying to be resourceful is cruel. Not only is it cruel, but driving average working people out of Santa Cruz means we will continue to have shortage of baristas, wait-staff, sanitation workers, and essential workers who are increasingly priced out.

I urge you to overturn the City of Santa Cruz's Oversized Vehicle Ordinance.

--Stacey Falls

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Stacey Falls

Signature 

Date of Signature 4/28/22

7. Representative authorization⁶

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Micah Posner
Mailing address: 732 Riverside Ave, Santa Cruz, CA 95060
Phone number: 831-227-4772
Email address: micahposner@cruzio.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☐ Testified at hearing ☐ Other
Sent correspondence to Planning Commission during first appeal meeting

Describe: _____

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: Santa Cruz Cares filed first appeal, sending OVO to Planning Commission
wherein I sent in my letter. A second appeal was then filed by OVO supporters
to undo the Planning Commission permit condition compromises

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Page 4

Applicant name(s):	Micah Posner
Applicant Address:	732 Riverside Ave, Santa Cruz, CA 95060

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[illegible]

Exhibit 4
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Dear Coastal Commission,

I would like to appeal the decision of the City of Santa Cruz to practically eliminate the parking of Recreation Vehicles.

I was on the City Council from 2012 to 2016, when the City tried to pass a similar ordinance banning parking without allowing enough designated spaces to meet the demand for the parking by residents and certainly not for visitors. I voted against the ordinance and it was later overruled by the Commission but my more pertinent experience with rules designed to stop people from sleeping in RV's comes from my experience in neighborhood- Lower Ocean, which is a diverse neighborhood near the Ocean in the City of Santa Cruz bonded by the San Lorenzo River, San Lorenzo Park, and the hill going east up to Seabright.,

Our neighborhood recently discussed the issue of people living in RVs in a somewhat formal matter. I am going to tell you about it, as it seems relevant to your current decision.

For several years now, ever since a hotel closed on Riverside Ave, near Barson Street, there has been an unofficial safe sleeping zone for RV dwellers- 2 to 6 of them at any given time.

In early 2020, unbeknownst to most of us, one of our neighbors asked Public Works to run off the RV dwellers by painting parking spaces on the street that would preclude them parking there. When we heard about the effort, a group of us went door to door and talked to our immediate neighbors about our support for people living in RV's who have no other place to go. Below is the first batch of petitions we turned in. I don't remember how many signatures we got in the end, 50 to 100, I think. Brian Borguno from Public Works probably still has them.

Anyway, in the end we turned in significantly more signatures IN FAVOR of allowing the RVs to park, than the people who were against it, even though the police (the neighborhood enforcement team) helped gather signatures against them.

In the process, we did hear some complaints about the RV dwellers, mostly about trash being left on the sidewalk. We met with the RV dwellers and asked them to take care of their trash and make sure that their dogs were supervised. I have noticed that there is a lot less trash, although there was at least one pile that was left for a long time and Katy (who rents a few houses from me) borrowed my wheelbarrow and picked it up. I think that all of us involved feel proud to be hosting the people in the RVs, and we feel empowered to talk to them when there are problems. In summation, we had a good dialogue as a small neighborhood (just a few blocks really) and came to the conclusion that we wanted to support people living in RVs and communicate our concerns to them. Not everyone was happy, but most people felt Ok about the result. I feel certain that my immediate neighbors do not support this proposed ordinance and I am certain that our little neighborhood has given it more thought than most places.

Based on my recent experience, I feel confident that a whole lot of people wouldn't support this ordinance if they were asked. But they are not as likely to contact their public agencies as the people who are upset, feel powerful and want 'something to be done.'

Personally, my idea about neighbors is that you try to work with them when there are problems, you don't try to run them off. For example, when someone seems to be sleeping in a vehicle in front of my house, (of whatever size) I try to introduce myself and get to know them a little bit. My family and I have never had a problem with these folks. I am wondering how many of the people supporting the RV criminalization ordinance have tried to talk to the people living in the RVs about their concerns prior to trying to run them out of town via an ordinance.

I have also met nice folks, mostly older people, who are living in RV's while traveling around the country for a few months or a year, at the Simpkins Swim Center, among other places. They kind of remind me of John Steinbeck in 'Travels with Charlie' where he specifically praises the open hospitality of the people of Northern Coastal California for allowing him to visit in his RV. Hospitality is not something we can turn on and off based on a visitor's income level. We either have it or we don't. I would like to have it.

I know that America, and California, is kind of fraying at the edges and it is a bummer to see people living in a way that is kind of desperate and not pretty. I understand why people want to push that spectacle away from their homes. My wife and I try to teach our children to deal with the truth as it is, and to be as kind as you can without putting oneself at risk. I don't think this is the spirit of the proposed ordinance and, based on my recent experience, I don't think my neighbors support it either, which makes me kind of proud to be honest.

Thank for hearing my neighborhood story,
Micah Posner

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Micah Posner
Micah Posner
Signature

Date of Signature 4/26/2022

7. Representative authorization⁵

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

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⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Rachael Chavez
Mailing address: 128 Clay St, Santa Cruz, CA 95060
Phone number: 831-212-4931
Email address: chavezrachael@gmail.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☐ Other
Showed up to every OVO appeal and delivered public comment as well as

Describe: written correspondence.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe:

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: I am a member of Santa Cruz Cares, helping author the first appeal to Planning Commission. After that appeal meeting we were given some compromises in the form of permit conditions but these were subsequently appealed by our opposition and removed.

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 4

3. Applicant information

Applicant name(s):

Rachael Chavez

Applicant Address:

128 Clay St, Santa Cruz, CA 95060

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: See following page of pdf

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

To the Coastal Commission,

I am writing today out of immense concern about a harmful policy that will fall under your jurisdiction, the Oversized Vehicle Ordinance.

At a Coastal Commission hearing in 2016, several commissioners expressed concern about the law calling it “onerous,” “drastic” and “draconian.”¹ The ordinance has not meaningfully changed since then. The new permitting system requires one to have a city address, which many who have lost homes in Santa Cruz, such as those displaced by the CZU fire², no longer have. If someone is able to get a hold of a permit, they still would only be able to sleep in their vehicle home for a maximum of 12 days out of the month. This permit system essentially bans poor people who live in their RV’s from existing in Santa Cruz, thus targeting low income people and restricting their access to the Santa Cruz Coast.

By the city’s own estimate, there are around 300 oversized vehicles used as homes, and currently 15 safe parking sites in the city. As written in the ordinance, the city has to provide only 3 additional safe parking spaces in order for this law to go into effect, and then 30 additional spots within 4 months of that date. The numbers do not add up.

Importantly, the city does have the power and the resources to mitigate many of the neighborhood complaints about oversized vehicles, without segregating access to our coastline based on income and housing status. Simply increasing access to sanitation resources where RV’s are currently located would create better living standards for those living in RV’s, the surrounding communities, and our environment, all while maintaining equitable access to our beautiful coast.

The results of ordinances that target poor people living in their vehicles is well documented; they directly contribute to an increase in unsheltered homelessness, disability, and premature death.³ We have already seen this locally as a result of SCPD’s Operation West Side, which pushed multiple individuals and families into unsheltered homelessness.

We have decades of research confirming that criminalizing homelessness is expensive, ineffective, and traumatizing, yet, our city government continues to parrot harmful myths that enable bad policy. The veracity of the data supporting this is so substantial that even entities like the U.S. Department of Justice⁴, the U.S. Department of Housing and Urban Development⁵, The United States Interagency Council on Homelessness⁶, the United Nations Human Rights

¹ <https://www.santacruzsentinel.com/2016/08/10/coastal-commission-votes-against-santa-cruzs-rv-ban/>
²

<https://lookout.co/santacruz/civic-life/government/story/2021-11-02/santa-cruz-oversized-vehicle-ordinance-criminalization-car-homelessness>

³ <https://wclp.org/wp-content/uploads/2019/03/TowedIntoDebt.Report.pdf>

⁴ <https://www.justice.gov/sites/default/files/atj/legacy/2012/05/09/doj-resource-guide.pdf>

⁵ <https://www.hudexchange.info/homelessness-assistance/alternatives-to-criminalizing-homelessness/>

⁶ <https://www.usich.gov/tools-for-action/searching-out-solutions/>

Council⁷, the American Medical Association⁸ and the American Public Health Association⁹ unequivocally condemn policies that criminalize homelessness as OVO does.

