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Th12b

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

MAY 11, 2023 HEARING

**CORRESPONDENCE 1 (CORRESPONDENCE SINCE JULY 2022
SUBSTANTIAL ISSUE HEARING)**

From: [Lee Butler](#)
To: [Ford, Kiana@Coastal](#); [Mike Ferry](#)
Subject: RE: SC Oversized Vehicle Ordinance
Date: Monday, February 20, 2023 9:43:09 AM
Attachments: [image001.png](#)
[Conditions of Approval for Coastal Permit - CC approved.pdf](#)
[Exhibit 14 - Safe Parking Facilities.pdf](#)
[Exhibit 13 - RV Facilities in Santa Cruz Area CZs.doc](#)

Hi Kiana,

Thanks for your email and sorry for the delayed response.

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

- a. Tier 1: Emergency overnight safe parking on City-owned parcels for a minimum of three vehicles was implemented shortly after Council direction in late 2021. On February 1, 2023, Tier 1 and Tier 2 programs were folded into one program. Since their merger, on the few occasions that someone was looking for an overnight parking spot, those individuals were sent directly to a Tier 2 lot.
- b. Tier 2: Safe overnight parking on City-owned parcels or other non-residential approved spaces for a minimum of thirty vehicles throughout the City was implemented in March 2022 with 14 vehicles having participated in the program to date. This tier provides legal overnight parking for those living in their OVs who park on City streets. Registered participants receive a permit and designated spot for nighttime parking. Basic hygiene and trash services are available. The vehicle must be operable for this night-only program, but current registration is not required. Designated parking spots are currently located on downtown City lots at 610 Cedar St. and 710 Cedar St. (Additional parking lots are ready to be activated for Tier 2, as noted in the map of parking facilities that was attached to our 7/8/22 correspondence and is attached here for reference, such that a total of 46 Tier 2 spaces can be utilized on any given night. However, demand has dictated that only two Tier 2 lots be operationalized thus far, with a total of 12 spaces available and with each night having capacity for new participants. Additional lots will be opened as soon as demand dictates the need for them. Lack of demand is likely, at least in part, due to an inability to enforce more than once per 72 hours.) Once registered, participants may park in designated spaces from 7 p.m. to 7 a.m. During the daytime hours these OVs can park on streets in the City based on current and proposed parking regulations.
- c. Tier 3: Tier 3 offers 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. Tier 3 spaces opened September 2022 with 17 vehicles (23 individuals) having participated in the program to date. The site has the potential to accommodate up to 22 vehicles at a time; however, some of the participants have been residing in vehicles up to 40 feet in length, which has reduced capacity to as low as 15 OV's at a time when several very large vehicles have been present at a single time.

With respect to what portions of the operations are mandatory versus aspirational, in addition to the Council direction noted above, Condition of Approval Number 5 in the Council's resolution of adoption (attached) requires that the City must be operating at least one safe parking lot in order to enforce the section of the municipal code that the midnight to 5:00 a.m. parking restrictions. (That condition reads: "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.") This, coupled with the fact that parking restrictions cannot be enforced if a person and vehicle are participating in a Safe Parking Program but insufficient capacity exists (SCMC Section 10.40.120(g)(7)), provides OV owners with options for legal parking. As part of the Safe Parking Program, the City will provide temporary permits allowing individual vehicles, who are registered for Safe Parking or shelter programs, to temporarily park on City streets, if there is lack of Safe Parking or shelter capacity.

In addition to the above City-led programs, the City recently significantly liberalized regulations regarding vehicular dwellers on private property. Religious assembly uses can now host six (up from three, pre-2021) OV's on each property with no permits or authorizations required. (SCMC 6.36.030(a)(2).) The City also allows businesses to host up to three safe parking spaces (up from two, pre-2021). (SCMC 6.36.030(a)(3).) The City allows people to dwell in an OV indefinitely (previously only three days per month, pre-2021) on residential properties when certain conditions are met. (SCMC 6.36.030(a)(4).) These are each significant increases in overnight safe parking availability compared to what was previously available in the City. Information about the private use of these provisions has been previously provided.

The cost of a parking ticket for violating the OV Ordinance is \$50.

