

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

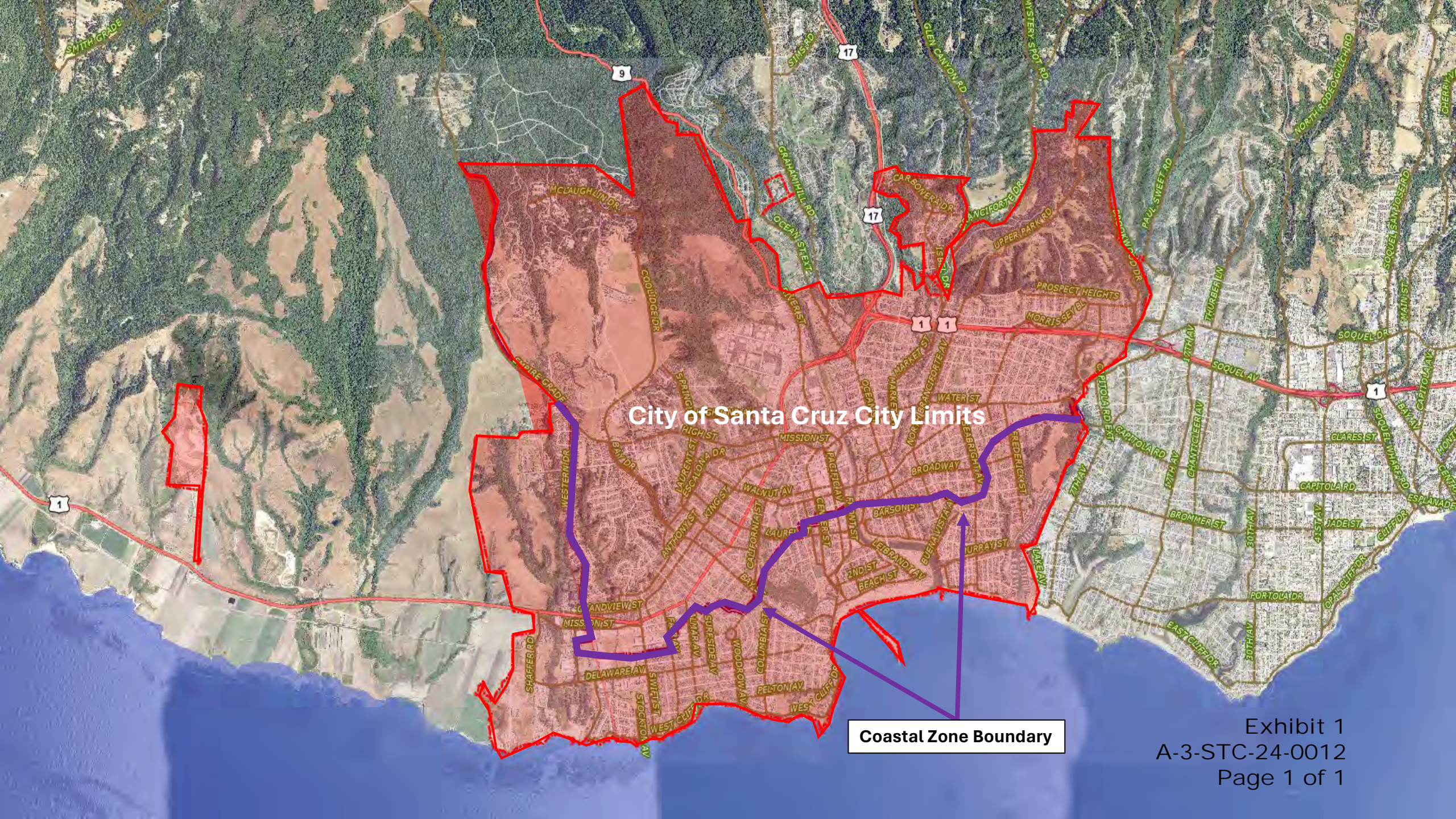


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A-3-STC-24-0012 (OVERSIZED VEHICLE PARKING RESTRICTIONS) MAY 9, 2024 HEARING EXHIBITS

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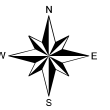
City of Santa Cruz City Limits

Coastal Zone Boundary

Overnight and Long-Term Safe Parking

0 500 1,000 2,000 Feet

Imagery Date June 2020





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

RECEIVED
ZONING PERMIT
MAR 18 2024

FINAL LOCAL ACTION NOTICE

REFERENCE # **3-STC-24-0421**
APPEAL PERIOD **3/19-4/2/24**

PROJECT #: CP23-0176

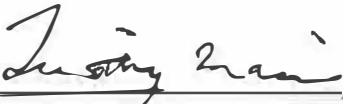
OWNER: SANTA CRUZ CITY OF
809 CENTER ST
SANTA CRUZ CA 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

APN(s)/Address(es):

/NO SITUS ADDRESS

The following permit(s) was/were approved on 03/12/2024 by the City Council and will be effective on 03/12/2024 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.

By: 
Timothy Maier, Senior Planner AICP

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.

CC: County Assessor's Office
File

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.

RESOLUTION NO. NS-30,302

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S ACKNOWLEDGEMENT OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) DETERMINATION AND APPROVAL OF THE COASTAL PERMIT FOR CONTINUED IMPLEMENTATION OF THE OVERSIZED VEHICLE ORDINANCE, AUTHORIZING THE CITY TO CONTINUE COASTAL ZONE IMPLEMENTATION OF ITS MUNICIPAL CODE OVERSIZED VEHICLE AND UNATTACHED TRAILER RULES AND REGULATIONS ("OV REGULATIONS"); AND PROVIDING FOR CONTINUED COASTAL ZONE OPERATION OF THE CITY'S SAFE PARKING PROGRAM; AND TO ACCOMMODATE POTENTIAL FUTURE MINOR MODIFICATIONS TO THE CITY'S SAFE PARKING PROGRAM AND OV REGULATIONS (APPLICATION NO. CP23-0176)

WHEREAS, on November 9, 2021, the City Council adopted Ordinance No. 2021-20 ("Oversized Vehicle Ordinance"), which, subject to some exceptions, prohibits the overnight parking of oversized vehicles on any public highway, street, alley, or city parking lot (see Santa Cruz Municipal Code (SCMC) section 10.40.120(a)); and

WHEREAS, on May 11, 2023, the California Coastal Commission approved Coastal Development Permit (CDP) A-3-STC-22-0018, authorizing implementation of the ordinance for a period of one year with Conditions of Approval authorizing the City to approve, on behalf of the Coastal Commission, a new CDP for continued implementation the City's Oversized Vehicle Ordinance and Safe Parking Program; and

WHEREAS, on June 13, 2023, the City Council approved Ordinance 2023-08, amending select portions of Chapter 10.40 of the Santa Cruz Municipal Code, in order to: (1) eliminate the prohibition on parking of oversized vehicles within 100 feet of intersections, consistent with the City's withdrawal of that provision from the Coastal Development Permit request, (2) adjust provisions related to when the ordinance applies during a declared state of emergency, and (3) clarify provisions related to how the OVO interacts with the City's existing residential parking permit program. The ordinance was then signed by Mayor Fred Keeley on June 27, 2023 and became effective 30 days later; and

WHEREAS, the City's continued implementation of its Oversized Vehicle programs does not constitute a new "project" under the California Environmental Quality Act ("CEQA"); however, even if the actions encompassed in the Coastal Development Permit were deemed as "project" pursuant to CEQA, the actions qualify for the "general rule" or "common sense" exemption, as it can be seen with certainty that no significant effect on the environment will occur resulting from the Coastal Permit application; and

WHEREAS, further, the proposed actions remain statutorily exempt from environmental review under Article 19 of the California Environmental Quality Act (CEQA) Guidelines, Section 15282(j), related to restriping of City streets, and categorically exempt under Section 15301(c) and (g), 15307, 15308 and 15061(b), related to alteration of City streets not involving addition of lanes; and

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WHEREAS, on February 1, 2024, the Planning Commission, after hearing public testimony at a duly-noticed public hearing, voted to 1) adopt the California Environmental Quality Act (CEQA) determination and 2) approve Permit CP21-0146, allowing continued implementation of the OV Regulations and Safe Parking Programs in the Coastal Zone and to accommodate potential future minor modifications to the City's Safe Parking Program and OV Regulations; and

WHEREAS, on February 9, 2024, an appeal was filed by Reggie Meisler, Jasmine Miah, Rachael Chavez, and Joy Schendledecker of Santa Cruz Cares, Jameelah Najieb of Disability Rights Advocates, and Dylan Verner-Crist of ACLU of Northern California, contesting the decision of the Planning Commission to approve Coastal Permit CP23-0176; and

WHEREAS, the City Council conducted a duly noticed public hearing on March 12, 2024 to consider the application; and

WHEREAS, the City Council now makes the following findings:

With Respect to the Environmental Determination

The City's continued implementation of its Oversized Vehicle programs does not constitute a new "project" under the California Environmental Quality Act ("CEQA"). Even if the approval of a new Coastal Development Permit, as proposed, were considered a "project" pursuant to CEQA, the following exemptions would continue to apply.

Statutory exemption 15282(j) applies to projects including restriping of streets to relieve traffic congestion, while Section 15301(c) accommodates alterations to existing streets, sidewalks, gutters and similar facilities not adding new automobile lanes. Past observations have revealed that overnight parking of oversized vehicles tends to occur in locales in which groups of oversized vehicles congregate and then become entrenched, inducing congestion and degradation of the environment. Continued implementation of existing Oversized Vehicle regulations and the City's existing Safe Parking Program, including potential future minor modifications as envisioned in this permit, will reduce deleterious effects through continued provision of Safe Parking in a controlled environment.

Further, Public Resources Code Section 21084 requires CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. 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."

Continuation of the City's existing Safe Parking Program, with minor modifications, will not likely result in any new construction, or need for building of additional facilities for public

services such as Police, Parks, or Fire. Through provision of sanitation facilities in locations at or near designated safe-parking locations, and through continued restriction of oversized vehicle parking between the hours of 12 AM and 5 AM Citywide, ongoing implementation of the City's OV Regulations and Safe Parking Program, along with potential future minor modifications as discussed herein, will continue to ameliorate the detrimental effects, including environmental consequences and public health and safety effects, related to long-term OV entrenchment. The majority of environmental impacts resulting from continued implementation of the City's OV Regulations and Safe Parking Program constitute beneficial, rather than detrimental outcomes, and other potential environmental effects remaining de minimis, the City has determined that no further environmental review is required pursuant to the provisions of the California Environmental Quality Act (CEQA).

Section 24.08.250. Required Findings for Coastal Permit

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

The proposed Coastal Development Permit will not induce adverse impact to coastal views, but, rather, enhance scenic vistas by regulating overnight parking of oversized vehicles in areas adjacent to the shore.

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

The Coastal Permit allows for ongoing implementation of the City's Safe Parking program, which provides trash receptacles and hygiene stations, facilitating proper sanitation and thereby minimizing detrimental environmental consequences which contribute to elevated coastal bacterial loads, unsightly accumulation of litter, and exposure to hazardous materials. Through ongoing facilitation of programs which address actions related to unsanctioned disposal of trash and wastewater onto City streets and into storm drains, the City minimizes the risk of violation of the terms of its National Pollutant Discharge Elimination System (NPDES) Municipal Regional Stormwater Permit and resulting actions related to enforcement against such potential violation by the Regional Water Quality Control Board. The proposed actions provide for consistency with the California Environmental Quality Act (CEQA) and the City's environmental review and protection procedures. No disturbance of any vegetation, natural habitats, or natural resources will accompany the actions included in the subject Coastal Permit.

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 proposed Coastal Permit provides for consistency with the General Plan, all Area Plans, and Local Coastal Program in that the proposal advances, and serves to implement, the goals and policies of such plans related to promotion of public health and safety and protection of the natural environment.

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The proposed actions address policies and programs of the Local Coastal Program, including but not limited to the following:

- Parks and Recreational Lands Policy 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.
- Water Quality Policy 2.1: Meet or exceed State Water Resources Control Board standards for discharge of sewage and storm waters to the Monterey Bay.
- Community Design Policy 2.1 The dramatic views from West Cliff Drive shall remain unimpaired and unobstructed by vegetation, structures or accumulated refuse.
- Natural Setting and Scenic Resources Policy 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.
- Water Quality Policy 2.3: Ensure that new development or land uses near surface water and groundwater recharge areas do not degrade water quality.
- Open Space Lands Policy 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.
- Open Space Lands Policy 3.7: Recognize and protect the Pacific Ocean and Monterey Bay as a valuable open space, natural resource, and National Marine Sanctuary.
- Natural Setting and Scenic Resources Program 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.
- Residential, Commercial, and Industrial Lands Program 2.6.5: Protect neighborhood quality through improvement of blighted areas, traffic management, design guidelines, adequate buffers and other development techniques.
- Open Space Lands Program 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.
- Open Space Lands Program 3.5.5: Develop and implement plans to maximize public access and enjoyment of recreations areas along the coastline.
- Biotic Diversity and Stability Program 4.2.5: Protect and minimize the impact of development on bird, fish and wildlife habitat in and adjacent to waterways.
- Biotic Diversity and Stability Program 4.1.5: Protect the quality of water discharged into the Bay and allow no dumping of materials into the Monterey Bay.

The subject Coastal Permit application provides for ongoing implementation of the City's OV Regulations and Safe Parking Program which seek to minimize detrimental environmental impacts associated with dumping of debris, illicit discharge or blackwater and graywater, and exposure to hazardous materials associated with long-term occupancy of oversized vehicles within the public right-of way. No disturbance of vegetation, natural habitats or natural resources will derive from implementation of the ordinance. Locations of Safe Parking facilities will remain outside of mapped "high impact", environmentally-sensitive locales and enhance coastal access through increasing the availability of parking formerly occupied by long-term OVs and unattached trailers. An evaluation of the project's potential for generation of environmental impacts in accordance with the provisions of the California Environmental

Quality Act (CEQA) and the City's Environmental Review Guidelines and procedures has resulted in the conclusion that all actions included qualify for established categorical and/or statutory exemptions and determination that the subject application holds no potential for generation of significant environmental impact. The proposed actions will further advance the quality of the aesthetic environment through avoidance of blight and obstruction of coastal views derived from long-term OV entrenchment adjacent to, and surrounding, the shore.

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

Continuation of existing OV and unattached trailer limitations related to coastside parking will increase access to the ocean and adjacent shore resulting from prohibition on the practice of extended-duration, long-term, on-street OV and trailer parking. The subject application will likewise enhance cleanliness and safety by facilitating proper disposal of litter and wastewater, with associated benefits to preservation of community character and aesthetics. Numerous locations within City limits and in surrounding areas will continue to supply proper facilities as destinations for oversized vehicle camping and will continue to provide such amenities for visitors seeking to access the coast for overnight stays. Existing oversized vehicle parking restrictions will remain effective from 12 AM to 5 AM, and permit processes will continue to provide additional options for parking oversized vehicles on-street overnight, including for visitors to the coast.

The City Manager's Office and the City's Homelessness Response Team have identified and made available Safe Parking spaces on City-owned or -operated properties, totaling up to approximately 38 spaces for overnight only OV parking, along with 15-20 spaces available for long-term 24/7 OV parking. The City operates, and partners with, third-party homelessness response services to provide Safe Parking and transitional sheltering options. The Safe Parking facilities located within the Coastal Zone retain locational, hourly, and other operational criteria to retain public access. Staff have prepared analyses, provided to the Coastal Commission, detailing the results of implementation of the City's Safe Parking Program, and have collaborated with staff of CCC to address any concerns related to public access that may arise from such operations. The subject Coastal Permit will not generate negative consequences to bona fide recreational access to the coast.

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

A number of existing facilities within and surrounding the City supply overnight facilities for recreational vehicle (RV) camping. Overnight stays for occupants of RVs remain available at the Upper Harbor, as well as Forest of Nisene Marks, Manresa, New Brighton, San Andres KOA, and Seacliff and Sunset State Beaches, all designed to accommodate large vehicles and afford visits to the coast. No impact to recreational beach access would result from the proposed actions.

Parking permits available to residents, guests of residents, contractors, and guests of local hotels offer available parking to those seeking shorter-term, overnight OV parking.

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

The Coastal Permit and its implementation will enhance coastal access by providing a cleaner and safer environment for the general public, in part by minimizing litter and blackwater dumping through provision of free trash and restroom facilities for residents of oversized vehicles. No adverse impact to recreational beach access would stem from continued implementation of the City's Safe Parking Program and ongoing implementation of the City's OV Regulations. Permit processes will provide additional options for parking oversized vehicles on-street overnight, including for visitors to the coast.

All Safe Parking sites will remain located outside of the mapped high-parking impact areas within the Coastal Zone.

24.10.2430 Required Findings for the Shoreline Protection Overlay District

- 7. The project protects trees and vegetation and sensitive wildlife habitat.**

The proposed Coastal Permit and ongoing implementation of the City's OV Regulations and Safe Parking program, with potential future minor modifications, will not negatively affect trees, vegetation, or sensitive wildlife habitat. By reducing litter and improper human waste disposal, the continued operations will continue to have a positive impact on trees, vegetation, and sensitive 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 proposed actions will not induce impacts to any cliff or bluff, and the above finding remains inapplicable.

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

The proposed actions will not affect any cliff or bluff, and the above finding remains inapplicable.

- 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 proposed actions will not result in impact to any cliff or bluff, and the above finding remains inapplicable. Installation of signage associated with parking limitations has occurred on existing signposts to the extent possible, without physical effects to any cliff or bluff. Future installation of signage as proposed in the Signage Plan will remain located within public rights-of-way, without any potential for alteration to a cliff or bluff.

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

The proposed actions do not encompass any appreciable subsurface excavation and therefore will not impact paleontological resources as prescribed in the Land Use Plan. The above finding remains inapplicable.

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

The proposed actions will not reduce the capacity of, or access to, free public parking or bona fide recreational use of the shore.

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

No mitigation measures apply, and the above finding remains inapplicable.

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

The proposed actions will not impact the established physical scale of the area, and the above finding remains inapplicable. Installation of signage associated with parking limitations has occurred on existing signposts to the extent possible, without physical effects to any cliff, bluff, or mapped sensitive habitat. Future installation of signage as proposed in the Signage Plan will remain located within public rights-of-way, without any potential for alteration the physical scale of any affected area.

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

All signage will remain consistent with relevant criteria of the Public Works and Police departments.

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

The proposed actions demonstrate consistency with the policies of the Local Coastal Program, the General Plan, and the California Coastal Act in that ongoing implementation of provisions of the City's Municipal Code related to parking of oversized vehicles, along with continued operation of the City's Safe Parking program, will result in continued benefits to the community along spans of the coast previously and currently detrimentally affected by dumping of raw sewage, accumulation of trash and debris, and occurrence of other impacts to health and safety resulting from entrenchment of oversized vehicles and congregations of individuals engaging in sometimes unlawful activities. The proposed actions will address the policies of the LCP as listed below:

- Parks and Recreational Lands Policy 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.
- Water Quality Policy 2.1: Meet or exceed State Water Resources Control Board standards for discharge of sewage and storm waters to the Monterey Bay.
- Community Design Policy 2.1 The dramatic views from West Cliff Drive shall remain unimpaired and unobstructed by vegetation, structures or accumulated refuse.
- Natural Setting and Scenic Resources Policy 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.
- Water Quality Policy 2.3: Ensure that new development or land uses near surface water and groundwater recharge areas do not degrade water quality.
- Open Space Lands Policy 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.
- Open Space Lands Policy 3.7: Recognize and protect the Pacific Ocean and Monterey Bay as a valuable open space, natural resource, and National Marine Sanctuary.
- Natural Setting and Scenic Resources Program 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.
- Residential, Commercial, and Industrial Lands Program 2.6.5: Protect neighborhood quality through improvement of blighted areas, traffic management, design guidelines, adequate buffers and other development techniques.
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- Open Space Lands Program 3.5.5: Develop and implement plans to maximize public access and enjoyment of recreations areas along the coastline.
- Biotic Diversity and Stability Program 4.2.5: Protect and minimize the impact of

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development on bird, fish and wildlife habitat in and adjacent to waterways.

- Biotic Diversity and Stability Program 4.1.5: Protect the quality of water discharged into the Bay and allow no dumping of materials into the Monterey Bay.

Recreational access to the beach will remain unaffected, and the proposed actions will avoid negative impact to availability of free public parking and access to the shore. All Safe Parking Program locations will remain outside of mapped high-impact, environmentally sensitive sites within the Coastal Zone.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Santa Cruz hereby:

- 1) Denies the appeal;
- 2) Makes the Findings listed above; and
- 3) Upholds the Planning Commission's acknowledgement of the environmental determination and approval of the Coastal Permit, authorizing the City to (a) continue Coastal Zone implementation of its OV Regulations (more specifically, Ordinance No. 2021-20, as Amended by Ordinance No. 2023-08 and Codified in Municipal Code Sections 10.04.065, 10.04.085, 10.04.104, 10.04.106, 10.04.165, 10.40.120, 10.41.060, and 16.19.070), (b) continue Coastal Zone operation of the City's Safe Parking Program, and (c) potentially make minor future modifications to the City's Safe Parking Program and/or OV Regulations; consistent with the attached Conditions of Approval; and
- 4) Requires that the City's Coastal Permit is subject to the Conditions of Approval listed in Exhibit "A," attached hereto and made a part hereof.

PASSED AND ADOPTED this 12th day of March, 2024, by the following vote:

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

NOES: Councilmember Brown.

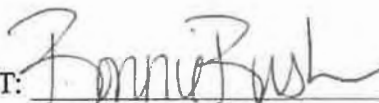
ABSENT: None.

DISQUALIFIED: None.

APPROVED:


Fred Keeley, Mayor

ATTEST:


Bonnie Bush, City Clerk Administrator

RESOLUTION NO. NS-30,302
EXHIBIT "A"

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

Citywide throughout the Coastal Zone – File Number CP23-0176

Resolution of the City Council of the City of Santa Cruz denying the appeal and upholding the Planning Commission's acknowledgement of the CEQA determination and approval of the Coastal Permit for continued implementation of the Oversized Vehicle Ordinance, authorizing the City to continue Coastal Zone implementation of its municipal code oversized vehicle and unattached trailer rules and regulations ("OV Regulations"); and providing for continued Coastal Zone operation of the City's Safe Parking Program; and to accommodate potential future minor modifications to the City's Safe Parking Program and OV Regulations

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 can occur.
3. Any plans for future construction which are not covered by this review shall be submitted to the City Planning and Community Development Department for review and approval.
4. This permit shall be exercised within three (3) years of the date of final approval, or it shall become null and void.
5. Minor Modifications. The City shall be authorized to make minor modifications in the future to the City's Oversized Vehicle Regulations and/or Safe Parking Program in order to promote public safety, health, and welfare, unless such actions materially and adversely impact coastal access or are expressly prohibited by law. Such modifications may include, but shall not necessarily be limited to, revision to the City's OV residential parking permit program to accommodate parking of residents' oversized vehicles within specified proximity of a residents' address. City staff shall coordinate with the Coastal Commission staff on such revisions to the program, and Commission staff may require that a new Coastal Permit be processed if the changes are determined to materially and adversely impact coastal access. Thus, this CDP authorizes such minor modifications without a CDP amendment and/or a new CDP if, in the opinion of the Coastal Commission Executive Director and the City Planning Director, such modifications: (1) are deemed reasonable and necessary; and (2) do not significantly adversely impact coastal resources.
6. Compliance with Coastal Development Permit and Past Permitting Actions. Compliance with the City's prior CDP conditions (CP21-0174, as approved by Council Resolution No.

RESOLUTION NO. NS-30,302

29-964, and as shown in Exhibit B), the provisions of Ordinance Nos. 2021-20 and 2023-08, the OVO Communications and Outreach Plan, the OVO Operations and Management Plan, and the OVO Signage Plan must be maintained at all times, unless modified by this permit. Future minor modifications to these requirements are permitted, consistent with COA #5.

7. Provision of Mechanism for Ongoing Feedback. A) The City shall maintain a platform for ongoing collection of feedback related to implementation of the OV Regulations and Safe Parking Program, which may include a form posted to the City's website. Feedback will be reviewed regularly by City staff and will be considered in the City's efforts to achieve ongoing program improvement. Feedback collected will be provided to the Coastal Commission and/or members of Coastal Commission staff upon request. B) Additionally, the City shall continue to coordinate with the Stakeholder Group at the following intervals: a minimum of three meetings with the Stakeholder Group during the first year following the effective date of this permit and a minimum of two meetings with the Stakeholder Group in subsequent years, unless modified in coordination with and subject to the approval of the Executive Director of the Coastal Commission.
8. CDP Duration. This CDP shall expire on February 1, 2029, where such expiration date (and subsequent such expiration dates) may be extended in yearly increments (of up to 5 years at a time maximum) if the City Planning Director and the Coastal Commission Executive Director determine, in writing, that the approved project is continuing to operate in a manner that is consistent with the CDP's terms and conditions (including that it is not leading to any unforeseen and/or unaddressed significant adverse coastal resource impacts) and that such an extension is thus warranted for the term identified. Such extensions shall only be allowed if they are based on an assessment that describes project implementation to date to the Executive Director (where such assessment shall at a minimum clearly describe program outreach, enforcement, and participation, as well as opportunities for program improvements) and that covers all years of program operation since at least the last assessment (and based on prior assessments as warranted).
9. Oversized Vehicle Count. The City shall commit to conducting an Oversized Vehicle Count on an annual basis and shall provide resulting data to the Coastal Commission upon request.
10. Feedback from and Assistance to Safe Parking Participants. As a component of enrollment in the City's Safe Parking Program, staff shall provide an opportunity for the safe parking participants A) to submit information to the City on how to give feedback on how the safe parking program can be improved and B) to identify services that would assist them. In addition, to directly encourage feedback, staff shall proactively solicit feedback from the safe parking participants. Staff shall consider recommendations from program participants and shall make reasonable efforts to ensure that applicants have appropriate information to allow for connection to available services.
11. Data Collection. City staff shall collect qualitative and, to the extent reasonably feasible, quantitative data which assists in assessment of the effectiveness of the Oversized Vehicle Ordinance and Safe Parking Program in alleviating adverse environmental and public

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health/safety impacts generated by entrenchment of oversized vehicles. Such data may include information regarding the amount of debris collected from City rights-of-way and observations of illicit disposal of blackwater; this data shall be made available to the Coastal Commission upon request.

12. 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.
13. The applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any application. Any errors or discrepancies found therein may result in the revocation of any approval or permits issued in connection therewith.
14. While land disturbance is not anticipated as part of this permit, if, for whatever reason, land disturbance occurs associated with this permit, any person exercising a development permit or building permit who, at any time in the preparation for or process of excavating or otherwise disturbing earth, discovers any human remains of any age or any artifact or any other object which reasonably appears to be evidence of an archaeological/cultural resource or paleontological resource, shall:
 - a. Immediately cease all further excavation, disturbance, and work on the project site;
 - b. Cause staking to be placed completely around the area of discovery by visible stakes not more than ten feet apart forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking;
 - c. Notify the Santa Cruz County sheriff-coroner and the city of Santa Cruz planning director of the discovery unless no human remains have been discovered, in which case the property owner shall notify only the planning director;
 - d. Grant permission to all duly authorized representatives of the sheriff-coroner and the planning director to enter onto the property and to take all actions consistent with this section.
15. OVO outreach documents, including the City's website regarding the Oversized Vehicle Ordinance, shall indicate the following: Oversized vehicle overnight parking space is available. If oversized vehicle overnight parking space fills up, eligible applicants will be given an on-street permit, which will protect the vehicle from being ticketed under Santa Cruz Municipal Code (SCMC) 10.40.120(a) (prohibition against oversized vehicle on-street parking from 12:00 AM—5:00 AM).
16. Continue to maintain an easily accessed disability grievance/reasonable accommodation process to consider reasonable accommodations for those with disabilities.

RESOLUTION NO. NS-30,302

17. Motorized vehicles with attached trailers are eligible for participation in the Tier 2 safe parking program.
18. The OVO website and the outreach materials or tickets themselves will include information identifying that payment plans are available for OVO tickets.
19. The City shall conduct proactive outreach to those living in oversized vehicles, including 1) provision of information regarding the City's Safe Parking programs and how to register and 2) the manner by which one may submit a disability accommodation request to the City.
20. The City shall recommend that any hearing officer overseeing parking ticket appeals should waive any OVO parking tickets received within a 72-hour period during which time the appellant provides evidence that their vehicle was disabled and unable to relocate.

RESOLUTION NO. NS-30,302
EXHIBIT B

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.
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 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

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- 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.
 - An Operations and Management Plan for the Safe Parking Program shall be developed by staff and shall contain, at a minimum, the following:
 - o 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).
 - o Procedures for the filing and resolving of complaints from participants and nearby residents and businesses.
 - o Code of conduct and participation agreement.
5. Notwithstanding the exceptions noted in Section 10.40.120(g) of the Vehicles and Traffic Section of the Municipal Code, and particularly 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 COUNCIL AGENDA REPORT

DATE: 03/05/2024

AGENDA OF: 03/12/2024

DEPARTMENT: Planning and Community Development

SUBJECT: **Citywide in the Coastal Zone (Application No. CP23-0176)** – Appeal of the Planning Commission’s Approval of a Coastal Permit for Continued Implementation of the Oversized Vehicle Ordinance in the Coastal Zone, Initially Implemented Pursuant to Conditions of Approval of Coastal Development Permit (CDP) A-3-STC-22-0018 Approved by the California Coastal Commission. The appealed Planning Commission Approval: (1) Authorizes the City to Continue Implementation of Ordinance No. 2021-20, as Amended by Ordinance No. 2023-08 and Codified in Municipal Code Sections 10.04.065, 10.04.085, 10.04.104, 10.04.106, 10.04.165, 10.40.120, 10.41.060, and 16.19.070, Including, but not Limited to, Restrictions on Overnight Parking of Oversized Vehicles (“OVs”) and a Prohibition Against Parking of Unattached Trailers; (2) Provides for Continued Operation of the City’s Safe Parking Program; and (3) Accommodates Potential Future Minor Modifications to the City’s Safe Parking Program and OV Regulations, Including Potential Modifications to its OV Residential Parking Permit Program. Location: Throughout the Coastal Zone. CEQA: Not a project Pursuant to CEQA Section 15378; Statutory Exemptions, categorical exemptions, and general rule/common sense exemption. Applicant: City of Santa Cruz. (PL)

RECOMMENDATION: Resolution to deny the appeal and uphold the Planning Commission’s acknowledgement of the environmental determination and approval of the Coastal Permit, based on the findings listed in the draft resolution and the Conditions of Approval attached as Exhibit “A.”

BACKGROUND: For over a decade, the City of Santa Cruz (City) has pursued efforts aimed at attempting to alleviate the sometimes adverse impacts of long-term parking of oversized vehicles. As a result of extensive collaboration with various stakeholder groups and in response to feedback received from the community, the City has taken a number of affirmative steps aimed at balancing 1) community concerns regarding the effects of long-term, static parking of oversized vehicles in neighborhoods and in the City at large, with 2) the protection of potentially vulnerable individuals, including occupants of oversized vehicles who may have limited access to housing. Current actions seek to reduce the impacts of parking of oversized vehicles (defined as motor vehicles exceeding 20 feet in length, or eight feet in width and seven feet in height) along with unattached

trailers, on City streets. Attached documents provide detailed background information demonstrating the expansive efforts taken by the City to address the topic in question.

The City has submitted an application for Coastal Permit (CP23-0176), requesting continued implementation of the Oversized Vehicle Ordinance (OVO) in the Coastal Zone. Approval of the Coastal Permit follows the California Coastal Commission's (CCC's) one-year approval of the City's application for Coastal Development Permit (file number A-3-STC-22-0018). Renewal of the existing Coastal Development Permit would effectuate ongoing implementation of Ordinance 2021-20, as amended by Ordinance No. 2023-08 and codified in Municipal Code sections 10.04.065, 10.04.085, 10.04.104, 10.04.106, 10.04.165, 10.40.120, 10.41.060, and 16.19.070; provides for continued operation of the City's Safe Parking Program; and allow for potential future minor modifications to both the City's Safe Parking Program and its OV Regulations.

On February 1, 2024, the Planning Commission considered the application for Coastal Permit at a duly-noticed public hearing. During the hearing, staff presented, for the Planning Commission's consideration, the proposal for continued facilitation of the OVO and the City's Safe Parking Program. Staff additionally introduced, for Planning Commission review, revisions to two recommended conditions of approval included in the staff report, and staff also presented five new conditions of approval, primarily intended to address the feedback presented by members of the Stakeholder Outreach Group. At the hearing, three members of the public, each representing the organization Santa Cruz Cares, expressed concern about the City's continued enforcement of the Oversized Vehicle Ordinance and voiced concern about its impacts to unhoused individuals, emphasizing their opposition to enforcement of the OVO and questioning the linkage between the OVO and Safe Parking Program. Minutes of the February 1, 2024 public hearing are attached for reference.

After hearing public comment, Commissioners supplied feedback related to the application, querying staff about aspects of the OVO and Safe Parking Program, and eventually communicating overall support. During the hearing, one Commissioner remarked about the need for a blackwater disposal site on the City's Westside; a second Commissioner responded to a suggestion by a member of the public that the permit should be extended for one year; a third Commissioner emphasized the desire to balance the needs of unhoused individuals while acknowledging expressions of support for the OVO by members of the community; and still another Commissioner underscored the prevailing perception by constituents about the success of the OVO in effecting positive changes and resolving concerns related to public safety and unhygienic conditions attributed to static, long-term parking of oversized vehicles on City streets. The Commission further remarked about the City's Safe Parking programs, noting the City's change in approach to institutional support for "vehicular housing," and discussed the evolution of regulations and programs addressing the needs of unhoused individuals. A motion to approve the application, with recommended revisions and additions to the Conditions of Approval, was made. The motion passed unanimously (7-0).

On February 9, 2024, an appeal was filed, contesting the decision of the Planning Commission to approve Coastal Permit CP23-0176. The attached letter of appeal advances a number of arguments against the Planning Commission's decision to approve the Coastal Permit, essentially alleging 1) inadequacy of duration of implementation of the OVO prior to review of the application for Coastal Permit by the Planning Commission for proposed application renewal; 2) inconsistency related to the City's General Plan goals, policies, and actions; 3) uncertainty of future funding for existing Safe Parking Programs; and 4) the absence of evaluation of deleterious impacts of the City's OVO

on unhoused individuals. Staff's responses to the assertions included in the letter of appeal follow in the Discussion section of this report.

The Planning Commission's approval of the Coastal Permit culminates over a decade of efforts aimed at attempting to alleviate the sometimes adverse impacts of long-term parking of oversized vehicles on public streets within City limits. Attached documents, including the Planning Commission staff report dated January 26, 2024 and associated attachments, including Final Conditions of Approval, provide detailed background information demonstrating the expansive efforts taken by the City to address the topic in question and incorporate analysis beyond that contained in this report. The following provides a summary of recent actions taken to date.

Recent Actions

Following two prior Council meetings on the topic, on November 9, 2021, the City Council adopted Ordinance No. 2021-20, authorizing revisions to Santa Cruz Municipal Code (SCMC) Title 10; and Chapter 16.19, "Storm Water and Urban Runoff Pollution Control," pertaining to the parking of oversized vehicles in public rights-of-way. The term "oversized vehicle" is defined in Section 10.04.106 of the Municipal Code, which provides, in relevant part:

"Oversized vehicle' shall mean any motorized vehicle (as defined in Section 670 of the Vehicle Code) or combination of motorized vehicles and/or nonmotorized vehicles or trailers that: (1) meets or exceeds twenty feet in length at any time, or (2) [meets] both of the two following criteria, exclusive of fixtures, accessories, or property: eight feet in height and seven feet in width."

At the November 9, 2021 public hearing, the City Council approved a motion directing staff to implement City-operated and sponsored Safe Parking Programs for unhoused residents of oversized vehicles licensed and registered in the City of Santa Cruz. As envisioned by the City Council, Safe Parking Programs would encompass a three-tiered approach offering successively more comprehensive services, from emergency parking (Tier 1) to 30-day overnight parking (Tier 2), through a broad suite of intensive support ("wraparound") services including, among other amenities, access to 24-hour parking hygiene stations, case management, barrier removal, housing navigation, and job placement assistance (Tier 3).

Following ordinance adoption, the City engaged in dialogue with, and outreach to, the CCC, with the intent of securing a Coastal Development Permit ("CDP") authorizing the City to effect Ordinance No. 2021-20 within the Coastal Zone.

On January 12, 2022, the Zoning Administrator approved a Design Permit, authorizing actions included within the purview of that permit as a public project in the Coastal Zone per SCMC Section 24.08.210 and SCMC Sections 24.08.410-430, and granting entitlement of a Coastal Permit pursuant to SCMC Section 24.08.210 of the Zoning Ordinance, which requires approval of such permit for development within the Coastal Zone that is not specifically exempted. Two appeals of the Zoning Administrator's approval of the Design Permit and Coastal Permit were filed, and, on March 3, 2022, the Planning Commission denied both appeals and upheld the Zoning Administrator's approval of the Coastal and Design permits with revised conditions of approval. A Councilmember requested City Council review of the Planning Commission's decision, and on April 12, 2022, the Council approved the Coastal Permit with further revised conditions of approval. Thereafter, two separate parties filed appeals of the City Council's decision to the CCC.

Please see the Zoning Administrator, Planning Commission, and City Council staff reports for more information at link <https://www.cityofsantacruz.com/government/city-departments/staff-reports-memos>.

On July 14, 2022, the CCC found substantial issue with the City's Coastal Development Permit application, which mandated that a de novo hearing be held on the City's application request. The CCC staff initially recommended that the Coastal Commission find no substantial issue with the City's application; however, the Commission later came to understand that a portion of the City's ordinance (at the time) prohibited oversized vehicle parking within 100 feet of intersections, including during daytime hours. That provision resulted in the Commission staff's providing an addendum to the CCC through which CCC staff changed its recommendation to a finding of substantial issue. Following the Commission's finding of substantial issue, the City withdrew that specific provision – the prohibition of oversized vehicle parking within 100 feet of intersections – from the City's application. In advance of the CCC's substantial issue hearing on July 14, 2022, the City prepared two letters and associated exhibits attached to this report; the referenced documents can both additionally be found attached to the Planning Commission staff report, along with the CCC staff's June 2022 report and addendum via link <https://www.cityofsantacruz.com/government/city-departments/staff-reports-memos>.