Quality of life ordinances like OVO and CSSO have dire consequences that are compounded along the lines of race, gender, disability, and sexual identity, perpetuating health inequalities. According to one researcher, when anti-homeless laws are enacted, “homeless individuals have continual interactions with law enforcement that are designed to punish even if they don’t lead to arrest. This creates a never-ending cycle of homelessness, inflicting material and psychological harm while deepening racial, gender, and health inequalities among the urban poor.”¹⁰ Although public health is often invoked when criminalization policies are marketed to the public, these types of laws are well known to worsen public health by dispersing people and their belongings to remote areas with nowhere to discard trash or bodily waste, not to mention the drastic negative effects on the health of the people being displaced.¹¹¹²

City council members and city officials have argued that OVO does not criminalize because it prioritizes civil penalties over criminal ones, it helps to enforce laws that are already on the books, and because there is a clause that supposedly will be used to let people avoid tickets if they register to accept safe parking sites, even if none are available.

This ignores the fact that vehicular living is already criminalized at a baseline in California.¹³

This ignores the fact that OVO intentionally makes enforcement a priority for police to target those living in their Oversized Vehicles.

This ignores that giving parking tickets to people who cannot afford to pay them leads to fines, misdemeanors, inability to register vehicles, and ultimately towing of shelter.

This ignores the significant gas expenditures people will need to be able to afford in order to get to and from safe parking locations day after day.

This ignores the fact that former Chief of Police Andy Mills and City Attorney Tony Condotti admitted in plain language at city council meetings that this ordinance was *designed* to create a more efficient way for the city to be able to prosecute people living in their vehicles because as Condotti said, “even if you write a ticket, even if you write a misdemeanor, the way the court process works these days is, they would be right back on the street within an hour, engaging in the same behaviors as before, so moving these vehicles along seems to be the only way to

⁷ <https://ourworld.unu.edu/en/criminalization-of-homelessness-in-us-criticized-by-united-nations>

⁸ <https://www.ama-assn.org/print/pdf/node/34166>

⁹

<https://www.apha.org/Policies-and-Advocacy/Public-Health-Policy-Statements/Policy-Database/2018/01/18/Housing-and-Homelessness-as-a-Public-Health-Issue>

¹⁰ <https://news.sfsu.edu/news-story/study-finds-anti-homelessness-laws-perpetuate-poverty-inequality>

¹¹ <http://nlchp.org/wp-content/uploads/2019/12/HOUSING-NOT-HANDCUFFS-2019-FINAL.pdf>

¹² <https://journals.sagepub.com/doi/10.1177/1078087417690833>

¹³ <https://wclp.org/wp-content/uploads/2019/03/TowedIntoDebt.Report.pdf>

address these issues,” or as Mills said, OVO “will give us the opportunity to cite with misdemeanors and then have our own city attorney prosecute. The courts are so overwhelmed with other cases, these cases [that] can’t be prosecuted, [and] the city attorney has a better track record of getting these things prosecuted...We’ve written hundreds of tickets, it can help for a while but it comes right back.”

This ignores the fact that there is an ever growing body of research describing the phenomena and impact of *pervasive penalty*, where “consistent punitive interactions with state officials rarely result in arrest, but do [cause] material and psychological harm,” reproducing homelessness, and deepening racial, gender, and health inequalities.^{14 15}

This ignores studies that show that when quality of life ordinances are enacted, their ostensible goals of expanding services are frequently not met, instead seeing an increase in fines, citations and arrests. ^{16 17 18 19}

Lastly, this ignores that the city council, based on recommendation from city staff, removed a provision placed by the planning department (among other evidence-based measures for safe parking) that would have required the city to have a plan for providing police with real time availability of safe parking spaces in order for them to be able to enforce the ordinance.

It is clear to me that the spirit in which this ordinance was created, confirmed by the city attorney at a September 21, 2021 city council meeting, was one of desire to harass our vehicularly housed neighbors in the hopes that they wind up either leaving town, or in jail. Research heavily suggests that the former is unlikely, while the latter is practically guaranteed. ²⁰

Services without the threat of criminalization is not only possible, moral, and just, it is also the most data-informed, evidence-based, and effective policy prescription for mitigating the harms of homelessness.

Please reject the Oversized Vehicle Ordinance from receiving a coastal design permit.

Thank you for your time,

Rachael Chavez
Registered Nurse
Lower Ocean Neighbor

¹⁴ <https://harvardcrcl.org/wp-content/uploads/sites/10/2021/10/Rankin.pdf>

¹⁵ <https://academic.oup.com/socpro/article/67/1/131/5422958>

¹⁶ <https://journals.sagepub.com/doi/10.1177/1078087417690833>

¹⁷ <https://www.cohsf.org/Punishing.pdf>

¹⁸ <https://academic.oup.com/socpro/article/67/1/131/5422958>

¹⁹ <https://journals.sagepub.com/doi/full/10.1177/0003122419872671>

²⁰ <https://ecm.cityofsantacruz.com/OnBaseAgendaOnline/Meetings/ViewMeeting?id=1767&doctype=1>

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐

Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name

Rachael Chavez

Signature

Date of Signature

4.25.22

7. Representative authorization

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐

I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Alicia Kuhl
Mailing address: P.O. Box 1602 Boulder Creek CA 95006
Phone number: (831) 431-7766
Email address: Alicia1L@hotmail.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☐ Other
I submitted comment and spoke at the Planning Commission appeal meeting

Describe: _____

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: Santa Cruz Cares filed first appeal to Planning Commission. Second
appeal was done by folks who want OVO to get a permit.

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 4

3. Applicant information

Applicant name(s):

Alicia Kuhl

Applicant Address:

P.O. Box 1602 Boulder Creek CA 95006

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: See following page of pdf

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

I have been living in my RV for over 3 years because I lost my rental due to a landlord renting units that were illegal according to the county and I have lived in my RV after the landlord refused relocation and stole my deposit. I reside in a 1996 Tioga Montara RV with myself, my disabled partner Eric Price and our 3 children. The OVO would criminalize us for parking on the public streets at night even though we are not criminals and commit no crimes. I have documented over the years that we have never dumped sewage on the streets or received any tickets for littering yet the City Council has repeatedly tried every step they can take to make our parking our RV in the City of Santa Cruz illegal. My family has lived in the area over 15 years and we do not want to be pushed out by a hateful ordinance that we feel is unconstitutional and discriminates against us because we are currently homeless. The area is our home town and unfortunately if the OVO is permitted and enforced it will make my happy family of 5 that loves the beach into criminals. Please assist.

I write this as an individual, a community member of Santa Cruz, a Mom, and as the President of the Santa Cruz Homeless Union,

Thank you,

Alicia Kuhl
(831) 431-7766

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Alicia Kuhl

Alicia Kuhl
Signature

Date of Signature 4/27/22

7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Joy Schendledecker
Mailing address: 1123 Escalona Dr, Santa Cruz, CA 95060
Phone number: (831) 239-7231
Email address: schendledecker@icloud.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☐ Other
I've submitted public comment at every appeal meeting

Describe: _____

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: Santa Cruz Cares filed first appeal to Planning Commission. Second
appeal was done by folks who want OVO to get a permit.