With respect to your question about people renting vans or recreational vehicles and their ability to obtain on-street parking passes, many rental camper vans do not meet the size thresholds to qualify as an OV. For larger vans and recreational vehicles that do qualify as OV's, many opportunities are available in the region for those renting OV's to stay in the Coastal Zone. The Santa Cruz Harbor, located in the City of Santa Cruz Coastal Zone and Coastal Appeal Zone, designates 15 parking spaces for recreational vehicles to park. Outside the City but in nearby areas, at least 429 additional recreational vehicle camp sites are available in at least five other locations within the Coastal Zone, for a total of at least 444 recreational vehicle spaces in Coastal Zone areas in and near the City. An attachment to this email (Exhibit 13 from the City's 7/8/22 correspondence) identifies the locations and number of recreational vehicles that can be accommodated at each location. (Some of these were damaged in the recent, early January 2023 storms, but the presumption is that they will be

repaired and restored to service.) Many additional recreational vehicle camp sites are available in the County but outside the Coastal Zone.

We would be happy to talk with you if you have any questions or would like to discuss your thoughts on the above matters or other aspects of the OV Ordinance or associated Coastal Permit. Feel free to call at any point, or we can schedule a time for a more lengthy discussion.

Thanks and have a great day,

Lee Butler, AICP, LEED AP
Director of Planning & Community Development
809 Center Street, Room 107 | Santa Cruz, CA 95060
Main: 831-420-5110 | Direct: 831-420-5103



From: Ford, Kiana@Coastal <kiana.ford@coastal.ca.gov>
Sent: Thursday, January 19, 2023 2:49 PM
To: Mike Ferry <mferry@cityofsantacruz.com>
Cc: Lee Butler <lbutler@cityofsantacruz.com>
Subject: SC Oversized Vehicle Ordinance

Hi Mike,

Reaching out to restart discussions around the oversized vehicle ordinance. Now that we've gotten some projects out of the way, OVO (and 190 W Cliff) are at the top of our list.

I believe the last thing we received from you all was the revised CDP request on 9/21/22 removing the 24/7 restrictions within 100-feet of intersections, etc. What we would like to request from you now is an updated project description that we can reference to. Essentially, we'd like a document that clearly lays out the program as it currently stands, what is coming online in the future, when those future aspects will be implemented, what parts of the project are compulsory vs. aspirational, and clarification on fees/penalties as part of the program (i.e., if a ticket is given out how much will it cost).

A question that came up recently is in regards to the permit aspect of the project (i.e., allowing temporary permits for residents or those staying in hotels/motels). We were wondering if there was a consideration in allowing anyone passing through to obtain such a permit, even if they did not plan on staying in a hotel/motel (since it is pretty popular for people to rent vans and road trip up/down the coast). Something to consider, as that would allow people to visit the coast without parking for extended periods of time (if the permit was only valid for a certain number of hours).

If you could put together this revised project description for us, that would be great. Let me know if I can provide any clarification on any of these points.

Thanks,

Kiana Ford

California Coastal Commission

Coastal Program Analyst | Central Coast District



ZONING / PERMIT PROCESSING

831/420-5100 • FAX 831/420-5434

COMPREHENSIVE PLANNING

831/420-5180 • FAX 831/420-5101

INSPECTION SERVICES

831/420-5120 • FAX 831/420-5434

PLANNING ADMINISTRATION

831/420-5110 • FAX 831/420-5101

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

809 Center Street • Room 101 • Santa Cruz, CA 95060 • www.cityofsantacruz.com

Lee Butler, Director

September 21, 2022

Kiana Ford, Coastal Planner
California Coastal Commission
Central Coast District
725 Front Street, Suite 300
Santa Cruz, CA 95060
Delivered via email

RE: City of Santa Cruz Coastal Permit for Oversized Vehicle Ordinance Implementation

Dear Ms. Ford,

Thank you for the opportunity to talk with you and other Commission staff in August. The City team has reflected on the conversation and wanted to reach out to you with some updates.