On May 11, 2023, the CCC authorized Coastal Development Permit A-3-STC-22-0018 for a period of one year, while imposing a number of conditions of approval. As a component of entitlement of the Coastal Development Permit, the Coastal Commission stipulated that the City's OVO and Safe Parking Programs could be implemented in the Coastal Zone, subject to the terms and conditions of the CDP, for a period of one year.

Thereafter, on June 13, 2023, the City Council approved Ordinance 2023-08, amending select portions of Chapter 10.40 of the Santa Cruz Municipal Code, in order to: (1) eliminate the prohibition on parking of oversized vehicles within 100 feet of intersections, consistent with the City's withdrawal of that provision from the Coastal Development Permit request; (2) adjust provisions related to when the ordinance applies during a declared state of emergency; and (3) clarify provisions related to how the OVO interacts with the City's existing residential parking permit program. The ordinance was then signed by Mayor Fred Keeley on June 27, 2023 and became effective 30 days later.

DISCUSSION: The following analysis evaluates the statements made in the letter of appeal submitted by Reggie Meisler, Jasmeen Miah, Rachael Chavez, and Joy Schendledecker of Santa Cruz Cares, Jameelah Najieb of Disability Rights Advocates, and Dylan Verner-Crist of American Civil Liberties Union of Northern California dated February 9, 2024 and provides a response to the substance of each claim in the context of efforts taken by the City to address the topic of homelessness and accommodation of Safe Parking for residents of oversized vehicles and in light of the conditions of approval placed on the project by the Planning Commission at its February 1, 2024 public hearing. The letter of appeal includes two primary arguments, each with multiple parts. For ease of reference, each of the two primary arguments has been divided into component assertions, with staff response to each of the following.

Claim #1: The City's Move to Extend the Pilot Program is Premature

Appellant's statements: *"First, we object to the premature decision to extend the OVO Pilot Program. The California Coastal Commission granted the City a one-year pilot of the OVO and*

associated safe parking programs, to run from May 11, 2023 to May 11, 2024. In their decision, the Coastal Commission directed the City to "address any issues/problems encountered in implementation through May 11, 2024" in any application for a permit extension. See Permit Special Conditions, attached hereto as Exhibit A. The permit conditions further direct the City to submit a report that "clearly describe[s] all program outreach, enforcement and participation, including the manner in which the advisory committee's guidance was utilized, as well as opportunities for program improvements" "within the month" prior to the expiration of the CDP.

There are more than three months left in this year-long permit, and yet the City is moving for an extension now - in contravention of the CDP's conditions. Just last week, the City held its last Stakeholder meeting, even though the conditions direct the City to hold such meetings monthly throughout the period of the permit."

Staff response: On May 11, 2023, the CCC approved an application for Coastal Development, authorizing the City to implement, for a period of one year the OVO, subject to a number of conditions. The CDP states: "This CDP shall expire on May 11, 2024. If the City intends to continue to implement the parking restrictions, safe parking program, and related elements authorized by this CDP past that date, then a new CDP must be obtained from the City."

Based on their experience with the current OVO CDP, staff were fairly certain that the new CDP (to continue implementation of the OVO) would be appealed at every opportunity through the City's public hearings, and then likely appealed to the CCC for decision. As such, staff established a schedule which would 1) maximize the time of implementation of provisions of the Oversized Vehicle Ordinance prior to presentation of the project to any decision-making body and which would likewise afford time necessary for preparation of reports, conduct of noticing, and completion of public outreach prior to public hearings while 2) resulting in a CCC decision on the issue timed shortly prior to the time when the current CDP would expire.

Generally speaking, at least six weeks' lead time is required for noticing, report preparation, and related actions to be taken for each scheduled City public hearing. Approximately two months is generally required for an appeal to be agendized by the Coastal Commission. Staff considered a schedule in which public hearings would be held as near to the date of the one-year expiration as possible, so that as much time as possible would have elapsed between beginning of implementation of the OVO and scheduled public hearings.

Per the City's Municipal Code, a decision of the Coastal Permit could be made by the Zoning Administrator; however, the Zoning Administrator elected to refer the matter to the Planning Commission, avoiding the need for review of the application six to eight weeks prior to the Planning Commission hearing, which expedited the review and maximized the time of enforcement of the OVO before the first public hearing. The schedule necessitated the City's processing of the Coastal Permit application in early February to allow for City Council and Coastal Commission appeal processes to take place prior to expiration of the CDP.

The appellants' claim further references a Condition of Approval of the Coastal Development Permit as approved by the Coastal Commission, which requires submittal of a report within the month prior to expiration of the Coastal Development Permit. Referral of the new CDP to the Planning Commission several months prior to expiration of the subject permit is unrelated to the City's fulfillment of the referenced Condition of Approval, which the City will satisfy during the prescribed time period and does not equate to nonconformance with the referenced condition.

Stakeholder Outreach Group Meetings were held on October 17, 2023; November 15, 2023; December 20, 2023; and January 31, 2024. Condition of Approval No. 6 of Coastal Permit A-3-STC-22-0018 states that “the stakeholder group shall meet at least four times during the year.” No condition “direct[s] the City to hold such meetings monthly throughout the period of the permit,” as alleged by the appellant. By scheduling the fourth Stakeholder Outreach Meeting the day prior to the February 1, 2024 Planning Commission hearing, staff provided as much time as possible for implementation of the Oversized Vehicle Ordinance prior to collection of feedback from the Stakeholder Outreach Group for presentation to the Commission. Furthermore, staff recommended, and the Planning Commission approved, a new condition of approval that will continue the Stakeholder Group meetings into the future, providing even further opportunities for feedback and collaboration. Staff has also been very clear with all stakeholders that feedback is welcome at any point, including outside of regular Stakeholder Group meetings. Staff’s contact information is available to the Stakeholder Group, and the OVO website provides a form that allows for direct submittal of feedback by any interested party. Notably, while the CCC’s approval only required four Stakeholder Group meetings, the City hosted another (fifth) formal Stakeholder Group meeting on February 28, 2024. Staff will summarize these additional Stakeholder Group discussions for the Council in writing (time permitting) or verbally at the public hearing.

In all, the schedule of public hearings and duration of time afforded for collection of public feedback cannot be reasonably characterized as “premature,” as argued by the appellant. Rather, each step – the dates of the CDP hearings, the preparation of associated reports, and the four required stakeholder meetings – were all scheduled to maximize the amount of OVO enforcement time in advance of the requisite renewal milestones.

Appellants’ statements: *“Much could change between now and the end of the pilot period. The City could begin actively towing oversized vehicles that have amassed at least five OVO tickets (as of latest count, there were eleven such vehicles). Demand for safe parking programs could increase still further, illuminating more shortcomings in the City’s provisions for unhoused people.”*

Staff response: In response to the contention that the City may commence towing of vehicles with five or more citations derived from violation of the OVO, notably, the City is currently precluded from warrantless towing of vehicles that have accumulated five or more tickets under the case *Coalition on Homelessness vs. City and County of San Francisco* (2023) 93 Cal.App.5th 928. That is, should the City proceed with towing of vehicles having incurred five or more tickets, the City would first be required to obtain a court warrant, which equates to judicial oversight and approval of the tow. In other words, the City is legally precluded from conducting warrantless towing of vehicles having accumulated five or more citations, in contrast with the appellants’ contention.

Additionally, pursuant to conditions of approval of the prior CDP, towing resulting from the OVO would also require a 72-hour notice, as required by the Operations and Management Plan approved by the Coastal Commission, which states “In circumstances where ... 5 unpaid parking tickets are all for violations of SCMC § 10.40.120(a), the City will post to the vehicle a 72-hour written Notice of Intent to Tow, prior to actually towing the vehicle.” Recommended conditions of approval require consistency with the provisions of the Operations and Management Plan, among associated documents, and such 72-hour posting requirement would continue to apply for tows that the City might initiate based on 5 unpaid parking tickets for violations of SCMC § 10.40.120(a).

City staff of the Homelessness Response Team who engage with members of the unhoused community on a daily basis report that the required capacity for parking of oversized vehicles seems to have reached a plateau and that demand for additional parking of oversized vehicles in the near future appears unlikely and may perhaps even experience a decline. Regardless, City staff have anticipated and planned for a scenario in which demand for Safe Parking Programs will increase. The City has affirmatively committed to accommodating Safe Parking for all participants who request access to Emergency Overnight and Overnight-Only programs. Although the number of City-owned and -operated parking lots remains finite, the City will continue to assess methods by which additional vehicles can be accommodated, including opening of additional City parking facilities. Should the need exceed available capacity, the City will issue permits for parking on City streets adjacent to sanctioned parking lots as necessary so that all participants are served. This approach would fulfill SCMC Section 10.40.120(g)(7), which states that the midnight to 5:00 a.m. parking restriction 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.”

Appellant’s statements: More than anything, however, there has not been sufficient time to study the effects of the pilot. We are only three months into the enforcement period. The City has not yet done any sound survey or analysis of the impacts of the OVO on its unhoused population. At stakeholder meetings, the City has shared that some participants in their Tier 2 Safe Parking Program pay to park in City lots during the day or for metered parking in the downtown area, potentially to the tune of \$300 per month. At this time, we do not know the effects such financial costs are having on unhoused peoples’ precarity or their access to the Coast. Such effects must be analyzed before a permit extension can be sought.

Staff response: As discussed above, the schedule required to accommodate public hearings, including reasonably foreseeable hearings necessary to respond to appeals, such as that considered in this report, along with legal requirements for noticing lead-times and all other legal requirements of public hearings, has dictated the schedule of public hearings arranged. Those hearings have been delayed to the extent possible to maximize the amount of enforcement time.

At the February 1, 2024 Planning Commission public hearing, staff presented several revised and new conditions of approval, as appear below, which highlight the lengths taken to accommodate feedback by some members of the public and the Stakeholder Group.

Revised Conditions of Approval:

5. Minor Modifications. The City shall be authorized to make minor modifications in the future to the City’s Oversized Vehicle Regulations and/or Safe Parking Program in order to promote public safety, health, and welfare, unless such actions materially and adversely impact coastal access or are expressly prohibited by law. Such modifications may include, but shall not necessarily be limited to, revision to the City’s OV residential parking permit program to accommodate parking of residents’ oversized vehicles within specified proximity of a residents’ address. City staff shall coordinate with the Coastal Commission staff on such revisions to the program, and Commission staff may require that a new Coastal Permit be processed if the changes are determined to materially and adversely impact coastal access. Thus, this CDP authorizes such minor modifications without a CDP amendment and/or a new CDP if, in the opinion of the Coastal Commission Executive Director and the City Planning

Director, such modifications: (1) are deemed reasonable and necessary; and (2) do not significantly adversely impact coastal resources.

Staff note: This condition was included in response to the CCC's request for the City to evaluate the potential for residential exemptions, the feedback from the Stakeholder Group on the topic, and feedback received from the general public. It also accommodates future changes, as may be necessary or desired based on additional experience gained in the OVO implementation and based on additional feedback from the Stakeholder Group and general public.

6. Compliance with Coastal Development Permit and Past Permitting Actions. Compliance with the City's prior CDP conditions (CP21-0174, as approved by Council Resolution No. 29-964), the provisions of Ordinance Nos. 2021-20 and 2023-08, the OVO Communications and Outreach Plan, the OVO Operations and Management Plan, and the OVO Signage Plan, must be maintained at all times, unless modified by this permit. Future minor modifications to these requirements are permitted, consistent with COA #5.

Staff note: This condition reaffirms that the plans approved by the CCC staff will continue to be followed in the ongoing implementation of the OVO.

New Conditions of Approval:

7. Provision of Mechanism for Ongoing Feedback. A) The City shall maintain a platform for ongoing collection of feedback related to implementation of the Oversized Vehicle Ordinance and Safe Parking Program, which may include a form posted to the City's website. Feedback will be reviewed regularly by City staff and will be considered in the City's efforts to achieve on-going program improvement. Feedback collected will be provided to the Coastal Commission and/or members of Coastal Commission staff upon request. B) Additionally, the City shall continue to coordinate with the Stakeholder Group at the following intervals: a minimum of three meetings with the Stakeholder Group during the first year following the effective date of this permit and a minimum of two meetings with the Stakeholder Group in subsequent years, unless modified in coordination with and subject to the approval of the Executive Director of the Coastal Commission.

Staff note: This condition affirms that the City will continue to offer an easy, seamless way for the general public to provide feedback on the OVO, its implementation, and the Safe Parking program, and it affirms that the City will continue to give fair consideration to comments and suggestions received. This condition also recognizes the value that the Stakeholder Group has brought in stimulating dialogue and providing direct feedback in that the condition requires continuation of those meetings into the future.

8. CDP Duration. This CDP shall expire on February 1, 2029, where such expiration date (and subsequent such expiration dates) may be extended in yearly increments (of up to 5 years at a time maximum) if the City Planning Director and the Coastal Commission Executive Director

determine, in writing, that the approved project is continuing to operate in a manner that is consistent with the CDP's terms and conditions (including that it is not leading to any unforeseen and/or unaddressed significant adverse coastal resource impacts) and that such an extension is thus warranted for the term identified. Such extensions shall only be allowed if they are based on an assessment that describes project implementation to date to the Executive Director (where such assessment shall at a minimum clearly describe program outreach, enforcement, and participation, as well as opportunities for program improvements) and that covers all years of program operation since at least the last assessment (and based on prior assessments as warranted).

Staff note: At the Planning Commission hearing, one appellant stated a desire for the permit to be extended for only one year, if extended at all. Staff responded that a very extensive amount of work goes into the processing of a Coastal Permit. The five-year expiration timeframe is responsive to stakeholder concerns about the possibility that the permit could have been continued in perpetuity and sets a five-year implementation time limit. The condition provides checks and balances by requiring that the CCC's Executive Director shall review the implementation and its associated impacts before further time extension can be granted. Thus, the CCC maintains a definitive oversight of the program's continuation.

9. Oversized Vehicle Count. The City shall commit to conducting an Oversized Vehicle Count on an annual basis and shall provide resulting data to the Coastal Commission upon request.

Staff note: Santa Cruz Cares has conducted counts of OVs in the City before and after implementation of the OVO, and they have indicated that the overall counts have remained steady, while concentrations of OVs in areas of prior entrenchment (e.g., near sensitive habitats on the Westside, along Delaware Avenue, near Antonelli Pond) have decreased. Santa Cruz Cares' conclusions are consistent with the observations of City staff, particularly as it relates to a lower concentration of vehicles near sensitive habitat on the Westside.

City staff conducted an OV census prior to implementation of the OVO, and continuation of that data collection will help inform the City, the Stakeholder Group, other stakeholders, and the CCC as future revisions to the OVO, its implementation, or Safe Parking programs are considered.

This condition was referred to as a Point in Time ("PIT") count at the Planning Commission. It has been updated to clarify that it is an OV count, so as to reduce any confusion between this count and the more widely known federally mandated Point in Time count of homeless individuals.

10. Feedback from and Assistance to Safe Parking Participants. As a component of enrollment in the City's Safe Parking Program, staff shall provide an opportunity for the Safe Parking participants A) to submit information to the City on how to give feedback on how the Safe Parking program can be improved and B) to identify services that would assist them. In addition, to directly encourage feedback, staff shall proactively solicit feedback from the safe parking participants. Staff shall consider recommendations from program participants and shall make reasonable efforts to ensure that applicants have appropriate information to allow for connection to available services.

Staff note: This condition affirms that the City will continue to provide Safe Parking participants with an easy and convenient opportunity to give meaningful feedback regarding the Safe Parking program (available via phone, email, or website entry). This condition promotes information-sharing and is designed to help OV dwellers improve their health, remove barriers, and progress towards more stable living situations. The portion of the condition calling for proactive, direct solicitation of feedback from Safe Parking participants was added following the February 28, 2024 Stakeholder Group meeting in response to stakeholder feedback that such direct solicitation would likely yield more information.

11. Data Collection. City staff shall collect qualitative and, to the extent reasonably feasible, quantitative data which assists in assessment of the effectiveness of the Oversized Vehicle Ordinance and Safe Parking Program in alleviating adverse environmental and public health/safety impacts generated by entrenchment of oversized vehicles. Such data may include information regarding the amount of debris collected from City rights-of-way and observations of illicit disposal of blackwater; this data shall be made available to the Coastal Commission upon request.

Staff note: Similar to the condition requiring an OV count on at least an annual basis, this condition commits the City to collecting data regarding the impacts of the OVO implementation. The data can then be used by the City, Stakeholder Group, broader stakeholders, and CCC to inform and improve the OVO, its implementation, and the Safe Parking programs.

As demonstrated by the above, the City has voluntarily incorporated a number of new and revised conditions of approval in response to stakeholder and public feedback, all of which were approved by the Planning Commission, underscoring the degree to which the City has acted in good faith to accommodate input collected through stakeholder and public outreach. Among others, such conditions of approval enact requirements ensuring the provision of mechanisms for ongoing feedback; completion of an annual OV count; maintenance of avenues to provide program participants with feedback opportunities and service connections; and collection of data for measurement of the effectiveness of the OVO and Safe Parking Program.

Further, in response to the appellants' assertions that daytime parking is excessively expensive for OV dwellers, many options remain available for daytime parking of oversized vehicles, including parking on City streets, with many free options available within one mile of the Safe Parking locations; within free and paid public parking lots; at private property; in RV camping sites; and at State Parks, among other venues. Aside from areas of the City which include paid or seasonal parking limitations, such as locations Downtown, near the Boardwalk, and on the Upper Westside (closer to University of California Santa Cruz, outside the Coastal Zone), OV dwellers may park for free during daytime hours throughout the City, with the City estimating that thousands of free, unrestricted parking spaces exist within a mile radius of designated Safe Parking facilities. The appellants are correct in stating that some OV dwellers have chosen to pay to park at or near their respective, designated Safe Parking spaces; however, staff observations indicate that those paying to park in the immediate vicinity of assigned Safe Parking spaces represent only a small fraction of the Safe Parking participants. For those lots and locations that do require payment, said payment is required regardless of the type of vehicle being parked, and the CCC has oversight over costs associated with parking in the Coastal Zone, either through policies in the Local Coastal Program and/or through CDP appeal jurisdiction. Implementation of the City's OVO has no bearing on daytime access to the ocean and adjacent shore, which remains available to residents of OVs.

The City's Oversized Vehicle Ordinance limits parking of oversized vehicles from the period of midnight (12 AM) to 5 AM, inducing minimal, if any, impacts to recreational or other legitimate and reasonable coastal access demand. Existing routes providing entry to and movement about the coast remain unaffected and open to all vehicles, including oversized vehicles. Bona fide access to the coast for purposes of recreation, respite, and the like will continue to remain unaffected.

Claim: The OVO's Implementation Violated the City's General Plan

Appellants' statements: "*The General Plan requires the following, in part:*

PR1.6.1 Maintain and enhance access for vehicles, transit, bicycles, and pedestrians.

PR1.6.5 Coordinate with other public entities in assuring public access to unrestricted open space lands and coastline.

PR3.3.4 Maximize public access and enjoyment of recreation areas along the coastline.

PR1.10 Explore and identify potential funding sources other than the General Fund for the maintenance of parks and recreational facilities.

PR2.1 Design programs to meet the diverse and changing recreational and educational needs of Santa Cruz residents and visitors.

PR2.1.1 Solicit public input to determine community interests and needs.

The City's implementation of the OVO has failed to meet these requirements. We have observed a large reduction (Between 70-90%) in the parking of oversized vehicles during all times of day in coastal areas such as 2300 Delaware Ave and surrounding streets. Such observations have also been reported by Santa Cruz Police Department staff. We are concerned that this may be evidence of a serious public access issue resulting from the enforcement of OVO. This has also been reported by proponents of the OVO, like Westside Neighbors, in their public correspondence to you."

Staff response: Regarding the alleged inconsistency of implementation of the OVO with General Plan Action PR1.6.1 - The proposed actions have no effect on maintenance and enhancement of daytime access for vehicles, transit, bicycles, or pedestrians. The OVO limits parking of oversized vehicles between the hours of midnight and 5 AM, a restriction intended to prevent long-term, static human habitation within public rights-of-way, which are not intended or well equipped for functioning as domiciles. The OVO and Safe Parking Programs do not negatively affect access to the coast for transit, bicyclists, or pedestrians.

The fact that fewer OVs are present for extended periods of time near the sensitive habitat surrounding Antonelli Pond is a testament to the effectiveness of the program in curbing the environmental impacts (litter, outdoor urination and defecation, leaking blackwater and disposal of untreated waste, etc.) prevalent in the area prior to OVO implementation. Further, the fact that fewer Ovs are present for extended periods of time near Antonelli Pond in no way asserts that coastal access is being restricted. Not only is coastal access unaffected during the 5 AM to

midnight timeframe, but the vast majority of streets in the Coastal Zone continue to offer free parking. Ovs can park on any number of streets for free, with no restrictions during the 5 AM to midnight timeframe and still directly access coastal bluffs and beaches, meaning daytime access remains unaffected. Santa Cruz Cares' own vehicle counts have concluded that the number of OVs in the City has not fallen, meaning that those OVs still have access to the plethora of free, unrestricted daytime parking in much of the Coastal Zone.

Regarding the alleged inconsistency of implementation of the OVO with General Plan Action PR1.6.5 - As discussed at each of the four stakeholder outreach meetings, City staff has proactively reached out to staff of outside agencies, including the County of Santa Cruz, in an effort to effect coordination of jurisdictional efforts aimed at assisting unhoused individuals, including facilitating connection to long-term, secure, stationary housing. Staff have additionally contacted staff of California State Parks to explore opportunities with that agency. To date, response by outside agencies has resulted in few commitments for alteration of existing programs. City staff continue to work toward a collaborative relationship with other governmental entities while acknowledging existing limitations related to funding and staffing resources. Of note, State Parks operates a number of facilities in Santa Cruz, and the OVO implementation does not negatively impact bona fide recreational access to those facilities, since the parking limitations are only from midnight to 5 AM, when few, if any, bona fide recreational activities occur. State Parks are typically closed between the hours of midnight and 5 AM.

Regarding the alleged inconsistency of implementation of the OVO with General Plan Action PR3.3.4 - The Oversized Vehicle Ordinance limits parking by oversized vehicles during nighttime hours, in which little, if any, bona fide access to the coast for recreational or similar such purposes occurs. Consistency with this policy was discussed in detail in the CCC's staff report to their Commission, and City staff concurs with the CCC's and CCC staff's conclusion that the midnight to 5 AM parking limitations are narrowly structured such that recreational access is not negatively affected. Further, prohibition of unattached trailers from parking on the public right-of-way improves access to the coast by prohibiting placement of trailers, utilized for storage, from consuming spaces which would otherwise be accessed by vehicles of those desiring coastal access, with the effect of enhancing coastal access.

Regarding the alleged inconsistency of implementation of the OVO with General Plan Policy PR1.10 - The City's public rights-of-way constitutes neither parks nor recreational facilities, and the General Plan policy cited in the appellant's argument remains inapplicable to the assertion made. Neither the OVO, its implementation, nor the Safe Parking Program negatively impacts parks and recreational facilities, nor do they relate to the City's exploration and identification of additional funding sources for parks and recreation. City staff continuously seek to identify sources of parks and recreational facilities and have been successful in the receipt of grant money for such projects. While separate from the policy at hand, funding for ongoing implementation of the Safe Parking Program, aside from General Fund monies, is also regularly explored.

Regarding the alleged inconsistency of implementation of the OVO with General Plan Policy PR2.1 - Limitation of nighttime parking of OVs and prohibition of parking of unattached trailers along City streets has no bearing on access to the coast during nearly all hours of the day, including those times in which genuine recreational activity takes place. Implementation of the OVO has no negative impact on fulfillment of educational needs of the City of Santa residents or visitors. Arguably, the OVO implementation has a positive impact on the educational opportunities for residents and visitors in that the implementation has resulted in greater public access to observe

sensitive habitat areas such as Antonelli Pond. Regarding changing needs, the CDP's conditions of approval assure that the OVO implementation and Safe Parking programs can remain nimble in responding to currently unforeseen circumstances, while maintaining protective checks and balances with CCC oversight to ensure that such changes do not negatively impact coastal resources.

Regarding the alleged inconsistency of implementation of the OVO with General Plan Action PR2.1.1 - Through implementation of stakeholder outreach as described in the Planning Commission staff report and through inclusion of additional conditions of approval as aforementioned, staff have solicited public feedback to determine community interests and needs. In addition to the detailed information on outreach efforts that is included in the Planning Commission staff report, additional outreach information is provided later in this report. Importantly, conditions of approval require continuous consistency with the CCC-approved outreach and engagement efforts and require ongoing opportunities for Stakeholder Group, Safe Parking participant, and general public feedback on the OVO, its implementation, and the Safe Parking programs, all of which are consistent with and support PR2.1.1.

Between December 4, 2023 and February 25, 2024, 276 citations were issued. Of these, 129 of those citations have been reduced to warnings as first-time violations; five citations appeals/reviews are pending; 13 citations appeals/reviews have been dismissed; and five citation appeals/reviews have been denied, with those citations deemed valid.

A total of 58 oversize vehicle permits have been issued, of the following types: 17 residential; one residential guest. three contractor, and 37 hotel guest permits.

The City's outreach and enforcement have been focused on areas in which public health and safety hazards were most prevalent, including on Delaware Avenue and surrounding streets. In light of these efforts, it appears that many OVs which had previously been statically parked in the Delaware area have started to utilize Safe Parking, or have moved to other parts of the City, including other areas within the Coastal Zone. As mentioned previously, a significant percentage of the City falls within the Coastal Zone, and OV movement away from the Delaware Avenue area does not necessarily mean that these OVs have left the Coastal Zone; rather, it appears that some OVs may have dispersed to other parts of the City, including other Coastal Zone areas.

Data previously cited by the appellant indicates that the overall number of oversized vehicles parked in the public right-of-way has remained virtually unchanged following initiation of enforcement of the OVO. (See the undated letter from Santa Cruz Cares, titled "Santa Cruz Cares OVO Analysis in Brief," received by the City on January 23, 2024 that is attached to the February 1, 2024 staff report, along with a City response to that document). The Santa Cruz Cares letter states "Santa Cruz Cares has conducted three city wide PIT counts of oversized vehicles and detached trailers over the past year. Two before enforcement began and one after (1/21/24), and from this work we have found that... the overall number of oversized vehicles in the city is largely unchanged.") Many routes allow for ongoing access to the coast. The City has observed: (1) less OV entrenchment and static congregation in sensitive coastal areas, (2) more dispersed OV parking all over the City, and (3) increased coastal access for individuals and families who use standard-sized vehicles, given that there is now more parking space and less trash, urine, and excrement on the street in the sensitive coastal area near Delaware Avenue. That is, a reduction in the number of vehicles parked in the public right-of-way along Delaware Avenue reflects the effectiveness of the OVO in addressing long-term entrenchment of stationary vehicles, including the deleterious

impacts to nearby sensitive habitat associated with disposal of debris, including hazardous materials, and human waste (urine and feces) with attendant impacts to sensitive habitat as documented in past permitting efforts. Through provision of Safe Parking, individuals formerly parked on Delaware Avenue now have access to City-sanctioned parking, including access to proper trash and hygiene services, free of charge.

The effectiveness of the OVO implementation thus far in reducing environmental damage related to improper disposal of refuse is evidenced by the statistics from the City's Homelessness Response Field Team, which has a regular trash collection route in the area along Delaware Avenue near Antonelli Pond. Prior to the implementation of the OVO, collections averaged 82, 42-gallon trash bags per month. Following the enforcement of the ordinance, collections have averaged 42, 42-gallon trash bags per month in December 2023 through February 2024. This represents an approximately 48-percent decrease in monthly collection since the ordinance came into effect in the sensitive habitat area around Antonelli Pond, where 12 sensitive species have been identified.

Appellants' statements: *"We are additionally concerned that, contrary to the General Plan's requirements that the City identify funding sources other than the General Fund for recreational facilities, City staff still does not have a clear plan for how it will fund the Tier 3 safe parking program (24/7 parking) past June 2024, when one-time ARPA funds run out, other than by tapping the General Fund."*

Staff response: As stated above, City-sponsored Safe Parking does not represent a "recreational facility," and the above argument remains inapplicable. City staff continue to search for ongoing, stable sources of funding. A condition of approval from the original CDP, file number CP21-0174, requires that a Safe Parking program remain in effect for the life of the permit. That condition specifies also various requirements for the Safe Parking program, and that condition remains in effect as part of the subject, proposed CDP. So, if Safe Parking is not funded, then the implementation of the OVO would be in violation of the CDP conditions of approval. Regardless, anticipated origins of funding fall outside the realm of land use management subject to an appeal.

Appellants' statements: *"Moreover, the City has failed to listen to public input from OVO stakeholders to determine community interests and needs. The OVO stakeholder process was not truly collaborative, and thus was not in the spirit of Coastal Commissioner Nothoff's original request. Furthermore, the pilot program had been observed for less than 2 months at the time city staff brought this decision before the Planning Commission for a 5-year renewal."*

Staff's response: City staff have issued a thorough response to the above assertion regarding the nature of the City's stakeholder outreach group process within the Planning Commission staff report dated January 26, 2024. Stakeholder outreach meetings have served to offer a forum for provision of feedback within a structured context, with meeting agendas established to maximize efficiency of use of available time while offering ample opportunity for provision of feedback from stakeholder participants of divergent viewpoints. Feedback from participants was encouraged both in the formal meetings and outside of them. Detailed notes of the proceedings of stakeholder outreach appear attached to the Planning Commission staff report, with the link to such materials provided at the end of this report. In addition to the many changes noted in the Planning Commission staff report that stemmed from the Stakeholder Group and Safe Parking Program participant feedback, the City included several additional conditions of approval in direct response to feedback provided through stakeholder outreach that occurred after the Planning Commission

staff report was drafted and which addresses feedback provided by the appellants. The City also posted a link to contact information for the City's Americans with Disabilities Act (ADA) coordinator, along with the link to the disability grievance or reasonable accommodation request form in a prominent location at the top of the OVO website. The City has additionally had direct conversations with Safe Parking participants who have disabled license plates or a disability placard, advising them of available options.

As aforementioned, the City hosted a fifth Stakeholder Group meeting on February 28, 2024, exceeding the number required by Conditions of Approval of the CCC-approved CDP, underscoring the City's commitment to engagement of constituents. More information regarding that meeting is provided under the Public Outreach and Feedback heading below, and more detailed notes from the meeting are attached to this report. As discussed above, in response to comments at the February 28, 2024 Stakeholder Group meeting, conditions of approval were modified to require proactive, direct solicitation of feedback from Safe Parking participants. Through discussions at that same meeting about the City's efforts to improve OVO ADA information availability, the City is responding by updating its paper flyers to incorporate information about accessibility. Also at the February 28, 2024 meeting, attendees reported that at least one Safe Parking participant had arrived to find someone else parked in their designated space. Similar situations have been reported to the City. Staff had previously updated signage in response and had sent parking enforcement staff out at the time when the spaces are reserved for OVs. The City will continue to utilize these and other methods, as necessary, to address this ongoing challenge.

Appellants' statements: *"We have discovered in stakeholder meetings that the cost of gas to drive in and out of the Tier 2 safe parking program (overnight only parking) every day is a major cost burden, as is the cost of parking nearby. This has been echoed by OVO proponents Santa Cruz Neighbors, who have offered to provide charitable "gas cards" to Tier 2 participants. We do not believe this adequately addresses this concern, which is ultimately the responsibility of the City to remedy."*

Staff response: The Safe Parking Program supplies parking capacity for oversized vehicles in a supervised environment sponsored and managed by the City, located on City-owned or -operated facilities. This parking and the associated trash, restroom, and hand washing services are provided free of charge to the OV dwellers and their vehicles. Feedback provided from program participants has cited the challenge associated with paying for fuel necessary for relocation from Safe Parking facilities to daytime parking locations. Numerous free parking locations are available within one mile of Safe Parking lots, thereby minimizing travel distances for OV dwellers that relocate during the day. Westside Neighbors, a charitable organization, has offered to help offset the fuel costs borne by qualifying applicants in a voluntary capacity. Details of the program have yet to be announced, though they are coordinating with The Free Guide (the City's operator of its 24/7 Safe Parking program) for distribution of the gas cards, and the City applauds the organizations' voluntary action.

The City is not responsible for subsidizing the fuel bills of those living in oversized vehicles. A charitable organization's voluntary action to pay fuel bills of residents of oversized vehicles in its benevolent capacity does not confer such responsibility to the City, had such service not been offered. In restricting overnight parking of vehicles in the public right-of-way, which act as means for transportation of people and conveyance of goods and are not intended for human habitation,

the City has, in tandem, established an alternative parking program which provides access to essential services lacking for occupants of RVs and other such vehicles, providing support programs which far surpass those traditionally expected of local jurisdictions.

In particular, Overnight-Only parking, as with all City-sponsored Safe Parking, is offered at no cost to program participants, and such individuals can park their vehicles in close proximity of Overnight-Only facilities during the day, minimizing costs for consumption of fuel as cited by the appellant.

Further, the City continues to provide its 24/7 Safe Parking program located at the National Guard Armory building in upper DeLaveaga Park, affording participants with designated parking spaces available 24 hours per day, seven days per week, along with “wraparound” (comprehensive) support services, including case management and housing navigation. The 24/7 program participants receive access to hygiene facilities, electrical charging, community gathering space, and transportation to and from the program site. Capacity varies from approximately 15 to 20 vehicles, depending on the size of the vehicles participating in the program at any given time. The Free Guide, a third-party vendor contracted by and funded by the City, operates this program.

As of February 1, the 24/7 Safe Parking program enrollment is comprised of 22 participants, and 46 total individuals have enrolled since the beginning of the program. To date, seven former participants of the Overnight-Only Parking Program have transferred to the 24/7 Safe Parking Program. The offering of such programs highlights the City’s extensive role in supporting the efforts of residents of oversized vehicles to transition from vehicular residence into stable, stationary housing.

Funding of Safe Parking Programs costs over a half-million dollars annually; notably, the City has devised a suite of services, included case management to residents of oversized vehicles, unique to the City and not offered by most other jurisdictions which have instituted restrictions on parking of oversized vehicles in public rights-of-way. Through organization and operation of Safe Parking Programs on City-owned land and commitment to ongoing funding of such services, Santa Cruz has established a safety net for residents of oversized vehicles, a population not customarily served and sometimes completely unacknowledged, in many homelessness response programs.

Appellants’ statements: *“We have observed that this pilot program has still not provided any humane solution for how to address the needs of people living in detached trailers on city streets, opting to instead criminalize their presence 24 hours a day.”*

Staff response: Allowing unattached trailer parking on City streets is tantamount to the City’s allowing anyone to have almost any type of free storage on City streets at any time. The City’s rights-of-way are intended to be used by pedestrians, bicyclists, and motorists; they are not intended as free storage for static, detached trailers.

Further, City outreach workers have encountered a limited number of people (<10) living in detached on-street trailers, and staff outreach workers offer alternative shelter options to those individuals. For example, staff is aware of one individual who used to reside in an on-street unattached trailer; this person eventually accepted services, enrolled in the City’s Long Term Safe Parking Program, and was subsequently housed.

As stated above, City streets are not properly situated for hosting static, long-term human habitation; they lack adequate infrastructure to support essential functions of residence, such as provision of trash and restroom services. Restriction of overnight parking in locales unintended for residence and provision of alternative Safe Parking locations cannot reasonably be construed as “criminalization” of unhoused individuals’ “presence 24 hours a day” as charged by the appellant. At most, civil, rather than criminal, penalties result from violations of the provisions of the City’s Oversized Vehicle Ordinance.

Appellants’ statements: *“The city has failed to study or collect data on the impact that the OVO pilot program has had on people living in oversized vehicles and detached trailers, an Environmental Justice Community according to the Coastal Act, whether they are enrolled in the program or not.*

We therefore find that the Planning Commission’s decision was made in error and appeal this decision to the City Council.”

Staff’s response: The Conditions of Approval of the Coastal Development Permit require ongoing provision of feedback related to the effectiveness of the City’s Oversized Vehicle Ordinance and Safe Parking Program and collection of data which will guide implementation of the program on a continuous basis. This includes a condition of approval requiring opportunities for direct feedback from Safe Parking Program participants. Staff also currently monitor and respond to an easy-to-access form on the OVO website, a telephone number, and a dedicated email that facilitate provision of public comments. Conditions of approval also require an OV count to be conducted at least annually and for qualitative, and to the extent feasible, quantitative data to be collected on the effectiveness of the program, all of which are intended to help inform the ongoing implementation of the OVO.

The City’s voluntary imposition of a mandatory five-year renewal period additionally provides for avenues for assessment of program effectiveness. The City has engaged in efforts spanning over a decade on implementation of programs intended to address homelessness and vehicular habitation and has received feedback from members of the homeless community, with such feedback having informed and continuing to inform City policies and processes.

To further benefit those living in OVs, a Condition of Approval of CP21-0174 is intended to accommodate periodic Safe Parking Program participant parking outside of the typical program operating hours of 8 PM to 8 AM, as necessary, to facilitate connection opportunities with support services. The inclusion of the condition reflects the City’s commitment to connect participants to available support services and provides a mechanism for staff to consider occasional extensions of Safe Parking hours to facilitate access to assistive services while avoiding obstruction of access to the coast. Such flexibility in enforcement of hours of Safe Parking accommodates service providers whose hours of operation generally fall outside of hours in which program participants typically access Safe Parking programs. Staff anticipates testing this approach in the coming months.

The subject appeal hearing constitutes the ninth public hearing in which the City has addressed the matter of management of parking of oversized vehicles in public rights-of-way. Two additional public hearings were held by the Coastal Commission, for a total of eleven public hearings thus far on the ordinance since 2021. These hearings provide another method of public input, including from those living in OVs, many of whom have provided verbal or written testimony.

The City has collected ample public feedback through various means, including but not limited direct outreach to affected individuals parked on the streets and those in the Safe Parking Programs, and the City has responded to realistic requests in a comprehensive and accommodating manner. The City's exhaustive efforts underscore the degree to which staff and decisionmakers have endeavored to achieve an equitable balance between the needs of unhoused individuals with the concerns expressed by members of the community over many years regarding the health and safety impacts of static oversized vehicle parking.

Overall, the appellant's arguments lack merit and fail to present new challenges to City practices that have not been previously addressed. The above responses to the appellants' assertions reveal the lengths to which the City has gone in addressing the topic of homelessness and accommodation of dwellers of oversized vehicles. Staff recommend that the City Council deny the applicant's appeal and instead uphold the decision of the Planning Commission to approve the Coastal Development Permit.