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Page 4

Applicant name(s): Joy Schendledecker

Applicant Address: 1123 Escalona Dr, Santa Cruz, CA 95060

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

[illegible]

Exhibit 4
A-3-STC-22-0018 40
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Joy Schendledecker
1123 Escalona Drive
Santa Cruz, CA 95060
831-239-7231
schendledecker@icloud.com

May 4, 2022

California Coastal Commission
Central Coast District Office
725 Front St., Suite 300
Santa Cruz, CA 95060-4508
(831) 427-4863
CENTRALCOAST@COASTAL.CA.GOV

To the Central Coast District Office:

We are writing today to appeal the Coastal Permit granted by the City of Santa Cruz City Council for the Oversized Vehicle Ordinance (OVO).

This ordinance regulates parking for larger vehicles on city streets, whether you're a resident with a street address, an out-of-town visitor, or an unhoused resident. Outside of parking permits allowing temporary parking (a few days out of a month) for people with housing or hotels, OVO includes brief language *permitting* (not requiring) the city to create a limited safe parking program (ultimately about 60 ultra-short-term and short-term spaces). We have about 300 people living in vehicles in the city, including long-time residents, city employees, non-profit workers, public school teachers, CZU fire survivors, school-aged children, elders, and more—a true working-class cross-section of our community. For the many who ultimately won't be in a safe parking program, the eternal question will remain: "Where do we go?"

Don't be fooled: OVO is not necessary for safe parking to exist, and repealing it will not defer safe parking. To the contrary, OVO grants no new powers to the city to operate or support safe parking.

As a lead organizer of Sanitation for the People, and as an individual, I have made multiple public comments in opposition to the anti-unhoused ordinances created by the Santa Cruz City Council majority in 2021 (including OVO). We have witnessed the continued insufficiency of adequate services of all kinds, including: safe shelter/parking/camping, storage, sanitation, personal hygiene, emergency planning and response, physical and mental health provisions, navigation center, etc. We also see that there are not enough staff, that their pay is too low, and that they don't have the job security that they should have. This is in spite of the ongoing Covid-19 pandemic and the CZU state of emergency. OVO creates legitimate civil rights issues

for those with and without housing. It increases dire human rights violations for those with precarious or no shelter.

In public meetings, we have heard city council and staff members cite multiple past study group and committee findings (2017 Homelessness Coordinating Committee, 2020 Community Advisory Committee in Homelessness, 2020 Grand Jury Report) as evidence that they have consulted a variety of stakeholders, including some who have experienced lack of housing themselves, as they continue to justify these ordinances. These studies (and many others from previous years) come to remarkably similar conclusions about what services and programs could be helpful, but almost none have been implemented. We have not seen any justification for enacting these ordinances and increasing restrictions *before* making a much greater effort to institute positive policies and programs.

For 20 years Santa Cruz had a sleeping ban that was incredibly harmful and ineffective. We've also been ticketing and towing vehicles from "hot spots" all along, and that hasn't solved the problem. Safe parking programs that work are low- and no-barrier, include wrap-around services, sanitation, hygiene, and waste management; and they are not part of ordinances that fee-and-fine people with regulations above and beyond laws already on the books. Aside from being the thing that "works," based on a multitude of case studies, these programs are the most cost-effective.

Over the past year, *and continuing right now*, we have witnessed the negative impacts for our unhoused neighbors of this systemic dysfunction in Santa Cruz. We have seen the continued ticketing and towing of vehicular shelters, as well as sweeps and citations for people told to relocate but without a sanctioned place to go (some of whom were recently living in those towed vehicles!). People's lives are put at risk in multiple ways, continually.

We read in Lee Butler's recommendation to approve the OVO coastal and design permits that coastal access will not be restricted because people, including those living in RVs, will still be able to access parking in the zone between 5am and midnight. This completely sidesteps the basic human right (and survival requirement) to sleep at night. The argument that our appeals are actually keeping people from benefiting from the (inadequate) safe parking spaces created in association with this ordinance is unacceptable, because safe parking spaces could be created without the ordinance. The promise that people could get on a list for spaces that don't exist, and then be exempted from tickets and towing, is asking people to take a huge leap of faith with a system that has been reliably untrustworthy and continues to actively harm them.

We also see a continuation of a particular slant to official reports and responses when describing some of the problems associated with people experiencing a lack of housing. It perpetuates negative stereotypes of people based on their housing status by focusing exclusively on images of messy living areas, and often anecdotal evidence, based on a complaints-driven culture, including encouragement of reporting "homeless encampments" along with other "nuisances" and public safety hazards via the city's app or website. No one denies that there are real problems with some people or sites of habitation, but the processes

and rhetoric employed by some city council members and city staff are contributing to real harm to individuals and fearmongering within the larger community. When Lee Butler reports that businesses and non-profits in the city technically can already host several vehicular shelters in their lots as reason to enact the ordinance, he misses the point that this negative climate has not encouraged or supported a collaborative, neighborly, supportive, trustworthy, or safe relationship between those parties. We read between the lines that the city thinks that people don't want to make these arrangements, but the absence of a take-up of this little-known allowance, without active guidance and material support for participants, does not mean people wouldn't do it if there was help.

The bottom line is OVO is hugely problematic and creates more systemic inequities in our city. It is entirely possible, and in fact imperative, that we move forward with the services promised by OVO (and more) without tying them to criminalization. Please deny the coastal permit for OVO.

Sincerely,

Joy Schendledecker

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Joy Schendledecker

JM Schend
Signature

Date of Signature 4 May 2022

7. Representative authorization⁶

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Marisol Goulett

Mailing address: 205 Gault St, Santa Cruz, CA 95062

Phone number: (805) 448-0802

Email address: marisol.sweeney@gmail.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☐ Submitted comment ☐ Testified at hearing ☒ Other

Describe: My partner and I reached out to city council while OVO was being drafted

but did not hear back. We were unaware of the local CDP process.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: We are personally affected by the outcome of this ordinance. I own what

would be considered an "oversized vehicle", and though I own a home, I do

not have a driveway to park this vehicle in, and thus I can not easily be in

compliance with this law.

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: Santa Cruz Cares filed first appeal to Planning Commission. Second

appeal was done by those who want OVO to get a permit.

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 4

3. Applicant information

Applicant name(s):

Marisol Goulett

Applicant Address:

205 Gault St, Santa Cruz, CA 95062

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: See following page of pdf

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

March 18, 2022

To Whom it May Concern:

I am writing to address concerns that my husband and I have regarding the Oversized Vehicle Ordinance that has recently been adopted by the City of Santa Cruz. My husband and I recently purchased a duplex in the upper Seabright neighborhood. We lived at this property as renters for more than eight years, and had the good fortune of being able to buy the property in April 2021. Unfortunately, the one bedroom side of the duplex that we occupy does not have a driveway of any kind, which means we always have to park our 2 vehicles on the street, which has now become a real concern with the passing of this ordinance. I attempted to reach out to the City Council via email for guidance and information before the ordinance was officially adopted, but never received a reply, which was rather disappointing and frustrating.

We own a Prius, and a Sprinter van, which are my and his daily drivers, and the Sprinter van is just over 20 feet long. The van is not a commercial vehicle, and it is not used for living in. My husband is an avid motorcyclist and it is used to transport bikes as well as being his only day to day vehicle. As I mentioned, we do not have a driveway, and both of our vehicles are parked on the street 100% of the time. As the ordinance reads, I don't know where that leaves us. The residential permit will not work, as it is only good for 72 hours at a time, up to 4 times a month (for a grand total of 12 days per month), and must be separated by at least 24 hours between each 72 hour stint. Obviously that will not be a viable solution for us, or any other residents in our position. We also live in a very parking impacted neighborhood and often have to park more than 400 ft away from our house (another stipulation in the ordinance language), sometimes for multiple days at a time. We do make sure that our vehicles are moved regularly, as we are familiar with the 72 hour limit for street parking. With zero language being written into the ordinance for exemptions or variances, this leaves us in an unknown status. Will we constantly be under threat of ticketing if people call our vehicle in or a city official happens to see it?