Oversized Vehicle Parking Near Intersections

First, the City would like to address the issue that the Commission staff indicated was a substantial issue. The City remains concerned with oversized vehicles parked near intersections. By virtue of their size and lack of visual permeability, oversized vehicles can obstruct sight lines in a manner that can create conflicts between vehicles, bicycles, and pedestrians. As has been noted in the City's correspondence, the Caltrans Highway Design Manual states that it takes 100 feet for a vehicle to stop after an object in the road becomes visible when the vehicle is traveling just 15 miles per hour. With nearly all City streets having higher speeds, that statistic, in and of itself, supports the City's approach. And California Vehicle Code 22507(a), recognizing the need for special considerations at intersections, where

visibility is key to safety, authorizes cities to prohibit or restrict parking, including parking for “vehicles that are six feet or more in height,” within 100 feet of an intersection.

However, even with what the City believes is adequate justification, the City also understands the Coastal Commission’s desire to maximize coastal access for recreation purposes and understands the Commission staff’s desire to provide more concrete justification in terms of sight line diagrams, specific intersection examples, and other evidence supporting the prohibition of oversized vehicle parking within 100 feet of intersections. Recognizing that it may take some time to provide the Commission staff with the details they desire, coupled with the City’s desire to have the Commission consider the Coastal Permit for implementation of the Oversized Vehicle Ordinance expeditiously, this letter serves as formal notice that **the City no longer wishes to pursue the 24/7 no parking restrictions for oversized vehicles within 100-feet of an intersection as part of the Coastal Permit at this time.**

Existing Laws, Their Challenges, & the Need for New Laws

The City would like to further address some of the comments that have been expressed by the appellants regarding existing laws that could potentially prevent some of the challenges that the City experiences with respect to environmental degradation related to litter and urination/defecation in the Coastal Zone and in environmentally sensitive areas. The City’s prior correspondence has detailed how someone must essentially be caught in the act of littering, urinating, or defecating in order for Police to take action. It is impractical to have Police presence at all times, and even if police officers could be present at all hours, the amount of space that would need to be monitored makes it impossible for the City to address the serious environmental degradation it has experienced by enforcing littering/urination/defecation/dumping laws alone.

Consolidation of oversized vehicle parking in safe parking locations allows the City to provide the necessary sanitation (bathroom and hand washing) resources in closer proximity to the oversized vehicles. While the City has located resources, such as regular dumpster service that is now being emptied five times per week, in close proximity to concentrations of oversized vehicles, the linear nature of on-street parking makes the provision of services in close proximity to vehicle dwellers more challenging than if vehicles can park closer to one another, as is proposed with the safe parking program. And placing portable toilets has proven challenging. If a vehicle were to hit the dumpster, it would only involve damage to the vehicle and the metal dumpster, but, placing a portable restroom in the right of way would put people in danger and could result in human injury or death if a vehicle were to hit the portable restroom. Staff have inquired with property owners regarding placement of portable restrooms. One such owner has allowed for placement of a portable restroom on their property, while others, including two State entities - State Parks and University of California - have not. With only one location of a portable restroom, the proximity issue remains problematic, and again, having vehicles in safe parking locations allows the City to provide these services in close proximity to the vehicles and their occupants.

The City would also like to address the appellants’ statements that safe parking places should be provided without any additional enforcement capabilities such as the midnight to 5:00 a.m. parking restriction. The City has worked diligently to encourage use of the Tier 2 parking

facilities (overnight-only, with restroom and trash services provided), mostly to no avail. Public testimony from those living in their vehicles has indicated that people are not interested in moving their vehicles daily when they could do so just once every three days, and that is if the City has the capacity to enforce every three days, which it does not.

Tier 3 safe parking (24/7 facilities with direct case management and housing navigation services provided) is now operational at the Armory, as of late August 2022. The full capacity has been reached, and a wait list has been established. The outreach associated with that Tier 3 program also advertised the Tier 2 safe parking program, however, participation in the Tier 2 overnight-only program remains very limited.

While it is true that some of the City's laws could, in theory, address some of the negative environmental consequences of overnight oversize vehicle dwelling, in reality, it is not practical to enforce those laws for a variety of reasons. With respect to directly witnessing violations, few City staff work between the hours of midnight and 5:00 a.m., and those – primarily law enforcement – staff are often called to priority issues that require immediate attention. Even when staff are available to monitor, they have a very limited ability to directly observe someone in the act of dumping trash, defecting in public, or emptying their black water tank in the dark of night when their vehicle's headlights announce their approach. And if enforcement personnel were to make the time-consuming effort to directly observe violations, violators will likely just move to another location.