Consistency with the Local Coastal Program (LCP)

The Oversized Vehicle Ordinance and Safe Parking Program, with potential future minor modifications as described herein, uphold and advance numerous Policies and Programs of the Local Coastal Program, such as those listed below:

- Parks and Recreational Lands Policy 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.
- Water Quality Policy 2.1: Meet or exceed State Water Resources Control Board standards for discharge of sewage and storm waters to the Monterey Bay.
- Community Design Policy 2.1: The dramatic views from West Cliff Drive shall remain unimpaired and unobstructed by vegetation, structures or accumulated refuse.
- Natural Setting and Scenic Resources Policy 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.
- Water Quality Policy 2.3: Ensure that new development or land uses near surface water and groundwater recharge areas do not degrade water quality.
- Open Space Lands Policy 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.
- Open Space Lands Policy 3.7: Recognize and protect the Pacific Ocean and Monterey Bay as a valuable open space, natural resource, and National Marine Sanctuary.
- Natural Setting and Scenic Resources Program 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.
- Residential, Commercial, and Industrial Lands Program 2.6.5: Protect neighborhood quality through improvement of blighted areas, traffic management, design guidelines, adequate buffers and other development techniques.

- Open Space Lands Program 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.
- Open Space Lands Program 3.5.5: Develop and implement plans to maximize public access and enjoyment of recreations areas along the coastline.
- Biotic Diversity and Stability Program 4.1.5: Protect the quality of water discharged into the Bay and allow no dumping of materials into the Monterey Bay.
- Biotic Diversity and Stability Program 4.2.5: Protect and minimize the impact of development on bird, fish and wildlife habitat in and adjacent to waterways.

ENVIRONMENTAL REVIEW: The City’s continued implementation of its Oversized Vehicle programs does not constitute a new “project” under the California Environmental Quality Act (“CEQA”). However, even if the approval of a new Coastal Development Permit, as proposed, were considered a “project” pursuant to CEQA, the following exemptions would continue to apply.

The proposed actions remain categorically exempt from environmental review under Article 19 of the California Environmental Quality Act (CEQA) Guidelines, Section 15282(j), related to restriping of City streets, and categorically exempt under Section 15301(c) and (g), 15307, 15308, and 15061(b), related to alteration of City streets not involving addition of lanes.

Statutory exemption 15282(j) applies to projects including restriping of streets to relieve traffic congestion, while Section 15301(c) accommodates alterations to existing streets, sidewalks, gutters and similar facilities not adding new automobile lanes. Past observations have revealed that overnight parking of oversized vehicles tends to occur in locales in which groups of oversized vehicles congregate and then become entrenched, inducing congestion and degradation of the environment. Continued implementation of existing OV regulations and the City’s existing Safe Parking Program, including potential future minor modifications as envisioned in this permit, will reduce deleterious effects through continued provision of Safe Parking in a controlled environment.

The California Environmental Quality Act (CEQA) establishes several “categorical exemptions” applicable to classes of projects and varieties of activities which generally avoid inducing risk of significant impacts to 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.”

Continuation of the City’s existing Safe Parking Program, with minor modifications, is not expected to result in any new construction, or need for building of additional facilities for public services such as Police, Parks, or Fire. Through provision of sanitation facilities in locations at or near designated safe-parking locations, and through continued restriction of oversized vehicle parking between the hours of 12 AM and 5 AM Citywide, ongoing implementation of the City’s

OV Regulations and Safe Parking Program, along with potential future minor modifications as discussed herein, will continue to ameliorate the detrimental effects, including environmental consequences and public health and safety effects, related to long-term OV entrenchment. As the majority of environmental impacts resulting from continued implementation of the City's OV Regulations and Safe Parking Program constitute beneficial, rather than detrimental outcomes, and with other potential environmental effects remaining de minimis, in addition to qualifying under the CEQA clearances listed above, the project also qualifies for an exemption pursuant to California Code of Regulations Section 15061(b), the "general rule" or "common sense" exemption, as it can be seen with certainty that no significant effect on the environment will occur resulting from the Coastal Permit application.

The proposed project complies with all of the foregoing criteria and demonstrates eligibility for implementation of both statutory and categorical exemptions as afforded by CEQA.

Health in all Policies (HiAP)

Health in All Policies (HiAP) is a collaborative approach to improving the health of all people by incorporating health considerations into decision-making across sectors and policy areas. HiAP rests on three pillars: equity, public health, and sustainability. HiAP serves to ensure that all decision-makers remain informed about the health, equity, and sustainability impacts of various policy options during the policy development process.

The subject Coastal Development Permit application supports the pillar of equity in that an appointed Council ad-hoc committee has coordinated with City staff and community partners to further develop and ensure implementation of the above-described Safe Parking framework, including proposed modifications, in a manner widely accessible, and will report to the City Council with additional recommended actions. The City's Safe Parking Program will continue to offer low-barrier parking services, free of charge, to program participants. The project encourages sustainability and a healthy lifestyle by avoiding the impacts to public health associated with long-term on-street OV entrenchment, including the associated disposal of trash, debris, and sewage onto City streets, sidewalks, and into local waterways. The proposed actions continue the provision of sanctioned parking facilities equipped with restrooms and trash services to offset detrimental impacts associated with long-term on-street OV parking, including reduced coastal access, degraded community character, unhygienic disposal of sewage, and illicit dumping of trash and debris.

Environmental sustainability represents a fundamental value of the City of Santa Cruz, guiding all City operations, and the subject application upholds such ideal through continued restriction on overnight use of the public right-of-way for oversized vehicle parking within the Coastal Zone, coupled with ongoing implementation of a program providing options for Safe Parking of oversized vehicles, offering facilities that provide trash and bathroom services reducing the likelihood for environmental contamination associated with illicit dumping of trash and blackwater, along with reduction of spillage of hazardous materials onto City streets from maintenance and long-term storage of vehicles in the public right-of-way, while introducing further benefits through the amelioration of aesthetic impacts and visual blight derived from lengthy stays of oversized vehicles on City streets. The project, therefore, ensures consistency with the three pillars of the HiAP and demonstrates an efficient and judicious use of City land.

Public Outreach and Feedback

Consistent with the Outreach Plan approved by the Coastal Commission, staff conducted extensive outreach in advance of implementation and enforcement of the OVO. Such activities encompassed, for example, direct outreach to OV dwellers, with such engagement conducted by 24/7 Safe Parking Program staff, the City's Homelessness Outreach Response Team, and others; as well as via posting to social media channels, advertisement of information on City webpages, dissemination of outreach flyers placed directly on OVs, and distribution of press releases and resulting media coverage.

The Stakeholder Group additionally supplied input related to topics associated with the OVO and Safe Parking Program at each of the five Stakeholder Group meetings to date, with many of the suggestions of the Stakeholder Group, including recommendations made by the appellants, later incorporated as Conditions of Approval in the Planning Commission's entitlement of the Coastal Permit. As various feedback and responses from the first four Stakeholder Group meeting were summarized in the Planning Commission staff report and associated attachments, this section only includes additional feedback and responses to the Stakeholder Group meeting held on February 28, 2024.

The Stakeholder Group meeting on February 28, 2024 included a discussion of the conditions of approval applied by the Planning Commission. Recommendations were provided to proactively seek more direct feedback from Safe Parking participants, to explore how more and what quantitative data can be collected, to evaluate the impacts of the OVO on people living in their vehicles, and to improve the information available for OV dwellers with disabilities. A more comprehensive and detailed set of meeting discussion topics is included as an attachment to this report.

The City's webpage hosts an online form, <https://www.cityofsantacruz.com/ovo>, allowing for provision of comments on an open and continuous basis. Both an email address and phone number also allow for direct contact with Homelessness Response Team staff.

City staff have collected feedback from participants of the City's Safe Parking programs. Participant comments vary and include concerns regarding unavailability of parking spaces at 8 PM, issuance of citations at 8 AM, desire for connection to support services, the occurrence of noise and other nuisance activities affecting Safe Parking lots, and inconvenience associated with daily relocation. City staff note that installation of new signage will announce that all parking spaces in the Safe Parking Program will need to be vacated by 8 PM and indicate the City's consistency in enforcement of hours of operation and the issuance of tickets. The City will also continue its ongoing efforts in distribution of information regarding available services, with enhancement of such outreach efforts afforded via recommended conditions of approval. Staff continue to assess the best locations for parking of OVs of various sizes and note that ample public parking, free of charge and offering ready access to the coastal resources, occur within a mile of Safe Parking sites.

In advance of both the February 1, 2024 Planning Commission public hearing and the March 12, 2024 City Council hearing, staff again conducted community outreach through various means, including posting to social media, disseminating outreach flyers through placement on OVs, and conducting requisite legal noticing.

The staff report prepared for the Planning Commission public hearing of February 1, 2024 includes public correspondence expressing a diversity of feedback, characterizing the range of public sentiment related to the OVO and Safe Parking Program. The subject application has elicited email messages from several parties since the Planning Commission public hearing, collectively expressing support of the application of the OVO and Safe Parking Program, which have been attached to this report and included in the public record for the project.

City staff received correspondence (attached) from the appellants on the evening of March 6, 2024, which correspondence included requested revisions and additions to the recommended Conditions of Approval. As the correspondence arrived shortly prior to the required publication of this report, sufficient time was not afforded for staff to prepare a written response. Staff will provide a response to the content of the correspondence during the presentation to the City Council at the public hearing of March 12, 2024.

SUMMARY AND RECOMMENDATION: The City of Santa Cruz seeks to balance community health and safety concerns regarding the effects of long term, on-street OV entrenchment with the protection of potentially vulnerable communities, including occupants of oversized vehicles whose access to housing options may remain limited.

Staff requests that the City Council consider the merits of the appeal in light of all past City actions taken to address issues related to parking oversized vehicles and unattached trailers within the public right-of-way and render a decision to deny the appeal and uphold the decision of the Planning Commission, approving the application for Coastal Development Permit. Through denial of the appeal, the Council will approve the subject Coastal Permit application, subject to previous and new conditions of approval, as recommended. Staff requests that the City Council authorize the City to implement and enforce Ordinance No. 2021-20 as amended by Ordinance No. 2023-08 and as codified in Municipal Code sections 10.04.065, 10.04.085, 10.04.104, 10.04.106, 10.04.165, 10.40.120, 10.41.060, and 16.19.070, which, among other elements, restricts parking Citywide of oversized vehicles between the hours of 12 AM and 5 AM, prohibits on-street parking of unattached trailers, and facilitates continued operation of the City's Safe Parking Program. The Council's approval also accommodates potential future minor modifications to the City's Safe Parking Program and/or to the Municipal Code, such as potential revisions to the City's OV residential parking permit program and similar modifications. By denying the appeal and approving the Coastal Permit, the City Council will promote ongoing efforts facilitating continued access to the coast, bolstering community character and quality of life, and likewise upholding protection of the natural and built environment.

FISCAL IMPACT: The implementation of the OVO takes considerable staff time and resources across many departments, such as Public Works, City Manager's Office, Planning & Community Development, City Attorney's Office, and the Police Department. The purchase of roadway signage has cost approximately \$15,000 thus far, which does not include any of the City workforce labor associated with the installation. The costs for implementation of Safe Parking programs currently totals approximately \$620,000 annually.

Prepared by:
Timothy Maier
Senior Planner

Submitted by:
Lee Butler
Director of Planning &
Community Development

Approved by:
Matt Huffaker
City Manager

ATTACHMENTS/LINKS:

1. Draft Resolution, including Findings and Conditions of Approval
2. Staff Report for February 1, 2024 Planning Commission (See link <https://www.cityofsantacruz.com/government/city-departments/staff-reports-memos> for additional attachments to the Planning Commission report that are not directly included in this list.)
3. 2022-06-23 City of Santa Cruz Response to Appeal No. A-3-STC-22-0018
4. 2022-07-08 - Appeal No. A-3-STC-22-0018 Follow-Up Letter From City of Santa Cruz
5. February 1, 2024 Planning Commission Meeting Minutes
6. February 28, 2024 Stakeholder Group Meeting Notes
7. Public Correspondence received since the February 1, 2024 Planning Commission hearing
8. Appellants' Proposed Conditions of Approval received March 6, 2024

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



**PLANNING COMMISSION
MINUTES
Regular Meeting
February 1, 2024**

7:00 P.M. GENERAL BUSINESS AND MATTERS OF PUBLIC INTEREST, COUNCIL CHAMBERS

Call to Order-The meeting was called to order at 7:00 p.m.

Roll Call-Commissioners Conway, Dann, Gordon, McKelvey, Polhamus, Thompson, and Kennedy were present.

Statements of Disqualification-None.

Oral Communications-None.

Approval of Minutes

1. Approve the minutes of January 18, 2024.

MOTION: Motion made by Commissioner Polhamus, seconded by Commissioner Kennedy, to approve the minutes of January 18, 2024.

ACTION: Motion passed by the following vote:

AYES: Conway, Dann, Gordon, McKelvey, Polhamus, Thompson, and Kennedy

NOES: None

ABSENT: None

Public Hearings

2. Coastal Development Permit, as required by Conditions of Approval of Coastal Development Permit (CDP) A-3-STC-22-0018 approved by the California Coastal Commission, authorizing the City to, in perpetuity, continue implementation of Ordinance No. 2021-20, as amended by Ordinance No. 2023-08 and codified in Municipal Code sections 10.04.065, 10.04.085, 10.04.104, 10.04.106, 10.04.165, 10.40.120, 10.41.060, and 16.19.070, including, but not limited to, restrictions on overnight parking of oversized vehicles ("OVs"), prohibiting parking of unattached trailers, and providing for continued operation of the City's Safe Parking Program; and to accommodate potential future minor modifications to the City's Safe Parking

Program and OV Regulations, including potential modifications to its OV residential parking permit program.

Senior Planner Timothy Maier presented the item to the Commission. Planning Director Lee Butler, Homelessness Response Manager Larry Imwalle, Lieutenant Carter Jones and City Counsel Cassie Bronson addressed the Commission. The public hearing was opened. The following members of the public addressed the Commission: Reggie Meisler, Joy Schendledecker, Jasmeen Miah. The public hearing was closed.

MOTION: Motion made by Commissioner Polhamus, seconded by Commissioner Conway, that the Planning Commission acknowledge the environmental determination and approve the Coastal Development Permit based upon the findings listed below and Conditions of Approval listed in Exhibit "A" in the staff report dated January 26, 2024, with the following modifications and additions to the Conditions of Approval:

- COA #5 (revised) Minor Modifications. The City shall be authorized to make minor modifications in the future to the City's Oversized Vehicle Regulations and/or Safe Parking Program. Such modifications may include, but shall not necessarily be limited to, revision to the City's OV residential parking permit program to accommodate parking of residents' oversized vehicles within specified proximity of a residents' address. This CDP authorizes minor modifications without a CDP amendment and/or a new CDP if, in the opinion of the Coastal Commission Executive Director and the City Planning Director, such modifications: (1) are deemed reasonable and necessary; and (2) do not significantly adversely impact coastal resources.
- COA #6 (revised): Compliance with Coastal Development Permit and Past Permitting Actions. Compliance with the City's prior CDP conditions (CP21-0174, as approved by Council Resolution No. 29-964), the provisions of Ordinance Nos. 2021-20 and 2023-08, the OVO Communications and Outreach Plan, the OVO Operations and Management Plan, and the OVO Signage Plan, must be maintained at all times, unless modified by this permit. Future minor modifications to these requirements are permitted, consistent with COA #5.
- COA (new): Provision of Mechanism for Ongoing Feedback. A) The City shall maintain a platform for ongoing collection of feedback related to implementation of the Oversized Vehicle Ordinance and Safe Parking Program, which may include a form posted to the City's website. Feedback will be reviewed regularly by City staff and will be considered in the City's efforts to achieve on-going program improvement. Feedback collected will be provided to the Coastal Commission and/or members of Coastal Commission staff upon request. B) Additionally, the City shall continue to coordinate with the Stakeholder Group at the following intervals: a minimum of three meetings with the Stakeholder Group during the first year following the effective date of this permit and a minimum of two meetings with the Stakeholder Group in subsequent years, unless modified in coordination with and subject to the approval of the Executive Director of the Coastal Commission.

- COA (new): CDP Duration. This CDP shall expire on February 1, 2029, where such expiration date (and subsequent such expiration dates) may be extended in yearly increments (of up to 5 years at a time maximum) if the City Planning Director and the Coastal Commission Executive Director determine, in writing, that the approved project is continuing to operate in a manner that is consistent with the CDP's terms and conditions (including that it is not leading to any unforeseen and/or unaddressed significant adverse coastal resource impacts) and that such an extension is thus warranted for the term identified. Such extensions shall only be allowed if they are based on an assessment that describes project implementation to date to the Executive Director (where such assessment shall at a minimum clearly describe program outreach, enforcement, and participation, as well as opportunities for program improvements) and that covers all years of program operation since at least the last assessment (and based on prior assessments as warranted).

Additional COAs in response to comments received from the Stakeholder Group held on January 31, 2024:

- COA (new): Point-in-Time Count. The City shall commit to conducting a Point-in-Time (PIT) Count, which estimates the number of Oversized Vehicles parked on City streets, on an annual basis. City shall provide resulting data to the Coastal Commission upon request and as part of the five-year reviews.
- COA (new): Feedback from and Assistance to Safe Parking Participants. As a component of enrollment in the City's Safe Parking Program, staff shall provide an opportunity for the safe parking participants A) to submit information to the City on how to give feedback on how the safe parking program can be improved and B) to identify services that would assist them. Staff shall consider recommendations from program participants and shall make reasonable efforts to ensure that applicants have appropriate information to allow for connection to available services.
- COA (new): City staff shall collect qualitative and, to the extent reasonably feasible, quantitative data which assists in assessment of the effectiveness of the Oversized Vehicle Ordinance and Safe Parking Program in alleviating adverse environmental and public health/safety impacts generated by entrenchment of oversized vehicles. Such data may include information regarding the amount of debris collected from City rights-of-way and observations of illicit disposal of blackwater; this data shall be made available to the Coastal Commission upon request.

ACTION: The motion passed by the following vote:

AYES: Conway, Dann, Gordon, McKelvey, Polhamus, Thompson, and Kennedy

NOES: None

ABSENT: None

General Business

3. Nomination and election of Chairperson and Vice-Chairperson.
MOTION: Motion made by Commissioner Polhamus, seconded by Commissioner Kennedy to nominate and elect Commissioner Conway to serve as chairperson.

ACTION: The motion passed by the following vote:
AYES: Conway, Dann, Gordon, McKelvey, Polhamus, Thompson, and Kennedy
NOES: None
Absent: None

MOTION: Motion made by Commissioner Conway, seconded by Commissioner Gordon, to elect Commissioner Polhamus to serve as Vice Chairperson.

ACTION: The motion passed by the following vote:
AYES: Conway, Dann, Gordon, McKelvey, Polhamus, Thompson, and Kennedy
NOES: None
ABSENT: None

Information Items-Planning and Community Development Director Lee Butler apprised the Commission of City Council actions and upcoming matters to be heard before the Council and the Commission.

Subcommittee/Advisory Body Oral Reports-None.

Adjournment-The meeting adjourned at 8:30 p.m.



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

809 Center Street • Room 107 • Santa Cruz, CA 95060 • www.cityofsantacruz.com

LEE BUTLER, AICP, LEED AP

June 23, 2022

Sent via hand delivery and email to kiana.ford@coastal.ca.gov

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

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

Dear Chair Brownsey and Commissioners,

I. Introduction

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

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

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

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

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

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

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

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

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

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

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

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

III. Public Input Concerning OV's

Since the Coastal Commission's 2016 finding that there was a "substantial issue" with the City's prior OV ordinance, there has been significant community comment regarding OV parking. In February 2019, after a prior city council member's proposal to permit overnight oversized vehicle camping on Delaware Avenue on the lower Westside, over 400 letters in opposition were

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

sent to the city council. Community concerns cited included environmental impacts, neighborhood safety, increased crime, garbage, human excrement, fire danger, drug dealing, and other illegal and nuisance behaviors. A petition with over 1,000 signatures, urging city staff and council to address the public health and safety impacts of oversized vehicle parking was created on Change.org and sent to city staff and council.

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

IV. City's Consideration of a Revised OV Ordinance

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

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

City Staff has also extensively researched and engaged community members on the issue of homelessness. In 2016, the City Council created a Homelessness Coordinating Committee that researched and prepared Council recommendations related to homelessness. In June 2019, the City Council established a Community Advisory Committee on Homelessness (CACH) to discuss with the community and consider various policy options related to homelessness. CACH members included people with a wide range of experience and knowledge, including individuals who either were or had been unhoused. Over twelve months, CACH held approximately 16 public meetings²

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

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

The City's efforts herein have also been informed by materials created by the County of Santa Cruz, including the 2015 "All-In Toward a Home for Every County Resident: The Santa Cruz County Community Strategic Plan to Prevent, Reduce, and Eventually End Homelessness," the 2021 "Housing for a Healthy Santa Cruz: A Strategic Framework for Addressing Homelessness in Santa Cruz County" (which the City Council endorsed in 2021), and the regular Point In Time homelessness census data.

V. Recent Council Action Related to OVs

A. Ordinance Amendments

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

Some of the key amendments are summarized below:

- SCMC 10.40.120(a) contains a City-wide prohibition against parking OVs from midnight until 5:00, unless an exemption in SCMC 10.40.120(g) applies.
- SCMC 10.40.120(g) contains multiple exceptions to the prohibition contained in subsection (a), including an exception for out of town visitors (SCMC 10.40.120(g)(1)), an exception for contractors (SCMC 10.40.120(g)(8), and an exception for persons experiencing homelessness, which exempts, "*A person and oversized vehicle that are, collectively, registered and participating in a safe parking program or other safe sleeping or transitional shelter program operated or sanctioned by the city, but do not have access to a safe parking space or other shelter options under such programs due to a lack of capacity.*" (SCMC 10.40.120(g)(7).
- SCMC 10.40.120(m) states: "In addition to the private property allowances authorized through Section 6.36.030, the city may operate, sponsor, or authorize safe parking programs for vehicles on any city-owned or city-leased properties in the city, or any city-sanctioned private parking lots. The city manager shall develop a policy that establishes operational criteria for safe parking programs."
- SCMC 10.40.120 (o) provides that the consequence for violating this code parking issues is simply a parking ticket: "Violations of any of the provisions of this chapter related to parking or standing vehicles shall be subject to a fifty dollar civil penalty (parking ticket)[.]"

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

B. Safe Parking Program

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

- a) Emergency overnight safe parking on City-owned parcels for a minimum of three vehicles, to be implemented immediately.
- b) Safe overnight parking on City-owned parcels or other non-residential approved spaces for a minimum of thirty vehicles throughout the City, to be implemented within four months of passing the OV Amendments.
- c) A robust safe parking program in partnership with service providers, health providers, and County partners, prioritizing: families with children; seniors; transition-age youth; veterans; and those with a valid disabled placard or license plate issued pursuant to the California Vehicle Code.

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

1. The City’s Safe Parking Program Framework

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

- Off-street locations (i.e. public/private parking lots). New signage shall be small-scale and designed to be incorporated into existing parking facility signage. Existing signposts shall be used when possible.
- Hours generally shall be from 8:00 PM – 8:00 AM. While hours of operation in the Coastal Zone will generally be within this time frame, exceptions apply when necessary to facilitate services to program participants, so long as the additional hours are of a frequency, duration, and/or location such that they do not adversely interfere with coastal access. For example, depending on the site services, one hour immediately before or immediately after the typical 8:00 PM to 8:00 AM operations, a mobile dump service could operate one day per week at the site or parking could remain in place so that a service provider (such as Cal Fresh, Homeless Persons Health Project, etc.) could offer services one to two days per week. As

noted above, any such services during hours outside of 8:00 PM to 8:00 AM will be scheduled with specific consideration given to minimizing interference with coastal access. Outside the Coastal Zone, facilities (for example, Tier 3 facilities where enhanced services are provided) may be operated with extended hours, including on a 24/7 basis, so long as plans adequately address required parking for other uses.

- Sanitation will be provided at all locations (i.e., porta-potties, hand washing stations, and garbage cans). Black water dumping facilities may be provided at some locations. All facilities shall, whenever possible, be located where no impacts to public parking occur. When that is not possible, all facilities shall be located or operated in a manner so as to minimize parking impacts to the greatest extent feasible. Locations of porta-potties, hand washing stations, and trash receptacles, as well as the locations of overnight parking on the site, will also consider adjacent uses, visibility, maintenance of views, and accessibility.
- Safe Parking sites will not be sited in mapped “high impact parking areas” within the Coastal Zone.
- There will be no cost to participants in the Safe Parking Program.

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

2. Additional Analysis and Reporting

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

At the end of the first year of operating the Safe Parking Program, City Staff will prepare a report outlining program operations in the Coastal Zone, its usage, the number of parking stalls affected, and complaints received regarding the Program. If it is determined that any of the standards applicable in the Coastal Zone and identified in the conditions above have not been met, or if it is determined that a use has impacted public parking space availability such that public parking is not otherwise available, then the City will propose operation modifications. A copy of the report shall be submitted to the Executive Director of the Coastal Commission for review and approval. If the Executive Director determines that the Safe Parking Program negatively impacts public access, then the Program shall be modified to eliminate or mitigate such impacts, to the maximum extent feasible as directed by the Executive Director. See Exhibit 7 – Resolution, Condition of Approval No. 4.

VI. Current Safe Parking Facilities in Santa Cruz

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

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

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

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

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

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

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

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

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

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

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

Staff is also implementing additional components of the HRAP. Since adopting the HRAP, City Staff has developed detailed implementation plans, new job descriptions, and is in the process of hiring other new dedicated homeless response positions. The latest City Capital Improvement Plan³ adopted on June 14, 2022 includes \$155,000 towards the following OV infrastructure:

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

³ CIP, see excerpt at

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

VIII. Permitting / Appeal History

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

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

On March 3, 2022, the Planning Commission heard this item at a noticed public hearing. Seventeen members of the public spoke to the item with a majority of speakers opposed. The Commission voted 4-3 to approve the Permits, with several additional conditions of approval, including that the City stand up "zero barrier" (no preconditions for participation) safe parking sites. See Exhibit 5 (March 3, 2022 Planning Commission Report).

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

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

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

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

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

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

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

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

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

⁴ Enforcement of OV overnight parking limitation not enforceable against "A person and oversized vehicle that are, collectively, registered and participating in a safe parking program or other safe sleeping or transitional shelter program operated or sanctioned by the city, but do not have access to a safe parking space or other shelter options under such programs due to a lack of capacity."

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

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

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

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

General Plan Consistency

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

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 LU3.11.3.⁷ Safe parking facilities will be distributed throughout the City and organized so as to provide locations where unhoused vehicle dwellers in the City can legally park overnight while at the same

⁵ The hours posted on the California Parks and Recreation website for Lighthouse State Beach are 7:00 a.m. to sunset and for Natural Bridges State Park are 8:00 a.m. to sunset. See https://www.parks.ca.gov/?page_id=550 and https://www.parks.ca.gov/?page_id=541. Both areas have gates that are locked during closed hours.

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

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

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

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

- CC2.1 Provide community services and facilities in keeping with the needs of a growing and diverse population.
- CC4.1 Provide an adequate and environmentally sound wastewater collection, treatment, and disposal system.
- CC9.2 Provide adequate seasonal and permanent shelters and services.⁸

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

Local Coastal Plan (LCP) Consistency

The OV Amendments and Safe Parking Programs provide OV coastal access while addressing many of the LCP policies listed below.

- 2.1 Meet or exceed State Water Resources Control Board standards for discharge of sewage and storm waters to the Monterey Bay.
- 2.3 Ensure that new development or land uses near surface water and groundwater recharge areas do not degrade water quality.
- 4.1.5 Protect the quality of water discharged into the Bay and prohibit dumping materials into the Monterey Bay.
- 2.1.3 Protect the Monterey Bay National Marine Sanctuary and the shoreline, as well as views to and along the ocean, recognizing their value as natural and recreational resources.
- 2.2 Preserve important public views and viewsheds by ensuring that the scale, bulk and setback of new development does not impede or disrupt them.

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

- 2.6.5 Protect neighborhood quality through improvement of blighted areas, traffic management, design guidelines, adequate buffers and other development techniques.
- 3.5 Protect coastal recreation areas, maintain all existing coastal access points open to the public, and enhance public access, open space quality and recreational enjoyment in a manner that is consistent with the California Coastal Act.
- 3.5.4 Wherever feasible and appropriate, distribute public facilities (including parking areas) throughout the coastal recreation area to mitigate the impacts of overcrowding or over-use by the public of any single area.
- 3.5.5 Develop and implement plans to maximize public access and enjoyment of recreation areas along the coastline.
- 1.7 Recognize and protect the Pacific Ocean and Monterey Bay as a valuable open space, natural resources, and a National Marine Sanctuary.
- 1.7 Develop plans to repair, maintain and maximize public access and enjoyment of recreational areas along the coastline consistent with sound resource conservation principles, safety, and rights of private property owners.
- 2.1 The dramatic views from West Cliff Drive shall remain unimpaired and unobstructed by vegetation, structures or accumulated refuse.

See City of Santa Cruz Local Coastal Program,

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

D. Oversized Vehicle Restrictions are Common in Coastal Areas.

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

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

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

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

E. The City's Action is Not Unconstitutional.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁹ Note that the referenced address (205 Gault St.) does have a driveway. See <https://goo.gl/maps/QFbmbNyzgqw3cLP6>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

X. Conclusion

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

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

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

Sincerely,

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

Attachments:

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

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



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
809 Center Street • Room 107 • Santa Cruz, CA 95060 • www.cityofsantacruz.com
LEE BUTLER, AICP, LEED AP

July 8, 2022

Sent via email to kiana.ford@coastal.ca.gov

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

RE: Appeal No. A-3-STC-22-0018, Staff Report re: Substantial Issue Determination

Dear Chair Brownsey and Commissioners,

The City of Santa Cruz (“City”) has reviewed the Commission’s staff report for the above-referenced matter. **The City appreciates and agrees with the Commission’s staff’s recommendation of “no substantial issue”** and wanted to take the opportunity to provide some additional information and clarifications to supplement the report and the materials previously provided by the City. In particular, as detailed below, the City would like to emphasize the following points: 1) the City’s Oversized Vehicle (OV) Amendments and Safe Parking programs aim to protect sensitive species and Environmentally Sensitive Habitat Areas (ESHA), along with alleviating coastal parking demands; (2) the City’s OV Amendments and Safe Parking programs, together, aim to encourage people living in OVs to utilize Safe Parking facilities, in order to promote additional public access to the coast and to address environmental impacts related to entrenched OVs, many of which are located in the Coastal Zone; and (3) people living in OVs will not be unjustly impacted by the City’s OV Amendments, particularly given the broad range of options available to people living in OVs. This final section includes additional details about the City’s Safe Parking program that were not previously provided.

I. The City’s OV Amendments and Safe Parking Programs Aim to Protect Sensitive Species and Environmentally Sensitive Habitat Areas (ESHA), Along with Alleviating Coastal Parking Demands.

The Commission’s staff report cited concerns regarding the City’s evidentiary linkage between the impacts that the City is aiming to address and the City’s overnight OV parking prohibition. City staff previously provided photos, primarily of refuse in and around OVs but also of blackwater dumping, public access being occupied by OVs and associated belongings, and leaking fluids from OVs. (*See Exhibit 10* to the City’s June 23, 2022 letter to the Commission.) However, more emphasis could have been provided that these conditions are prevalent in areas with sensitive species, ESHA, and significant coastal access parking demands.

As noted in the City’s letter to the Commission dated June 23, 2022, the majority of OVs in the Coastal Zone are located on the Lower Westside of Santa Cruz. Specifically, the OVs are often parked

along Delaware Avenue, Natural Bridges Drive, and Schaffer Road. See City's Exhibit 11 (submitted with this letter, identifying areas of concentrated OV parking).

Natural Resources. Many areas in the City with severe impacts related to overnight OV parking are in close proximity to and often immediately adjacent to three creeks (Moore Creek, Natural Bridges Creek, and Arroyo Seco Creek) identified in the City's Creeks and Wetlands Management Plan from 2008¹, which is part of the City's Local Coastal Program (LCP). These areas are ESHA for a wide range of sensitive species.

The sensitive species listed below, identified by the City's Creeks and Wetlands Management Plan, are likely to be adversely impacted by improper sewage disposal, inadequate sanitation resources, and trash because their habitat is immediately adjacent to or in very close proximity to areas with a high concentration of overnight OV parking. See City's Exhibit 11 (submitted with this letter, identifying areas of concentrated OV parking and adjacent ESHA).

- *California red-legged frog* (federally listed as threatened and California species of special concern): known to occur in Antonelli Pond and marsh at Natural Bridges;
- *Monarch butterfly* (locally unique species in Santa Cruz's General Plan and LCP): roosts at Natural Bridges;
- *Tidewater goby* (federally listed as endangered and California species of special concern): potentially present at mouth of Moore Creek at Natural Bridges State Beach;
- *Southwestern pond turtle* (federal and California species of special concern): known to occur in Moore Creek, Antonelli Pond, and marsh at Natural Bridges;
- *White-tailed kite* (California-designated Fully Protected Species): known to nest at Natural Bridges and potential habitat along portions of Moore Creek;
- *Coopers hawk* (California species of special concern): known to nest along Moore Creek;
- *Yellow warbler* (California species of special concern): formerly bred at and potential nesting habitat at Antonelli Pond;
- *Yellow-breasted chat* (California species of special concern): potential nesting habitat at Antonelli Pond;
- *Tricolored blackbird* (California species of special concern): historically nested at and potential nesting habitat at Antonelli Pond; and
- *Yuma myotis, Townsend's western big-eared bat, and San Francisco dusky-footed woodrat* (each federal and California species of special concern): each has potential habitat along Moore Creek.

Coastal Commission Senior Ecologist Dr. Lauren Garske-Garcia confirms concerns for some of these species in a letter dated July 17, 2019, where she called for a wildlife corridor for the California red-legged frog leading between Schaffer Road and Antonelli Pond. She also cited the potential for the Western pond turtle and tri-colored blackbirds near Antonelli Pond and cited the need to evaluate the presence of wetlands on the site at the northeast corner of Delaware Avenue and Schaffer Road, all locations immediately adjacent to a high concentration of regular OV parking. Dr. Garske-Garcia also says of the vacant site adjacent to many entrenched OVs that "even highly invaded grasslands may be

¹ See <https://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/long-range-policy-planning/area-plans-and-city-zoning-code/city-wide-creeks-and-wetlands-management-plan>.

considered ESHA.” See Exhibit 15 for excerpts from Coastal Commission Senior Ecologist Dr. Lauren Garske-Garcia’s July 17, 2019 letter to the City.

The City of Santa Cruz and its residents are highly environmentally conscious. The potential impacts to ESHA and sensitive species are of significant concern to both the Council and the citizenry, as is certainly the case for the Commission as well. Exhibit 11 to this letter provides a map showing locations of creeks, wetlands, and habitat, along with a key showing where additional photos in Exhibit 12 were taken. The photos in Exhibit 12 show recent situations related to long-term OV entrenchment and the resulting environmental impacts, such as OVs leaking fluids, riparian areas used as restrooms, and trash associated with OVs, which is often immediately adjacent to ESHA. Contaminants related to long-term OV entrenchment can create environmental damage and be detrimental to both ESHA and the many special status species in the immediate vicinity. Notably, many of the pictures in Exhibit 12 are very recent, having been taken in just the past week or two, as was the case with many of the photos provided in Exhibit 10 to the City’s June 23, 2022 letter to the Commission. The purpose of providing these photographs is to show that, even with resources in place (for example, dumpster services nearby and safe parking facilities available), OV entrenchment results in significant pollution in close proximity to ESHA and sensitive species. While the City recognizes that not all OV dwellers cause environmental damage, the pictures show that OV entrenchment in the City is a serious, current, and ongoing problem.

The City also takes its public access requirements seriously. In addition to the environmental concerns noted above, the photographs in Exhibit 12 also show how the OVs occupy many parking spaces along Delaware Avenue and Natural Bridges Drive. These locations are directly adjacent to Natural Bridges State Park. The State Park charges for parking, and thus, the adjacent, free on-street parking is very popular with beachgoers in the spring and summer and with eco-tourists watching the Monarch butterflies in the fall. Because current parking rules allow vehicles to stay in one place for 72 continuous hours, and vehicles tend to only move a short distance after those 72-hours have expired, OVs often remain stagnant in popular on-street parking areas for extended periods of time, occupying parking spaces (with both vehicles and belongings) that would otherwise provide free parking for coastal visitors. See Exhibit 11.

II. The City’s OV Ordinance Amendments and Safe Parking Programs, Together, Aim to Encourage People Living in OVs to Utilize Safe Parking Facilities, In Order to Promote Additional Public Access to the Coast and Address Environmental Impact Related to Entrenched OVs, Many of Which are Located in the Coastal Zone.

Page 15 of the Commission’s staff report states the following:

Parking restrictions are proposed in local jurisdictions for a variety of reasons. Sometimes it is a matter of a desire to generate a funding stream, other times it is to facilitate desired use patterns (e.g., where a time limit is added to ensure turnover so potential visitor use is not thwarted by vehicles that never move), and yet other times it is to address an identified problem that the parking itself is generating. The parking restrictions proposed here have been framed by the City in terms of the latter, and the City has cited to public safety and public health problems, public nuisance issues, camping in areas not called out for camping (and thus not equipped to handle that type

and intensity of use), and coastal resource impacts associated with such overnight parking.

The City's position is that the OV Ordinance Amendments and Safe Parking Programs are aimed at: (1) facilitating desired use patterns (disrupting OV entrenchment and improving vehicle turnover for the benefit of the community, including potential visitors, thereby reducing the likelihood of environmental impacts and public access impacts); (2) encouraging those living in OVs to utilize Safe Parking lots, thereby addressing public health and safety issues that are associated with OVs that have become entrenched on City streets; and (3) addressing visibility issues related to OVs parked too close to intersections.