I am confident that my husband and I are not the only residents in this situation. These types of vans are very popular, especially in this city. We even have an amazing business right here in Santa Cruz that exists purely to convert large vans like ours into campers and recreational vehicles. However, our van is not an "extra" vehicle, or a recreational vehicle (not that either of those factors should matter), it's simply the ONLY vehicle owned by a city resident. The 20 foot designation is also incredibly arbitrary. We have a neighbor across the street that also has a large van like ours that parks on the street 100% of the time and it is fully outfitted as a camper van, but happens to be a few feet shorter than ours, and thus is not subject to the limitations outlined in the ordinance. It is completely unjust that their vehicle is considered "legal" to park on the street, but ours is not.

A number of years ago our neighborhood was polled to gauge interest in starting a parking permit program in our neighborhood. The result was overwhelmingly "not interested" from the residents. This means there have never been any parking restrictions in our neighborhood, short of the normal, city wide, 72 hour restriction. With this new ordinance, we don't even have the option of applying for some type of permit that would cover us adequately, nor do I find it

acceptable that we would have to spend additional money to keep living here and owning this vehicle, as we have done for years, simply because it was decided that our vehicle is one to two feet too long to be "legal." I would never be cited for parking my Prius on the street instead of in a driveway (in otherwise "unrestricted" parking areas), so how is it reasonable for the driver of a large van to be faced with that possibility?

As home owning residents of this city, it makes me very uncomfortable to be in this position. This letter does not even begin to touch on the multitude of other reasons this ordinance is problematic and the great distress it causes to unhoused individuals who are trying to live and work in this community in the only way some of them can afford to. The extremely high cost of living in this city is well known and my husband and I, with some luck on our side, have worked incredibly hard to be able to buy a home here, so this ordinance and its lack of accommodation for different situations is not something that sits well.

Due to the ordinance being incapable of accommodating residents with very legitimate reasons for needing exemptions, we are requesting that the ordinance be repealed.

Thank you for your time,

Marisol and Jeremiah Goulett

Appeal of local CDP decision

Page 5

5. Identification of interested persons


On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Marisol Goullet


Signature

Date of Signature 4/25/22

7. Representative authorization⁵

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Lira Filippini
Mailing address: 130 Belvedere Terrace, Santa Cruz, CA 95062
Phone number: (831) 227-5470
Email address: lirafilippini@gmail.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☐ Other
I've submitted public comment and written correspondence at every appeal

Describe: meeting.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: Santa Cruz Cares filed first appeal to Planning Commission. Second
appeal was done by those who want OVO to get a permit.

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 4

3. Applicant information

Applicant name(s):

Lira Filippini

Applicant Address:

130 Belvedere Terrace, Santa Cruz, CA 95062

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: See following page of pdf

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Dear California Coastal Commissioners,

As someone who has given public comment during the permitting process in the City of Santa Cruz for the Oversized Vehicle Ordinance (OVO), I write to you today to appeal issuance of coastal permits associated with this ordinance.

OVO prejudiciously eliminates coastal access to a subset of the population - those relying on large vehicles for their transportation and shelter.

The services and amenities described in the safe parking program element of the ordinance are exactly the type of solution we need to aid the community members relying on recreational vehicles as their only shelter; however, creating a city-specific avenue of criminalization of the people who choose not to utilize these amenities as their only option in the city, is not an appropriate or humane solution and only further exacerbates social inequity.

In effect, the OVO would only prohibit the people relying on their oversized vehicles from parking on these public streets at night; it allows for them to park there during the day. Which of the community concerns (leading to this ordinance, and listed below) are specifically mitigated by this? And which of those cannot be mitigated by existing laws described herein? **Are the streets most used by the people residing in their oversized vehicles highly sought-after for nighttime parking by normal sized vehicles? Nighttime access to the coast for normal sized vehicles has NOT been an issue.**

It's also important to note that without the COAs, the oversized vehicles would not be allowed to park in the proposed safe parking program lots during the day, only at night. Requiring oversized vehicles to move in and out of the safe parking program's theoretical lot every single evening and morning poses a clear environmental carbon debt. It also necessitates costly expenditure on gas for each vehicle's operator in the program. This fundamentally makes it harder for folks to survive in their vehicles, clearly intending for a burden that would encourage them to leave the city, or have their vehicle towed, putting more houseless folks out onto the streets/parks of Santa Cruz without safe and controllable shelter.

It would be a more equitable solution to provide the safe parking program as an option, enforce existing laws, and create services like black water dumping voucher programs, trash receptacle/collection programs, etc., without criminalizing those who are abiding by all of the current laws.

Considering that, I think a little exploration into what is allowing these issues to occur is warranted. Many of the community's concerns leading to the ordinance are valid and mostly consist of: sewage dumping/leaking onto streets, trash accumulation, violent crime, theft, unsanctioned fires, and damage to state or city park vegetation.

It is important to point out that ALL of these are already illegal and no new laws or ordinance are needed. The City can absolutely start adequately enforcing the laws associated

with each of these without creating a new ordinance that in effect criminalizes all people relying on an oversized vehicle if they use their vehicle anywhere but the parking program lots at night.

- We already have laws against sewage leaking of recreational vehicles, which could be enforced (California Health and Safety Code 18871.4)
- We already have litter laws, which could be enforced (California Penal Code 374).
- We already have laws controlling fire safety, which could be enforced (County of Santa Cruz Municipal Code Chapter 7.92)
- We do not need a new ordinance to enforce crimes of theft or violence. There are innumerable national, state, and local laws already establishing these as punishable crimes.
- There are many laws/regulations against damaging or removing vegetation from public lands/parks. The easiest to find are state park regulations. If our city parks do not have such regulations, they should be adopted to match those of the state's.

The secondary batch of community concerns or frustrations can also be mitigated by EXISTING laws. Some community members have communicated concern that certain streets are piling up with permanent parking of these oversized vehicles.

- We already have state and local laws giving the right to tow vehicles left unmoved (or moved less than 1,000 feet) for 72 hours or more. These could be more adequately noticed and enforced (California Vehicle Code, Division 11 [22650 - 22711]; specifically 22669)
- We already have state and local laws giving the right to remove dismantled vehicles or vehicle parts on public property, which could be more adequately enforced (County of Santa Cruz Code 9.57)
- We already have state laws for the following that could also be enforced with tickets or towing:
 - Vehicle registration expired over six months (22651(o))
 - No license plates or registration (22651(j))
 - More than 5 unpaid parking citations (22651(i)(1))

All in all, the OVO would create inequity in coastal access for just one portion of the population. This includes persons relying on large ADA vehicles, as well as those relying on their large vehicles for shelter who may wish to visit the coast during evening or early morning hours.

Thank you for your thoughtful consideration,

Lira Filippini
130 Belvedere Terrace
Santa Cruz, CA 95062
(831) 226-2853 (landline)
(831) 227-5470 (cell)

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Lira Filippini


Signature

Date of Signature 4/28/2022

7. Representative authorization⁶

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

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⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.



Via E-mail at CentralCoast@coastal.ca.gov

January 24, 2022

California Coastal Commission
Central District Office
725 Front Street #300
Santa Cruz, CA 95060

Re: Protective Santa Cruz Coastal Permit Appeal

California Coastal Commission:

The American Civil Liberties Union of Northern California (“ACLU”), Disability Rights Advocates (“DRA”), Abbi Samuels, Peter Gelblum, and Veronica Crow hereby appeal the coastal permit (“Permit”) associated with the City of Santa Cruz’s Ordinance 2021-20 (the “OSV Ban Ordinance” or “Ordinance”), Project CP21-0174.