The City believes that the prohibition of oversize vehicle parking between midnight and 5:00 a.m. will facilitate concentrations of vehicles at known locations where hygiene facilities and trash services are in close proximity, thereby encouraging the use of both, and where enforcement personnel will be more equipped to monitor activities given the concentrated nature of the vehicles. Enforcement personnel will not need to spend endless time aiming to observe a violation. Rather, they can immediately provide a warning to the oversized vehicle informing them of the midnight to 5:00 a.m. parking restrictions and directing them to the safe parking programs. If oversized vehicle owners do not heed the warning, enforcement personnel will be able to provide a parking ticket – again, without needing to endlessly wait to directly observe a violation.

Similarly, the current, 72-hour parking limit is both time consuming and ineffective to enforce. It requires that enforcement personnel visit a location two times, three days apart. And if a vehicle has moved during that time, then the three-day process would need to be repeated. And as noted above, this 72-hour timeframe disincentivizes use of the safe parking facilities, where sanitation facilities and trash services are in close proximity, making it more likely that they will be utilized with an accompanying benefit to environmental health and safety.

A significant amount of the environmental damage and access issues associated with sleeping in oversized vehicles overnight is the result of entrenchment and prolonged stays at one location, with those dwelling in their oversized vehicles accumulating belongings in the right-of-way (creating access impacts and potential environmental impacts from runoff/litter) or nearby areas (such as environmentally sensitive habitat). Many photos depict the accumulation of trash and

miscellaneous items, and the accumulation of these items is expected to be reduced if people are traveling to and from a Tier 2 facility each night/morning.

A Better Approach

What is clear is that the current situation is not working well for any of the parties involved. Many individuals living in oversized vehicles do not have access to basic hygiene services, particularly at nighttime, nor do they have access to support services, such as connections to benefits, medical assistance, or housing navigation services, due in part to their scattered presence and changing of locations, both of which make it difficult for services providers to connect to those dwelling in their oversized vehicles. While the City has attempted to provide services, such as waste collection, through the provision of dumpsters emptied up to five times per week at frequent overnight parking locations, the issue of trash accumulation and migration into sensitive habitat continues to be problematic. **Consolidation of the oversized-vehicle dwellers into smaller, concentrated locations allows the City to provide basic hygiene services, trash collection services, and connections to a wide range of personal support services.**

Over the past several months, the City has hired multiple, permanent staff who focus on homelessness response - outreach workers who connect the unhoused community with benefits, services, shelters, and housing (two full-time equivalent positions across three part-time employees) and a Homeless Services Coordinator who collaborates across City departments. City staff actively work with County partners to connect participants in City programs to services in an effort to improve the health, well-being, and housing status of the participants.

The work of these homeless service providers is facilitated by efforts like the safe parking programs that the City is attempting to promote. However, **the utilization rate of the safe parking program is limited when participation is optional. The connection of oversized vehicle dwellers to services, the efficiency of outreach workers in assisting oversized vehicle dwellers, environmental quality, and the availability of coastal access would all be improved if participation in the safe parking programs were increased; staff and the Council believe the best way to do that is to enforce the City's midnight to 5:00 a.m. parking restrictions for oversized vehicles.**

Should you have any questions about the City's updated application, feel free to reach out to me.

Sincerely,

Lee Butler

Director of Planning and Community Development

Dear Coastal Commissioners and Coastal Staff,

We represent a broad coalition of community members that support your right to enforce progressive restrictions on both private actors and public policy makers to protect equitable public access to the coast for all people. We understand that you were originally formed for this purpose, as it is always within the interests of those seeking profit to privatize, gentrify, or otherwise restrict public access to our coastal areas. In the words of former Coastal Commission executive Director Peter Douglas, *“The coast is never saved, it’s always being saved”*.

We understand that your job is a difficult one—one that puts you at constant odds with some of the most powerful people in our society. When you are asserting your authority to maintain public access and equity in our coastal areas over the cries of wealthy coastal homeowners, leaders of industry, and even public officials, the enormous economic and political power of those actors can turn against your institution. When this happens, we understand how much danger you place yourselves in when you engage in enforcement actions, even when you are fully within your legal right to do so.