The City currently has a problem with entrenched OVs parked on City rights-of-way, and the OV Amendments and Safe Parking Programs are intended to disrupt entrenchment by directing OV dwellers to safe and hygienic OV parking alternatives. The City's experience is that OVs parked in the City tend to stay in one area.² The Vehicle Code requires all cars to move every 72-hours. *See* Vehicle Code 22651(k). With that said, the City's experience is that OVs tend to park in one spot for 72-hours, then move to a nearby location and stay there for another 72-hours, and then move back to the initial location, or somewhere else nearby. *See* Exhibit 16. The record includes ample evidence, showing the impacts of OV entrenchment on City streets. *See, for example, Exhibit 16, Exhibit 10 and Exhibit 12.*

One of the Council's goals in passing the OV Amendments is to break the cycle of entrenchment and encourage OV dwellers to, at minimum, spend the night at a Safe Parking location, where they will be able to access restrooms and trash facilities, reducing the amount that OV dwellers urinate/defecate/litter on City streets, sidewalks, and nearby areas, such as ESHA. If OVs are required to move every night, the City's hope and reasonable expectation is that: (1) OVs will not accumulate the same level of trash, debris, furniture, etc. that currently impact City streets and sidewalks (including streets and sidewalks in the Coastal Zone), and (2) OVs will move daily, helping with on-street parking turnover for the benefit of the community, including potential visitors to the coast.

It is also worth emphasizing that the City's current Safe Parking Programs are *not close* to full. As of the time of this writing, eight out of the nine City-operated Safe Parking spots are available. City staff has provided significant outreach to OV dwellers in the City, but the program, so far, is underutilized.

The demand for these programs has been low, most likely because OV dwellers, under the current regulations, are only required to move, at most, once every 72 hours, and, when movement does occur, it is often a very short distance. Current and former OV dwellers have made comments to City staff along the lines of "Why would I use Safe Parking when I currently don't have to move?"

² *See, for example, Exhibit 16.* Note that Exhibit 16 is select public comment taken from Exhibit 5 to the City's 6-23-2022 letter. It is unclear if Commission staff provided the Commission with the City's bulkier exhibits, so these select public comments are being provided again, in case they were not previously received by the Commission.

The daily movement associated with the Tier 2 Safe Parking program represents a trade-off between an ability for OV dwellers to remain in place for extended periods of time and an attempt to better manage both environmental damage and public access. As described in Section III below, the Safe Parking locations are generally centrally located in the City, so OV dwellers will not need to travel far to reach them. Upon departure from Safe Parking facilities, it is unlikely that the same, large number of OVs will all go to where they are currently concentrated on and around Delaware Avenue and Natural Bridges State Park, where ESHA and sensitive species are concentrated and where coastal public access demand is very high. That location is approximately three miles from the downtown safe parking places, which is relatively far in Santa Cruz's compact boundaries. Instead, many of the OV dwellers will choose to park in other free parking spaces, closer to their designated Safe Parking location, many of which will likely be either outside of the Coastal Zone or in areas of the Coastal Zone where parking is not in such high demand.

III. People Living in OVs Will Not Be Unjustly Impacted by the City's OV Amendments, Particularly Given the Broad Range of Options Available to People Living in OVs.

The City would like to emphasize three points related to the limited potential for parking tickets resulting from the City's OV Ordinance amendments for people living in OVs who make a good-faith effort to comply with the City's Municipal Code.

First, Santa Cruz Municipal Code (SCMC) 10.40.120(g)(7) assures that people living in OVs who are actively seeking safe, legal overnight parking or shelter opportunities will not receive a parking ticket. This section exempts the following individuals from the City's midnight to 5:00 a.m. OV parking restriction:

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). This exception will not be difficult or complex to implement. If there is a shortage of available Safe Parking capacity, the City plans to issue overnight parking permits to people living in OVs who register for sanctioned City, County, or non-profit Safe Parking or shelter programs.

Second, the City currently has readily available Safe Parking capacity, and that capacity is vastly expanding. It is worth emphasizing again that, so far, demand for City-sponsored safe parking has been minimal, most likely because, as described above, OVs can legally park in other locations, without needing to relocate daily. To summarize, the following resources are currently available, or will be available, in the very near term:

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

- As of March 1, 2022, the City began operating three Safe Parking Program locations on public parking lots that allow for nine OV's as part of the Tier 1 and Tier 2 parking programs. Currently, nine spaces are available in two Tier 1 and Tier 2 lots (Police Department Lot and Lot 4, respectively, with six of eight spaces in Lot 4 currently offered). *See Exhibit 14* for a map of the existing and planned Safe Parking facilities.
- On June 14, 2022, the City Council approved a one-year, approximately \$400,000 contract for a Tier 3 Safe Parking Program which will serve approximately 22 OV's, with the operator providing wrap-around services with case management to support people in moving from their vehicles into housing. This is a 24/7 parking program, and participants are provided with free transportation to/from the Armory location and various points in the City. The City is investing in infrastructure improvements at the Armory and working with operators (AFC and The Free Guide) towards an expected start in July 2022.
- The City has direction from the Council to operate at least 30 Tier 2 Safe Parking spaces. While only six Tier 2 spaces are currently in operation (the other three mentioned above are in Tier 1), the City has locations identified for 40 additional Tier 2 spaces in the City, for a total of at least 46 Tier 2 spaces in the City, with most of those centrally located in and around the Downtown. *See Exhibit 14*. The current expectation is that 13 of the potential 49 Tier 1 and 2 Safe Parking spaces will be in the Coastal Zone. Another 18 spots are in Safe Parking locations within 650 feet of the Coastal Zone, and another 12 spots are in Safe Parking locations within approximately one quarter mile of the Coastal Zone. In fact, only six Tier 1 or 2 spaces are planned at any appreciable distance from the Coastal Zone, and even those are only an approximately one-and-a-half mile driving distance to the Coastal Zone. A number of the planned locations have additional capacity that would allow for future expansion beyond the 49 existing/planned spaces, should demand for additional Tier 2 Safe Parking spaces arise. At this time, the City's approach is to operate each location with a relatively small number of OV's and expand locations and capacity at sites when demand increases, while maintaining capacity for a minimum of 30 Tier 2 spaces.
- 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).)
- 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. Exhibit 13 identifies the locations and number of recreational vehicles that can be accommodated at

each location. Many additional recreational vehicle camp sites are available in the County but outside the Coastal Zone.

Third, the City would like to provide some clarity with respect to the number of people residing in OV's that could be impacted by the City's OV Amendments. A recent Google aerial map (dated September 2021) found approximately 110 OV's parked on City streets. The count did not include trucks over 20 feet in length without a camper shell (SCMC Section 10.40.120(g)(8) exempts commercial vehicles from the 12:00 a.m. to 5:00 a.m. parking prohibition if a permit is properly displayed, and with the potential environmental impacts more likely to stem from people living in vehicles, trucks without a camper shell are unlikely to include a vehicle dweller). ***Of the 110 oversized vehicles identified, many are clearly not used as dwellings.*** For example, City residents might park their OV's or vans, such as Sprinter vans, on public streets. As such, ***the number of OV's used as shelter for people residing in them is likely substantially less than 110.*** A total of 52 of the OV's shown were located within the Coastal Zone, with the vast majority of those parked in the lower West Side neighborhood, raising public access and environmental issues in that area. See Exhibit 9 (submitted with 6-23-2022 letter), City's OV Count Methodology. See also Exhibits 9A-9G (Google Earth Images, submitted with 6-23-2022 letter). With 71 Safe Parking spots identified, the capacity to expand at many of those locations, and the Municipal Code providing for the issuance of parking permits to people living in OV's who register for Safe Parking or other sanctioned programs but cannot park due to lack of capacity, the City's OV Amendments will not result in parking tickets for those who seek to comply with the Municipal Code by utilizing Safe Parking spaces or registering for a Safe Parking program.

No single or simple solution exists that can fully address the environmental and public access impacts associated with OV entrenchment in the City. The City's strategy of prohibiting overnight OV parking on City rights-of-way, while at the same time providing Safe Parking locations, was the City Council's reasonable attempt to balance the needs of RV dwellers, parking access, roadway safety, community quality of life, and environmental resources. This approach is similar to the approach taken by dozens of other coastal communities (see Exhibit 8, submitted with the City's June 23, 2022 letter) and was supported by a wide range of the local community, including one Marine Scientist who provided a public comment that is quite relevant to the Commission's decision today:

"I support your efforts to ban overnight parking in our coastal community. As a marine scientist, it is painful to observe the abuse and neglect of our coastal treasures in this community. Santa Cruz is blessed with incredible coastal and marine biodiversity which is being actively degraded by stormwater pollution, human waste, plastic pollution and hazardous materials disposal from RV and large vehicles who live on our streets.

We should protect our coastal watersheds as they are critical to climate change resilience and adaptation in the near term. . . . Protecting our coastal community while finding solutions to our surging homeless issue is not mutually exclusive, but it does mean identifying critical areas and habitats, such as our rivers, low lying areas, and coastal zone which demand immediate attention and protection. Please I urge you to put neighborhood, community and environmental well being at the top of your list when deciding among solutions."

See Exhibit 16, p. 746 (comment from Rikki Eriksen, Ph.D.
California Marine Sanctuary Foundation, Marine Ecologist, Director of Marine Programs).

This comment reflects the environmental stewardship that is at the heart of many City efforts, and while that environmental consciousness serves as guidepost for various efforts, the City's actions related to the OV Amendments also heed the local community's strong social consciousness by providing three tiers of robust Safe Parking options for people living in vehicles who would be affected by the midnight to 5:00 a.m. OV parking restrictions.

Thank you for your attention to this letter, submitted on behalf of the City of Santa Cruz. We look forward to discussing this matter with the Commission and hope that the Commission concurs with its staff in finding no substantial issue.

Sincerely,

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

Exhibits:

- Exhibit 11 - Map of ESHA and Key Showing Locations of Photographs
- Exhibit 12 - Photographs of OVs Taken Near ESHA
- Exhibit 13 - Recreational Vehicle Facilities in the Coastal Zone in the Santa Cruz Area
- Exhibit 14 - Map of Existing and Planned Safe Parking Facilities in the City
- Exhibit 15 - Excerpts from Coastal Commission Senior Ecologist Dr. Lauren Garske-Garcia's July 17, 2019 letter to the City
- Exhibit 16 - Public Comment Discussing OV Entrenchment

(Note, Exhibits 1-10 were provided with the City's June 23, 2022 letter.)

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

Santa Cruz Cares, ACLU of Northern California, and Disability Rights Advocates' Proposed Permit Conditions

1. OVO outreach documentation, including the City's website regarding the Oversized Vehicle Ordinance¹, shall make clear that those who request a spot in the Tier 2 overnight parking program will be either guaranteed access or given a parking placard protecting them from ticketing.
2. The voicemail message of the Tier 2 registration phone number shall inform the caller of where they can park on an emergency basis such that vehicularly-housed people who call this number during non-business hours will not be ticketed.
3. The City shall not engage in striping of existing parking areas in the coastal zone such that parking areas which are capable of accommodating oversized vehicles are made too small to accommodate them as a result of the striping.
4. Active participants in the Tier 2 overnight safe parking program whose vehicles breakdown in the process of participating in the program will be given a grace period of six months wherein their vehicle will not be ticketed or towed under any circumstances.
5. Trailers attached to a motorized vehicle shall be eligible for participation in the Tier 2 safe parking program.
6. There will be no time limit for participants in the Tier 2 overnight parking program. Participants shall be able to use the overnight parking program indefinitely.
7. The City shall conduct proactive outreach to vehicularly-housed people at least monthly. This outreach will, at minimum, include (1) information regarding the City's safe parking programs and how to register, (2) information regarding how to submit a disability accommodation request to the City, and (3) information on how to register for a payment plan for any Oversized Vehicle Ordinance tickets accrued. All written outreach materials, such as flyers, should be, to the best of the City's ability in clear and plain language. City's outreach materials should be use with accessible messaging, meaning that all documents should be provided in accessible formats and integrate the needs of persons with disabilities. On at least an annual basis, the City shall conduct a survey of vehicularly-housed people residing Oversized Vehicles in Santa Cruz regarding the efficacy of the City's safe parking programs. This survey shall be designed in conjunction with the stakeholder group and approved by a 2/3 majority vote of the stakeholder group.

¹ <https://www.cityofsantacruz.com/government/city-departments/public-works/parking-services/oversized-vehicle-ordinance-ovo>

The City shall provide the annual results of this survey to the stakeholder group and to the Executive Director.

8. The City shall provide a mobile dumping station or site for use by vehicularly-housed people at least twice-monthly at no expense.
9. The City shall provide no-expense, 24/7 safe parking spaces in the Tier 2 lots for any oversized vehicle resident with Disabled Person (DP) placard or DP License Plates placard.
10. The City shall identify and designate specific areas within reasonable proximity to coastal zone where individuals with disabilities can park their RVs, upon approval for an accommodation to do so. These designated areas will be intended to cater to individuals who require accommodations to access the coast due to their disability. Upon successful approval of their accommodation requests, individuals with disabilities will be granted permission to park their RVs in these designated areas near the coastal zone for a specified time period. This initiative seeks to facilitate inclusivity and ensure that individuals facing mobility challenges are not excluded from coastal access due to their disability.
11. The City shall provide \$200 monthly gas expense cards to Tier 2 participants to defray the costs of moving twice-daily around the City of Santa Cruz.
12. The city shall not engage in street sweeping or any other regular practice of placing "tow away" notices in the coastal zone. *Editorial Note: This (#12) was not a part of the document that was forwarded but was added as another suggested condition in an email from a Santa Cruz Cares Stakeholder Group member.*

2/28/24

Oversized Vehicle Ordinance Public Outreach Meeting – 2/28/24

OVO Stakeholder Outreach Meeting of 2/28/24

1. Stakeholder attendees – [REDACTED] (ACLU), [REDACTED] (Disability Advocates), [REDACTED] (Santa Cruz Cares), [REDACTED] (Westside Neighbors), [REDACTED] (Santa Cruz Neighbors)
2. Staff attendees – Lisa Murphy (CMO), Lee Butler (PCD), Carter Jones (PD), Larry Imwalle (CMO), Gaven Hussey (Parking), Tim Maier (PCD)
4. Lisa Murphy - introduced agenda for meeting
 - a. Introduced Conditions of Approval reviewed by Planning Commission at public hearing
 - b. [REDACTED] - asked question about makeup of Stakeholder Group meeting, and stated that he would want more representation from the unhoused
 - i. Stated that would happily cede place on Stakeholder Outreach Meeting group to unhoused person
 - c. [REDACTED] - asked about OV count and the approach/methodology for the count (“What would that look like?”)
 - i. Lee Butler – replied stated that would include a count of oversized vehicles, distinguishing between vehicles lived in and those not (e.g., indicated by fogging of windows during morning count)
 - d. [REDACTED] - asked about intent for outreach re: service available to unhoused
 - i. Lee - stated three avenues for provision of feedback - online form, email address for contact with City staff, phone number directed to staff
 - ii. [REDACTED] - relayed that, if want feedback, have to go out and proactively talk to people- often, repeatedly
 - iii. Lee - agreed that experience described similar to that experienced by City staff
 - e. [REDACTED] - stated hard to measure impacts through quantitative data - suggested that more qualitative data to be used
 - i. Larry - clarified that Condition of Approval states that City staff will collect quantitative data to extent possible
 - ii. Lee - underscored that OV count, trash pickup - can be quantified
 - iii. Lee - stated that staff receptive to recommendations
 - f. [REDACTED] - asked how measure access to Coast
 - i. Participant stated that not sure - can ask Coastal Commission how measures access to coast
 - ii. [REDACTED] - suggested that calls to Police Department possibly a useful metric related to enforcement of OVO
 1. Carter Jones - stated that tried to capture data through dispatch
 - a. Carter - stated that phone number for police department non-emergency number advertised and is the phone number to which City staff direct complaints related to OVO

2. Participant - asked if can differentiate call for service by number of vehicles, license plate, etc.
 - a. Carter - explained details of how tally, quantify number of vehicles involved
 - . █████ - asked about how can distinguish number of vehicles cited, etc.
 - i. █████ - stated that has submitted several PRA requests and has not noticed any dismissals
 - a. █████ - asked how can differentiate number of calls for service related to Ovs to determine whether situation has improved
 - i. Participant clarified - number of calls for service does not exactly equate to number of tickets
 - b. █████ - stated that many tickets given out on Westside, not many given on Eastside - indicated selective enforcement
 - i. Carter - relayed that number of tickets given has dramatically declined
 1. Carter - stated that significantly fewer RVs in concentrations of multiple vehicles in daytime
 2. Lisa - stated that lower number of RVs on streets likely attributable to greater participation in safe parking programs
 - c. Carter - stated that has seen RVs from Safe Parking program parked on street
 - i. █████ - clarified that ticket issued to vehicle, not to person
 1. Gaven - confirmed
 2. Carter - indicated that common for RVs to be sold, donated - owned by one party with release of liability to another party
 - d. Larry - stated that large number of Tier 2 participants enrolled right before program became active
 - . When asked, Larry stated that participant enrollment had dropped off
 - e. Lisa asked deadline for suggestions for COAs to be received
 - . Lee stated sooner, better - have to get to clerk
 0. Lee - stated that at PC hearing, conditions of approval modified
 - i. Lisa - stated that, in order to get feedback into packet for Clerk, Clerk will need suggestions for modified conditions of approval by Monday
 0. Dylan - stated that will provide written suggestions by 3/7, and, likely, by 3/6
 - ii. █████ - stated that calls for services underreported - often, people don't want to call police -
 0. Carol asked about street sweeping - Gaven provided basic feedback
 - iii. Lisa - directed meeting back to focus on OV
 0. Lisa - stated that appreciate content of suggestions
 1. Lisa - stated that wants to focus on positives, negatives of enforcement
 - a. █████ - stated that not much time has passed - need data on impacts of Safe Parking programs on Ovs
 - b. Lisa - relayed that County has more resources in connecting OV residents to services
 - c. Discussion continued
 - d. █████ - stated that has heard the cost of gas 400 to 500 dollars per month
 - e. █████ asked about street sweeping

- iv. Staff participant- asked if stakeholder participant have list of concerns beyond what discussed
 - 1. [REDACTED] - stated that concerns re: cost of gas, decline in number of RVs, number of RV dwellers with disabilities, accommodation of person with disabilities
 - a. Asked about nature of reasonable accommodation for RV
 - 2. [REDACTED] - stated that would be helpful for phone number, access to ADA coordinator
 - . Stated that can take form of rides to safe parking locations, tow to parking locations, exemption from program, etc.
 - a. Stated that federal law requires that accommodation be provided - accommodation must be directly related to disability
 - i. Lee - stated that have added language to website site related to request for reasonable accommodation
 - ii. Lee - stated that want to be sure that potential participants can find link for reasonable accommodation
 - iii. Lee describes how person can fill in form to make request
 - iv. Lee - stated that can include info on Safe Parking form
 - 3. [REDACTED]-asked about hours of operation for Safe Parking
 - . Lee, Lisa - related that staff do not work on weekend
 - a. Larry relayed that have guided participants in filling out form on weekends
 - 4. [REDACTED] - stated that complaint has heard relates to access to parking in lots
 - . [REDACTED] - asked about next steps
 - . Lisa - replied that will wait for suggestions from him
 - i. [REDACTED] - stated that would send document to Lisa again that had previously sent

3. Meeting conclusion

From: [Dylan Verner-Crist](#)
To: [Lisa Murphy](#)
Cc: [Gaven Hussey](#); [Megan Bunch](#); [Larry Imwalle](#); [Susan \(Siouxie\) Okj](#); [Timothy Maier](#); jasmeen.miah@gmail.com; [Jameelah Najieb](#); [Joy Schendledecker](#); [Reggie Meisler](#)
Subject: Santa Cruz OVO Appeal, Stakeholder Meeting
Date: Tuesday, February 27, 2024 8:53:53 PM

Hi Lisa,

We hope you're doing well. We're writing about our appeal of the OVO permit renewal.

As you have probably seen, we have appealed the Planning Commission's renewal of the Coastal Development Permit for the OVO. If the City Council decides against us, we will appeal to the Coastal Commission as well. We want to ensure that this pilot program is subjected to needed scrutiny prior to any renewal, particularly given the harms wrought on unhoused people by the Ordinance. Because we've worked collaboratively on the Stakeholder group, we want to be transparent about why we are appealing now.

Our first concern is about timing. The Oversized Vehicle Ordinance has been in effect for not-yet three months. There are another three months left in the pilot period. We don't yet have enough data or evidence of how the pilot is affecting unhoused people. From our reading of the permit conditions, the City is required to "address any issues/problems encountered in implementation through May 11, 2024" and to submit a report that "clearly describe[s] all program outreach, enforcement and participation, including the manner in which the advisory committee's guidance was utilized, as well as opportunities for program improvements" to the executive director. That report is supposed to come "within the month" prior to the expiration of the CDP – not three months early. It's too soon to tell, fully, how the OVO has impacted unhoused people in Santa Cruz.

Our second concern is that the City has not yet even tried to meaningfully review the impacts of the OVO on unhoused people, as the permit requires. See Special Permit Conditions at 7 (requiring a report that "clearly describe[s] all program outreach, enforcement and participation" with regard to the OVO implementation). The City does not know how many vehicular-housed people have left the City following the implementation of the OVO, how Tier 2 participants are faring in their daily schlep across the City, how access to the Coast by low-income people has changed, or even how ticketed vehicle residents are responding to the fresh burden of tickets. This information is readily obtainable – the City could do a PIT count of oversized vehicles, analyze its traffic tickets, and survey Tier 2 and 3 participants – but the City has not analyzed it. At stakeholder meetings, City staff have provided only anecdotal information about the impacts of the OVO. As we have previously offered, we are happy to assist the City in doing this analysis.

Our final concern is about the harms of the OVO. In the absence of a systemic review by the City, we have begun our own efforts to understand how the OVO has impacted unhoused people City-wide. The information that we have gathered so far has been concerning. From ticketing records through January 23, 2024, we've learned that at least nine vehicles have amassed at least five tickets. One vehicle amassed thirteen tickets! From our review of records, these tickets were disproportionately done by officers on patrol who, judging from the records, drove to Delaware Avenue and other nearby streets in early December and ticketed every vehicle they saw. Yesterday, I spent time in the

City talking to vehicularly-housed people parked on the street and in the Tier 2 lots. What I found was concerning:

- Numerous individuals still did not know about the Tier 2 lots.
- The cost of participation in the Tier 2 program is steep. One participant at Depot Park, Scott Johnson, currently pays approximately \$250 a month to park in the lot during the day because he has found it is cheaper and less stressful than searching for parking on the street, where he often gets ticketed for meter and parking space violations. Mr. Johnson makes approximately \$1,200 a month working as an Uber Eats delivery driver, so he is currently spending over 20% of his income just on parking fees. Other participants said that they regularly spend \$200-\$500 a month on gas, relocating every day to avoid tickets. One participant said that “every extra dollar goes to gas.”
- Tier 2 participants generally said that they need services, from housing navigation to water or electricity support.
- In 8 hours in the City, I saw only 15 RVs – far less than pre-OVO. Many previous areas where OSVs parked were all but empty, even during the day.

We would prefer to work with the City to address these issues on an ongoing basis rather than appeal, but we will continue to appeal as long as unhoused people continue to get the short end of the stick in discussions of the OVO and its continuation.

We will see you tomorrow at the Stakeholder meeting. Please do share the agenda and materials when they are available.

Best,

Dylan Verner-Crist

Investigator (Lead)

ACLU of Northern California

39 Drumm Street, San Francisco, CA 94111

Office: 916-252-7930 | Cell: 401-744-6973

dvernercrist@aclunc.org

He/Him

SANTA CRUZ CITY COUNCIL

Regular Meeting



March 12, 2024
Closed Session will begin at 12:00 p.m.

March 12, 2024

Action Agenda prepared on March 14, 2023

Closed Session

12:00 PM

The Presiding Officer opened the City Council Closed Session at 12:02 p.m. in a public meeting via Zoom and in Council Chambers, for the purpose of announcing the agenda, and receiving public testimony.

Roll Call - Councilmembers Newsome, Brown, Watkins, Brunner, Kalantari-Johnson; Vice Mayor Golder; Mayor Keeley.

Councilmembers absent: None.

Mayor Keeley opened the public comment period at 12:03 p.m. Mayor Keeley closed the public comment period at 12:03 p.m. and the meeting was adjourned to closed session.

Statements of Disqualification - Councilmember Brunner announced she will be recusing herself from items 3.4 and 3.5, as it relates to her employment.

Closed Session

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

- 1) Claimant: Robert David Worel
- 2) Claimant: Sean M. Bergman
- 3) Claimant: Lisa Foster

Claims against the City of Santa Cruz

Council received a status report, took up under agenda item 16, and took no reportable action.

Closed Session (continued)

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

Alicia Lopez v. Mary McCoy, et al.
(Santa Cruz County Superior Court Case No. 18CV03301)

Council received a status report, and took no reportable action.

3. Real Property Negotiations (Government Code §54956.8)

1) Property: 25 Municipal Wharf
APN: 007-341-01
Owner: Mark Gilbert dba Firefish
City Negotiator: Bonnie Lipscomb
Negotiating Parties: City of Santa Cruz and Mark Gilbert
Under Negotiation: Price, terms of payment, or both

2) Property: 55 Municipal Wharf B, C, D
APN: 007-381-01
Owner: Debra Szecsei dba Vino Locale
City Negotiator: Bonnie Lipscomb
Negotiating Parties: City of Santa Cruz and Debra Szecsei
Under Negotiation: Price, terms of payment, or both

3) Property: 55 Municipal Wharf B, C, D
APN: 007-381-01
Owner: Ana Wold and Josh Taylor dba Vino by the Sea, Inc.
City Negotiator: Bonnie Lipscomb
Negotiating Parties: City of Santa Cruz and Ana Wold
Under Negotiation: Price, terms of payment, or both

4) Property: 110 Cedar Street
APN: 005-042-14
Owner: Paul and Kim, Inc. dba Mandarin Gourmet
City Negotiator: Bonnie Lipscomb
Negotiating Parties: City of Santa Cruz and Paul Hui
Under Negotiation: Price, terms of payment, or both

Closed Session (continued)

3. Real Property Negotiations (Government Code §54956.8) (continued)

5) Property: 302 and 326 Front Street
APNs: 005-151-48 and 005-151-35
Owner: City of Santa Cruz
City Negotiator: Bonnie Lipscomb
Negotiating Parties: City of Santa Cruz and SCFS Venture LLC.
Under Negotiation: Price, terms of payment, or both

Council received a status report from the City Negotiator, and took no reportable action. Councilmember Brunner left Closed Session and recused herself from items 3.4–3.5.

City Council

1:15 PM

Call to Order - at 1:19 p.m.

Roll Call - Councilmembers Newsome, Brown, Watkins, Brunner, Kalantari-Johnson; Vice Mayor Golder; Mayor Keeley.

Councilmembers absent: None.

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

At 1:20 p.m. Mayor Keeley opened Oral Communications. Mayor Keeley closed Oral Communications at 1:44 p.m.

Presentation

4. Outgoing Delegation to Shingu
5. Parking for Hope Check Presentation
6. Santa Cruz Mountains Trail Stewardship 2023 Annual Report

Presiding Officer's Announcements

Statements of Disqualifications - None.

Additions and Deletions - None.

City Attorney Report on Closed Session

Council Meeting Calendar

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

Consent Agenda

8. Resolution Extending the Emergency Declaration in Connection with the December 2022 and January 2023 Winter Storms (CA/CM)

Resolution No. NS-30,296 was adopted extending by sixty days the Local Emergency Declaration in connection with the December 2022 and January 2023 winter storms.

9. Minutes of the February 27, 2024 City Council Meeting (CC)

Motion carried to approve as submitted.

10. Authorization for Application and Acceptance of Prohousing Incentive Program Funds (CM)

Resolution No. NS-30,297 was adopted authorizing the City Manager to apply for and accept the Prohousing Incentive Program Funds and, if awarded, to execute any agreement(s) or documents in a form to be approved by the City Attorney, and to take any other actions necessary for implementation of the grant-funded project.

11. City of Santa Cruz: Local Hazard Mitigation and Climate Adaptation Plan Integration and Update - Budget Adjustment (CM)

Resolution No. NS-30,298 was adopted amending the FY 2024 budget for the use of \$190,000 from the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) fund to complete the Local Hazard Mitigation and Climate Adaptation Plan Integration and Update.

12. Resolution Requesting that the State of California Department of Transportation (CalTrans) Restrict Parking along State Highway 9 (CM/PR)

Resolution No. NS-30,299 was adopted requesting that the State of California Department of Transportation (CalTrans) restrict parking along State Highway 9.

Consent Agenda (continued)

13. Proposed Expansion of Marine-Protected Areas, and Removal of One-Mile Buoy (CN)

Motion carried to:

- Oppose, unless amended, the petition pending at the California Fish and Game Commission to modify the California Marine Protected Areas Network to enhance protections for California's kelp forests;
- Oppose the proposed action by the United States Coast Guard to remove the One-Mile Buoy; and
- Direct the Mayor to convey the position of the City of Santa Cruz on these two items, to the appropriate legislative delegation, and to the California Fish and Game Commission, Marine Resources Committee.

14. Support for Establishing a Regional Program of All-Inclusive Care for the Elderly (PACE) to Provide High-Quality Health Care Services to Low-Income Seniors (CN)

Motion carried to direct the Mayor to send a letter to the California Department of Health Care Services in support of GoldenPACE Health's application to establish a regional Program of All-Inclusive Care for the Elderly (PACE) for Santa Cruz, San Benito, and Monterey Counties, as outlined in the agenda report.

15. Approve the Purchase of Seven (7) Physio-Control LifePak 15 Heart Monitor Electrocardiogram (EKGs) (FD).

Motion carried to:

- Approve the purchase of Seven (7) Physio-Control LifePak 15 Heart Monitor Electrocardiogram (EKGs), charging and accessory packages for a total cost of \$191,776; and
- Adopt Resolution No. NS-30,300 to transfer \$106,000 from the City of Santa Cruz Fire Department Public Safety Impact Fee Fund 217 into the FY 2024 budget to cover a portion of the purchase of the equipment, with the remainder allocated from Fire's FY 2024 operating budget, and to authorize the appropriation of funds for the purchase of EKGs through the Santa Cruz County Emergency Medical Services Integration Authority (EMSIA).

Consent Agenda (continued)

16. Liability Claims Filed Against the City of Santa Cruz (FN).

Motion carried to, based on staff recommendation:

- 1) Reject the claim of Robert David Worel;
- 2) Return as late, the claim of Sean M. Bergman; and
- 3) Deny application by Lisa Foster for leave to present a late claim.

17. University Tank No. 4 Replacement Project (c701505) - Approval of Plans and Specifications and Authorizing to Advertise for Bids and Award of Contract (WT).

Motion carried to:

- Approve the plans and specifications for the University Tank No. 4 Replacement Project (c701505) and authorize staff to advertise for bids and the City Manager, or designee, is hereby authorized and directed to execute the contract in a form approved by the City Attorney and as authorized by Resolution No. NS-27,563;
- Authorize the City Manager, or designee, to execute a Work Agreement and Grant of Easement and Agreement between the City of Santa Cruz and Regents of the University of California in a form approved by the City Attorney;
- Find the University Tank No. 4 Replacement Project exempt under the California Environmental Quality Act and allow staff to file a formal Notice of Exemption; and
- Authorize the Water Director to approve change orders for the University Tank No. 4 Replacement Project for amounts that are within the approved budget.

Consent Agenda (continued)

18. Purchase of Real Property Necessary for Brackney Landslide Area Pipeline Risk Reduction Project: Assessor's Parcel Number 072-174-07, Owned by Shane M. Kavanagh and Cassondra T. Kavanagh (WT).

Resolution No. NS-30,301 was adopted authorizing and directing the City Manager or his designee to execute a purchase sale agreement, in a form approved by the City Attorney, between the City of Santa Cruz and Shane M. Kavanagh and Cassondra T. Kavanagh for the easements located in Ben Lomond, CA near Highway 9 between Glen Arbor Road and Brackney Road for a permanent easement and two temporary easements on APN 072-174-07 for the Brackney Landslide Area Pipeline Risk Reduction Project.

End Consent Agenda

Public Hearings

19. 2024-2025 U.S. Department of Housing and Urban Development (HUD) Annual Action Plan and Amendment to the Citizen Participation Plan (ED).

Motion carried to:

- Accept the staff funding recommendations for the 2024-2025 U.S. Department of Housing and Urban Development (HUD) Annual Action Plan for both Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME), with the following amendment:
 - Approve moving \$20,000 from the 100% Affordable Library and Housing Project to the HOME Security Deposit Program, bringing that total to \$100,000. If the Housing Authority is unable to do so, the \$20,000 will remain with the 100% Affordable Library and Housing Project and the approved amount for HOME Security Deposit Program would be \$80,000, and the 100% Affordable Library and Housing Project would be \$1,675,656.
- Amend the Citizen Participation Plan (CPP) to reflect the required 30-day comment period for amendments to Annual Action Plans and Consolidated Plans as well as clarifying copies of these amendments will be submitted to HUD via their online submittal system.

Public Hearings (continued)

20. Citywide in the Coastal Zone (Application No. CP23-0176) - Appeal of the Planning Commission's Approval of a Coastal Permit for Continued Implementation of the Oversized Vehicle Ordinance in the Coastal Zone, Initially Implemented Pursuant to Conditions of Approval of Coastal Development Permit (CDP) A-3-STC-22-0018 Approved by the California Coastal Commission. The appealed Planning Commission Approval: (1) Authorizes the City to Continue Implementation of Ordinance No. 2021-20, as Amended by Ordinance No. 2023-08 and Codified in Municipal Code Sections 10.04.065, 10.04.085, 10.04.104, 10.04.106, 10.04.165, 10.40.120, 10.41.060, and 16.19.070, Including, but not Limited to, Restrictions on Overnight Parking of Oversized Vehicles ("OVs") and a Prohibition Against Parking of Unattached Trailers; (2) Provides for Continued Operation of the City's Safe Parking Program; and (3) Accommodates Potential Future Minor Modifications to the City's Safe Parking Program and OV Regulations, Including Potential Modifications to its OV Residential Parking Permit Program. Location: Throughout the Coastal Zone, CEQA: Not a project Pursuant to CEQA Section 15378; Statutory Exemptions, categorical exemptions, and general rule/common sense exemption. Applicant: City of Santa Cruz. (PL)

Motion carried to:

1) Adopt Resolution No. NS-30,302 to deny the appeal and uphold the Planning Commission's acknowledgement of the environmental determination and approval of the Coastal Permit, based on the findings listed in the resolution and the Conditions of Approval, with the following additions to the conditions:

- OVO outreach documents, including the City's website regarding the Oversized Vehicle Ordinance, shall indicate the following: Oversized vehicle overnight parking space is available. If oversized vehicle overnight parking space fills up, eligible applicants will be given an on-street permit, which will protect the vehicle from being ticketed under Santa Cruz Municipal Code (SCMC) 10.40.120(a) (prohibition against oversized vehicle on-street parking from 12:00 AM–5:00 AM).
- Continue to maintain an easily accessed disability grievance/reasonable accommodation process to consider reasonable accommodations for those with disabilities.
- Motorized vehicles with attached trailers are eligible for participation in the Tier 2 safe parking program.

Public Hearings (continued)

20. Citywide in the Coastal Zone (Application No. CP23-0176) - Appeal of the Planning Commission's Approval of a Coastal Permit for Continued Implementation of the Oversized Vehicle Ordinance in the Coastal Zone, Initially Implemented Pursuant to Conditions of Approval of Coastal Development Permit (CDP) A-3-STC-22-0018 Approved by the California Coastal Commission. The appealed Planning Commission Approval: (1) Authorizes the City to Continue Implementation of Ordinance No. 2021-20, as Amended by Ordinance No. 2023-08 and Codified in Municipal Code Sections 10.04.065, 10.04.085, 10.04.104, 10.04.106, 10.04.165, 10.40.120, 10.41.060, and 16.19.070, Including, but not Limited to, Restrictions on Overnight Parking of Oversized Vehicles ("OVs") and a Prohibition Against Parking of Unattached Trailers; (2) Provides for Continued Operation of the City's Safe Parking Program; and (3) Accommodates Potential Future Minor Modifications to the City's Safe Parking Program and OV Regulations, Including Potential Modifications to its OV Residential Parking Permit Program. Location: Throughout the Coastal Zone. CEQA: Not a project Pursuant to CEQA Section 15378; Statutory Exemptions, categorical exemptions, and general rule/common sense exemption. Applicant: City of Santa Cruz. (PL) (continued)

Motion: (continued)

- The OVO website and the outreach materials or tickets themselves will include information identifying that payment plans are available for OVO tickets.
 - The City shall conduct proactive outreach to those living in oversized vehicles, including 1) provision of information regarding the City's Safe Parking programs and how to register, and 2) the manner by which one may submit a disability accommodation request to the City.
 - The City shall recommend that any hearing officer overseeing parking ticket appeals should waive any OVO parking tickets received within a 72-hour period during which time the appellant provides evidence that their vehicle was disabled and unable to relocate.
- 2) Direct staff to report back to the OVO subcommittee and Stakeholder group regarding the actions that are in process such as 1) a detailed outgoing message for the overnight parking program regarding where individuals can park on an emergency basis calling during non-business hours, and 2) progress on a mobile dumping station.

General Business

21. Ordinance Amending Santa Cruz Municipal Code Chapter 13.12, Use of Skateboards and Bicycles at City-Owned Parks and Recreational Facilities (CA/PR)

Introduce for publication Ordinance No. 2024-07 amending Chapter 13.12, Use of Skateboards and Bicycles at City-Owned Parks and Recreational Facilities, of the Santa Cruz Municipal Code relating to City-owned parks and recreational facilities in response to amendments to Health and Safety Code section 115800.

22. Parks and Recreation FY 2023 Annual Report and FY 2024 Progress Update (PR)

Motion carried to accept the FY 2023 Parks and Recreation Annual Report and direct department staff to continue their evaluation of service levels, service offerings, and associated resources in the delivery of FY 2024 goals, including continued work on the Harvey West Pool Master Plan and efforts to activate Neary Lagoon.

Adjournment - At 6:06 p.m., motion carried to adjourn.



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Planning and Community Development Department
809 Center Street, Room 101, Santa Cruz, CA 95060
(831) 420-5110

Notification of Final Local Action on Coastal Permits

Date: 3/15/2024

To: Kiana Ford, Coastal Planner
California Coastal Commission
Central Coast District
725 Front Street, Ste 300
Santa Cruz, CA 95060

RECEIVED

MAR 18 2024

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

From: City of Santa Cruz Planning & Community Development Department

Note: Please send back date received stamped photocopy for City of Santa Cruz Planning and Community Department's records.

Please be advised of the following actions:

Zoning Administrator hearing of:

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

File No.: _____ Address:

- Adopted findings and conditions are attached. Were previously submitted.