The Santa Cruz Zoning Administrator approved the aforementioned Permit on January 12, 2022. It does not appear that Santa Cruz has submitted that final local action to the Coastal Commission as the Permit is not on the present list of appealable local permits.¹ Yet, Santa Cruz has instructed the public that the Permit may be appealed to the Santa Cruz Planning Commission *or* directly to the Coastal Commission.² We have already submitted a notice of appeal of the associated coastal permit pursuant to Santa Cruz Municipal Code Sections 24.04.182-183 to the Santa Cruz Planning Commission. Out of an abundance of caution, we submit this appeal to the Coastal Commission on a protective basis to preserve the aggrieved parties’ rights. We further reserve any rights to amend, supplement, or resubmit this appeal to the Coastal Commission during and after the local appeal process. Pub. Res. Code § 30603; Cal. Code Regs. Tit. 14, § 13110.

The Ordinance and the Permit violate the California Coastal Act and related environmental justice policies, and Santa Cruz’s local plans (including its General Plan, Housing Element, Local Coastal Program, and Municipal Code). The Ordinance and Permit also violate the Federal and California Constitutions and Federal and State disability laws. If enforced, the OSV Ban Ordinance and

¹ [Currently Appealable Local Permits](https://documents.coastal.ca.gov/assets/appeal-projects/Statewide_Appealable_Projects_Report.pdf) available at https://documents.coastal.ca.gov/assets/appeal-projects/Statewide_Appealable_Projects_Report.pdf

² “This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City, or the Coastal Permit could be appealed directly to the California Coastal Commission separate from the Design Permit.” Agenda for January 12, 2022 Zoning Administrator Special Meeting, *available at*, <https://ecm.cityofsantacruz.com/OnBaseAgendaOnline/Meetings/Search?dropid=4&mtids=125>

associated Permit would have a disproportionate impact on marginalized groups, driving people of color, people with disabilities, and low-income people out of the City.

I. Interests of the Appealing Parties

The **ACLU** and **DRA** are civil rights organizations that have repeatedly written to the City to inquire about its treatment of unhoused people, including vehicularly housed people. The ACLU and DRA submit this appeal both as organizations and on behalf of all people whose rights would be harmed if the OSV Ban Ordinance and Permit were allowed to go into effect.

Abbi Samuels and **Peter Gelblum** are members of the Santa Cruz ACLU Chapter who have individually contested the City's OSV Ban Ordinance and associated coastal permit. Ms. Samuels lives on the Westside and is a neighbor of many vehicularly housed people in the area. Mr. Gelblum owns an OSV and has parked within the Coastal Zone, including when evacuated due to recent wildfires.

Veronica Crow is a 70-year-old woman who lives in a recreational vehicle ("RV") next to the ocean in west Santa Cruz. She has previously written to the City about the OSV Ban Ordinance and associated coastal Permit. Ms. Crow resides in her RV because she cannot afford housing rents in Santa Cruz on her fixed income. She has several disabilities, including chronic brain cancer and arthritis in her hands and knees. Due to her disabilities, she cannot stay in congregate-type shelters (which are full) as the increased noise and stimulus cause her headaches to be even more unbearable. Congregate shelters also fail to provide sufficient safety for her as a trans woman. She has attempted to secure "safe parking" with the Association of Faith Communities ("AFC") Safe Parking Program without success. She always strives to be a good neighbor, but she is harassed and ticketed by the City.

If the OSV Ban is allowed to go into effect, Ms. Crow fears it will be aggressively and repeatedly enforced against her. She would be unable to park her RV on any of the designated spots along West Cliff Drive because it will be too big, too close to an intersection, or in a prohibited overnight area. Thus, if she were unable to park her RV in the coastal zone due to the ordinance she would effectively be driven out of Santa Cruz and the coast, and would have to drive miles to get to the ocean every day. However, she would be unable to afford that because of prohibitive gas costs—driving her RV is very expensive as it gets just five miles per gallon. Furthermore, if she were in a safe parking program an unknown distance away from the beach, she would be dependent on it to be close enough to walk to the beach every day, notwithstanding her disabilities. Being fined for parking her RV would make it even more difficult for Ms. Crow to afford food and other necessities, and make the possibility of returning to fixed housing even farther out of reach. Being towed for accumulating multiple infractions under the OSV Ban would deprive her of all her possessions and leave her with no place to live, leaving her in the precarious prospect of living on the streets. If she were forced to leave Santa Cruz, she would lose her hometown of eighteen years, access to support groups and friends, access to her doctors, and access to the coast.

Ms. Crow deliberately parks within a half-mile from the ocean. She walks along the beach and along the cliffs every day. She loves the water and used to surf. Her dog Eric also loves it—especially playing with other dogs at the dog beach. She has said that "the ocean is the only thing

Exhibit 4

American Civil Liberties Union Foundation of Northern California A-3-STC-22-0018

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TEL (415) 621-2493 • FAX (415) 255-1478 • TTY (415) 863-7832 • WWW.ACLUNC.ORG

that keeps me sane.” She has always lived relatively close to the beach, claiming “the peace and tranquility are in [her] blood, giving [her] a sense of calm.” She used to take her daughter to the seashore frequently and said that it has always been part of her life. She says that once one has lived so close to the ocean and had it in one’s life, it is hard not to feel that way. She would not know what to do without access to it.

Ms. Crow is respectful of people who live in homes with coastal views, avoiding parking in front of their houses. However, she feels that she also has the right to coastal access, having lived next to the coast her whole life, having contributed to the community for over 70 years, and—most importantly—because the ocean is there for the public. She finds the RV Ban and homeowners’ complaints especially galling because coastal access is supposed to be a public right in California, and complaints from wealthy homeowners about RVs ruining their nice views and expensive homes overlooks the fact that one should not be able to buy up the coast in California.

With rising rents, the influx of new homeowners from Silicon Valley have brought in what Ms. Crow calls a “gated community ethos” that is anti-Californian and that takes away her one of her rights as a Californian—access to the coast. She feels she is being told, “You don’t deserve to be on the beach because you are poor,” an idea she sees as biased, prejudiced, and trying “to privatize the ocean.” She said that coastal access should not just be for people with money.

II. Santa Cruz’ Homelessness Crisis

According to the 2019 Santa Cruz County Homeless Point-in-Time Count (“Count”), there are 2,167 unhoused people in Santa Cruz County (“County”), including those who live in their vehicles.³ 78% of all unhoused people in the County are unsheltered, with 69% of chronically homeless people in the County unsheltered. 44% of unhoused people in the County live on the streets or in an encampment; 15% live in a car, van, camper, or RV. Approximately half of the unhoused population in the County is in the City of Santa Cruz. In the City, the Count found 1,197 unhoused residents, 865 of whom were unsheltered (72%). The majority of unhoused people in the County were housed residents in the County for five or more years prior to their houseless status.

In terms of racial demographics, the County’s unhoused population is disproportionately Black and Native American. 33% of unhoused people in the County are Hispanic/Latinx, 8% are Black, and 10% are Native, as compared to 34%, 1%, and 1% of the general population in the County, respectively. 67% of unhoused people in the County are men and 33% are women.

In terms of disability, 39% of unhoused people in the County reported at least one disabling condition, with 32% reporting a history of mental illness, 30% reporting post-traumatic stress disorder, 26% reporting a physical disability, and 21% reporting chronic health conditions. 31%

³ Applied Survey Research, *2019 Santa Cruz County Homeless Point-In-Time Survey*, SANTA CRUZ CNTY. 14 (2019), <https://housingmatterssc.org/wp-content/uploads/2019/08/2019-PIT-Count-Full-Report.pdf>.

were employed. In comparison, 7.5% of the City's general population under 65 reported a disability.

It is undisputed that Santa Cruz lacks sufficient housing, shelter, and parking for its unhoused residents. The City has failed to set up *any* safe parking on its own nor has it identified the exact number or location of safe parking by nonprofits.

III. The Ordinance and Permit

Unable to alleviate its affordable housing shortage, the City has, for many years, sought to expel unhoused persons from the City by attempting to make it so difficult and dangerous for them to survive that they will decide to move elsewhere to live. The City's efforts have included issuing repeated citations for alleged violations of unconstitutional laws prohibiting sitting or lying down in public places, or being in public places during prohibited hours; severely limiting the availability of "sanctioned" campground space to areas that are prone to winter flooding, and preventing encampment in other parts of the city; aggressive enforcement of parking and other motor vehicle ordinances targeted at people living in recreational vehicles; and verbally and physically harassing unhoused persons.