We have heard that, on April 11th 2023, you will go into closed session negotiations with the City of Santa Cruz on the issue of repainting parking spaces on David Way, and Delaware Ave, Natural Bridges Dr, Shaffer Rd, and Mission St. Ext to exclude large vehicles from parking there. We see this arbitrary vehicle length restriction as a thinly veiled effort to prevent low-income and unhoused individuals from parking in our coastal areas, as well as a backdoor way of implementing a street-by-street RV-ban, akin to the Oversized Vehicle Ordinance, but without the need to negotiate the terms of that implementation with Coastal Commissioners. This is particularly concerning given that the city has a 60+ person waitlist for their Tier 3 safe parking program, and has made no attempt to expand access to that alternative parking option as they have begun moving forward with this policy of mass-displacement.

As you enter into these negotiations, we want you to know that you have our full support in threatening maximum civil penalties against the city of Santa Cruz if they move forward with their restriping action (which we hope you define as \$15,000/day/parking space). Anything less than a threat of maximum civil penalties could be perceived as setting a precedent for public policy makers across the state that Coastal Commission authority can be broken. And in that vein, please also reject any appeals by the city for a retroactive emergency development permit, as we fully expect the city to ask for this via the logic of climate resiliency changes to West Cliff Dr, and “traffic calming” for neighboring streets or detour areas (which includes the 2100-2300 block of Delaware Ave).

We believe that your right to enforce your progressive mission of public access and equity for all, regardless of race, ethnicity, gender, sexuality, class, and housing status, is critical in our modern society wherein the basic civil rights and liberties of our people are constantly being called into question.

We stand with you,

Reggie Meisler, Santa Cruz Cares

Jasmeen Miah, Santa Cruz Cares

Joy Schendledecker, Santa Cruz Cares, Co-Chair Democratic Socialists of America Santa Cruz, and former Santa Cruz City Mayoral Candidate

Sean Maxwell, current Santa Cruz City Planning Commissioner and District 6 Santa Cruz City Council Candidate

Hector Marin, District 4 Santa Cruz City Council Candidate

Camilla Hawthorne, UC Santa Cruz

Calia Kammer, Santa Cruz Bread and Roses

Rick Longinotti

Meg Reilly

Kayla Kumar

Katie Spencer

Sheila Carrillo, Love Boat DSA
Bruce Van Allen
Liam McLaughlin
Rachael Chavez
Sabina Holber
Lani Faulkner
Laura Chatham
Chris Lang, UC Santa Cruz
Micah Posner, Santa Cruz City Council 2012-2016
Owen Thomas, Family Service Agency of the Central Coast
Hood Chatham
Jeffrey Smedberg, Santa Cruz for Bernie
Abbi Samuels, DSA, YARR, SC4B
Amanda Altice, Resource Center For Nonviolence
Chris Krohn
Ron Pomerantz
Erica Aitken, Relmagine Santa Cruz
Keith McHenry, Food Not Bombs
Gabriel Cohn
Jordan Boudreau, Seymour Center
John Hall
Peter Gelblum
Alicia Kuhl, President of Santa Cruz Homeless Union
Elizabeth Warningner
Vicki Nunez
Mel Nunez
Vicki Winters
Donna L. Marykwas
Andromeda Scheller
Beck Wood
Joy Wood
Arthur Wood
Bridge Kennedy
Michael Gabriel
Connor O'Hara-Baker

Nita Hertel
Robert Norse, Homeless United for Freedom & Friendship
Dave Graham-Squire
Regan Brashear
Zennon Ulyate-Crow, Student Housing Coalition President
Denise Elerick
Amanda Vong, UC Santa Cruz
David Steinberg
Hazel Kyle
Lira Filippini
Kiernan Colby
T. J. Demos, UC Santa Cruz / DSA / SC4B
Krista Corwin
Ciera Dudley
Hard Core Compost LLC (located on Shaffer Road)
Central Coast Workers' Club, CPUSA
Erin Wood, Showing Up for Racial Justice, Santa Cruz County
Marsa Greenspan
Angel Camarena
Sarah Ringler
Jessica Vargas
Mary Reynolds
Irene Juarez O'Connell
Heath Whitted
Ann Simonton
R. Lawrence Tripp
Maya Elson
Nanlouise Wolfe
Stephen Zunes