Planning Commission hearing of:

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

File No.: _____ Address:

- Adopted findings and conditions are attached. Were previously submitted.

City Council hearing of: March 12, 2024

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

File No.: CP23-0176

Address: Coastal Permit for Oversized Vehicle Ordinance

- Adopted findings and conditions are attached. Were previously submitted.

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-24-0012Date Filed: April 2, 2024Appellant Name(s): ACLU of Northern California, Dylan Verner-Crist**RECEIVED**

APR -2 2024

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**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: ACLU of Northern California, Disability Rights Advocates
Mailing address: 39 Drumm Street, San Francisco, CA 94111
Phone number: 916-252-7930
Email address: dvernercris@aclunc.org

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

Did not participate Submitted comment Testified at hearing Other

Describe: We submitted an appeal to the City Council regarding the Oversized Vehicle Ordinance.

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: We have actively engaged as Stakeholders in the Oversized Vehicle
Ordinance stakeholders group, have repeatedly met with the City to raise
our concerns. We provided suggested additional conditions at the
local level as well.

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 3

2. Local CDP decision being appealed²

Local government name: City of Santa Cruz
Local government approval body: Planning Commission, City Council
Local government CDP application number: CP23-0176
Local government CDP decision: CDP approval CDP denial³
Date of local government CDP decision: 3/12/24

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

Describe: Please see attached letter.

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

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 Dylan Verner-Crist

/s/ Dylan Verner-Crist

Signature

Date of Signature April 2, 2024

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.

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400



DISCLOSURE OF REPRESENTATIVES

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name _____

CDP Application or Appeal Number _____

Lead Representative

Name _____

Title _____

Street Address. _____

City _____

State, Zip _____

Email Address _____

Daytime Phone _____

Your Signature _____

Date of Signature _____

Additional Representatives (as necessary)

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Your Signature _____

Date of Signature _____



Submitted Via E-mail

April 2, 2024

California Coastal Commission
Central District Office
725 Front Street #300
Santa Cruz, CA 95060
CentralCoast@coastal.ca.gov

Re: Appeal of Santa Cruz Oversized Vehicle Ordinance Coastal Development Permit Extension

Dear California Coastal Commission:

Two years ago, we appealed the City of Santa Cruz’s Oversized Vehicle Ordinance (“Ordinance”) to this body, writing then that the Ordinance would “have a disproportionate impact on marginalized groups, driving people of color, people with disabilities, and low-income people away from the coast and out of the City.”¹ Despite our warnings, the Coastal Commission approved Santa Cruz’s permit, holding that “the project did not raise significant Coastal Act and LCP coastal resource concerns, and by extension did not raise significant environmental justice issues when viewed through that lens.”² We are back today because our prediction has proved true: Santa Cruz has expelled the vast majority of its vehicularly-housed population from the City. This expulsion, and the City’s failure to accommodate people with disabilities, create clear substantial issues that compel the Coastal Commission to review this permit.

1. The Ordinance Has Caused a Drastic Reduction in RVs in Santa Cruz

In the first six weeks of the Ordinance’s enforcement, the City cited 99 different oversized vehicles for parking on City streets overnight. At that time, there were 18 RVs parked in the City’s Tier 3 Lot and a handful parked in the City’s Tier 2 lots. Altogether, at the beginning of enforcement, there were at least 120 oversized vehicles in Santa Cruz, the vast majority of them used as sleeping quarters by those who could not afford housing.³

By February, the City had largely stopped citing RVs under the Ordinance because, as SCPD Lieutenant Carter Jones put it in one Stakeholder meeting, there were no violators left to cite. At that Stakeholder meeting, Lieutenant Jones reported that SCPD officers were no longer observing oversized vehicles parked on City streets, even during the day.

¹ May 6, 2022 Appeal at 1.

² A-3-STC-22-0018 Revised Findings at 4.

³ The City’s contractors alone contacted 79 RV residents in the lead-up to the permit appeal. *Id* at 33.

This is not because the City’s proposed solution – a set of overnight-only parking lots at which unhoused people could park – is working for unhoused people. Last night, we counted only *eight* RVs parked in these lots. The photos provided on the next page show these barely-utilized lots. As the images make clear, together with the 18 RVs in the Tier 3 lot, there are likely less than 30 RVs left in the City. This is at least a 75% reduction from pre-enforcement levels. Approximately 80 RVs have left the City and gone elsewhere, to places unknown. Clearly, as we warned, restrictions on nighttime access chill daytime access to the Coast as well.

The City has so far avoided analyzing this reduction and have instead gone ahead with their permit extension, even though the Commission’s permit conditions require them to “submit a report that describes Approved Project implementation to date to the Executive Director, where such report shall at a minimum clearly describe all program outreach, enforcement and participation, including recommendations made by the stakeholder group, as well as opportunities for program improvements.”⁴ Because of this, the record is devoid of any such analysis – a glaring deficiency for a one-year pilot. We hope that the City will undertake this analysis, candidly explaining the reason for the sharp reduction of RVs as required by the permit. Nevertheless, the impact of this year-long special permit is clear: the programs do not work and have severely limited coastal access to low income/unhoused people, people with disabilities, and people of color.

We told the Commission precisely this in our original appeal, warning that the overnight-only nature of the Tier 2 lots would prove unfeasible for most unhoused people.⁵ That has been borne out. As one Tier 2 participant told us in late February 2024, “every extra dollar we have goes to gas.” The few remaining Tier 2 participants we spoke with told us that they spent \$200 to \$500 a month on gas, leaving little for food, clothing, and other essentials. For instance, one participant, **Richard Castro**, pays approximately \$500 a month relocating every morning from Tier 2 lots in search of parking during the day.

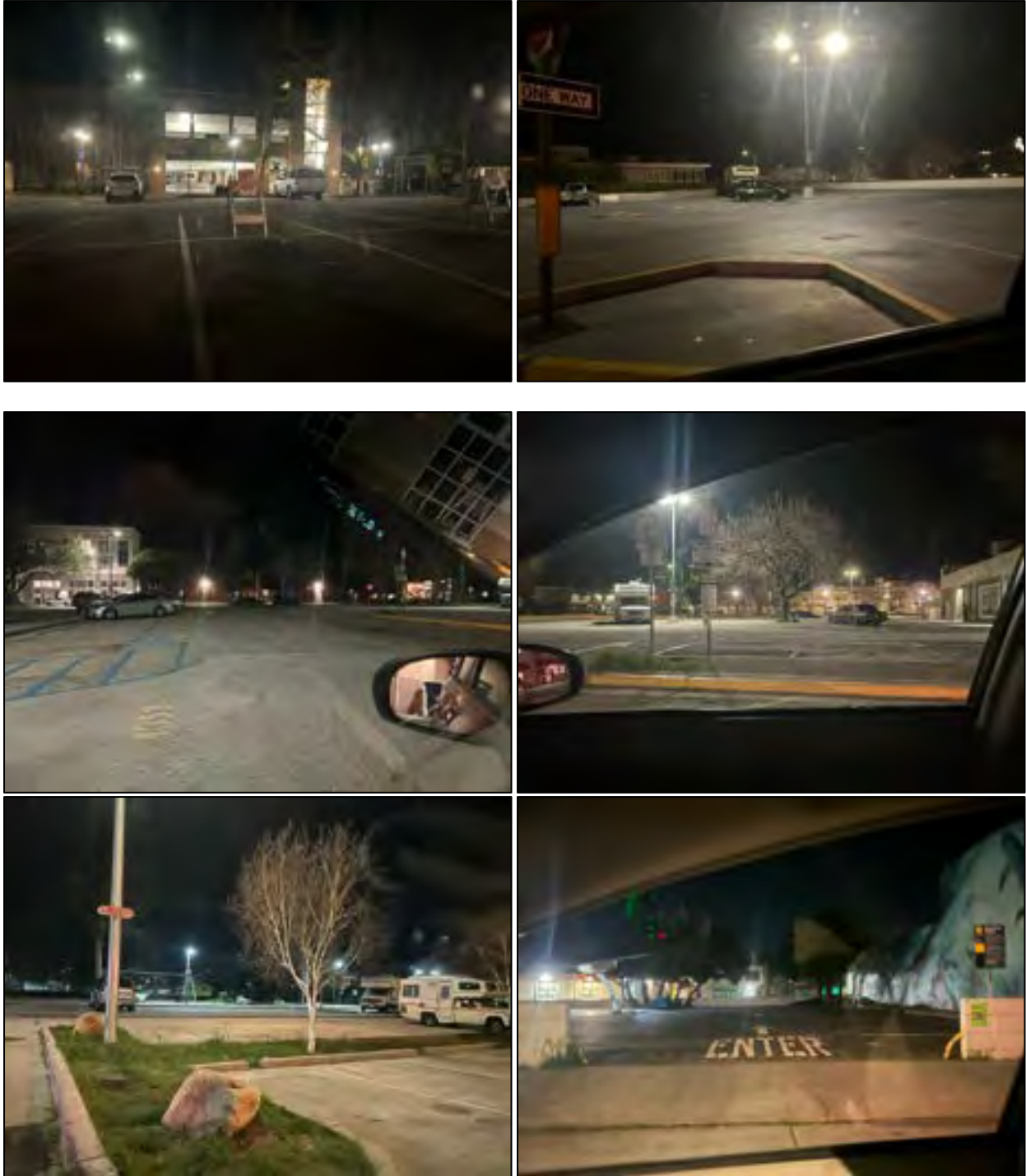
On top of these costs, the City’s Police Department aggressively enforced the Ordinance in its first weeks, issuing 192 citations between December 4, 2023 and January 23, 2024. Eleven vehicles were ticketed at least five times; one RV was cited *thirteen* times. The City’s citation data shows that SCPD officers simply walked down Delaware Avenue and other similar streets in early December, citing every RV they saw. Excluding the first-time, waived citations issued by the Police Department, the City issued \$4,650 in fines to RVs – almost all to vehicularly-housed people unable to bear these costs. Mr. Castro, for instance, has received five tickets for violating the Ordinance, at a cost of \$250.

Together, these financial barriers have made clear to vehicularly-housed people that they cannot afford to stay in Santa Cruz, let alone, longer access the Santa Cruz coast. For the few who have remained in Santa Cruz, accessing the coast has similarly diminished. For Mr. Castro, for instance, the steep costs have meant that he can no longer afford the coastal recreation that he once engaged in; while he used to take a small boat out into the harbor, he no longer has the financial means to do so.

⁴ *Id* at 9.

⁵ May 6, 2022 Appeal at 2.

Photos Showing Usage of Tier 2 Lots, April 2, 2024



Credit: Reggie Meisler

2. The City does not adequately accommodate Vehicularly Housed People with Disabilities

Individuals with disabilities are recognized as a distinct and protected Environmental Justice group. Therefore, they are entitled to significant protections by the Coastal Commission under the Coastal Act (Pub. Res. Code § 30013) and the 2019 Environmental Justice Policy.⁶

Over the past three to four months, it has become increasingly clear that the City's enforcement of the Ordinance presents significant challenges for individuals who are vehicularly housed, particularly those with disabilities, in accessing coastal areas. The restrictions imposed by the Ordinance, especially during nighttime hours, have severely impacted the ability of RV dwellers with mobility and physical disabilities to park near the coast. As a result, they are facing insurmountable barriers to accessing these areas. The current parking programs do not adequately address the practical difficulties faced by individuals with disabilities in navigating to and from coastal areas. The physically and emotionally demanding nature of these journeys, compounded by disability-related challenges, makes it extremely taxing for affected individuals. Moreover, the Ordinance's nighttime restrictions on parking options further exacerbate the situation, hindering individuals from using their vehicles during the day for essential activities such as commuting to work, attending medical appointments, or accessing other necessary services. This disproportionately affects vulnerable populations, including individuals with disabilities and those experiencing homelessness, who rely on their vehicles for transportation to essential places.

For instance, **Scott Johnson**, a 66-year-old individual with a valid Disabled Person (DP) parking placard, struggles to find suitable parking options in the City during the daytime due to the Ordinance's nighttime enforcement. He shared that he pays \$8 to park in one of the Tier 2 lots during the day because it is safer and cheaper than driving around to try to find a safe space – his RV has been broken into several times on city streets. Mr. Johnson's experience underscores how restricting nighttime parking not only has financial implications but also severely restricts daytime access to essential services and amenities for individuals like him.

It is crucial to acknowledge that Mr. Johnson's situation is not unique; the majority of unhoused individuals have disabilities and face these similar challenges. In the 2022 PIT Count, over three-quarters (77%) of survey respondents reported at least one disabling condition. Furthermore, the PIT count reports from 2019 to 2022 highlight a substantial rise in reports of physical disabilities, soaring from 26% to 57%. Similarly, there's been a significant increase in reports of chronic health conditions, climbing from 21% to 49% during the same period.

⁶ “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.

Despite our efforts to engage with the city regarding the Americans with Disabilities Act (ADA) reasonable accommodation process, we have found their outreach efforts to be inadequate. An example of the lack of accommodation for individuals with disabilities during this Ordinance enforcement period is the case of a 75-year-old Santa Cruz EV dweller who experienced a stroke about two years ago. Despite struggling with speech and memory impairment, making driving difficult, this individual was placed in Tier 2 parking. During a conversation at Harvey West, it became evident that he was unaware of the City's accommodation process or how to navigate it. Consequently, he is not receiving any accommodations or assistance from the City. The lack of meaningful outreach by the City evidences the need for improved support and accessibility conditions for individuals facing similar challenges *before* even considering renewing and extending the CDP.

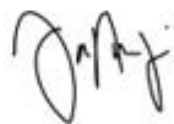
While discussions between Appellants and the City have been held and feedback provided, it is evident that more needs to be done to address the pressing concerns of those with disabilities affected by the Ordinance. It is evident that the Ordinance fails to meaningfully engage and effectively address the needs of RV dwellers, particularly those with disabilities.

It is imperative for the Coastal Commission to conduct a comprehensive investigation and acknowledge the gravity of this issue and the exclusion of coastal access for people with disabilities due to the Ordinance. Recognizing the inadequacies in addressing the needs of disabled individuals within the Ordinance is paramount to ensuring equitable access to coastal areas for all residents. Therefore, we strongly urge the Coastal Commission to prioritize this matter and declare a substantial issue to the City's CDP application.

* * *

In granting the City of Santa Cruz a temporary, one-year special permit for its Oversized Vehicle Ordinance, the Commission in effect created a pilot program to see whether the City's proposed Tier 2 parking lots would sufficiently accommodate unhoused people, thus allowing them to stay in Santa Cruz and access the Santa Cruz coast. The one-year pilot has failed. The Commission must not let the City continue upon this damaging route and must deny the City a second permit, or at the least require the City to *fully* accommodate unhoused people, particularly those with disabilities, so that they can stay in their coastal home.

Best,



Jameelah Najieb
Disability Rights Advocates



Dylan Verner-Crist
ACLU of Northern California

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

OVO stakeholders:

Reginald Meisler, Joy Schendledecker, Jamie Perkins, Alex Keating



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-24-0012Date Filed: April 2, 2024Appellant Name(s): Reginald Meisler**RECEIVED**

APR -2 2024

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**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 information:

Name: Reginald Meister
Mailing address: 434 Morrissey Blvd
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: Attended all local appeal hearings, was primary appellant, submitted public
correspondence, spoke at public comment, and was a member of the OVO
stakeholder committee in ongoing communications with the city of
Santa Cruz

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: Appealed Planning Commission decision, now appealing City Council
decision.

† 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 3

2. Local CDP decision being appealed:

Local government name: City of Santa Cruz
Local government approval body: City Council
Local government CDP application number: CP23-0176
Local government CDP decision: CDP approval CDP denial
Date of local government CDP decision: 3/12/24

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

Describe: The permit was a renewal of the Oversized Vehicle Ordinance pilot program
permit, which restricts overnight parking of vehicles longer than 20', or taller
than 8' and wider than 7'. It also makes the parking of detached trailers on
city streets illegal 24 hours a day. This is based on a city-wide ordinance,
and thus it impacts the entire coastal zone, but enforcement has been largely
focused on the far westside of Santa Cruz (Delaware Ave, Shaffer Rd,
Natural Bridges Dr, Mission st Ext, etc).

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.

March 21, 2024

Overview

We are writing to you today to appeal the renewal of the Oversized Vehicle Ordinance's coastal permit (Application No. CP23-0176). We believe that at its very core, the Oversized Vehicle Ordinance is about *reducing public access to the coast for a marginalized population (people living in RVs, buses, vans, etc)* and that this is *transparently* in violation of the Coastal Act.

By providing new evidence collected through our appeal process, and an analysis of other policies being pursued by the City of Santa Cruz, we intend to show that the City of Santa Cruz has misrepresented their intentions in implementing this policy to the Coastal Commission, and that if the Commission does not take a stand against this discriminatory ordinance it will set a dangerous precedent for the future coastal access of all other vulnerable Environmental Justice communities.

How OVO endangers people living in vehicles

The greatest danger posed to people living in vehicles by the OVO is that it grants parking enforcers the ability to more frequently issue parking tickets to people living in large vehicles and detached trailers, and that this can lead to them losing their vehicle shelter through the utilization of a "5+ ticket tow order".

Although a recent court decision made tow orders of this sort more difficult, it is still possible to pursue them with a judge's order. During the public hearing for Santa Cruz Cares' local appeal of this permit at Santa Cruz City Council, we heard Planning Director Lee Butler claim that there had been *no "5+ ticket tow orders" during the OVO pilot program*. In response to this, however, Councilmember Brown asked for clarification from Santa Cruz Police Chief Bernie Escalante. Escalante then admitted that he was indeed in the process of investigating how to expedite these kinds of tow orders with the help of local judges, and that it was *his intention to pursue them in the future*. We believe this demonstrates a *serious and dangerous misrepresentation of the city's intentions* with respect to how the Oversized Vehicle Ordinance will impact people living in vehicles and their access to the coast.

We also have reason to believe that the city is misrepresenting the way Santa Cruz parking enforcement personnel are treating people living in vehicles, particularly those who utilize the OVO's overnight parking program. During that same public hearing, Planning Director Lee Butler rejected many of our requested permit conditions (Exhibit A) which sought to strengthen guarantees of equitable treatment by law enforcement suggesting that parking enforcers would *"act flexibly"*, and that this meant such protections were *not needed*. This claim by the Planning Director was almost immediately contradicted, however, when a disabled man spoke up during public comment to describe how he had been given several OVO tickets in spite of him having a disability license and placard and a vehicle that, if accessories were removed, could potentially

be under 20' in length. City officials spoke with this man after the meeting but refused to waive any erroneously issued parking tickets nor provide the man with any way of ensuring he could reliably evade erroneous enforcement in the future.

Further evidence of seemingly intentional hostility by parking enforcement and apathy by city officials can be found in letters written by both OVO stakeholders Jamie Perkins (Exhibit B) and Alex Keating (Exhibit C). Despite the alarming stories of abuse found in Jamie's letter, no city official has shown any concern regarding these claims, and the letter itself was even omitted from the local appeal's public hearing documents when it was brought before City Council.

Finally, while we understand that you are looking at one particular coastal permit today, and that it is therefore unorthodox to reference other coastal projects in this appeal letter, we believe it is critically important that we briefly look at two other coastal projects that are being developed in parallel to the OVO by the City of Santa Cruz. We believe these projects will provide you with the necessary context to understand *why* we assert that OVO was *never about environmental impacts and always about inflicting existential harm to an Environmental Justice community in hopes of permanently displacing them from our coast.*

Evidence of ulterior motivations (Street Sweeping Pilot Program)

The first program we would like to bring to your attention is the *Street Sweeping Pilot Program* (Exhibit D), which will be seeking a coastal permit from you in the coming weeks. In August 2023, seemingly developed by the request of an OVO supporter (Exhibit E, discovered through public records request), Santa Cruz's Transportation Public Works Department began developing a plan to perform street sweeping along the streets where most people living in oversized vehicles park; *streets that are also the primary target of the OVO coastal permit* (Delaware Ave and neighboring streets). This program seeks to force people to relocate from one side of the street to another, twice a week, or face the threat of being towed. As you can see in the provided documents, tow away signage is placed along all streets that are part of this pilot program.

The public works dept has claimed (Exhibit F, discovered in public records requests) that this policy is necessary to mitigate trash on the street because it has determined through a "trash analysis" that Delaware Ave had "moderate trash", and that state mandates suggest the implementation of street sweeping as a response to streets with a trash rating above "low trash". There are a few problems with this, however.

First, the trash ratings given to these streets were based on data collected before OVO enforcement began. We have strong evidence that even if the previous trash rating for Delaware Ave was indeed "moderate", that this is no longer the case (This is captured through multiple videos driving along Delaware Ave which can be viewed at <https://tinyurl.com/delaware-trash>). Worse yet, the 2023 analysis that found Delaware Ave had "moderate trash" did not find this same rating for streets neighboring Delaware Ave, like Natural Bridges Drive and Swanton Blvd. Despite this glaring contradiction, streets neighboring Delaware Ave have still been included as

targets for this pilot program. This begs the question, if these streets are clean enough to fall outside a state mandate to sweep them, *why include them in the street sweeping pilot program?* Especially given that this means, purely due to the inclusion of these streets in the program, the program must now undergo the burdensome process of applying for a coastal permit?

Furthermore, given the City's extensive experience dealing with people living in vehicles, we feel comfortable assuming that they are aware of the fact that people living in vehicles are prone to sudden maintenance issues, and that this sometimes make it hard for them to relocate at a moment's notice. This is why the issuance of "green tags" (72 hour tow notices) by Santa Cruz parking enforcers on vehicles people use for shelter (Exhibit H) can become more than just a minor inconvenience or symbolic act of discriminatory intimidation.

If placed frequently enough, a green tag can result in catching someone in a moment of weakness, resulting in their vehicle getting towed away, leaving that person without shelter. One can see how twice-a-week street sweeping, which itself carries an explicit and regular threat of tow, could be viewed as a kind of *automatic 72 hour tow notice*.

From some of the conversations we heard during OVO stakeholder meetings, we know that at least some of the citizen-stakeholders who are proponents of OVO actually see the towing of someone's vehicle shelter as a positive outcome of city policy, not a negative one. Given that both the OVO and this street sweeping policy were originally developed in response to the same coalition of homeowners who hold open hostility to people living in vehicles, it should come as no surprise that the impact of this street sweeping program on people living in their vehicles was not analyzed before this program was presented to the Transportation & Public Works Commission in February of this year.

Given the evidence we have presented, and the fact that the city is continuing to pursue a coastal permit for street sweeping in this area despite the many contradictions we have listed, which we have also brought to their attention, we are forced to conclude that the City's Street Sweeping Pilot Program is not actually about mitigating trash, but instead a subtle form of *hostile architecture*, used to *intimidate and displace people living in vehicles from these coastal streets*.

Evidence of ulterior motivations (Swanton/Delaware Multi-Use Trail)

The second coastal project we would like to briefly reference is the Swanton/Delaware Multi-Use Trail project. Though laudable in its efforts to increase access to bicycles and pedestrians, this project has employed a rather *creative* use of striping which clearly attempts to set a long-range precedent for parking on Delaware Ave, permanently erasing 100% of parking spaces for larger vehicles (Exhibit I). Though this is currently only planned to cover a strip of Delaware Ave between Natural Bridges Drive and Swanton Blvd, we can be fairly certain that given the drastic change in street design, the city will eventually attempt to replicate this striping pattern across the rest of the street.

It is trivial to see how one might design an alternative configuration that could maintain unstriped parking for vehicles of all sizes. Delaware Ave is quite a bit wider than Swanton Blvd, and yet Swanton Blvd maintains parallel parking on both sides of the street. One need not even reference the fact that this project was lobbied for by Take Back Santa Cruz's antihouseless hate group leader Manuel Prado; we believe that this bizarre street design by Public Works speaks for itself and demonstrates the lengths the city will go to in their attempts to develop new, innovative forms of hostile architecture, targeting people living in vehicles.

What does this have to do with OVO

When OVO was first brought to the Coastal Commission, Coastal Staff admitted that the city had not provided sufficient evidence to demonstrate that oversized vehicles inherently produce more environmental impacts than any other vehicle; nor that the implementation of OVO would be effective at mitigating these perceived environmental impacts. Not unlike the seemingly frivolous *Street Sweeping Pilot Program*, we believe that the City's rationale for embarking on this program does not add up, and that this leaves us with only one possible conclusion to draw; that both programs are *not actually about the mitigation of trash*, but the *reduction of public access to the coast for people living in vehicles* through the implementation of programs that intimidate, displace, and existentially threaten them.

When we combine this with an analysis of the City's Swanton/Delaware Multi-Use Trail project, which plans to restripe Delaware Ave such that there are no longer parking spaces for vehicles longer than 19', it is clear that the city is not merely interested in the nightly displacement of people living in larger vehicles, but is searching for approaches that will eventually *permanently displace them from accessing the coast*.

We believe that our concerns regarding the city's real intentions with OVO, street sweeping, and restriping are reinforced by the many hundreds of letters sent to the Santa Cruz Planning Commission and City Council by home owners that explicitly praise OVO for its apparent *success in reducing the number of oversized vehicles parking in coastal areas during the day* (Exhibit J). One letter goes even further to suggest that the city *should now set its sights on people living in smaller vehicles* (Exhibit K).

If the OVO's overnight parking rules have indeed resulted in deterring people in oversized vehicles from parking along these coastal roads during the day, and that this is actually seen as a metric of *success* for proponents of the policy, how can this not be understood to be a substantial issue in violation of maximizing public access? What precedent does it set to suggest that poorly evidenced claims of environmental or public safety impacts caused by a *specific demographic of people* are allowed to supercede the *public access rights of that demographic of people*?

A dangerous precedent

Many of us like to imagine California as a liberal stronghold, impervious to the hateful and discriminatory policies spreading across the rest of the nation that target marginalized groups like the LGBT community. Unfortunately for us, however, one coastal city southeast of LA is beginning to buck this trend.

Just this last election cycle, Huntington Beach passed a law banning Pride flags on city property (Exhibit L). Much like the City of Santa Cruz, however, the way they approached this from a municipal code perspective was not by targeting the LGBT community directly, but instead banning the placement of "non-governmental flags" on city property. Despite this sanitized language, however, the broader community *clearly understood why this was happening and what the actual discriminatory intent was*.

There are also ongoing attempts to curb or outright ban street vending in coastal cities, which greatly harms coastal access for multiply marginalized people. A similar ban took place in Santa Cruz during COVID, after a white business owner assaulted a latine street vendor. While there was little to no action taken against the assailant, multiple street vendors were arrested and the city rapidly passed a street vendor ban through executive order which many rightly questioned as being racially motivated.

The decisions you make on this commission impact all coastal communities throughout the state of California. If the Coastal Commission is serious about maintaining its commitment to *social equity* and *maximization of public access*, it must be prepared to not only stand up against laws which clearly state their discriminatory intent openly, but also those which attempt to mask their hateful intent behind *intentionally sanitized or obfuscated language*.

We have shown you evidence that, even by just giving the City of Santa Cruz a coastal permit for the Oversized Vehicle Ordinance pilot program, you have already emboldened them to prepare yet more permit applications that seek to further displace, intimidate, and existentially threaten people living in vehicles as they attempt to access the coast. Our city is not placated by the granting of a coastal permit for the OVO, they are emboldened by it.

If you choose to renew the OVO pilot program's permit you will be setting a dangerous precedent. A precedent that could tell cities like Huntington Beach that it is ok for them to pass laws, not unlike OVO, that could deter vulnerable minority communities from accessing the coast by simply targeting that community with discriminatory rules, indirectly.

Conclusion

We hope we have provided you sufficient evidence to suggest that the City of Santa Cruz has misrepresented their intentions in implementing OVO. We believe this to be the case because of their *displacement-oriented metric of "program success"* (e.g. *"seeing fewer oversized vehicles in coastal areas during the day"*), their *dishonest representation of "5+ ticket tow" data*, and their

attempts to put forward *multiple separate coastal permit programs that transparently attempt to permanently displace, intimidate, or existentially threaten coastal access for people living in vehicles (Street Sweeping Pilot Program & Swanton/Delaware Multi-use Trail)*

We have further laid out a case as to why, if you renew this coastal permit in spite of the evidence presented, you are setting a dangerous precedent for our coastal cities that will open the flood gates for discriminatory, hateful policies—particularly dangerous if Donald Trump wins this year’s presidential election.

Please observe that half of the OVO stakeholder group’s membership, specifically the members who either *have experience living in oversized vehicles or those who attempt to advocate for their interests* (Jamie Perkins, Alex Keating, Santa Cruz Cares, ACLU, and Disability Rights Advocates), are all appellants to this policy. This means you have a clear choice to make—side with those of us who want to protect an Environmental Justice community’s equitable access to the coast—or side with wealthy coastal home owners who want you to give them permission to inflict existential harm on these folks and permanently displace them from the coast.

Which will you choose?

Sincerely,

OVO Stakeholders

Reggie Meisler
Joy Schendledecker
Jamie Perkins
Alex Keating

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.

Reginald Meisler

Print name _____



Signature _____

4/2/24

Date of Signature _____

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.

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

§ 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.

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
 SAN FRANCISCO, CA 94105-2219
 VOICE (415) 904-5200
 FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name _____

CDP Application or Appeal Number _____

Lead Representative

Name _____

Title _____

Street Address _____

City _____

State, Zip _____

Email Address _____

Daytime Phone _____

Your Signature _____

Date of Signature _____

Additional Representatives (as necessary)

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Your Signature _____

Date of Signature _____

EXHIBIT A

Santa Cruz Cares, ACLU of Northern California, and Disability Rights Advocates' Proposed Permit Conditions

1. OVO outreach documentation, including the City's website regarding the Oversized Vehicle Ordinance¹, shall make clear that those who request a spot in the Tier 2 overnight parking program will be either guaranteed access or given a parking placard protecting them from ticketing.
2. The voicemail message of the Tier 2 registration phone number shall inform the caller of where they can park on an emergency basis such that vehicularly-housed people who call this number during non-business hours will not be ticketed.
3. The City shall not engage in striping of existing parking areas in the coastal zone such that parking areas which are capable of accommodating oversized vehicles are made too small to accommodate them as a result of the striping.
4. Active participants in the Tier 2 overnight safe parking program whose vehicles breakdown in the process of participating in the program will be given a grace period of six months wherein their vehicle will not be ticketed or towed under any circumstances.
5. Trailers attached to a motorized vehicle shall be eligible for participation in the Tier 2 safe parking program.
6. There will be no time limit for participants in the Tier 2 overnight parking program. Participants shall be able to use the overnight parking program indefinitely.
7. The City shall conduct proactive outreach to vehicularly-housed people at least monthly. This outreach will, at minimum, include (1) information regarding the City's safe parking programs and how to register, (2) information regarding how to submit a disability accommodation request to the City, and (3) information on how to register for a payment plan for any Oversized Vehicle Ordinance tickets accrued. All written outreach materials, such as flyers, should be, to the best of the City's ability in clear and plain language. City's outreach materials should be use with accessible messaging, meaning that all documents should be provided in accessible formats and integrate the needs of persons with disabilities. On at least an annual basis, the City shall conduct a survey of vehicularly-housed people residing Oversized Vehicles in Santa Cruz regarding the efficacy of the City's safe parking programs. This survey shall be designed in conjunction with the stakeholder group and approved by a 2/3 majority vote of the stakeholder group.

¹ <https://www.ci.scofsanmeruz.ca.gov/centralgov/centralgov/centralgov/public-works/parking-services/oversized-vehicle-ordinance-ovo>

(EXHIBIT A)

The City shall provide the annual results of this survey to the stakeholder group and to the Executive Director.

8. The City shall provide a mobile dumping station or site for use by vehicularly-housed people at least twice-monthly at no expense.
9. The City shall provide no-expense, 24/7 safe parking spaces in the Tier 2 lots for any oversized vehicle resident with Disabled Person (DP) placard or DP License Plates placard.
10. The City shall identify and designate specific areas within reasonable proximity to coastal zone where individuals with disabilities can park their RVs, upon approval for an accommodation to do so. These designated areas will be intended to cater to individuals who require accommodations to access the coast due to their disability. Upon successful approval of their accommodation requests, individuals with disabilities will be granted permission to park their RVs in these designated areas near the coastal zone for a specified time period. This initiative seeks to facilitate inclusivity and ensure that individuals facing mobility challenges are not excluded from coastal access due to their disability.
11. The City shall provide \$200 monthly gas expense cards to Tier 2 participants to defray the costs of moving twice-daily around the City of Santa Cruz.
12. The city shall not engage in street sweeping or any other regular practice of placing "tow away" notices in the coastal zone. *Editorial Note: This (#12) was not a part of the document that was forwarded but was added as another suggested condition in an email from a Santa Cruz Cares Stakeholder Group member.*

EXHIBIT B

Dear Coastal Commission,

I am writing to express my concerns and frustration regarding the stakeholders group. I attended the meeting in October 2023 and, unfortunately, am left feeling unheard as none of my questions or comments were reflected in the meeting notes. Nor have I been directly contacted to address my concerns.

Firstly, I want to clarify that I did not volunteer for the position and am unsure of how I was chosen. Despite this, I was willing to contribute and do my part. However, I want to emphasize that I am not willing to be a token for the city of Santa Cruz merely for appearances. It is crucial that the guidelines set forth by the Coastal Commission are genuinely followed and not just given the illusion of compliance.

I unfortunately arrived late to the meeting in October. This was a disadvantage because I had no clue who was friend and who was foe. I also felt as if I represented the problem at hand. Putting my feelings aside I actively participated in the conversation, addressing the concerns of myself and others living in RVs affected by the ordinance. Some of the questions, comments, and concerns I raised include:

1. The significant concern of some that black water is possibly being dumped by people living in RVs and the absence of a waste disposal location on the Westside.
 2. Challenges for individuals working later than 12 am or before 5 am in moving their RVs.
 3. Concerns about the safety of my car when I park it to drive my RV to a safe parking lot, fearing police ticketing or towing.
 4. I asked if it the common practice of police giving 72-hour tow notices to everyone parked on a street. My understanding is those notices are to be used after a vehicle has been parked unmoved for a documented, set amount of days or a vehicle is clearly abandoned or poses a hazard. Instead police just put notices on every vehicle on the streets where RVs park. That was done on Delaware the day of the meeting.
 5. The need for the city to provide restitution to those who received and paid tickets and/or impound fees. Also to the those who lost their vehicle impounded due to fines. The City of Santa Cruz did not have the right to issue the tickets or install the signs without prior Coastal Commission approval. The City of Santa Cruz chose to install the signs and enforce the parking restrictions for years knowing they were violating the coastal commission act. The signs were finally removed a few months prior to the OVO approval.
- My brother and I spent over \$10,000 getting our RVs out of impound. We paid over \$26,000 for the 2 RVs and to lose them would have been a great financial loss.

EXHIBIT B

When we got them back they had been ransacked and anything of value had been taken. This included the batteries, the keys, a solar generator, the brain from one RV, tools, electronics, jewelry and personal items.

The tow yard's response was the items weren't listed on their paperwork.

We are not the only ones who this happened to.

- When this was read at the meeting I was told by the woman conducting the meeting she would talk to me later about it. Then she quickly went on to the next comment. She never spoke to me about it.

6. The lack of information on resources available to help RV owners get current on registration and insurance.

7. I also addressed the issue of littering, acknowledging that while it is a concern, it is often caused by a few individuals rather than the majority. Lack of places to dispose of trash doesn't help the situation. It's not as if there is a place to take a single bag of garbage and pay to dispose of it.

In November when I received the minutes from that meeting in October not one of my concerns were addressed or recorded. I really thought this was supposed to be a community working together to find a way to coexist. In my opinion the city of Santa Cruz is only holding these meetings because they have no other choice.

In the past few months, I have witnessed numerous RVs being towed away, leaving people on the side of the road with their belongings, often in tears and losing hope. The behavior of some of the police officers was unprofessional and malicious.

I witnessed officers standing around laughing and making jokes as people's homes are getting towed away. I have yet to hear of anyone being given information about available resources. This process has left many in difficult situations.

Now tents are replacing RVs on Delaware and surrounding streets. How could that possibly be better for the environment? Where do they think many of these people now living in tents without a bathroom will go?

What is funny about this whole thing is the people who are making the biggest fight against the RVs are in their warm homes in a comfy bed sound asleep between 12 am and 5 am. When they go to work in the morning the RVs are there and when they come home the RVs are still there.

The only things that have changed is more gas being burned to drive the RVs to the safe parking lots and back. And life for people who are working and trying to better their situation gets harder. You can't sleep well for fear of oversleeping and getting more tickets.

EXHIBIT B

I am exhausted all the time. You can't enjoy a late night out or a night away because the RV has to be moved. Panic sets in at any sign of a mechanical problem. Twice a day everything has to be secured for the move.

I recently parked in a "safe parking lot" at depot park. The Santa Cruz police advised us to go there. I received an important phone call at around 8am that I had to take. When I was finished I stepped out of my RV to find both my RV and car had received \$43 tickets for not paying for parking. The meter maid was still there and I tried to explain what happened and she didn't care. She just said go get a parking permit.

Would it have been so hard for her to knock on the door and let us know it was after 8am and we needed to move? She clearly knew we didn't have a parking permit and were not aware of the strict enforcement of the hours. Also note that there were maybe 3 cars in the parking lot and there were 2 other RVs still parked there.

One of those RVs belongs to a single father with a baby. He told me he also received a ticket that day. He told me he has received 4 tickets since parking in the "safe parking lot" and fears having his RV towed due to tickets. He told me of an encounter he had with a parking enforcement worker. He said it was just after 8 am and his son was still in bed sleeping. He told this to the worker.

The worker told him he needed to move and told him to make sure the baby was safe (not in a car seat) and to just drive slow. He also started counting how many parking spaces he was taking up and threatened to ticket him for each parking space but only issued the ticket for one space. He also told him that he was at risk of getting kicked out of the safe parking program. Seems to me the safe parking lots are the first order of business for the parking enforcement office.

I realize they need to clear the RVs out to provide parking for the public. I think knocking on the door first and letting them know they need to move would be a better approach. Possibly giving out warnings notices and then a ticket after 3 warnings have been issued for staying past 8 am. would be fair.

These are some issues I would have shared at the stakeholders meeting. I just refuse to waste my time. The City of Santa Cruz is totally biased. They have their agenda and these meetings are just a formality.

When we had the wild fires in 2020 everyone showed concern and support to those of us who lost our homes. Affordable housing is hard to find on a good day in Santa Cruz. Then add 100s of people homeless from the wild fires and a pandemic and eviction moratorium to the mix. For many living in an RV was the only option. FEMA houses people in RVs all the time. Now we are looked at as a nuisance.