Most recently on November 9, 2021, the City Council adopted Ordinance 2021-20, which amended various provisions of the SCMC relating to the parking of oversized vehicles, like RVs. The Ordinance prohibits the *overnight* (i.e., between 12:00 a.m. and 5:00 a.m.) parking of OSVs *anywhere* in the City, with narrow exceptions for OSVs owned by individuals who already own or rent real property and wish to park their OSVs adjacent to their homes. SCMC §10.40.120(a), (g). It also prohibits the parking of OSVs *at any time* in many locations that are open to parking for other vehicles, such as within 100 feet of a crosswalk, intersection, stop sign, traffic signal, or on any arterial street. SCMC §10.40.120(f). These "prohibited zones" of 100 feet—or one-third the length of a football field—occur multiple times on any given street segment, and are each *five times as long* as the 20-foot zones "prohibited zones" pertaining to the parking of other vehicles near the same street features. *See* SCMC §10.40.040. Moreover, the prohibition of parking "at any place within 100 feet of a...boulevard" appears to prohibit parking along the entire length of all "boulevards." Elsewhere in the SCMC, "boulevard" is defined as "[a]n arterial street or parkway." *See* SCMC 23.24.030.7. Thus, the Ordinance appears to prohibit OSV parking at any time along the entire length of many of the major thoroughfares in the City.⁴

⁴ Although the SCMC does not define "arterial street," according to a City planning document, arterial streets "carry the City's heaviest traffic flows and provide regional and inter-community access. Arterial streets within the City include Ocean Street, Mission Street, Water Street, Soquel Avenue, Broadway Avenue, Laurel Street, Bay Street, Delaware Avenue, Morrissey Boulevard, Murray Street, San Lorenzo Boulevard, Seabright Avenue, Market Street, Beach Street, Second Street, Front Street, Pacific Avenue, Cedar Avenue, Center Street, Walnut Street, River Street and High Street. CITY OF SANTA CRUZ, *General Plan 2030 Draft EIR* at 4.4-7, <https://www.cityofsantacruz.com/home/showdocument?id=22462>.

In addition, the Ordinance requires that a person living in an OSV may not “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 property...unleashed animals, and garbage.” §10.40.120(d). This subsection of the Ordinance does not define “unsafe” or “untidy;” does not delimit by any kind of measurement what is the “surrounding area;” and imposes on an OSV resident an obligation to clean up after anyone else who may choose to dump trash or debris in the vicinity of their vehicle. A violation of this provision is a criminal misdemeanor, which subjects the person living in the vehicle to arrest⁵ and is punishable by a fine of up to \$1,000 and imprisonment for up to 6 months. SMC §4.04.010(5). A single violation also subjects the vehicle to towing under Cal. Vehicle Code § 22651(h)(i).⁶ In addition, under the Vehicle Code, an accumulation of as few as five parking citations can subject a vehicle to towing. Cal. Vehicle Code § 22651. Given the history of the City’s enforcement of other parking ordinances against RV residents, this section is a powerful weapon that is likely to be used aggressively as a means to unlawfully threaten and harass OSV residents.⁷

The Ordinance provides that any person who parks an oversized vehicle such as an RV anywhere in the City between the hours of 12:00 p.m. and 5:00 a.m. is subject to punitive and excessive fines and towing, regardless of the unavailability of alternative shelter or a “safe parking” alternative within the City.

While the Ordinance makes passing reference to the *possibility* that the City “may” operate or sponsor a “safe parking” program to enable people living in RVs to park their vehicles safely on City-owned property, it neither requires the City to develop such a program nor makes the ability of the City to ticket and tow the homes of vehicularly housed persons conditional on the availability of any “safe parking” spaces or alternative shelter.

IV. The Ordinance and Permit Unlawfully Limit Access to the Coast and are Contrary to California Environmental Justice Principles

This is not the first time the City has attempted, by the enactment of an ordinance, to expel persons living in RVs. In 2016, the City passed a similar OSV ordinance and approved a coastal permit, which never went into effect following a finding by the Coastal Commission of the existence of a “substantial issue.” Like the prior iteration presented to the Coastal Commission in August 2016, the OSV Ban Ordinance and associated Permit unlawfully limit access to the coast, particularly for low-income people, people of color, and those with disabilities. And given the amendment of

⁵ SMC § 4.02.050 provides that “City enforcement officials are authorized to arrest” a person “whenever the enforcement official has reasonable cause to believe that the person has committed a violation of the municipal code...in his or her presence.”

⁶ Cal. Vehicle Code § 22651(h)(i) provides that a peace officer “may remove a vehicle...if [the] officer arrests a person driving or in control of a vehicle for an alleged offense and the officer is...required or permitted to take, and does take, the person into custody.”

⁷ By contrast, with respect to other violations of the municipal code, the City appears to encourage enforcement by administrative citations. *See* SMC § 4.14.010.

relevant legislation in 2016 authorizing both the “issuing agency” and the Coastal Commission to consider environmental justice principles, the Ordinance and Permit must be reconsidered. Pub. Res. Code § 30604(h). The City has not cured the deficiencies identified by the Coastal Commission. The Ordinance and Permit create an absolute overnight OSV ban city-wide, severely curtail daytime OSV parking, treat RV inhabitants differently than persons who dwell in fixed housing, and uniquely subject OSV residents to criminal liability for their undefined “surrounding area[s].” The repackaged OSV Ban and associated Coastal Permit are still supported by scant evidence of the link between purported harms and RV residents. Instead, there is a perpetuation of stereotypes about poor people. Nor is the ban narrowly tailored to address those harms. Similarly, there is little data or analysis on the number of OSV residents and the availability of alternative parking. The City still has no publicly-provided safe parking alternative and relies on vague aspirational expansion of privately run safe parking programs. Condoning the OSV Ban and associated Coastal Permit will only encourage the proliferation of these exclusionary policies across the state.

Article X of the California Constitution guarantees the right of access to navigable waters for all people. The California Coastal Act Section 30210 mandates that “maximum access...and recreational opportunities shall be provided for all the people...” Additionally, Section 30312.5 provides that “public facilities, including parking areas or facilities, shall be distributed throughout an area.” Further, Section 30223 protects “upland areas necessary to support coastal recreational uses,” including parking areas. It is undisputed that the OSV Ban Ordinance and Permit would severely limit street parking opportunities for OSV residents without any guaranteed alternatives.

The Coastal Commission’s 2016 questions and observations remain equally unanswered and applicable to the current OSV Ban and Coastal Permit application.⁸ Commissioners Howell and Turnbull-Sanders asked how the City could blame OSV residents with any increase of crime. The City provides the same vague conclusory response. One of the few specific statistics provided is a reference to a mere three of thirty-eight recent fire incidents being related to an OSV.⁹ Conspicuously absent is any evidence of a “specific nexus,” as Commissioners Turnbull-Sanders descried, that increased debris, water discharges, or thefts are causally connected to OSV residents. Instead, the Ordinance and Permit wrongly “identif[ies] anyone [who] is homeless as a chronic drug user or thief” in the words of Commissioner McClure. The City has therefore failed to substantiate neighborhood complaints, raising the possibility that the complaints are actually driven by blanket animus towards unhoused people.

Not only do the alleged harms need to be substantiated, but the Coastal Commission requires that proposed solutions must be narrowly tailored. The City has failed to make any effort to tailor its

⁸ Cal. Coastal Comm’n, August 10, 2016 Meeting, <https://cal-span.org/unipage/?site=cal-span&owner=CCC&date=2016-08-10>.

⁹ City of Santa Cruz, Jan. 12, 2022 Zoning Administrator Agenda Report at 1.3, https://ecm.cityofsantacruz.com/OnBaseAgendaOnline/Documents/Downloadfile/Zoning_Administrator_-_Special_Meeting_1845_Agenda_Packet_1_12_2022_10_00_00_AM.pdf?documentType=5&meetingId=1845&isAttachment=True.
Exhibit 4

proposed solutions. It has, for example, failed to consider providing RV residents with trash disposal or waste disposal.¹⁰ As Commissioner McClure observed, the provision of services also does not lead to a drawing in of unhoused people. Rather, if the OSV Ban and Coastal Permit are affirmed, it is such “drastic draconian” policies that would spread.¹¹

Despite multiple commissioners inquiring about the City’s identification of parking alternatives in 2016, Santa Cruz provides largely the same response now. In the intervening six years, the City has not created a single public safe parking spot. **Not one.** Instead, the City identifies the same Association of Faith Communities safe parking program. “As many as 22 spots” are available in Santa Cruz, but their locations, requirements, and the hours of operation are not disclosed. It is therefore unknown whether such spaces can accommodate all OSV residents. Indeed, the City does not even provide a meaningful estimate of the number OSV residents. The City proffers a number of 65 OSVs based on a count of limited streets. The conservative 2019 Point-in-Time Homeless Count suggests there are 180 vehicularly housed people in Santa Cruz. Further, the Santa Cruz Police Department cited 294 OSVs in 2021, suggesting the number of OSVs is far greater than 65.

The City has also failed to provide any analysis on the impact of its daytime parking restrictions. Neither the unspecified AFC program spots nor the City’s aspirational goal of adding 3 emergency parking spots and 30 safe parking spots can accommodate the need. The City has provided no specifics about their safe parking plans, hinting only that the programs would be time-limited (nighttime hours only), located *outside* of the Coastal Zone, and limited to unhoused people who meet certain barriers. Given the City’s abysmal record of creating additional parking alternatives, the aspiration parking should not be credited when considering the OSV Ban and Coastal Permit. Without alternatives, the OSV Ban and Coastal Permit will only “push[] out” people and have them “living on the street instead” as Commissioner Turnbull-Sanders observed. Or in the words of Commissioner McClure, it is time to stop “chasing people around the city.”

Newly adopted environmental justice policies also require reconsideration of the OSV Ban and Coastal Permit. In late 2016, the Governor signed AB 2616, which amended the Coastal Act and gives the Coastal Commission new authority to specifically consider environmental justice when making permit decisions. § 30604(h)¹². The unanimously adopted 2019 Environmental Justice Policy provide that “opportunities not be denied on the basis of background, culture, **race, color**, religion, national origin, **income**, ethnic group, age, **disability status**, sexual orientation, or gender

¹⁰ *Id.* at 1.7.

¹¹ August 10, 2016 Meeting, *supra* n.7 (quoting Commissioner Vargas).

¹² “Where a local government fails to consider environmental justice when evaluating a proposed development that has the potential to adversely or disproportionately affect a historically disadvantaged group’s ability to reach and enjoy the coast, that failure may be the basis for an appeal to the Coastal Commission. Similarly, where a local coastal program includes policies that implement environmental justice principles, a local government’s failure to consider those principles may also be the basis of an appeal to the Coastal Commission.” Environmental Justice Policy at 7.

identity.”¹³ This specifically includes “low-income communities and communities of color that are disproportionately burdened by or less able to prevent, respond, and recover from adverse environmental impacts.”¹⁴ It further states that “[t]he coast belongs to everyone, and access ***cannot be denied or diminished*** on the basis of race, ethnicity, income socio-economic status, or place of residence or other factors listed in the Policy Statement.”¹⁵ Therefore, development and permits should “protect, encourage, and ***provide lower-cost visitor and recreational opportunities*** embody fundamental principles of environmental justice, “identify[] and eliminat[e] barriers...in order to provide for those who may be otherwise deterred from going to the beach or coastal zone.” The Coastal Commission must “***strive for a no-net-loss of lower-cost facilities*** in the coastal zone, while implementing a longer-term strategy to increase the number and variety of new lower-cost opportunities.”¹⁶ Santa Cruz provides for ***no environmental justice analysis***, let alone a demonstration of compliance. Had the City considered these equity principles, the Ordinance and Permit could not survive. OSV residents, like all unhoused people, are disproportionately people of color, people with disabilities, and poor. Unlike those who can afford to live on Santa Cruz’ coast in fixed housing, the Ordinance and Permit target OSV residents’ access to the coast by barring overnight parking, limiting daytime parking, and subjecting them to fines, towing, and arrest. And again, no reasonable alternatives are provided.

V. The Ordinance and Permit do not Comply with Santa Cruz’ General Plan, Housing Element, Local Coastal Program, and Municipal Code

The Ordinance and Permit are also in direct conflict with provisions of the Santa Cruz 2030 General Plan (“General Plan”). Santa Cruz’s General Plan provides policies to effectuate a vision and principle of a balanced community with mobility, parks and recreation, affordable housing options, and community services. The General Plan states Santa Cruz will “maintain the community’s longstanding commitment to shared social and environmental responsibility, fostering a balance between employment, housing ***affordable to persons of all income levels***, transportation, and natural resources.”¹⁷ The Ordinance and Permit instead provide for disparate treatment of those who have the means to live on Santa Cruz’s coast in fixed housing and those who must live in their oversized vehicles.

The City is to “integrat[e] automobile use”¹⁸ and “[e]ncourage innovative solutions that provide adequate parking.”¹⁹ The Ordinance does the opposite by limiting vehicle usage and parking. It makes streets inaccessible to people living in their vehicles by providing for an outright ban in the

¹³ Cal. Coastal Comm’n, Environmental Justice Policy at 4 (Mar. 8, 2019), https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf (“Environmental Justice Policy”) (emphasis added).

¹⁴ *Ibid.*

¹⁵ *Id.* at 7 (emphasis added).

¹⁶ *Ibid.* (emphasis added).

¹⁷ City of Santa Cruz, General Plan at 1 (June 2012), <https://www.cityofsantacruz.com/Home/ShowDocument?id=33418>.

¹⁸ *Ibid.*

¹⁹ *Id.* M1.5.2.

evening and severely curtails daytime parking without mandating additional, alternative parking for the parking lost.

The General Plan's prescriptions on parks and recreation are equally ignored. Under PR3.3 the City is to "enhance publicly accessible coastal and open space areas." This includes "ensur[ing] that development does not interfere with the public's right to access the ocean," (PR3.3.2), "requiring new development and public works projects to provide public access from the nearest public roadway to the shoreline and along the coast" (PR3.3.3), and "maximize public access and enjoyment of recreation areas along the coastline" (PR3.3.4). The public includes those who must reside in their vehicles, not just those with fixed housing. Therefore, the OSV Ban uniquely restricts RV residents, contrary to these provisions.

Furthermore, rather than promote "prosperity for all" or provide "provide excellent social services" (General Plan at 8), the OSV Ban and Coastal Permit promote instability by potentially stripping RV residents of their only homes. Rather than provides services or ensure alternative parking, the OSV Ban and Coastal Permit would leave people unsheltered in public.

They also run counter to Santa Cruz' *2015-2023 Housing Element*, which provides that housing for "extremely low, very low, low, and moderate income households is of utmost concern."²⁰ "Mobile homes," "any vehicle designed, used, or intended to be used generally for living and/or sleeping quarters which is capable of moving, being moved, towed or transported," can be part of meeting that need which should be maintained.²¹ The Housing Element 3.1 also recognizes the special needs of housing for people with disabilities and the need for services. Again, the Ordinance and Permit limit use of OSVs, which disproportionately impacts people with disabilities, and fails to require the provision of any services to accommodate them.