EXHIBIT B

Environmental concerns are important. I agree. However, RV living leaves a much smaller carbon foot print than living in a house. And I honestly have never seen any black water/waste dumped anywhere around here.

I read that the Coastal Commission is considering issuing over 4 million dollars in fines to Aptos home owners for blocking access to the beach. The city of Santa Cruz took people's homes and just about everything they had to the dumps. The city of Santa Cruz issued hundreds of thousands of dollars in citations. They caused hundreds of people pain and stress. People not only lost their homes some lost jobs, pets and children.

They did all of this knowing what they were doing was a violation and therefore illegal. Is the city above the law? This is not a victimless crime.

I think concern over beach access is nothing in comparison to the OVO. People had their homes taken by the City of Santa Cruz and you gave them the green light to keep doing it.

On December 4th I along with many others woke up to a \$50 ticket on my windshield. We were all under the assumption that the OVO would begin the evening of the 4th. Not at 12.01 am on the 4th. The City of Santa Cruz is practically gloating about issuing 200 tickets in the first month of the OVO. That's \$10,000 in fines given to people who they know can't afford to pay them. That's not counting tickets issued in the "safe parking lots". This is just another tactic by the City of Santa Cruz to take more RVs/homes.

I know hundreds of people including myself who would like to be reimbursed and compensated for our losses. The City of Santa Cruz expects us to pay our tickets or risk having our RVs impounded. The the City of Santa Cruz should be forced to provide restitution to those they illegally ticketed. If it was an individual who knowingly committed an illegal act they would be fined, jailed and order to pay restitution.

Santa Cruz is one of if not the most expensive place to live in the country. We should feel as if our government is looking out for the best interest of all of us.

Thank you for taking the time to hear my side on this matter.

Sincerely,

Jamie P

EXHIBIT C

Dear Coastal Commission,

My name is Alex Keating, I am a member of the RV Safe Parking Program (aka long term safe parking aka tier 3). Although I am very grateful to be in this safe parking program, I have a lot of empathy for those who can not access the 24/7 parking program. I have met a lot of folks who live in vehicles, both in the 24/7 program and outside of it, and so I can give you an idea of how hard it is for many of us to deal with the OVO rules in spite of the fact that it provides an overnight parking program.

There are a lot of people in this community who have disabilities, chronic illness, conditions that impact us both physically, mentally, and financially which make following a rigid schedule of relocation from safe parking every day impossible. Taking myself as an example, if I were asked to relocate my vehicle every day before 8am, I would not be able to do it. Morning hours are especially tough for people who struggle to get a good night's sleep, as many of us do, either from underlying medical conditions or from the use of certain drugs.

These conditions also mean people are generally a little on edge and that it takes people a lot of extra time to get up, get ready, and go, when asked. People tell me that it's hard for them to get out of the overnight parking space in the morning without getting ticketed. No one I've talked to really loves it. I know how scary and stressful it is to get that tap on your windshield that suddenly wakes you up. You don't know if the tap is a city person or some Take Back guy trying to break your window. Then to have a parking attendant impatiently telling you to move right away, not even giving you time to get yourself ready. It's really unpleasant.

Another reason people struggle to participate in the overnight parking program is the cost of gas to move every day. Most people I know are so tight on cash that they struggle to feed themselves every month. The 72 hour window the city is giving people to deal with maintenance issues that might come up isn't enough. If you are mid-way through the month it means you won't get another paycheck for 2 weeks. Many of us are living paycheck to paycheck, either with a job or on disability, and it is hard to make the money stretch. Often this means eating high carb diets, expired food, or old produce that can make us sick and give us gut issues. This all contributes to people having an extra hard time staying within the rules.

I've been in Santa Cruz on and off since 1984. I've paid a lot of rent in this town. It's hard to feel like I'm being forced out of this community when I've spent so much time here. The Santa Cruz coast is really important to me, and every time I've left I've found myself wanting to come back. Just seeing the ocean brings me up when I'm feeling down. All I need to do is drive over to West Cliff and just looking at it makes me feel better. I've tried living other places, but this community is the one I feel most connected to.

I think the Take Back people who support OVO have a vivid imagination. I once heard one say that "every other RV is a meth lab or has a prostitute in it". I have been in many people's RVs and have lived amongst people on Delaware and I have never once seen a meth lab in

EXHIBIT C

anyone's RV, and have I never met a prostitute. These NIMBY concerns, in my opinion, are not rooted in reality.

I worry that these views are spreading and taking hold around the country, not just in Santa Cruz. This idea that the "ends justify the means", "make money at all costs", "money has the final say". I still remember "Keep Santa Cruz Weird", and people not being so hateful of people living in vehicles and tents. I hope we can hold onto that vision of Santa Cruz.

Sincerely,
Alex Keating

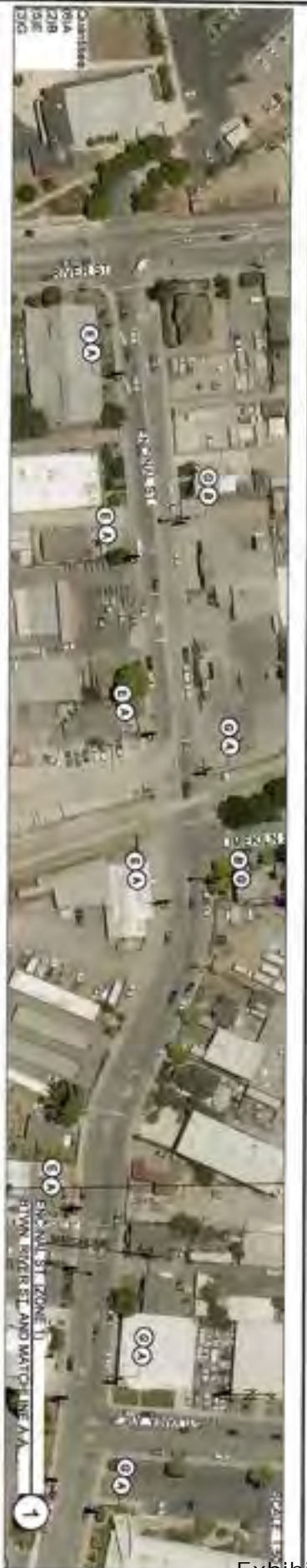

SANTA CRUZ
 CITY OF
PUBLIC WORKS DEPARTMENT
STREET SWEEPING
PILOT PROGRAM



SHEET	NAME
1	TITLE SHEET
2	PLAN 1 (1, 2, 3, 4)
3	PLAN 2 (5, 6, 7, 8)
4	PLAN 3 (9, 10, 11, 12)
5	PLAN 4 (13, 14, 15, 16)
6	PLAN 5 (17, 18, 19, 20)
7	PLAN 6 (21, 22)
8	DETAIL 1

REFERENCES	DATE	BY	NO	SCALE
PLANS	JAN 2004	C.M.	1	1" = 8'
DESIGN		C.M.		
CHECKED				

EXHIBIT D



- CONSTRUCTION NOTES**
1. EXISTING CITY STAKEWORK, POLE AND UTILITY AND IS
 2. EXISTING CITY STREET LIGHT AND UTILITY AND IS
 3. NEW CITY STAKEWORK POLE AND UTILITY AND IS
 4. NEW CITY STAKEWORK POLE AND UTILITY AND IS
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REGIONS		 CITY OF SANTA CRUZ PUBLIC WORKS DEPARTMENT 2000 SANTA CRUZ AVENUE SANTA CRUZ, CA 95061		STREET SWEEPING PILOT PROGRAM PLAN SHEET 1		REFERENCES FIELD BOOK # 1 DRAWING # 1		DATE: JUN. 2024 SHEET: 2 OF 8 DRAWN: [Name] CHECKED: [Name] DATE: [Date]	
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EXHIBIT D



EXHIBIT D



REVISIONS

NO.	DATE	BY	REVISION

SANTA CRUZ
 PUBLIC WORKS DEPARTMENT
 2000 N. SANTA RITA AVENUE, SUITE 200
 SANTA CRUZ, CA 95060

**STREET SWEEPING
 PILOT PROGRAM
 PLAN SHEET 5**

REFERENCES
 FIELD BOOK #
 DRAWING #

DATE	APR 2024	SCALE	AS SHOWN
DRAWN	CLM	SHEET	6 OF 8
CHECKED		WALLET NO.	
CHANGES		#	

- CONSTRUCTION NOTES**
1. EXISTING CITY ESTABLISHED POST MARK CENTERLINE, 1 AND 2'
 2. EXISTING CITY STREET LIGHTS, 1 AND 2'
 3. NEW CITY STAKEOUT FOR 1 AND 2'
 4. NEW CITY STAKEOUT FOR 1 AND 2'
 5. NEW CITY STAKEOUT FOR 1 AND 2'
 6. NEW CITY STAKEOUT FOR 1 AND 2'
 7. NEW CITY STAKEOUT FOR 1 AND 2'
 8. NEW CITY STAKEOUT FOR 1 AND 2'
 9. NEW CITY STAKEOUT FOR 1 AND 2'
 10. NEW CITY STAKEOUT FOR 1 AND 2'
- ADDITIONAL NOTES TO BE REVIEWED BY THE CITY OF SANTA CRUZ AND THE PUBLIC WORKS DEPARTMENT AS REQUIRED BY LOCAL ORDINANCES.

EXHIBIT D



- CONSTRUCTION NOTES**
1. EXISTING CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
 2. EXISTING CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
 3. NEW CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
 4. NEW CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
 5. NEW CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
 6. NEW CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
 7. NEW CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
 8. NEW CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
 9. NEW CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
 10. NEW CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
 11. NEW CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
 12. NEW CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
 13. NEW CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
 14. NEW CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
 15. NEW CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
 16. NEW CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
 17. NEW CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
 18. NEW CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
 19. NEW CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
 20. NEW CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
 21. NEW CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
 22. NEW CITY STREETS/LOT PART (SEE DETAIL 1 AND 2)
- * ADJUST SWEEPING SCHEDULE TO ACCORD WITH LOCAL CONDITIONS AND PAVEMENT EXTENSION AS NECESSARY TO MAINTAIN FLOW

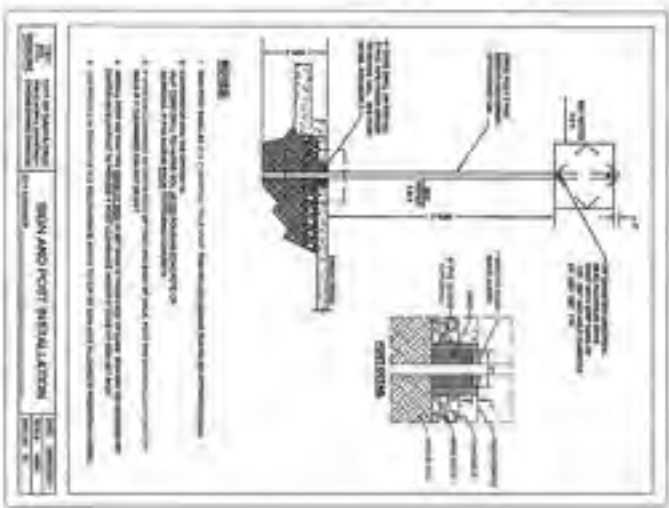
NEVERSONS		 CITY OF SANTA CRUZ PUBLIC WORKS DEPARTMENT 500 Green Street, Santa Cruz, CA 95060		STREET SWEEPING PILOT PROGRAM PLAN SHEET 6		REFERENCES FIELD BOOK # _____ DRAWING # _____		DATE: JAN 2024 DRAWN: C.M. CHECKED: _____		SCALE: SHEET 7 OF 8 DRAWING NO. # _____	
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EXHIBIT D



DETAIL 1 - STREET SEGMENT SIGN

*Dimensions are only for the NO PARKING sign (R108 CA Modified)
 **Revision "XXXXXX" with appropriate day of the week in R108 CA Modified sign
 ***Total of 242 new R108 CA Modified signs
 0 - 96 total signs
 5 - 35 total signs
 7 - 80 total signs
 0 - 31 total signs



DETAIL 2 - CITY STANDARD POST INSTALLATION

*Total of 28 new post installations

REVISIONS		DATE		BY	



SANTA CRUZ
 COUNTY OF SANTA CRUZ
 PUBLIC WORKS DEPARTMENT
 200 Chabot Avenue, Suite 201
 Santa Cruz, CA 95060

**STREET SWEEPING
 PILOT PROGRAM
 DETAILS**

DATE	JAN 2018	BY	AD BROWN
DESIGNED	CJE	CHECKED	
DATE		BY	
DESIGNED		CHECKED	

EXHIBIT E

Lee

Sent from my iPad

On Aug 23, 2023, at 2:42 PM, Mark Kesterson

 wrote:

Just checking in to see how things are progressing with the situation of RV parking on Delaware and adjoining streets. The situation is by far no better than it was in May, some of the same old faces so to speak.

I posed this same question to the Mayor, is there a possibility that a street sweeping program could be implemented, so the streets in that area were closed to parking once a week so the streetsweeper could do its thing. A common practice in a lot of cities so vehicles must move on a regular basis, and the waste and trash gets cleaned up, instead of ending up in our waterways and ocean. Something even the Coastal Commission might see as beneficial.

When you have a moment let me know how things are progressing with the oversize parking.

Thank you
Mark Kesterson


 Virus-free www.avast.com

EXHIBIT F

Sent from my iPad

Begin forwarded message:

From: Lee Butler <lbutler@santacruzca.gov>
Date: August 23, 2023 at 4:51:35 PM PDT
To: Mark Kesterson [REDACTED] >
Subject: Re: Delaware Ave

Hi Mark,

Thanks for reaching out. The latest info and timeline for our oversized vehicle ordinance is available at <https://www.cityofsantacruz.com/government/city-departments/public-works/parking-services/oversized-vehicle-ordinance-ovp>. We have five or six documents approved by Coastal Commission and one pending approval, and we're simultaneously working on implementation of various components, as noted on the website. We will keep the website updated as we progress. We will see how the approach works once we have it implemented. We don't expect it will be a panacea, but we are hopeful that it will result in greater use of the safe parking areas and an associated reduction in access impacts and environmental impacts.

Street sweeping is something that has been discussed by our Public Works Department. I haven't heard any status updates on that in a while, so I'll reach out to them to see if they are pursuing that approach to help clean the streets.

On a related note, Public Works currently has three people who regularly focus on clean-up related to homeless encampments and vehicle dwellers. They are hiring one more person, which will allow them to split up into two teams and cover additional areas.

Thanks again for reaching out, and we will continue to work towards addressing the issues through multiple approaches.

Thanks and have a nice afternoon.
Lee

Sent from my iPad

On Aug 23, 2023, at 2:42 PM, Mark Kesterson [REDACTED] wrote:

Just checking in to see how things are progressing with the situation of RV parking on Delaware and adjoining streets. The situation is by far no better than it was in May, some of the same old faces so to speak.

I posed this same question to the Mayor, is there a possibility that a street sweeping program could be implemented, so the streets in that area were closed to parking once a week so the streetsweeper could do it thing. A common practice in a lot of cities so vehicles must move on a regular basis, and the waste and trash gets cleaned up, instead of ending up in our waterways and ocean. Something even the Coastal Commission might see as beneficial.

EXHIBIT F

From: Eric Dhakni
To: Nathan Nguyen; Bob Nelson; Filipina Warren; Matt Starkey
Subject: RE: Delaware Ave
Date: Monday, September 18, 2023 11:26:30 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)

Hi Nathan,

Sure, I will send out a Teams meeting invite shortly.

Best,

	<p>Eric Dhakni Associate Planner II City of Santa Cruz Public Works Department 809 Center St., Room 201, Santa Cruz, CA 95060 Phone: 831-420-5169 Email: edhakni@santacruzca.gov Web: www.cityofsantacruz.com</p>
--	--

From: Nathan Nguyen <nnguyen@santacruzca.gov>
Sent: Monday, September 18, 2023 9:10 AM
To: Bob Nelson <bnelson@santacruzca.gov>; Filipina Warren <fwarren@santacruzca.gov>; Eric Dhakni <edhakni@santacruzca.gov>; Matt Starkey <mstarkey@santacruzca.gov>
Subject: RE: Delaware Ave

Hi Eric,

Can you setup a quick meeting this week with all of us on the email to discuss the idea of formalizing street sweeping with NO PARKING, TOW AWAY signs?

I want to make sure we have sound reasoning (data) on our approach for selecting streets for the program.

Thanks,
Nathan

Reasoning came after program design and street targets, not after

From: Bob Nelson <bnelson@santacruzca.gov>
Sent: Thursday, September 14, 2023 12:08 PM
To: Filipina Warren <fwarren@santacruzca.gov>; Nathan Nguyen <nnguyen@santacruzca.gov>
Subject: FW: Delaware Ave

EXHIBIT F



Hours: Monday -- Thursday 7am-4:30. Friday 7am-3:30pm and off every other Friday

From: Eric Dhakni <edhakni@santacruzca.gov>
Sent: Thursday, September 07, 2023 3:17 PM
To: Nathan Nguyen <nnguyen@santacruzca.gov>; Bob Nelson <bnelson@santacruzca.gov>; Filipina Warren <fwarren@santacruzca.gov>; Matt Starkey <mstarkey@santacruzca.gov>; Jessica Hulse <jhulse@santacruzca.gov>
Cc: Kevin Crossley <KCrossley@cityofsantacruz.com>; Katie Stewart <kstewart@santacruzca.gov>
Subject: RE: Delaware Ave

Hi Nathan,

Our consultant has been performing visual trash assessments throughout the City including the Delaware corridor for a few years now. This ongoing assessment work is part of the State's "Trash Amendment" mandate.

The most recent assessment of the Delaware Ave. segment of between Swift St. and Shaffer Rd. was completed on (5/4/23) and the area received a "moderate" trash condition rating (see screenshot below). The State mandated goal is to have "low" trash ratings so the current condition would warrant prioritization of street sweeping for the area.



Thanks,

	<p>Eric Dhakni Associate Planner II City of Santa Cruz Public Works Department 809 Center St., Room 201, Santa Cruz, CA 95060 Phone: 831-420-5169 Email: edhakni@santacruzca.gov Web: www.cityofsantacruz.com</p>
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EXHIBIT F

Bob Nelson
Resource Recovery Operations Manager
(831) 420-5548

From: Eric Dhakni <edhakni@santacruzca.gov>
Sent: Thursday, September 14, 2023 12:04 PM
To: Bob Nelson <bnelson@santacruzca.gov>
Subject: RE: Delaware Ave

Hi Bob,

Here are the most recent trash assessment ratings for those streets:

Natural Bridges- Low Trash

Delaware (between Natural Bridges & Shaffer)- Moderate Trash

Shaffer- No data (I believe this street is outside our Priority Land Use/assessment areas)

Also, another potential location near these areas would be **Mission Dr. Extension**. The section near Swift Street has consistently shown Moderate trash levels (map below).

Natural Bridges:



Delaware (between Natural Bridges & Shaffer)



Credit: Kevin Painchaud / Lookout Santa Cruz

OPINION FROM COMMUNITY VOICES

Santa Cruz must end unlawful harassment of people living in vehicles

BY REGGIE MEISLER
February 14, 2023

Activist Reggie Meisler — along with 11 local organizations and 38 activists — says the City of Santa Cruz is issuing unlawful parking tickets and

**Quick
Take:**

illegitimate abandoned-vehicle notices that unfairly target people living in vehicles along Delaware Avenue and surrounding streets near Natural Bridges State Beach. The city, he charges, does not have proper permission from the California Coastal Commission to limit parking in these areas. "These parking signs," he concludes, "should be unenforceable." He wants the city to stop this practice, which puts an unfair burden on those who are most needy.



Community Voices

The City of Santa Cruz employs a wide variety of tools to harass people living in tents and vehicles — frivolous tickets, verbal intimidation, and even physical force — *but did you know that some of these forms of harassment are actually unlawful?*

Many residents who live in their vehicles park their homes on the far west end of Delaware Avenue. Although the city continues to post "No Parking: Midnight to 6AM" signs along the 2100 block of Delaware Avenue and beyond, this area, along with neighboring streets, including Shaffer Road, Natural Bridges Drive and parts of Mission Street Extension, are within a region known as the "coastal zone." Without acquiring a special kind of regulatory approval known as a ["coastal development permit,"](#) these parking signs should be unenforceable.

As recently as Feb. 3, people parked along Delaware Avenue have reported that the Santa Cruz Police Department

EXHIBIT H

continues to ticket them for ostensibly violating these posted parking signs, although the city has no coastal development permit for them. Each ticket levies a fine of \$48.00 on vehicle residents of little or no means.

Local advocates and I have sent multiple emails to City Manager Matt Huffaker, Police Chief Bernie Escalante and the city council regarding these illegal citations, but have not received a response.

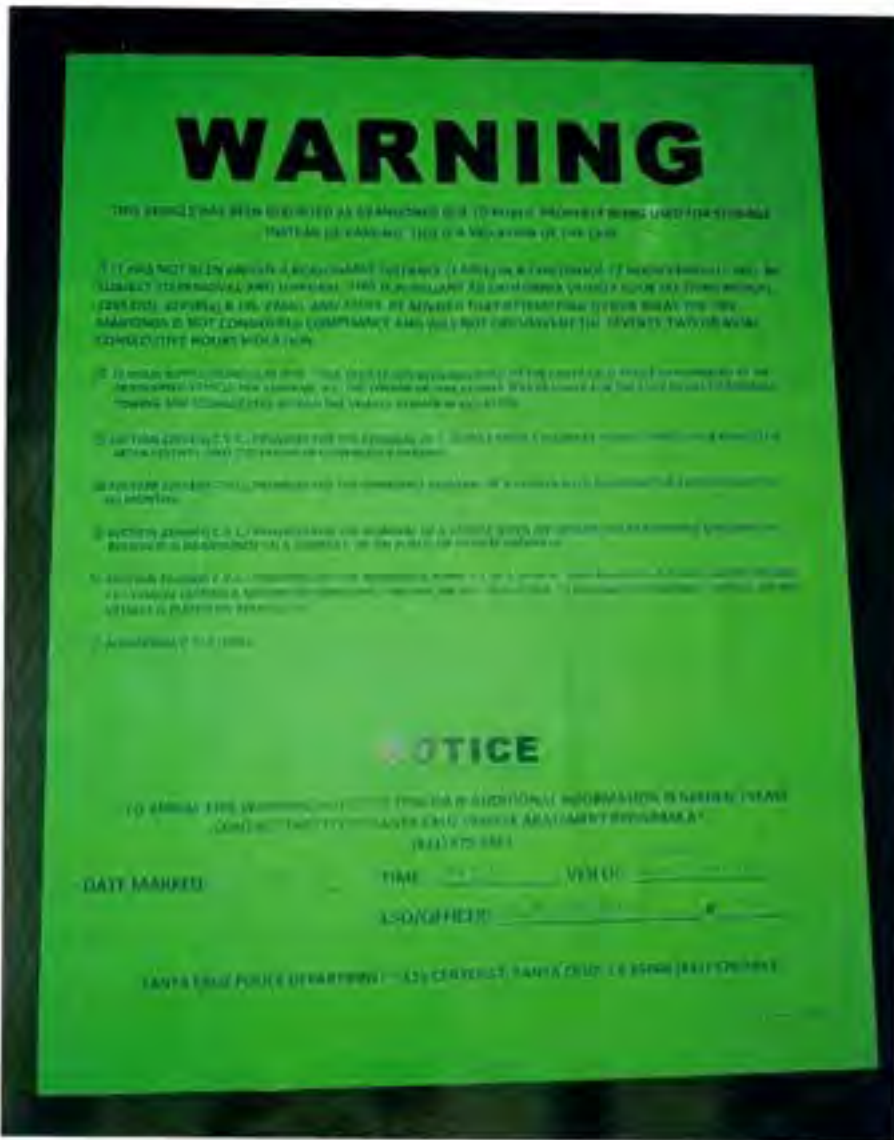


Areas in light blue are the "coastal zone." Areas in dark blue are within the "appealable" region of the coastal zone, meaning that projects developed there may be appealed to the California Coastal Commission. Credit: Via Reggie Meisler

According to the Coastal Commission's website, the city could be charged fines ranging from \$1,000 to \$15,000 for each erroneous ticket it has given out.

In addition to issuing illegal tickets to vehicle owners parked in the coastal zone, the city also employs another, more subtle tool of harassment, known as "green-tagging."

EXHIBIT H



A green tag warning denoting that a vehicle has been reported as "abandoned." Credit: Via Reggie Meisler

These bright green notices posted on vehicles are not formal citations, but a warning that a vehicle has been reported as "abandoned." While green tags might not levy a fine, they represent a serious danger to our neighbors living in vehicles, as green tags attempt to assert the city's right to expedite the process of towing someone's vehicle. Normally, a tow order is given only after someone has accrued at least five unpaid parking tickets or someone's vehicle registration has lapsed for over six months. Green tags, however, attempt to circumvent this process through a series of interpretations

EXHIBIT H

of state and local law. While many who receive green tags do manage to avoid being towed by relocating their vehicle within the 72-hour window, those who might miss this notice — or whose vehicles are in need of gas, repairs or updated paperwork — are faced with the serious risk of our city taking their shelter away. Beyond the concerning paradigm of how green tags are used to fast forward the process of removing people from their shelter, we are also concerned about how brazenly unaccountable the police are in giving them out.

Many people have spoken to me and other advocates for unhoused people about receiving green tags within just hours of parking somewhere — even while they are occupying their vehicle. Some vehicle residents have even reported that, rather than making a good faith effort to determine if their vehicle is occupied before placing a notice on it, police officers actually “sneak up” on their vehicle, in hopes of tagging it without being detected.

In one case, a vehicle resident reported getting out of their vehicle and asking the officer why they were being given an abandoned vehicle notice. The officer responded, “Someone called on your vehicle” and then promptly left, without offering to rescind the notice, despite verifiable evidence that the vehicle was not, in fact, abandoned. Even while our county made declarations of emergency and sections of West Cliff Drive were falling into the sea from devastating winter storms, police were *still planting green tags* on the vehicles of our most vulnerable residents. Upon discovery of these notices, the American Civil Liberties Union sent a letter to the city detailing why these green tags are unlawful and unenforceable.

EXHIBIT H

Both the enforcement of parking signs on Delaware Avenue and the practice of illegitimate green-tagging demonstrate a pattern of selective and unlawful harassment of vehicle residents by the City of Santa Cruz. I — with the support of dozens of local advocates and organizations — condemn these discriminatory practices, which squander public resources to further criminalize poverty in our city.

While we recognize the city's interest in preventing and managing dumping, pollution and other harmful behaviors, there are many, far more equitable and effective interventions to improve these issues.



A dumpster on Delaware Avenue on the Westside of Santa Cruz.
Credit: Via Reggie Meisler

The city's recent placement of trash receptacles along Delaware Avenue for example, provides marginalized folks with very few resources a cost-effective way of managing waste and keeping their areas clean.

We wholeheartedly support more resource-based

EXHIBIT H

interventions like this one. The city must end its unlawful harassment campaign targeting vehicle residents, and at the same time, it must also answer for the harms it has already committed by offering reparations to those ticketed and towed as part of these illegal practices.

The city has records of tickets and tow orders issued. Each of these notes the location of a vehicle at the time of citation and the legal code used to cite or tow, as well as enough personal information on the vehicle owner that the city, with a little effort, could at least attempt to provide victims with some manner of reparations. Although the harm produced in towing someone's home, or making someone feel existentially threatened, is unquantifiable, we believe the city must be held responsible.

We have created a [petition](#) outlining these demands. [Eleven local organizations and 38 local activists](#) have endorsed it.

The city must end its unlawful harassment of our unhoused neighbors, provide reparations for those harmed by these practices, and recommit to resource-based interventions.

Reggie Melsler is a software developer who got involved in advocacy through the Democratic Socialists of America in 2018 by providing aid to people living in tents at the Ross Camp. He has lived in Santa Cruz for nine years and currently lives on the Eastside. He works with a broad coalition of allies to protect the right of the poor to simply exist. He believes that housing is a human right, and that no one should be criminalized for being poor.

EXHIBIT J

From: Ernest Castillo
To: City Council
Subject: OVO Delaware Ave
Date: Monday, March 11, 2024 2:32:11 PM

Dear City Council Members,

On behalf of myself and other seniors living at De Anza Mobile Home Park, I want to thank you very much for putting the OVO in place!

I sure do enjoy having Delaware Avenue as a place to walk, meet neighbors, drive, see butterflies, predatory birds and other animals again!! It is such a pleasure to have our access street back to its safe and clean street.

I can enjoy my walks without having to see the trash, messes, and junky vehicles in my view. I can walk without fear of stepping on something into unhealthy debris of all kinds. I can walk on the side of the road or as close to cars as I feel safer now. Before I was uncomfortable walking close to many of the vehicles, oversized or not and so I would walk in the middle of Delaware Ave, not a very safe thing to do, but I had no choice because of the filth and unknown dangers.

Often I chose not to walk there because of what unpleasantness I would encounter.

I can't even imagine that families would want to walk down Delaware with all the filth and drug deals going on. Now, there is no filth, and no drug dealers.

There are places for folks to go and now that Delaware is not an option, it has become the "normal" street that it used to be back in the day when I first came to Santa Cruz.

I appreciate the OVO because it allows me to be safe and comfortable on my street and in the Mobile Home Park. Maybe you are unaware of the issues we had inside our Mobile Home Park such as vehicles parked and abandoned in the park itself, and people using our entrance grounds for their bathroom, and yes I saw it myself!!! Also, people in cars looking like they were casing the homes. We are seniors and have lived there for a while. We pay good money to have a safe place to live. Thank you for giving the residents in the park and surrounding streets their neighborhoods back to them. Safe, clean, and accessible. It affects our day to day life.

Again, thanks for putting this ordinance in place and we continue to support you on this matter as you have supported us!

Please keep the OVO in place and unaltered.

Sincerely,

Ernest Castillo

2395 Delaware Avenue, #91

Santa Cruz, CA 95060

EXHIBITS

From: [Deborah A. Loveland](#)
To: [City Council](#)
Subject: Please Deny the Request to Repeal the Oversized Vehicle Ordinance
Date: Monday, March 11, 2024 12:39:49 PM

Dear City Council,

As an owner and resident of the DeAnza Mobile Home Park located at 2395 Delaware Avenue in Santa Cruz, California, this is to personally thank you for passing the Oversized Vehicle Ordinance (OVO) which took effect in December, 2023. The impact of this ordinance has been substantial. **There is more parking for those who want to visit Natural Bridges during the day, to walk, bike and drive on Delaware is more pleasant in addition to feeling safer and, more than likely, has improved property values.** Additionally, as a result of the enforcement of this ordinance, the amount of debris, human waste and noise from these oversized vehicles parked on Delaware has decreased substantially. That said, please know there are still a few oversized vehicles which continue to park overnight on Delaware but not nearly to the extent as before the enforcement of the OVO.

It has come to my attention that on Friday, 8 March 2024, a group requested the repeal of this ordinance be added to your 12 March 2024 meeting's agenda. It appears this last minute request was done so as not to allow sufficient time for interested parties to provide their input prior to your meeting. This is therefore to provide my input and request this repeal be denied. The Oversized Vehicle Ordinance is working and appreciated. To repeal this ordinance would be a step in a negative direction for the city and residents of Santa Cruz.

Your immediate attention to this matter is appreciated and I look forward to learning of the outcome of your meeting.

Respectfully yours,

Deborah A. Loveland
2395 Delaware Avenue, Space 190
Santa Cruz, California 95060
Email: daloveland@sbcglobal.net

EXHIBIT J

From: [James Reichmuth](#)
To: [City Council](#)
Subject: Oversized Vehicle Ordinance (OVO) Appeal - please deny current appeal
Date: Sunday, March 10, 2024 11:32:21 AM

Dear Council Members,

Since the OVO has been put in place, which you were wise enough to pass (Thank You) has been a blessing to my neighborhood (lower west side) based on the **greatly reduced number of oversized vehicles parking along our streets**. Anecdotaly, from first hand observation, the **OVO enforcement seems to have eliminated the 'critical mass' which has resulted in an even greater reduction in the amount of waste, and consumer stuff that would ordinarily accompany and larger grouping of OVOs.**

Simply put, the OVO is working!

Please deny the current appeal and keep this net (highly) beneficial ordinance stand intact.

Thank you for your consideration, and that good work you're doing to **bring Santa Cruz back to the people that live in and pay taxes here.**

Sincerely & Regards,

Jim Reichmuth
Westside Resident & Homeowner
408.234.1321
reichmuthjd@gmail.com

EXHIBIT J

From: [Westside Neighbors](#)
To: [City Council: Bonnie Goulder; Fred Keeley; Sandra Brunner; Shebreei Kalendar-Johnson; Scott Newsome](#)
Subject: Deny the OVO appeal, Item 20
Date: Monday, March 11, 2024 11:28:19 AM

Westside Neighbors requests that the City Council **deny the appeal** of the Oversized Vehicle Ordinance. Our neighborhood organization has written multiple times to the Planning Commission and City Council on this issue to express our concerns about the impacts of oversized vehicle overnight parking on city streets, as well as to support the establishment of the City's Oversized Vehicle Ordinance (the "OVO"). Please refer to the public correspondence from the Planning Commission's February 1, 2024 meeting for 25 additional emails in favor of keeping the Oversized Vehicle Ordinance in place, many from the impacted residents of the DeAnza Mobile Home Community.

Since the implementation of the OVO began in December of 2023, Westside Neighbors has documented a significant reduction in the number of oversized vehicles parking overnight and a significant reduction in the issues related to oversized vehicle parking in our neighborhoods. **Before the OVO, Westside Neighbors' data indicated an average of 65-68 OVOs parked nightly on just five streets on the Lower Westside (Delaware, Shaffer, Mission Extension, Natural Bridges, Swanton).** Since implementation that number has dropped dramatically to an average of 12-15, with a concomitant decrease in related issues of illegal dumping, trash accumulation, blackwater discharge, etc.

One remaining area of concern is the parking adjacent to Natural Bridges State Park on Swanton, where every night there are camper vans in every space. See photos below. As a representative from Westside Neighbors spoke to at the OVO Stakeholder Group meetings, we recommend that the city continue to regularly communicate with the apps (such as SEKR, iOverlander, Boondockers, VanLife, etc.) that advertise this area as free, unenforced overnight camping to eliminate this area from their listings in an effort to reduce this problem.

Westside Neighbors supports and appreciates the City's efforts to assist persons living in their vehicles, including the Tier 2 and Tier 3 parking areas, and providing sanitation services and outreach to connect people with county services. In summary, in the very short period of time that the OVO has been implemented, there have been noticeable positive changes for the Lower Westside. Westside Neighbors requests that the appeal be denied, and that the OVO be allowed to continue to address this long-standing issue in our neighborhoods.

Thank you.
Westside Neighbors scwestsideneighbors@gmail.com



Number of vehicles in overnight program is less than 10

Picture taken during day, not night

EXHIBIT K

From: [shawn.medved](#)
To: [City Council](#)
Subject: OVO Hooray!
Date: Friday, March 06, 2024 6:50:27 PM

The OVO has been great for the neighborhood, PLEASE keep up the good work that has been started.

It is great that the RV dwellers have safe well lit places to stay at night and receptacles and bathrooms they can use.

In our neighborhood we have seen
Less litter
Less filthy dumping
Less need for police intervention
It is a BIG success

The next step is to make it illegal to sleep in your vehicle in the neighborhoods. People with Rvs are now going to live in smaller vans wherever they want. It is not fair to the neighborhood citizens.

Lets expand the program to make safe sleep sites for smaller vehicles. No one should be allowed to move in to a neighborhood in any type of vehicle and live there.

THANK YOU

--

Shawn Medved
112 Eucalptus Ave.
Santa Cruz

408-829-9065 cell
408-356-7727 fax
NMLS# 341773
shawnmedved@gmail.com



Ballot Measures-B

Section
11

EXHIBIT L

B

City of Huntington Beach, Charter Amendment Measure No. 2

Shall proposed Charter Amendment No. 2, which provides that the only flags to be displayed by the City on City property are the United States Flag, the State of California Flag, the County of Orange Flag, the City of Huntington Beach Flag, the POW-MIA Flag, the six Armed Forces Flags, the Olympic Flag during the Summer Olympic Games, and any other flag if authorized by a unanimous vote of the City Council, be approved?

What your vote means

YES

A "yes" vote on this measure would add new Section 806 to the Charter.

NO

A "no" vote on this measure would not add new Section 806.

For and against

FOR

Tony Strickland
Mayor

Gracey Van Der Mark
Mayor Pro Tem

Pat Burns
City Council Member

Casey McKeon
City Council Member

AGAINST

Dan Kalmick
Councilmember

Natalie Moser
Councilmember

Rhonda Bolton
Councilmember



Ballot Measures-B

Full Text of Measure B
City of Huntington Beach

EXHIBIT L

EXHIBIT A
CHARTER AMENDMENT MEASURES
PROPOSED ADDITIONS SHOWN AS UNDERLINED
PROPOSED DELETIONS SHOWN AS ~~STRIKETHROUGH~~

Charter Amendment Measure No. 2

SECTION 806. DISPLAY OF FLAGS.

Except as otherwise provided herein, the City shall only fly or display at or on any of the City's properties the following flags: the American flag, the POW/MIA flag, the State of California flag, the Huntington Beach City flag, the County of Orange flag, or any of the flags of the six branches of service: the Army, Navy, Air Force, Coast Guard, Marine Corps, and Space Force. During the Summer Olympic Games, the Mayor is authorized to order the display of the official Olympic flags for four weeks prior to the dates of the games, and for up to two weeks thereafter. The City may display any other flag in addition to those already enumerated, but only if authorized by a unanimous vote of all members of the City Council.

**Impartial Analysis
City of Huntington Beach
Measure B**

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE 2

This proposed Charter amendment, if adopted, would amend the City Charter by adding new Section 806 related to the City's display of flags on City property, to read as follows:

"SECTION 806. DISPLAY OF FLAGS. Except as otherwise provided herein, the City shall only fly or display at or on any of the City's properties the following flags: the American flag, the POW/MIA flag, the State of California flag, the Huntington Beach City flag, the County of Orange flag, or any of the flags of the six branches of service: the Army, Navy, Air Force, Coast Guard, Marine Corps, and Space Force. During the Summer Olympic Games, the Mayor is authorized to order the display of the official Olympic flags for four weeks prior to the dates of the games, and for up to two weeks thereafter. The City may display any other flag in addition to those already enumerated, but only if authorized by a unanimous vote of all members of the City Council."