The Coastal Act also requires that all counties and cities lying within the coastal zone prepare a Local Coastal Program (LCP) to guide coastal development actions with that jurisdiction. The City must ensure that any coastal permit will "[m]aintain public access to the coast along any coastline as set forth in the Local Coastal Land Use Plan." SMC § 24.08.250. The Santa Cruz LCP is "an integral part of the City's General Plan since planning and land-use policies within the coastal zone are issues of concern to the community as a whole" and is aimed at "maximiz[ing] access to the coast *for people of all income ranges*."²² It includes directives to "enhance public access, open space quality and recreational enjoyment in a manner that is consistent with the California Coastal

²⁰ CITY OF SANTA CRUZ, 2015-2030 Housing Element of the General Plan at 7-113 (Mar. 22, 2016), <https://www.cityofsantacruz.com/home/showpublisheddocument/53522/636924960003000000>.

²¹ *Id.* at 6-62.

²² City of Santa Cruz, Local Coast Program and Coastal Land Use Policies and Maps at 1 (Oct. 27, 1992), <https://www.cityofsantacruz.com/home/showpublisheddocument/51167/636924963727070000> ("Local Coast Program") (emphasis added).

Act,”²³, “ensure that development does not interfere with the public’s right to access the ocean,”²⁴ and “[d]evelop and implement plans to maximize public access and enjoyment of recreations areas along the coastline.”²⁵ For the above reasons, the OSV Ban limits public access to the coast, particularly poor people, people of color, and those with disabilities. The LCP also has specific provisions requiring that vehicular access to coastal areas is maintained, including free parking.²⁶ Prohibiting oversized vehicles from parking on city streets directly impedes that access.

VI. The Ordinance and Permit are Unconstitutional

The Coastal Commission should also not condone Santa Cruz’ unconstitutional OSV Ban Ordinance and coastal Permit. Under the Eighth Amendment’s prohibition on “cruel and unusual punishment,” the City is prohibited from punishing indigent persons for life sustaining activities so long as those persons do not have reasonable alternatives for shelter. *See Martin v. City of Boise*, 902 F.3d 1031, 1048 (9th Cir. 2018), amended by 920 F.3d 584 (9th Cir. 2019), cert. denied, 140 S. Ct. 674 (2019). The Eighth Amendment also prohibits excessive fines, where the fine is grossly disproportionate to the gravity of the offense, will deprive the offender of their livelihood or is more than their circumstances and estate will bear. *See Timbs v. Indiana*, 139 S. Ct. 682 (2019); *see also* Article I, § 17 of the California Constitution. As the Supreme Court has recognized, excessive fines have often been used to wrongly punish status or a disfavored group. *Timbs*, 139 S. Ct. at 688-89. The OSV Ban violates these prohibitions because it imposes penalties for living in the only shelter some have access to, their RVs parked on public roads in Santa Cruz. There are not enough adequate shelters, housing, or safe parking for the unhoused in the City. So, for many, the only place to protect oneself from the elements is to sleep or simply “be” is in their vehicles. It is clear that the City seeks to RV residents from the City by (1) issuing repeating parking citations so as to make it economically impossible for such persons to live in their RVs, (2) increasing the likelihood of losing their homes through impoundment, and (3) threatening a loss of liberty through imprisonment. Accordingly, the OSV Ban violates the Eighth Amendment.

Further, under the Due Process Clause of the Fourteenth Amendment, a government may not act with deliberate indifference to place a person in a position of known or obvious danger that they would not otherwise have faced. OSV Ban Ordinance violates this prohibition because it empowers the City to fine RV residents (and potentially arrest them), forcing them into even greater financial destitution, and to tow the vehicles which constitute their homes and only shelter, exposing them to the severe hardship of being unsheltered in public. This would deprive them greater access to food, water, electricity, secure sleeping, storage of life necessities, and access to care and services which undoubtedly heightens the level of stress and anxiety among persons who are already confronted with the significant challenges posed by their poverty. During the COVID-19 pandemic, the risks posed to individuals whose homes are towed are even greater. Individuals

²³ Local Coast Program, Land Use Element, 3.5,
[https://www.sccoplanning.com/Portals/2/County/userfiles/106/GP_Chapter%202_Land%20Use \(“Land Use Element”\).pdf](https://www.sccoplanning.com/Portals/2/County/userfiles/106/GP_Chapter%202_Land%20Use%20Element.pdf).

²⁴ Land Use Element, 3.5.2.

²⁵ Land Use Element, 3.5.5.

²⁶ Land Use Element, 3.5.4; Local Coast Program, Parks and Recreation Element Policies 1.7, 1.7.1, 1.7.2.

whose homes are towed are exposed to an increased risk of contracting the COVID-19 virus because they are unable to limit their travel in their homes. Rather than take COVID-19 into account, the City has expressly provided that it will only suspend enforcement during non-pandemic related emergencies.

The Federal and State Constitutions also protect the right of freedom of movement and travel. *U.S. v. Wheeler*, 254 U.S. 281, 293 (1920); *In re White*, 97 Cal. App. 3d 141, 148 (1979). Because the OSV Ban effectively banishes RV residents from the coast and the City, without sufficient justification, it is unconstitutional.

VII. The Ordinance and Permit Fail to Comply with the Americans with Disabilities Act and the California Disabled Persons Act

Title II of the Americans with Disabilities Act (“ADA”) provides: “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. § 12132. A public entity is prohibited from “utiliz[ing] criteria or methods...that have the *effect* of subjecting qualified individuals with disabilities to discrimination on the basis of disability.” 28 C.F.R. § 35.130(b)(3)(i) (emphasis added). Further, under Title II a public entity is affirmatively obligated to make “reasonable modifications” when necessary to avoid discrimination based on disability unless the modifications would fundamentally alter the nature of the service, program, or activity. *See* 28 C.F.R. § 35.130(b)(7). The California Disabled Persons Act (“CDPA”) incorporates the ADA and states that “a violation of the right of an individual under the Americans with Disabilities Act...constitutes a violation of the CDPA. Cal. Civ. Code § 54.1(d).

People with disabilities are overrepresented in the City of Santa Cruz’s houseless population and many rely on oversized vehicles as their only form of shelter and vehicular transportation. Many such individuals have a disability-related need to remain in their RVs, which are crucial to managing their disabilities, and maintaining their physical and mental health. Though enforcement of the OSV Ban will harm everyone who uses an RV and seeks to access the coast in Santa Cruz, it will harm this population of houseless people with disabilities in a different and greater way. As just one example, while vehicularly-housed people who do not have disabilities may be able to walk the distances required to access services, facilities, and coastal areas the OSV Ban Ordinance will prevent them from parking near—albeit with difficulty—many people with disabilities cannot. Moreover, the OSV Ban does not provide or allow for any accommodations to ensure that people with disabilities who rely on RVs for shelter and transportation are not disproportionately denied access to the coast, and to services and facilities in the Coastal Area. We therefore ask that the Coastal Commission not facilitate the City’s RV Ban Ordinance and coastal Permit which disproportionately impact people with disabilities.

VIII. Conclusion

For the above reasons, the Coastal Commission should affirm our appeal of the OSV Ban Ordinance and associated coastal Permit.

Exhibit 4
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American Civil Liberties Union Foundation of Northern California

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Sincerely,



William S. Freeman, Senior Counsel
wfreeman@aclunc.org
John Thomas H. Do, Staff Attorney
jdo@aclunc.org
American Civil Liberties Union of Northern California
39 Drumm Street
San Francisco, CA 94111
(415) 293-6387



Thomas P. Zito, Supervising Attorney
tzito@dralegal.org
Sean Betouliere, Staff Attorney
sbetouliere@dralegal.org
Disability Rights Advocates
2001 Center Street, 4th Floor
Berkeley, CA 94704
510-529-3412

*Counsel for Appellants American Civil Liberties Union of
Northern California, Disability Rights Advocates, Abbi
Samuels, Peter Gelblum, and Veronica Crow*

Cc:

Ryan Moroney, District Supervisor Ryan.Moroney@coastal.ca.gov