The proposed Charter amendment is nearly identical to current law set forth in Huntington Beach Municipal Code Section 13.07.010, with new language included in the ballot measure about the display of the official Olympic flags, and the display any other flag in addition to those already enumerated if authorized by a unanimous vote of all members of the City Council.

A "yes" vote on this measure would add new Section 806 to the Charter. A "no" vote on this measure would not add new Section 806.

This measure was placed on the ballot by the City Council.



Ballot Measures-B

EXHIBIT
L

Section
11

Argument in Favor of Measure B

Huntington Beach is an American city within the United States of America where all citizens are equally represented first and foremost under our government flag, the American flag. There is no other flag that represents unity and equality more than our American flag, favoring no other persons or groups over others. Supporting this flag in Huntington Beach are our other government flags of the POW/MIA, the State of California, the County of Orange, the City of Huntington Beach, and those of our military branches, Army, Navy, Marines, Air Force, Coast Guards, and Space Force. We propose that the only flags to fly or be displayed at Huntington Beach City Civic Center and City of Huntington Beach owned poles and/or properties, with the exception of the Olympic flag, be the American, POW/MIA, the State of California, the County of Orange, the City of Huntington Beach, and, those of our military branches, Army, Navy, Marines, Air Force, Coast Guards, and Space Force. (Other flags may be flown but only with unanimous support of the City of Huntington Beach City Council.)

Vote YES on this charter amendment.

s/ Tony Strickland
Mayor

s/ Gracey Van Der Mark
Mayor Pro Tem

s/ Pat Burns
City Council Member

s/ Casey McKeon
City Council Member

Rebuttal to Argument in Favor of Measure B

VOTE NO on Measure 2. The proponents of Measure 2 present a narrow and exclusive view of representation that does not reflect the diverse fabric of Huntington Beach. Let's examine the facts:

- **EQUAL REPRESENTATION?** The claim that the American Flag represents all citizens equally is a flawed notion. The LGBTQ+ community's fight for basic rights, the Civil Rights movement, ongoing efforts for gender and racial equality are part of our nation's journey towards inclusivity. The American Flag symbolizes a nation striving towards a more perfect union.
- **POW/MIA FLAG - A COMMEMORATIVE SYMBOL;** The POW/MIA flag, while deeply significant, is not a government flag. It's a commemorative symbol, representing a specific group. The current Council's acceptance of this flag, while excluding others, reveals a selective approach that contradicts their own argument.
- **CULTURAL REPRESENTATION SUPPRESSED;** The recent incident at Oakview Library, where a child's display for Mexican Heritage Month was removed due to this restrictive policy, is a glaring example of how this measure stifles cultural expression and education in our community.

Incorporating such exclusionary language into our City Charter is not reflective of the inclusive, vibrant spirit of Huntington Beach. This measure not only undermines our city's identity as Surf City USA but also alienates residents who do not feel represented by the selected flags.

Measure 2 is more than just about flags; it's about enshrining a narrow viewpoint into our foundational document.

VOTE NO on Measure 2 - for a Huntington Beach that embraces all its citizens.

s/ Dan Kalmick
City Council Member

s/ Natalie Moser
City Council Member

s/ Rhonda Bolton
City Council Member



Ballot Measures-B

EXHIBIT Section 11
L

Argument Against Measure B

VOTE NO on Measure 2.

Let's not diminish the significance of our City's "Constitution" by making it all about...flags.

NO provision in our City Charter requires a unanimous vote. Yet, Measure 2, centered merely on flags, seeks to be the FIRST to demand such unanimous consent. How does it make sense that a mere policy on flags would necessitate such a rigorous voting process, when more vital issues don't?

This charter amendment already exists as an ordinance - one that's been modified multiple times, showcasing its lack of clarity and foresight. Originally, it didn't even permit the display of the Olympic flag. Should Huntington Beach be privileged to host Olympic events in 2028, wouldn't this initial oversight have been embarrassing? Now, the City Council wants to embed this fluctuating policy into our most foundational document. Flags are symbols of pride and unity, but this amendment seems to perpetuate division.

Furthermore, the underlying intention is evident. The ordinance, which this Charter Amendment is based on, aims to prevent our City from displaying the Pride Flag. This isn't just about flags; it's about enshrining exclusivity in our City's foundational document. Such a policy misaligns with the inclusive values of the Olympic spirit and, more importantly, our City's spirit.

Our City Council should be prioritizing critical matters - public safety, infrastructure upkeep, and ensuring robust City finances. Do we really want to divert our focus and energy to flag policies in our City Charter? Maintain the dignity of our City's Constitution. VOTE NO on Measure 2.

s/ Dan Kalmick
Councilmember

s/ Natalie Moser
Councilmember

s/ Rhonda Bolton
Councilmember

Rebuttal to Argument Against Measure B

Measure 2 is not complicated, Government flags only placed on City of Huntington Beach government poles and/or displayed on City of Huntington Beach government property. Vote YES on Measure 2. Our government flags are symbols that say we are all equal and unified under these flags. No person or group is held above or below in importance than another. No person or group is to be favored or is to be discriminated against. There is a saying associated to MLK; We can live together as brothers and sisters or die apart as fools. (Martin Luther King said: "We must learn to live together as brothers or perish as fools.") Vote YES on Measure 2.

True inclusion represents everyone equally as an American, a resident of California, a resident of Huntington Beach and of course pays homage to the Veterans who have paid the ultimate sacrifice so that we can enjoy the Liberty and Freedom that America provides. Any other flag flown by the Government, segregates society and elevates a segment of residents over others. These Government flags represent all Huntington Beach residents equally.

There is no place for political agendas that divide our community. This is a path forward that is good for all. Vote YES on Measure 2!

s/ Tony Strickland
Mayor

s/ Gracey Van Der Mark
Mayor Pro Tem

s/ Pat Burns
City Council Member

s/ Casey McKeen
City Council Member



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
809 Center Street • Room 107 • Santa Cruz, CA 95060 • www.cityofsantacruz.com
Lee Butler, AICP, LEED AP
Director of Planning & Community Development
PLANNING ADMINISTRATION
831/420-5110 • FAX 831/420-5101

April 19, 2024

Sent via email to kiana.ford@coastal.ca.gov

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

RE: One-Year Report - City of Santa Cruz' Efforts to Ensure Compliance with Reporting Requirements of Coastal Development Permit A-3-STC-22-0018, Approved May 11, 2023

Dear Executive Director Huckelbridge,

Coastal Development Permit A-3-STC-22-0018, approved by the California Coastal Commission on May 11, 2023, includes Conditions of Approval which require the City of Santa Cruz to take various actions during and following the one-year approval of the Coastal Development Permit in order to effect ongoing implementation of the City's Oversized Vehicle Ordinance. One of the Conditions of Approval placed by the Coastal Commission (Condition of Approval #7) states the following:

Report. Within the month prior to the expiration of this CDP (i.e., between April 11, 2024 to May 11, 2024), the Permittee shall submit a report that describes Approved Project implementation to date to the Executive Director, where such report shall at a minimum clearly describe all program outreach, enforcement and participation, including recommendations made by the stakeholder group, as well as opportunities for program improvements.

The following memorandum describes efforts that the City has made to date to fulfill the above Condition.

Implementation - Safe Parking Program

In 2022, the City of Santa Cruz launched a three-year Homelessness Response Action Plan (see [attachments to staff report](#) to the City's Planning Commission of February 1, 2024) including, among other elements, an overnight Safe Parking Program comprising three tiers of successively more comprehensive service offerings, as described below.

A map of City lots currently utilized for the emergency, one-night safe parking and the overnight-only Safe Parking Program may be accessed via [link](#). Multiple, additional City-owned safe parking lots can be opened, should capacity needs arise. For example, the parking lots for the Police Department, Civic Auditorium, public library (previously opened and subsequently closed), and City Hall could all serve as options, as could the City-owned lot at the northwest corner of Front and Cathcart Streets. Capacity at some of the existing lots could also be expanded. The City is additionally working with other community partners to explore use of their parking spaces for even more overnight-only parking capacity, should the need arise.

Emergency, One-Night Parking

Participation: The Emergency Safe Parking Program offers access to an emergency, one-night-only, overnight parking space for any occupant of an oversized vehicle seeking an immediate, sanctioned parking stall. Both trash and hygiene services are provided to program participants. If maximum capacity at designated lot(s) has been reached, the operator of an oversized vehicle desiring access to emergency overnight parking would receive a pass to park on the public street adjacent to the designated parking facility.

Staff report that Emergency, One-Night Parking lots have operated below capacity since inception of the Safe Parking Program. One City lot serves this program.

Management and Enforcement: When SCPD officers are conducting enforcement activities and encounter OV dwellers who desire immediate access to sanctioned emergency overnight parking, officers direct affected parties to Emergency Parking locations. Emergency Parking has been continuously operational since the inception of the Safe Parking program circa March 2022. The spaces are currently located at Lot 25, adjacent to Depot Park. The City's parking enforcement team enrolls people in the Overnight-Only Parking program after they utilize the Emergency Parking.

Overnight-Only Parking

Participation: The Overnight-Only Safe Parking Program offers access to nighttime parking for up to 30 nights in City-owned lots, with extensions granted as capacity allows. An enrolled participant receives a permit providing access to a designated parking stall and access to both trash receptacles and hygiene facilities. The Overnight-Only program currently operates with a total capacity of 32 parking stalls in five City-owned lots (Lots 2, 3, 4, 8, and 25). Additional locations may be made available across the city as demand dictates. Once enrolled, a participant is assigned a designated parking space and provided a permit for such parking space, valid for 30 nights from enrollment. With sufficient available parking supply, a new permit, valid for an additional 30 nights, may be issued on participant request.

Enrollment in the Overnight-Only program has fluctuated since enforcement of the OVO, and, at times, has exceeded 30 participants. As of April 10, 2024, program participants occupy 12 Overnight-

Only parking stalls. Of those currently enrolled, eight had been enrolled in November 2023, prior to implementation of the Oversized Vehicle Ordinance but following initiation of City outreach efforts related to the OVO. Further, 24 new participants enrolled in the Overnight-Only Parking Program following enforcement of restriction on overnight parking of oversized vehicles, commencing on December 4, 2023. Available data reveal that approximately 78 individuals have utilized Overnight-Only Parking since inception of the Safe Parking Program.

Management and Enforcement: Overnight-Only Parking: The City's Homelessness Response Team operates in concert with Parking Division staff to oversee the Overnight-Only Safe Parking program. Overnight-Only parking lots are currently located in the City's greater downtown area, making it easier for Police to observe the locations during their nightly shifts, since the Police Station is located in relatively close proximity. The Parking team and Homelessness Response team review the capacity and demand levels to assess if additional lots need to be opened to meet fluctuating demand.

24/7 Parking

Participation: The 24/7 Safe Parking program provides participants with designated parking spaces available 24 hours per day, seven days per week, along with "wraparound" (comprehensive) support services, including case management and housing navigation. Participants of the 24/7 program receive access to hygiene facilities, electrical charging, community gathering space, and transportation to and from the program site. Capacity varies from approximately 15 to 20 vehicles, depending on the size of the vehicles participating in the program at any given time. The Free Guide, a third-party vendor contracted by the City, operates the 24/7 program, with its facility located at the National Guard Armory building in upper DeLaveaga Park.

The subject lots have operated at maximum capacity since inception of the Safe Parking Program, with a waitlist established. As of April 10, 2024, the 24/7 Safe Parking program enrollment is comprised of 19 individual participants; 47 total individuals have enrolled since the beginning of the program. Of the 28 individuals who have exited the program, ten have moved into permanent housing. This 35.7% rate of moving individuals to permanent housing is substantial and exceeds the rate of what is commonly considered a highly successful program housing rate in the homelessness response realm. To date, seven former participants of the Overnight-Only Parking Program have transferred to the 24/7 Safe Parking Program.

Management and Enforcement: The City has awarded a contract to The Free Guide to operate the 24/7 parking program. The Free Guide personnel, through regular meetings and close communication with City staff, manage activities of the 24/7 program, providing participants with case management and housing navigation, ensuring participants adhere to program standards and expectations, conducting outreach, and managing the enrollment waitlist.

Safe Parking Sites - Blackwater Disposal

Participation: All Safe Parking sites offer hygiene facilities available for use by operators of oversized vehicles with additional locations sited at various City parks and other public facilities for access throughout the day. For those residing in vehicles with leaking or broken blackwater storage tanks, the hygiene facilities provide restrooms which help prevent the leakage of untreated sewage into the public right-of-way and onto private property, thereby averting the associated adverse environmental and public health impacts of exposure to untreated wastewater.

Residents of oversized vehicles may dispose of blackwater/greywater at the Unocal (Union 76) gasoline station located at 1500 Soquel Drive, situated at the corner of Soquel Drive and Highway 1, which offers a sanctioned dumping station, available for use through payment of a nominal fee. For expanded capacity and for envisioning a viable solution to past concerns related to unsanctioned refuse disposal, City staff have undertaken a feasibility analysis of potential locations for siting of a blackwater dumping station administered by the City, and initial conversations with the adjacent property owner for the top candidate site are commencing. To facilitate construction of a blackwater dump station, the City also applied for, and received, grant funds.

Enforcement: Monitoring of incidents of illicit dumping of blackwater continues to occur via observation by City staff and through response to public concerns lodged through the Community Response to Service Portal (CRSP) accessed through the City's website. Enforcement is conducted by the City's Police Department (PD), Public Works Environmental Compliance (PWEC), and/or Code Compliance Division, which collectively investigate and evaluate reported or observed instances of illicit disposal.

Accommodations for Those with Disabilities:

The impacts of the Oversized Vehicle Ordinance on persons with disabilities remains limited, because the California Vehicle Code allows individuals with disabled plates and/or placards to park overnight on City streets in oversized vehicles. (See Veh Code § 22511.5(a).)

Reasonable Accommodation: Individuals wishing to participate in the City's Oversized Vehicle Safe Parking program, but who are unable to do so due to disability, may request reasonable accommodation via the City's website. Further, the City provides a phone number, physical address, and email address for purposes of requesting a reasonable accommodation. This information is posted on the City's website, and links to the form and contact information also appear at the top of the OVO website. Conditions of approval of the latest Coastal Permit require that the City:

1. Conduct proactive outreach to those living in oversized vehicles, including 1) provision of information regarding the City's Safe Parking programs and how to register and 2) the manner by which one may submit a disability accommodation request to the City.
2. Recommend that any hearing officer overseeing parking ticket appeals should waive any OVO parking tickets received within a 72-hour period during which time the appellant provides evidence that their vehicle was disabled and unable to relocate.
3. Continue to maintain an easily accessed disability grievance/reasonable accommodation process to consider reasonable accommodations for those with disabilities.

The City has voided the tickets of dwellers of oversized vehicles issued ADA placards and/or ADA license plates who may have received tickets in error or by virtue of their placards not having been visibly displayed.

Outreach - Communications and Outreach Plan

City actions: The City has prepared the final OVO Communications and Outreach Plan dated June 9,

2023 and submitted said Communications and Outreach Plan to CCC staff within the required timeframe as specified by the Conditions of Approval of A-3-STC-22-0018. The Plan addresses each of the requirements listed in the applicable Condition of Approval, and CCC staff have approved the plan.

The OVO Communications and Outreach Plan establishes a framework for public engagement, promoting enhanced community awareness and understanding of the City's Oversized Vehicle Ordinance, including information related to overnight parking restrictions, Safe Parking options and services, enrollment protocols, appeal processes for parking tickets received, management of blackwater/graywater (i.e., sewage/wastewater) holding tanks, and similar aspects of program facilitation.

The City followed the Communications and Outreach Plan in advance of enforcing the Oversized Vehicle Ordinance, employing a wide range of methods to communicate with housed residents and OV dwellers. Such efforts, among others, included public engagement conducted since the first week in November, encompassing distribution of information related to services available and implementation of the OVO on social media; and promulgation of relevant information through press releases, email, and interviews with local newspapers, as well as dissemination of flyers to residents of oversized vehicles. Street-level outreach by The Free Guide (the City's contracted operator for the 24/7 Safe Parking Program), City Homelessness Response team outreach workers, and the City's Parking Abatement team have served to raise awareness of the City's Oversized Vehicle Ordinance and associated parking programs. This work occurred prior to enforcement of the OVO.

Beyond the efforts outlined in the Communications and Outreach Plan approved by the CCC staff, City personnel also provided flyers to those residing in OVs to inform them of Planning Commission and City Council public hearings related to the City's application for Coastal Development Permit (CP23-0176) for continued implementation of the OVO and Safe Parking Program.

Outreach - Signage Plan

City actions: Following the City's submittal of initial plans to Coastal Commission staff on June 9, 2023, the CCC provided comments and requested revisions. City staff subsequently forwarded the final, updated Oversized Vehicle Ordinance Sign Plan, including all specified parameters, dated August 2, 2023, along with applicable exhibits, to Coastal Commission staff. CCC staff confirmed approval of the revised plan shortly thereafter, following discussions.

Design of all signage included in the signage plan aligns to the standards of the Manual of Uniform Traffic Control Devices (MUTCD).

Installation of signage began in November 2023 and was completed prior to the City's first day of enforcement of December 4, 2023. Signs have been posted at main arteries serving as gateways to City limits and on certain street segments throughout the City which have, in the past, experienced high levels of oversized vehicle parking.

Outreach and Enforcement - Operations and Management Plan

City actions: The City has prepared an OVO Operations and Management Plan dated June 9, 2023 and provided it to the Coastal Commission within the timeframe as required by the above Condition of Approval. CCC staff issued comments on the initial version of the plan, and on July 21, 2023, the

City submitted a final Operations and Management Plan, which was acknowledged and approved by Coastal Commission staff.

The Operations and Management Plan encompasses three primary components: a Permit Program, Safe Parking Program, and Enforcement (the latter two of which are expounded above). The Permit Program provides a variety of permit types related to parking of oversized vehicles, including the following:

- *Residents.* Residents may obtain limited-duration oversized vehicle (OV) parking permits, as permitted by Santa Cruz Municipal Code (“SCMC”) sections 10.40.120(g)(1), (h), (i).
- *Visitors of Residents.* Visitors of residents may obtain limited-duration OV parking permits per SCMC Sections 10.40.120(g)(1), (h), (i).
- *Hotels.* Short-term stay establishments (i.e., hotels and motels, as defined in SCMC 24.22.450 and 24.22.550, respectively) may obtain OV parking permits, which may be used exclusively by the hotel’s registered guests per SCMC Section 10.40.120(g)(2).
- *Contractors.* Contractors may obtain OV parking permits for commercial vehicles that are used for purposes of conducting business in the City of Santa Cruz per SCMC Sections (g)(8), (n).
- *Insufficient Safe Parking Capacity.* The Santa Cruz Municipal Code contains a mechanism which affords issuance of permits to individuals regarding vehicles registered in the City’s Safe Parking Program, but that are unable to participate in the program due to lack of capacity (SCMC 10.40.120(g)(7)). At this time, the demand has not exceeded program capacity, and, therefore, issuance of such permits has not proven necessary. Should such permits become necessary due to lack of capacity, the City is prepared to issue such permits.

Enforcement: Details related to program enforcement, can be found in the [staff report](#) to the City’s Planning Commission dated February 1, 2024. To date, no vehicle has been towed due to violations related to the 12 AM to 5AM OV parking restrictions. Based on recent case law, any such vehicle tows due to issuance of five or more tickets would need to be authorized by a warrant and overseen by a judge. Additionally, the City would need to provide 72 hours’ notice, consistent with prior Coastal Commission conditions of approval that remain in place with the City’s latest Coastal Permit approvals.

Outreach - Stakeholder Outreach Group

City actions: In response to the above Condition of Approval, the City prepared a plan for the stakeholder group that was presented to, and approved by, the CCC staff. The City subsequently formed a ten-member stakeholder group of the following composition:

- 1 dweller of an oversized vehicle parked within City limits and not participating in the City’s Safe Parking Program

- 1 participant of the Safe Parking Program
- 3 advocates for the unhoused, including one representative of each of the following:
 - 1 representative of the American Civil Liberties Union (ACLU)
 - 1 representative of Santa Cruz Cares
 - 1 representative from Disability Rights Advocates
- 2 housed residents representing neighborhoods situated in geographic areas of the city which have experienced significant effects related to the long-term parking of oversized vehicles, including the following:
 - 1 representative of Westside Santa Cruz
 - 1 representative of Eastside Santa Cruz
- 3 advocates of the City’s Oversized Vehicle Ordinance, including one member of each of the following organizations:
 - 1 representative of Westside Neighbors
 - 1 citywide neighborhood advocate
 - 1 businessowner of an enterprise situated in an area which has been impacted by long-term parking of oversized vehicles

With the above-referenced makeup, members of the Stakeholder Group demonstrate approximately equal representation between unhoused advocates and oversized vehicle parking control advocates.

The stakeholder group has convened on five separate occasions, including meetings of October 17, 2023, November 15, 2023, December 20, 2023, January 31, 2024, and February 28, 2024, in excess of the number required by Condition of Approval No. 6 of Coastal Permit A-3-STC-22-0018, which states that “the stakeholder group shall meet at least four times during the year.” The stakeholder group has offered various feedback to City staff regarding the appropriateness and efficacy of the oversized vehicle parking program, including suggestions for improvement, as noted in attachments to the February 1, 2024 staff report to the Planning Commission.

In addition to the meeting agendas and notes, City staff developed a matrix in conjunction with the Stakeholder Group, presented to the Planning Commission on February 1, 2024 and conveyed to the City Council for the March 12, 2024 public hearing. The Stakeholder Group Issue and Response Matrix was initially populated from an exercise at the first Stakeholder Group meeting. Staff then prepared brief responses to the issues, and those responses were a key topic of discussion at the second Stakeholder Group meeting. Issues were broken down into five categories, as follows: outreach, environmental impact, permits, Safe Parking, and enforcement.

Staff responded to many of the comments within the purview of staff’s authority and that were able to be implemented in an efficient manner given various constraints. Some examples of the issues that staff addressed, some of which are included in the matrix and some of which were raised before or after, follow:

- A. Following concerns about how Overnight-Only participants would connect with services, staff included in the intake and sign-up forms questions about whether safe parking participants would like to be connected to any services. Contact information for the individuals is then provided to the City’s Homelessness Response Outreach Team, who then seeks to connect them with the requested service providers.

- B. Following an evening Stakeholder Group meeting in which concerns were raised that OV dwellers believe the Safe Parking spaces have no vacancy, staff communicated with City outreach team members the very next day to ensure that they were conveying to OV dwellers that Overnight-Only parking spaces are, and will be, available. A condition of approval was later added to the Coastal Permit to require that OVO outreach documents contain information indicating that OV overnight parking spaces are available, and, if spaces become full, on-street parking passes will be made available.
- C. A condition of approval was also added to the Coastal Permit to require that staff provide an opportunity for Safe Parking participants to offer feedback regarding ways in which the safe parking program may be improved, as well as identify services that would assist them. The condition of approval further requires that staff proactively solicit feedback from participants in the Safe Parking Program and make reasonable efforts to ensure that applicants have appropriate information to allow for connection to available services.
- D. Following concerns about needing to call to inquire about Safe Parking, staff added an email option (SafeParking@SantaCruzCA.gov) for Safe Parking inquiries instead of just the telephone number that had been used.
- E. Following concerns from Overnight-Only parking participants about activities surrounding one of the parking lots, staff closed that Overnight-Only parking lot and relocated those individuals and their vehicles to another nearby Overnight-Only lot.
- F. Following concerns expressed about outdated information appearing on various external, non-City websites, the City notified such websites and applications (“apps”) of the new OVO regulations.
- G. Throughout the process, the City has continued to communicate with the County regarding the need for that agency to operate a similar Safe Parking program for OVs.

At the February 1, 2024 public hearing, staff recommended, and the Planning Commission approved, a new condition of approval that will continue the Stakeholder Group meetings into the future, providing even further opportunities for feedback and collaboration. Staff has clearly conveyed to all stakeholders that feedback is welcome at any point, including outside of regular Stakeholder Group meetings. Staff contact information is available to the Stakeholder Group, and the OVO website provides a form that allows for direct submittal of feedback by any interested party.

At the March 12, 2024 City Council hearing (see [staff report](#)), in response to stakeholder feedback, staff voluntarily added a number of conditions of approval in the Coastal Permit approved by the City Council, including, but not limited to, the following:

Condition of Approval #7 of CP23-0176: Provision of Mechanism for Ongoing Feedback.

A) The City shall maintain a platform for ongoing collection of feedback related to implementation of the OV Regulations and Safe Parking Program, which may include a form posted to the City’s website. Feedback will be reviewed regularly by City staff and will be considered in the City’s efforts to achieve on-going program improvement. Feedback collected will be provided to the Coastal Commission and/or members of Coastal Commission staff upon request. B) Additionally, the City shall continue to coordinate with the Stakeholder Group at the following intervals: a minimum of three meetings with the Stakeholder Group during the first year following the effective date of this permit and a minimum of two meetings with the Stakeholder Group in subsequent years, unless modified in coordination with and subject to the approval of the Executive Director of the Coastal Commission.

Condition of Approval #8 of CP23-0176: CDP Duration. This CDP shall expire on February 1, 2029, where such expiration date (and subsequent such expiration dates) may be extended in yearly increments (of up to 5 years at a time maximum) if the City Planning Director and the Coastal Commission Executive Director determine, in writing, that the approved project is continuing to operate in a manner that is consistent with the CDP's terms and conditions (including that it is not leading to any unforeseen and/or unaddressed significant adverse coastal resource impacts) and that such an extension is thus warranted for the term identified. Such extensions shall only be allowed if they are based on an assessment that describes project implementation to date to the Executive Director (where such assessment shall at a minimum clearly describe program outreach, enforcement, and participation, as well as opportunities for program improvements) and that covers all years of program operation since at least the last assessment (and based on prior assessments as warranted).

Condition of Approval #9 of CP23-0176: Oversized Vehicle Count. The City shall commit to conducting an Oversized Vehicle Count on an annual basis and shall provide resulting data to the Coastal Commission upon request.

Condition of Approval #10 of CP23-0176: Feedback from and Assistance to Safe Parking Participants. As a component of enrollment in the City's Safe Parking Program, staff shall provide an opportunity for the safe parking participants A) to submit information to the City on how to give feedback on how the safe parking program can be improved and B) to identify services that would assist them. In addition, to directly encourage feedback, staff shall proactively solicit feedback from the safe parking participants. Staff shall consider recommendations from program participants and shall make reasonable efforts to ensure that applicants have appropriate information to allow for connection to available services.

Condition of Approval #11 of CP23-0176: Data Collection. City staff shall collect qualitative and, to the extent reasonably feasible, quantitative data which assists in assessment of the effectiveness of the Oversized Vehicle Ordinance and Safe Parking Program in alleviating adverse environmental and public health/safety impacts generated by entrenchment of oversized vehicles. Such data may include information regarding the amount of debris collected from City rights-of-way and observations of illicit disposal of blackwater; this data shall be made available to the Coastal Commission upon request.

Condition of Approval #15 of CP23-0176: (Outreach Regarding Availability of Safe Parking). OVO outreach documents, including the City's website regarding the Oversized Vehicle Ordinance, shall indicate the following: Oversized vehicle overnight parking space is available. If oversized vehicle overnight parking space fills up, eligible applicants will be given an on-street permit, which will protect the vehicle from being ticketed under SCMC 10.40.120(a) (prohibition against oversized vehicle on-street parking from 12AM-5AM).

Condition of Approval #16 of CP23-0176: (Reasonable Accommodation). Continue to maintain an easily-accessed disability grievance/reasonable accommodation process to consider and, where needed, provide accommodations for those with disabilities.

Condition of Approval #17 of CP23-0176. (Vehicles with Attached Trailers). Motorized vehicles with attached trailers are eligible for participation in the Tier 2 safe parking program.

Condition of Approval #18 of CP23-0176. (Payment Plans). The OVO website and the outreach materials or tickets themselves will include information identifying that payment

plans are available.

Condition of Approval #19 of CP23-0176. (Proactive Outreach: Registration and Reasonable Accommodation). The City shall conduct proactive outreach to those living in oversized vehicles, including 1) provision of information regarding the City's Safe Parking programs and how to register and 2) the manner by which one may submit a disability accommodation request to the City.

Condition of Approval #20 of CP23-0176. (Disabled Vehicle; Waiving of Citation). The City shall recommend that any hearing officer overseeing parking ticket appeals should waive any OVO parking tickets received within a 72-hour period during which time the appellant provides evidence that their vehicle was disabled and unable to relocate.

Recent Updates and Program Improvements

The following describes recent changes to the City's Safe Parking Program and/or implementation of the Oversized Vehicle Ordinance intended to improve existing programs.

Outreach:

- Staff has renamed the safe parking programs to create a more intuitive, user-friendly differentiation between program types, intended to help minimize confusion: former "Tier 1" Safe Parking has been designated "Emergency," former "Tier 2" has been named "Overnight-Only," and former "Tier 3" has been reclassified as "Long-Term."
- As suggested by the Stakeholder Group, a link has been added to the OVO home webpage that routes users to the City's Reasonable Accommodation form, and text regarding the means for request for Reasonable Accommodation has been added to City's outreach documents intended for dwellers of oversized vehicles.
- In response to comments of the Stakeholder Group indicating that, due to a prevailing impression/assumption among would-be participants that request for access to Safe Parking will result in their placement on a waitlist rather than enrollment in Safe Parking, text was added to both the OVO website and the City's outreach document explaining that currently openings are available, and new enrollments are underway.
- In response to comments of the Stakeholder Group, text has been added to both the OVO website and the outreach document stating that the City has a contingency plan to provide on-street permits should the Overnight-Only program reach capacity. Per direction of the City Council at its March 12, 2024 public hearing, a dedicated e-mail address and phone line were created for response to questions for information about, and registration in, the City's Safe Parking Program. While City staff check for messages during off-hours and on weekends, the voicemail was updated to include immediate parking instructions for those who call after business hours.
- In response to comments of the Stakeholder Group, text has been added to the OVO website regarding accessing the process for appeal of an issued citation to any operator/owner/dweller of an oversized vehicle which has experience mechanical or equipment failure or is otherwise inoperable.

- The Council’s conditions of approval for the Coastal Permit state that, upon appeal, staff will recommend that a hearing officer void tickets for a period of 72 hours if the appellant provides evidence that their vehicle was disabled during that time.
- In response to comments of the Stakeholder Group, a plan was created (to be implemented beginning in May 2024) in which City Parking Division staff will distribute (on a scheduled basis) the outreach document to any oversized vehicles during their regular routes.
- Intended to encourage participation and/or feedback in public hearings, City Parking staff distributed fliers to all oversized vehicles in advance of the Planning Commission hearing of February 1, 2024 and in advance of the City Council meeting of March 12, 2024.
- Staff of the Long-Term (24/7) Safe Parking Program have been actively engaging with those on the waitlist to provide information regarding access to resources and to identify parties who remain interested in receiving services. The number of interested parties on the waitlist for the Long-Term program now numbers less than 25.
- In response to comments of the Stakeholder Group, the City is currently working with the ACLU and Disability Rights Advocates to create a survey that will be used to solicit feedback from program participants.

Participation:

- Enrollment in the Overnight-Only program has shifted from an individual on the Homelessness Response team (who had a wide range of responsibilities) to the Parking Office, expanding the hours of regularly-available enrollment to Monday through Friday, 8:30 AM to 4:30 PM.
- The form for request of enrollment in the Overnight-Only program has been updated to include a question, querying prospective participants regarding their need for support in navigation of available services. Those who select that they would like to receive support are then contacted by the City’s Outreach Team. In addition, a service connection handout is given to all program participants at initial program enrollment and when/if participants renew their permits on a monthly basis.
- Information regarding the dedicated e-mail and phone line were added to handouts given to Overnight-Only program registrants upon enrollment, offering a mechanism for program participants to provide feedback to the City.

Recent Program Improvements

The City has implemented the following program improvements as recommended by Safe Parking program participants:

- Increased enforcement during the evening hours to ensure availability of parking stalls in Safe Parking facilities to program participants.
- Locking of parking ticket kiosks for City parking lots by 8 PM, so that paying customers know to relocate their vehicles and vacate parking stalls to promote availability for participants of the Safe Parking program.
- Requests by participants of the Overnight-Only program participants for relocation to a lot different from their original assignment have been honored.
- The City adjusted the Overnight-Only program lots due to participant and constituent feedback. More specifically, some participants were not comfortable parking in Lot 16,

and the participants were thus relocated, and that lot was taken offline. Neighbors had expressed concern about the number of vehicles in Lot 25, so the City opened a new lot (Lot 3) to reduce the number of vehicles in Lot 25.

- Parking staff have voided the tickets of OV dwellers having ADA placards and/or ADA license plates who were given tickets in error or because their placards were not visibly displayed. No formal appeal process is required for this. Said tickets are immediately voided at the parking office, upon presentation of a valid ADA placard or license plate.
- Parking enforcement in the Overnight-Only lots, which had previously commenced at 8:00 AM, was shifted to a later time, offering a grace period prior to ticketing resulting from the feedback that some program participants had felt pressured, stressed out, or harassed due to issuance of citations beginning at 8:00 AM.

Impacts of Ongoing Implementation of OVO and Safe Parking Program to Coastal Access and Environmental Protection

Statistics regarding the number of tickets issued thus far and the reduction in volumes of trash accumulated in areas of former OV entrenchment, as well as through anecdotal observations, reveal that the OVO and associated Safe Parking Program implementation have resulted in positive environmental outcomes and public access benefits. City staff have received feedback from members of the public, including OVO advocate participants of the Stakeholder Outreach Group, that overall, OV entrenchment has diminished, and impacts associated with long-term OV stays in areas such as Delaware Avenue, where OV entrenchment was previously common and where environmentally sensitive habitat is abundant, have significantly diminished. Councilmembers of the OVO Subcommittee have received similar reports from their constituents. A reduction in long-term stays by oversized vehicles, coupled with improved access by OV dwellers to proper hygiene and trash-disposal facilities via the City's Safe Parking Program, has corresponded to observations of decreased trash accumulation and diminished prevalence of outdoor disposal of untreated human waste, including in areas near sensitive habitat, such as Antonelli Pond, where OV entrenchment and incidents of outdoor restroom use were common prior to OVO implementation. Such observations represent reasonably anticipated outcomes of implementation of the City's Safe Parking Program and enforcement of a prohibition on overnight parking of oversized vehicles in public rights-of-way. Informal and formal accounts and data collected by Homelessness Response Field Crews, who regularly patrol areas frequented by the unhoused, including dwellers of oversized vehicles, have additionally corroborated anecdotal reports of the success of enforcement efforts. For example, during the 11 months prior to the implementation of the OVO, the Homelessness Response Field Crew collected an average of 82, 42-gallon bags of trash per month, which decreased to a monthly average of 35, 42-gallon bags following implementation of the OVO, representing a 57% decrease in litter accumulation, exhibiting clear benefits to the environment directly attributable to implementation of the OVO. Importantly, correspondence received from members of the public, including residents of neighborhoods within the vicinity of locations in which OVs had previously concentrated, demonstrates an overwhelming consensus in support of the continued implementation of the OVO and Safe Parking Program resulting from the benefits of the program in improvement of public health and safety conditions and enhancement in cleanliness of public rights-of-way and protection of adjacent lands, including environmentally sensitive habitat.

As a result of the City's actions taken in response to the Conditions of Approval placed on Coastal Development Permit A-3-STC-22-0018, the City has met or exceeded its obligations in demonstrating consistency with Coastal Commission feedback and direction by crafting a Safe Parking program and

associated policies balancing 1) the needs of the community in preservation of the safety and integrity of its rights-of-way with 2) the needs of unhoused individuals residing in oversized vehicles. City staff respectfully request that the Coastal Commission weigh the City's extraordinary efforts in meeting, and far exceeding, the requirements of the Conditions of Approval of Coastal Development Permit A-3-STC-22-0018.

The City would like to thank the Commission staff for their regular and ongoing assistance in helping the City implement the OVO. Should you have any questions regarding this annual report, please reach out to Tim Maier at 831-420-5129 or TMaier@santacruzca.gov.

Sincerely,

Lee Butler, Director of Planning and Community Development

Cc: Larry Imwalle, Homelessness Response Manager
Tim Maier, Senior Planner
Cassie Bronson, Deputy City Attorney
Lisa Murphy, Deputy City Manager

Exhibit 1 – Overnight-Only Safe Parking Permit Renewal Instructions/Outreach Flier

Exhibit 2 – City of Santa Cruz Overnight Parking Program Enrollment Form

Exhibit 3 – Notes from Stakeholder Group meetings

Exhibit 4 – Matrix of Issues Raised by, and Responses to, Stakeholder Group



Overnight-Only Safe Parking Permit Renewal Instructions

Your permit will expire on the 15th of each month. If you are interested in continuing to use the program, you will need to apply to renew your permit by going to the City of Santa Cruz Parking Office. Details on how to apply for a renewal are below:

Step 1: Go to the Parking Office (124 Locust St.) between 8:30 am-4:30 pm, Monday thru Friday)

Step 2: Bring your current permit and let them know you would like to renew your permit

Step 3: If space is available, staff will update your information and renew your permit for another month

Step 4: Be sure to take the above steps prior to the 15th of the month so you do not get a ticket

If you have any additional questions/concerns please call: The parking office at 831-420-6100 or the Homelessness Response Team at 831-420-5093 or via e-mail at safeparking@santacruzca.gov.



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Resource List

The below resource list was compiled to help direct individuals who are experiencing homelessness or home insecurity to available services in the Santa Cruz area.

Service Navigation Workshop

Wed. and Fri. from 2p-4p at 115 Coral Street
831-458-6020

Housing Matters staff help connect individuals to the right services/resources based on their individual needs.

Apply for Benefits (Cal-Fresh/Food stamps, Medi-Cal, etc.)

888-421-8080, www.benefitscal.com

You can also apply in person at 1020 Emeline Ave.

Homeless Persons Health Project (HPHP)

866-731-4747, 115-A Coral Street

Providing primary healthcare as well as integrated behavior health to homeless and low-income residents.

RV Safe Parking

831-515-8665

24/7 longer-term safe parking program with housing navigation. Call to get on the waitlist.

City of Santa Cruz Outreach Team

831-359-5996

For general help in getting connected to services/support.

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CITY OF SANTA CRUZ OVERNIGHT PARKING PROGRAM (TIER 2)
CITY OF SANTA CRUZ PARKING LOTS #2, #4, #8, and #25
WAIVER OF LIABILITY, RELEASE, ASSUMPTION OF RISK, AND INDEMNITY PARTICIPANT
AGREEMENT

I, _____, (hereafter "Participant") hereby understand, acknowledge and agree, in consideration of my participation in the City of Santa Cruz ("City") Overnight Parking Program (the "Program") in the designated parking spots on City property, located at Cedar St. Parking Lots 2, 4, 8, and 25 (the "Program Sites") to follow and agree to all the terms and conditions of this Waiver of Liability, Release, Assumption of Risk, and Indemnity Participant Agreement (this "Participant Agreement"), which shall include the Program Rules and Regulations as set forth below. I furthermore understand and agree that my failure to do so may, in the City's sole and exclusive discretion, result in my being removed from the Program and barred from entry onto, or use of, the Program Sites in the future.

- 1. No Property Interest.** I understand, acknowledge and agree that my use or occupancy of the Program Sites does not grant me any property interest or any possessory interest of any kind in the Program Sites, or establish a landlord-tenant relationship between me and the City. I understand, acknowledge, and agree that I do not have exclusive occupancy rights over the Program Sites, and shall share the Program Sites with other Participants and the City. I also agree that I am not entitled to relocation assistance, and I waive any argument that I am entitled to relocation assistance.
- 2. Indemnification, Release of Liability.** To the fullest extent permitted by law, I furthermore, on my own behalf and behalf of my dependents, heirs, successors and/or assigns, expressly agree to indemnify, defend, release and hold harmless the City of Santa Cruz and its officials, officers, agents, contractors, service providers, employees and volunteers (the "Indemnified Parties") from and against any and all damages, actions, claims, demands, or liability of whatever nature which may arise out of, or are in any way related to my acts or omissions pursuant to this Participant Agreement, my use or occupancy of the Program Sites, my participation in the Program, and/or related activities therein, including, but not limited to, being transported to and from the Program Sites. I further agree not to assert any claim, institute any suit or other legal process against the City of Santa Cruz, its officers, officials, employees, agents, contractors, service providers, or volunteers for injury, illness, death or property damage arising out of or in any way related to my participation in the Program or my use or occupancy of the Program Sites.
- 3. Assumption of Risk.** I understand and acknowledge that in participating in the Program and by my use or occupancy of the Program Sites, I agree to accept and assume any all risks relating thereto, known or unknown, and accept the Program Sites in an "AS IS, WITH ALL FAULTS" condition. I acknowledge and agree that the City has made no representations as to the condition of the Program Sites or the suitability or safety of the Program Sites or City's property for any purpose whatsoever. I further acknowledge that by participating in this Program, or by my use or occupancy of the Program Sites, I may be exposed to risk, including but not limited to the risk of illness or injury, property damage, or death. I therefore acknowledge that I am voluntarily participating in the Program with knowledge of any dangers and risks involved.

[PARTICIPANT AGREEMENT CONTINUED ON FOLLOWING PAGE]



4. PROGRAM RULES AND REGULATIONS

1. Only people who have been given permission from the City of Santa Cruz may park or stay overnight on the Program Sites. No friends, visitors, or guests are allowed on the Program Sites.
2. Only Participants who have signed the City's Participant Agreement may park or stay overnight on the Program Sites.
3. Participants must treat City staff, service providers, neighbors, and all other Participants with courtesy and respect at all times.
4. The following behaviors are not allowed: violence or threats of violence; aggressive behavior, including the use of profanity, racial slurs, sexual or similarly inappropriate comments; harassment of others; open drug use; stealing; shouting or fighting; misuse or destruction of property; non-compliance with local, state or federal laws; and jeopardizing the safety of any other Participants or staff (this includes, but is not limited to, burning candles/incense, open fires of any kind, causing fire hazards, and other safety violations).
5. Participants are limited to using or occupying the Program Sites from 8pm to 8pm daily.
6. Check In – Participants may not enter the Program Sites until after 8pm and must sign the City's Participant Agreement prior to entering the Program Sites.
7. Check Out – Participants must leave the Program Sites by 8am and shall remove all personal property, vehicles and trash.
8. Parking spots will be filled on a first come, first served basis.
9. Participation in the Program is for one month only.
10. Capacity – One vehicle per parking spot.
11. Belongings - Participants must keep all belongings in their vehicle at all times. Participants are solely responsible for the safe keeping of their personal property.
12. No Weapons – No weapons of any kind are permitted on the Program Sites.
13. No fires or fireworks of any kind on the Program Sites.
14. Food – No cooking or food preparation may be performed outside of Participant's vehicles.
15. Quiet Hours are between 10:00 p.m. and 7:00 a.m. - No loud or disturbing noises, such as music, voices, etc., are allowed during Quiet Hours. During non-Quiet Hours, Participants shall keep conversations and the volume of any audio or video devices being used in vehicles low so as not to disturb any other Participants or neighbors.
16. Trash - All trash shall be disposed of properly in the provided refuse bins.
17. Pets - Domesticated pets may be permitted at the City's discretion. Dogs must be kept in your vehicle or on a leash no longer than 8 feet, and attended at all times. Cats must be secured in the vehicle, or in a crate, cage, or on a harness or leash at all times. You must pick up after your pet (pet waste disposal bags are available for your use). All animals must be in your vehicle during Quiet Hours. Pets must not exhibit aggressive behavior. Participants are responsible for taking care of their pets, including but not limited to full clean-up of all pet waste. City reserves the right to require any animal and Participant/pet-owner to leave the Program Sites. In no event may any Participant possess more than two domesticated pets.
18. Wastewater must never poured out on the ground.
19. Participants shall help keep the Program Sites safe and clean. This includes (a) no illegal dumping of sewage or wastewater from Participant's vehicle, and (b) no fluid leakage from Participant's vehicle.
20. The City reserves the right to require any Participant to leave the Program Sites at any time in the City's sole discretion.
21. The City reserves the right to close the Program Sites at any time and for any reason.
22. These Program rules and regulations may be modified or updated from time-to-time by the City, and Participants shall be required to execute an updated Participant Agreement as a condition of continued participation in the Program and use of the Program Sites.

BY SIGNING BELOW, I HEREBY CERTIFY THAT I HAVE CAREFULLY READ THIS PARTICIPANT AGREEMENT AND FULLY UNDERSTAND ITS CONTENTS AND ALL OF THE ABOVE PROGRAM RULES AND REGULATIONS. I FURTHER CERTIFY MY UNDERSTANDING THAT THIS PARTICIPANT AGREEMENT CONSTITUTES A RELEASE OF ALL CLAIMS AGAINST THE CITY OF SANTA CRUZ AND ALL OTHERS NAMED IN THIS PARTICIPANT AGREEMENT. I FURTHER

UNDERSTAND THAT BY EXECUTION OF THIS PARTICIPANT AGREEMENT I AM VOLUNTARILY ASSUMING ALL RISK INHERENT IN MY AND/OR MY CHILD'S/DEPENDENT'S PARTICIPATION IN THE PROGRAM. I ACKNOWLEDGE THAT I AM VOLUNTARILY SIGNING MY NAME TO THIS PARTICIPANT AGREEMENT AND BY DOING SO AM ACCEPTING ITS TERMS AS BINDING UPON MYSELF, MY CHILD/DEPENDENT, MY HEIRS, EMPLOYEES, AGENTS, LEGAL REPRESENTATIVES, AND ASSIGNS. I AGREE THAT A SCANNED, ELECTRONIC, OR OTHER COPY OF A PARTY'S SIGNATURE SHALL BE ACCEPTED AND VALID AS AN ORIGINAL.

Signature of Participant
(Parent or Guardian must sign if Participant is a Minor)

Date

Printed Name of Participant

Printed Name of Parent/Guardian if Participant is a Minor

[Staff member verification signature]

[Print staff member name]

In addition to signing the participant agreement above, please answer the question below:

Are you interested in receiving a call from the City's Homelessness Response Team to assist in connection to local services such as: shelter, housing navigation, medical/mental health services, food stamps, hygiene, and/or laundry? **Yes** **No**

Oversized Vehicle Ordinance Public Outreach Meeting – 10/17/23

1. Stakeholder attendees [REDACTED]
[REDACTED]
[REDACTED]
2. Staff attendees – Lisa Murphy (CMO), Lee Butler (PCD), Jose Garcia (PD), Carter Jones (PD), Heather Sawyer (Parking Program Manager), Larry Imwalle (Homelessness Response), Siouxsie Oki (Communications), Tim Maier (PCD)
3. Permitting process – overview
 - a. Lee Butler comments
 - i. Coastal Permit – Coastal Permit requires at least one public hearing – can be appealed all the way to CCC
 - ii. Ordinance – Municipal Code Section 10.20.140 – oversized vehicles greater than 20’ long, or greater than 7’ wide and greater than 8’ tall
 - iii. Violation - \$50 parking ticket, misdemeanor – setting fires, dumping blackwater
 - iv. Tier 1, 2 – open since Feb. 2022, Tier 3- open since August 2022
 - v. Stakeholder meetings specified by Council – 4 total stakeholder meetings
 - vi. Coastal Permit – not have to go to Council, but can be appealed to Council
 1. Planning Commission – PC determination can go to City Council; PC determination can be appealed straight to Coastal Commission
 - b. Participant comments
 - i. [REDACTED] – unattached trailers prohibited 24/7 – concerns about
4. Outreach plan – overview
 - a. Siouxsie Oki comments
 - i. Website already available online – cityofsantacruz.com\ovo
 1. Has timeline, information, etc.
 - ii. Social media posts – Facebook, Instagram, Twitter
 - iii. On all City of Santa Cruz lists
 - iv. Flyer – in English, Spanish
 - v. Interested in gathering information about best methods for public outreach
 - b. Participant Comments:
 - i. [REDACTED] – stated that appreciated that person receive full packet of information when first receives ticket
 - ii. [REDACTED] – asked about signage in affected areas
 1. Signs to be placed upon entry to City limits
 2. Signs placed in “hot spots” – on main corridors, in locations where oversized vehicles park
 - iii. [REDACTED] – asked about provision of feedback from residents – Heather answered in affirmative

1. [REDACTED] – asked about people having to call two numbers - asked about other ways to get hold of City staff other than by phone call; asked about possibility of including accommodation line
2. [REDACTED] – appreciates attempt to reach as many as possible; encourages not pairing enforcement with services; stated that some individuals don't respond well to enforcement; stated that outreach group composition important; Siouxzie – stated that outreach conducted by Homelessness Response Team
3. [REDACTED] – asked about outreach to apps/websites which advertise that City of SC, and, particularly Westside, area in which enforcement lax or nonexistent

5. Permit program – overview

a. Heather Sawyer comments

i. Staff at Locust St. garage in parking program – selling parking permits

1. 4 types – residential permits, guest permits, hotel guest permits, contractor permits
 - a. Hang tags – 12 AM to 5 AM – hang on rearview mirror of garage
 - b. Each parking permit type – special guidelines
 - c. Parking permits – purchased from 124 Locust St. parking garage
 - d. Residents – may purchase permit up to 6 permits per year
 - i. Vehicle must park within 400' of residence
 - e. Contractor permit – must prove is daily driver vehicle that requesting to permit
 - f. Resident permit –
 - i. May purchase guest permit
 - ii. Coordinated with address to which linked
 - iii. Separate permit
 - g. Hotel guest permits

b. Participants' comments

i. [REDACTED] asked about timing of signage placement

1. Lee Butler response –

- a. Signs soon to arrive, staff will be installing soon – installation within next month or so
- b. Parking Program management team, Public Works team – installing in approximately late November
- c. Permits ready for purchase November 4; enforcement to begin on December 4

ii. [REDACTED] – question – if information available re: locations of proposed installation of signage

iii. [REDACTED] – comment – everyone “pro-sign” – comment – signs equitably distributed

iv. [REDACTED] – question – good neighbor provisions – permit – question about what barriers constitute – “low-barrier” permit

- v. [REDACTED] – question – outside Tier 2 – if Tier 2 program at capacity, oversized vehicles may park on street and will be treated same as if in program
 - vi. [REDACTED] – asked what happens to people who reach 30-day timeframe
 - vii. [REDACTED] – clarified that people currently have unlimited Tier 2 access
6. Enforcement – overview
- a. Jose Garcia – issues, concerns – how people reach PD re: parking concerns; 12 AM to 5 AM
 - i. Communications center – dispatch – OVO violations – if complaint received between 12 AM and 5 AM – officer dispatched
 - ii. If call received outside time of 12 AM and 5 AM, PD “pens” call – assigns follow-up to officer at 12 AM to 5 AM timeframe
 - 1. Two “buckets” of calls – sworn officers respond
 - 2. CSOs – non-sworn officers will respond to some calls
 - 3. Jose – stated that information will be given with ticket – Tier 1 – referral to be given to; overflow – people able to park in front of PD
7. Other staff comments
- a. Larry – relayed that person who referred to Tier 1 – next morning referred to Tier 2
 - b. Lee – stated that
 - i. information about Tier 1, Tier 2 parking available in information pamphlet given to OVO owner/driver/inhabitant who received citation
 - ii. Leaking blackwater tanks – response by PD; Public Works crews also respond (during normal business hours, if on public property); Code Enforcement – if on private property, CE responds
 - iii. October 2021 – safe parking program effectuated
 - 1. Tier 1 – 3 parking spaces overnight; Tier 2 launched February 2022 – 30 spaces launched in August 2022 ; Tier 3 – full service program – 6 months ; operated at Armory parking lot – have 14 parking spaces available; option to include parking up to 48 spaces; paid parking during day
 - 2. Tier 1 – emergency overnight parking; Tier 2 – available 7 PM to 7 AM – does not require attendee to arrive at 7 PM
8. Additional participant comments
- a. [REDACTED] – asked if outreach workers give tickets
 - i. Staff response
 - 1. Lee – Megan B. receives call
 - 2. Heather – will receive call, assign parking space
 - b. [REDACTED] – asked about need for Tier 1 – Lee responded that can be situation in which cannot conduct direct referral to Tier 2 because at capacity
 - i. Staff response
 - 1. Lee –stated that, previously, Tier 1 not used, was discontinued
 - a. Immediate referral to Tier 2 previously
9. Written Feedback Component of Meeting
- a. Participants each given three post-its
 - i. one each to remark about

1. “things I like”
 2. “things I am concerned about”
 3. “solutions and ideas”
 - b. Categories of comments about which participants provide opportunity to comment
 - i. “Outreach”
 - ii. “Environmental Impact”
 - iii. “Permits”
 - iv. “Enforcement”
 - v. “Safe Parking”
 - vi. “Bike Rack”/ “Parking Lot” (i.e., miscellaneous)
10. Additional information provided by staff
- a. CRSP – online reporting app – allows for public to comment about Code Enforcement, graffiti, and provide other complaints/feedback

11/15/23

Oversized Vehicle Ordinance Public Outreach Meeting – 11/15/23

OVO Outreach Meeting – 11/15/23

- Stakeholder attendees [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
2. Staff attendees – Lee Butler (PCD), Megan Bunch (Homelessness Response), Matt Starkey (PW), Gaven Hussey (Parking Program Manager), Carter Jones (PD), Larry Imwalle (Homelessness Response), Tim Maier (PCD)
 3. Stakeholder and staff introductions
 4. Brief review of 10/17/23 Stakeholder Outreach meeting
 - a. Larry Imwalle - introduced comments provided by stakeholders at 10/17 outreach meeting and provided explanation of each
 - b. Participants in attendance clarified content/intent of comment when unclear
 5. Questions related to comments provided at meeting of 10/17/23 ensued
 - a. [REDACTED] - asked for clarifying questions about comments
 - i. Inquired about what categories of staff allowed to write parking citations for vehicles in violation of the Oversized Vehicle Ordinance
 - b. [REDACTED] - asked for clarification about SCPD's towing policy
 - c. [REDACTED] - Asked about regulation of habitable bicycles not regulated as vehicles
 1. Carter Jones – replied that if vehicle not required to be licensed and with wheels, not regulated as a vehicle per California Vehicle Code
 - d. [REDACTED] - asked how City “gets around” Vehicle Code, which states that vehicles cannot park more than 72 hours in one place
 - e. [REDACTED] - provided context to comment provided at last outreach meeting regarding implication in OVO that trash not to be thrown away in receptacles on site
 - i. Larry Imwalle – clarified intent of comment
 6. General discussion ensued
 - a. Various stakeholders stated that would like City staff to proactively reach out to County about locations in County where oversized vehicles can potentially park
 - b. One stakeholder (OV opponent) - asked if City “pressures” neighboring cities to work to exert pressure on County to adopt restrictions related to parking of oversized vehicles, because, as stated, if City passes ordinance restricting parking of RVs, vehicles will simply move elsewhere
 - i. Larry Imwalle – provided information regarding interactions between City and County staff

- ii. Carter Jones - stated that cities such as Capitola and Scotts Valley have placed restrictions on oversized vehicles, which is why RVs relocated to SC, where more resources available
 - c. ██████████ – stated that City and County should “put heads together” to develop consistent regulations
 - d. Lee – relayed that about three years of work to develop ordinance which would be adopted by Coastal Commission, which is dependent on City’s safe parking program, and County does not have equivalent program
 - i. Lee stated that City meets with County at least once a week, and staff have two members on CoC (continuum of care)
 - ii. Lee stated that staff meet with USICH (United States Interagency Committee on Homelessness) at least once a month
 - iii. Lee stated that efforts on federal level must be accelerated substantially to result in level of progress needed to help solve problem of homelessness,
 - e. ██████████ - stated that she and cohorts have emailed County Supervisors many times, and only Manu (supervisor) interested – others simply don’t follow up
 - i. Other stakeholder - stated that advocates have even suggested sites to supervisors and have not experienced any forward movement in response from County
 - f. ██████████ – stated that Santa Cruz Realtors Association most interested in real estate and land value – City would have connection with
 - i. Various stakeholders objected strongly to this assumption
 - g. Larry - relayed that not going to solve problem tonight of homelessness
 - i. Larry clarified that “registration” list for safe parking program more accurately an “interest list”
 - ii. Larry clarified that SCPD has enforcement plan
 - h. OV opponent - asked if enforcement plan can be shared
 - i. Carter Jones – replied stated that enforcement complaint-driven
 - i. ██████████ - asked if additional officers can be placed to help with enforcement
 - i. Carter Jones – relayed that simply don’t have officers and are on mandatory overtime
 - j. Stakeholder - asked if have enough capacity to accommodate all RVs
 - i. Larry stated that have capacity for 60% to 70% of total vehicles
 - k. ██████████ – stated that have conducted count as of July and tallied approximately 240 RVs/homeless individuals
 - i. Lee Butler responded - that RV-dwelling population a dynamic number – changes from moment to moment
7. Megan Bunch - provided information regarding outreach plan
- a. Megan - relayed that enforcement efforts beginning now
 - b. Megan – stated that new outreach effort beginning in advance of implementation of oversized vehicle ordinance
 - c. Megan - relayed that 2-3 new videos/vignettes circulated on social media channel
 - d. Megan - stated that parking enforcement staff handing out tickets
 - e. ██████████ - asked if staff giving flyer to each RV/trailer

- i. In response, Megan stated that parking enforcement staff placing flyers on windshields and providing flyer and conducting outreach (direct communication) to residents of OV
 - f. ██████████ - stated that flowchart of OV information/compliance/enforcement should be provided on flyer – stated that flowchart not written anywhere to his knowledge
 - g. Megan - stated that outreach geared toward getting individuals in Tier 2 and not promoting Tier 1 – only utilizing Tier 1 as emergency backup
 - h. ██████████ - asked whether 30-day parking placard – still in place
 - i. Megan stated that will provide capacity to Tier 2 lots, and, if all lots full, provide permit placard to park legally in public ROW until capacity opens up in Tier 2 lots
 - i. ██████████ - stated that flyer should indicate that requesting party will definitely obtain space in Tier 2 lots, because, usually, capacity not available
 - j. ██████████ - stated that talking to people at Free Guide who do not understand parking availability/compliance process
 - k. ██████████ - asked if homelessness outreach workers trained in “mental health”
 - i. Megan – replied in the affirmative
 - l. Megan relayed that ample capacity available for participation in safe parking program and staff communicating as such to potential clients
 - m. ██████████ – asked if outreach workers explain consequences if RV dwellers elect not to take advantage of Tier 2
 - i. Megan – responded
 - ii. Lee Butler – stated that 5 unpaid tickets will no longer get RV towed
 - iii. Carter – stated that recent court case in State of CA which resulted in decision that vehicle cannot be towed with 5 tickets unless Police officers present signed warrant to ticket recipient
 - 1. Carter – relayed that California Highway Patrol (CHP) can pull over any vehicle with expired vehicular registration
 - n. Megan - relayed that outreach flyer presented in both English and Spanish
- 8. Matt Starkey – introduced signage plan
 - a. Matt Starkey – presented image of signs placed at key entries to City and known “hot spots”, which include notification that no parking of oversized vehicles and unattached trailers allowed during specified hours
 - b. Matt -presented map with locations of signage installed/to be installed
 - c. Matt - relayed that additional signage installed before Dec. 4 date for beginning of enforcement
 - d. Patrick Manning- inquired about process for requesting installation of signs in particular neighborhoods
 - i. Matt – relayed that placement of signage characterized as a pilot program, and City will have form on website allowing for request for additional signage, with staff reviewing such requests
 - e. Stakeholder – stated that would prefer that signs be placed so that oversized vehicle drivers do not mistakenly assume that, if no sign placed, parking of OV allowable

12/20/23

Oversized Vehicle Ordinance Public Outreach Meeting – 12/20/23

1. Stakeholder attendees – [REDACTED]
[REDACTED]
[REDACTED]
2. Staff attendees – Lisa Murphy (CMO), Lee Butler (PCD), Carter Jones (PD), Gaven Hussey (Parking Program Manager), Siouxsie Oki (Communications; City Manager’s Office); Larry Imwalle (Homelessness Response), Tim Maier (PCD)
3. Permitting process – status update
 - a. Gaven Hussey comments
 - i. 10 permits issued
 1. Most inquirers do not qualify to obtain parking permit related to OVO, or do not need one
 2. Clarified that permits needed for operators of commercial vehicles, hotel patrons
 - ii. Participant comments
 1. [REDACTED] – asked what vehicles do not qualify for issuance of permits
 2. Gaven provided response and clarification
 - b. Lisa Murphy – provided update
 - c. Lisa Murphy - Solicited participant feedback regarding challenges, difficulties encountered in general related to OVO and Safe Parking
 1. Stated that some residents had expressed concern about lack of option for parking of vehicle falling within parameters of ordinance on street in close proximity to their residences without risk of being ticketed
 2. Relayed that some had asked for “carte blanche” permit – i.e., revision to permitting process to allow for parking of vehicles per the above
 - ii. Carter Jones feedback– stated has received dozens of calls to vehicle abatement line – most residents complaining about getting citations for own vehicles
 1. Sometimes – residents with boats getting citations
 - a. Calls received from CSOs – complaints about enforcement
 - b. Residents have asked about whether can get permit to park resident vehicles
 2. Carter – related that over a dozen calls received
 - a. Three or so calls for boats on trailers – others may be trailers related to construction vehicles
 - iii. Lisa – stated that most residents asking for waiver for residential parking
 1. Relayed that Councilmembers have received similar requests
 - iv. [REDACTED] – asked for clarification about ability to obtain residential permit
 1. Gaven – clarified that have to have business license in City of Santa Cruz to receive

- a. Gaven – stated that if is unattached trailer; residential parking permit not issued
 - i. Lisa clarified – residential permit available for trailer associated with permit
 - ii. Lee Butler – clarified that can get 12 AM to 5 AM permit; have trailer that attached, can also get 12 AM to 5 AM permit
 - iii. Lee – stated that unattached trailer – no permit can be obtained
 - v. [REDACTED] – asked how long permit valid
 - 1. Gaven – clarified that permit valid for one year
 - 2. Lee – stated that Coastal Commission had brought up notion of residential waiver
 - 3. Lee – relayed that pros, cons associated with residential waiver – asked for group feedback
 - vi. [REDACTED] – asked what other communities have done
 - 1. Gaven – stated that City of Ventura has similar ordinance, may have residential waiver component
 - vii. [REDACTED] – stated that seems valid for house without driveway to have residential permit
 - viii. [REDACTED] – stated that spirit of discussion about RVs, not boats, trailers
 - ix. [REDACTED] – stated that has neighbor has purchased Sprinter van – permit would allow for parking in proximity to residence
 - x. [REDACTED] – stated that really should be discussing derelict vehicles that trashing neighborhoods
 - 1. [REDACTED] – stated that 8 permits issued, and asked at what cost of program
 - a. Lisa Murphy – replied that purpose of meeting to take in information and not necessarily to answer questions about cost
 - 2. [REDACTED] – stated that seems “no brainer” for residents to be able to park in front of house
 - xi. [REDACTED] – stated that issue about people purchasing recreational vehicles
 - xii. [REDACTED] – stated that concern about people living in vehicles
- d. Lisa Murphy – queried group for feedback about what criteria should quality vehicles for obtaining residential permit
- e. Carter Jones – stated that 72-hour restriction on parking applies regardless of attainment of residential parkign permit
 - i. Lisa – asked about what documents qualify to prove residency
 - ii. Gaven – stated that documents proving residency, such as mortgage statement, utility bill, phone bill, etc.
- f. Lee – clarified to Joy Schendledecker that perfectly acceptable to provide feedback following meeting
 - i. Lee- stated that if City does have residential waiver program, thoughts about length limit – for example, some vehicles 40’ long

- ii. Lee – asked if anyone not interested in residential waiver existing
 - g. ██████ – stated that neighbor with vehicle such as Sprinter van should be allowed to park in front of house
 - i. ██████ - stated that limit should be 3 days for parking
 - h. ██████ – asked about aspects of equity related to parking vehicles –
 - i. ██████ – stated that has asked about
 - ii. Carter – stated that significantly more expensive to park RV in City than farther away
 - i. ██████ – stated that would be helpful to know where vehicle storage lots located – map should be provided
 - i. ██████ – stated that part of cost of owning RV
 - ii. ██████ – stated that not responsibility of City to provide
 - 1. ██████. – said that people should think through
 - j. Lee – asked whether anyone thinks existence of residential parking program a bad idea
 - i. ██████ – stated that RV park in which he lives allows as many vehicles as can fit on driveway allowed; but should it be allowed to
 - ii. Larry Imwalle – clarified that no outright objection from stakeholder group about existence of residential waiver, but clarified that specifics of limitations important to know
 - k. Siouxsie – stated that receiving comments about people complaining about length of vehicle of 22’ or so and receiving citations
- 4. Lisa – provided overview of safe parking program
 - a. Larry – provided update – since implementation of OV ordinance, sharp uptick in demand for tier 2 (Overnight-Only Safe Parkign) – current enrollment of 31 vehicles
 - i. Larry – stated that City has been adding lots based on demand of program
 - 1. Larry – stated that have been enrolling 3-6 vehicles per week
 - a. Stated that a lot of activity immediately before Dec. 4
 - b. Stated that big uptick in inquiries immediately before Dec. 4, but has trailed off since;
 - c. Stated that Overnight-Only safe parking program runs 8 AM to 8 PM
 - d. Stated that renewing on 15th of each month – just to be able to administer program for longer period
 - b. Gaven – clarified that, after January, 30-day permits to be enacted
 - c. ██████ – asked about sharp uptick in demand for Tier 3 parking spaces?
 - i. Larry – stated that has not received recent data
 - d. ██████ – stated that lives on Delaware Ave and a has witnessed a lot of improvement – only 2 RVs parked there and those likely not operable
 - i. ██████ – relayed that a lot of misinformation
 - ii. ██████ – stated that incorrect phone number posted
 - 1. ██████ – stated that concerned that homeless postings – stating that programs all full, people should not heed such information
 - 2. Siouxsie – stated that can only control information on City channels – City has provided hundreds of flyers

3. Siouxsie – stated that has received calls – people asking for information about City programs
 - e. [REDACTED] – asked about how many vehicles that arrive to parking program for 8 PM to 8 AM registered
 - i. [REDACTED] – asked if it should not be important to protect rest of community – should vehicles not be compelled to become registered
 - f. [REDACTED] – stated that Santa Cruz Neighbors as 501(c)(3) – would be interested in collecting donations for gas cards – want to distribute through social services
 - g. [REDACTED] – asked about any liability to City if unregistered vehicle if vehicle traveling to safe parking space
 - i. Lee replied that purpose is to create low-barrier program – driver may have to choose between paying vehicle registration and paying medical bill
 - ii. Lee stated that vehicle can be ticketed if more than 6 months without registration
 - iii. Carter – clarified that liability only incurred when directing someone to do something
 1. City merely providing service and not directing RV driver into lot
 - h. [REDACTED] – asked whether PD pulls vehicle over
 - i. [REDACTED] – asked whether City has ever reached out to DMV
 - i. [REDACTED] – relayed that may be possible to ask for waiver for requirements for vehicle registration
 - j. [REDACTED] – asked whether have reached capacity for Rier 1 to Tier 2
 - i. Larry – stated that have been at capacity for Tier 1, Tier 2 every night that program has been in place
 - ii. Siouxsie – relayed that flyers distributed along with Free Guide
 - k. Lee -stated that question on application form asking whether safe parking participant interested in receiving social services
 - l. [REDACTED] – stated that Homeward Bound another program that important
5. Lisa – introduced discussion of enforcement
 - a. Gaven – state that Parking has issued 158 citations since Dec. 4
 - i. 83 reduced to warnings
 - ii. 66 still pending – second citations
 - iii. 6 citations under appeal for review
 - iv. 90 vehciles cited out of total of 158
 - v. Gaven – have witnessed repeat offenders
 - b. [REDACTED] – asked whether first citation waived
 - c. [REDACTED] – asked whether first citation prompts action on behalf of recipient
 - i. Siouxsie, Gaven – clarified that first citation reduced to warning but relayed that sometimes, people go to Parking Office to get more information, anyway
 - ii. Carter - relayed that flyers provided with citations
 - d. [REDACTED] – asked about addition of workload, etc.
 - i. Carter – stated that had redirected PD’s focus to handle
 - ii. Carter – stated that in last 2 nights, have not issued citation

- iii. Carter – stated that 1/3 of total tickets issued thus far written in first night of enforcement
 - 1. State that numbers of tickets issued has reduced since then – parking enforcement having desired outcome
- iv. Gaven – stated that first citation a warning
- v. ██████ – asked about how much time passes between first and second citations
 - 1. Carter – provided response
 - 2. Carter – stated that first night of enforcement – number of tickets issued very high
 - 3. Stated that, by fifth night of enforcement, citations in single digits and has remained that way since
- vi. ██████ – asked about communication with CHP about data of oversized vehicles now parked elsewhere
 - 1. Siouxsie – provided response
 - 2. Gaven – stated that 90 vehicles cited, about 31 new safe parking program participants
 - 3. Carter – stated that has not received complaints from counterparts elsewhere in County that a large uptick in number of vehicles parked elsewhere
- vii. ██████ – asked about the relationship that City has with County
 - 1. Lisa – clarified that City staff very much focused on what happening outside City limits
 - 2. Lee – stated that has had ongoing conversations with County staff
- e. ██████ – asked again about how much time passes between the first citation and the second citation
 - i. Carter – clarified that only one citation issued per 24-hour-period
- f. ██████ – stated that 2 RVs – one RV abandoned; can City tow
 - i. Carter – stated that abandoned vehicle falls under abandoned vehicle ordinance
 - ii. Carter – stated that has had contact with RV on Delaware Ave. that is not operational which someone living in – have sympathy but cannot wait for endless period for progress to be made for repair to be completed
- 6. Siouxsie – provided overview of City’s outreach efforts
 - a. Siouxsie – stated that began with outreach about 30 days prior to beginning of enforcement
 - b. City has sent 4000 flyers, have had two social media campaigns – community saturated with information
- 7. Lee - Discussion of next steps
 - a. Lee – stated that City went to CCC in May 2023 – given one-year approval of Coastal Permit
 - i. Lee – stated that May timeframe fast approaching for expiration of one-year permit
 - ii. State that Coastal Permit to be considered by Planning Commission at hearing – could be heard by Zoning Administrator but will be referred to PC

- iii. Relayed that PC date on Feb. 1
- iv. State that staff report available during next stakeholder meeting
 - 1. Stated that, if appealed Coastal Permit would be heard by City Council – if appealed again, would be considered by Coastal Commission in May timeframe
 - 2. Stated that, if Council acts in March, may go to CCC in May
 - 3. stated that, ideally, would have more time – but necessary to comply with deadline
- v. [REDACTED] – asked when report available – not much time to review
 - 1. Staff provided response
 - 2. Lee – relayed that all notes (of Stakeholder meetings) to be attached to staff report
 - 3. Lee – stated that public comment also attached to staff report
- vi. [REDACTED] – asked whether updated data will be included in further permits
 - 1. Staff provided response
- vii. [REDACTED] – stated that program has resulted in distinctive improvement (of parking of RVs on Delaware Ave.)
 - 1. [REDACTED] – stated that all trailers gone, all encampments gone – significant improvement since implementation of program
- viii. Lee – stated that numbers of citations have been reduced, number of vehicles in safe parking program have increased – both indicate success of program
 - 1. Lee – stated that improvement in environmental impact – vehicles parked for long periods of time, outdoor toilets, etc. – reduced
 - 2. Lee – stated that access to coast improved along with reduction in number of RVs parked on coast
- ix. Carter – stated that everyone’s notion of success different
 - 1. Carter – stated that his notion of success is to get people into services

1/31/24

Oversized Vehicle Ordinance Public Outreach Meeting – 1/31/24

OVO Stakeholder Outreach Meeting of 1/31/24

1. Stakeholder attendees – [REDACTED] (ACLU), [REDACTED] (Santa Cruz Cares [REDACTED]), [REDACTED] (Westside Neighbors), [REDACTED] (Santa Cruz Neighbors), [REDACTED] (DeAnza), [REDACTED] (participant of Safe Parking Program)
2. Staff attendees – Lisa Murphy (CMO), Lee Butler (PCD), Megan Bunch (Homelessness Response), RV dweller/Safe Parking participant, Larry Imwalle (Homelessness Response), Tim Maier (PCD)
3. Lisa Murphy - led discussion of number of permits and citations issued
 - a. Provided overview of number of parking permits sold
 - i. [REDACTED] - asked for clarification about nature of "closure"
 - ii. Lee Butler-clarified that closure refers to holiday closure
 - iii. [REDACTED] - asked about nature of hotel permits
 - b. Lisa - contacted Gaven remotely to determine number of nights for which hotel guest parking valid, in response to question from [REDACTED]
 - i. Lee Butler - clarified that hotel guest permits valid for 3 evenings
 - c. Conversation ensued about cost of residential permit relative to hotel guest permits
 - i. Megan - clarified duration of validity of parking permit
 - ii. Lisa - described that residential parking permit program modification discussed
 - d. Question raised about nature of residential parking permit potentially possible
 - i. Participant asked about whether RV must be owned by resident in order to obtain residential parking permit for RV
 - ii. Lee clarified that City not distinguish between person staying in vehicle or not
 - e. Lisa - provide information re: number of citations issued, number appealed and dismissed
 - i. [REDACTED] - asked why some permit appeals denied
 - ii. Carter S. - described, in two instances, why two appeals denied - described behavior citation recipient (removing items from vehicle) resulting in denial
 - f. [REDACTED] - asked how number of citations varied between time prior to enforcement for OVO until now
 - i. Carter - stated that would need to have information regarding nature of violation
 - ii. [REDACTED] - asked whether any OV owners have amassed 4 or more tickets
 - g. Carter - stated that, to his knowledge, most tickets amassed by any one vehicle is two tickets
 - i. Lee asked whether unattached trailer citations quantified
 - ii. Carter stated that such data recorded if citation derives from violation of OVO
4. Lisa – led discussion of feedback of Stakeholder Outreach Group meeting received

- a. Question raised about possible increase in number of RVs in County land due to City enforcement in OVO
 - i. Carter – provided response
- b. [REDACTED] - asked about whether number of oversized vehicles within City limits have been reduced following beginning of enforcement of OVO
 - i. Carter - stated that number of RVs on Delaware reduced - only two as of earlier today located on Delaware Ave
 - ii. [REDACTED] - stated that RVs dispersed into City neighborhoods
- 5. Lisa - brought up question re: interaction between City and County
 - a. [REDACTED] - asked where RVs parking during day
 - i. Megan - stated that, anecdotally, some RV dwellers pay to stay in lots during day
 - ii. Megan - stated that other RVs relocating to street
 - b. Participant - asked further question
 - c. [REDACTED] - asked whether on-street parking can accommodate OVs
 - i. Megan - stated that some RVs park in multiple spaces on street
 - ii. Megan - stated that City not collecting data re: where people park during day
 - iii. Lee - stated that, even though Safe Parking a City program, City in continuous contact with County - generally biweekly basis
 - iv. Lisa -stated that ACH contact with County specifically excludes RVs - County does not provide any safe parking program for oversized vehicles
 - d. [REDACTED] - asked about response from County to request
 - 1. Lee - stated Lisa, City Manager involved in meetings
 - 2. Lee - stated that conversation with County Board of Supervisors, members of County staff
 - 3. Lee - stated that, up to this point, County stated that fund AFC as means of accommodating safe parking
 - 4. Lee - stated that AFC has stated that prefer smaller vehicles
 - 5. Lisa - stated that church near where lives allowing Ovs to park there
 - 6. Lisa - stated that County staff surprised that program that though funding not happening (i.e. did not know that not funding program for Ovs)
 - a. [REDACTED] asked for clarification
 - b. Lisa - clarified
 - 7. Megan - stated that City funds AFC - City funds through Core - simply funding organization
 - 8. Lisa - clarified that County administers contract
 - e. [REDACTED] - stated that noticed that funding available for gas for RV relocation from Safe Parking to daytime locations
 - i. [REDACTED] - clarified that Santa Cruz Neighbors a 501(c)(3) organization - Santa Cruz Neighbors will administer
 - 1. [REDACTED] - stated that 6 members on board
 - 2. [REDACTED] - stated that had asked City if would like to administer fund for distribution of gas funds but City declined as too complicated
 - 3. [REDACTED] – provided additional comment
 - 4. [REDACTED] - asked whether City open to conducting outreach to participants in Tier 1, Tier 2, letting know about availability of funds being available

- a. Megan - clarified that application process not yet In place, so outreach would be premature
 - 6. Question by Lisa to [REDACTED] - if have heard any feedback re: enforcement
 - a. [REDACTED] - provided response
 - b. Carter- stated that number of citations significantly declined over time
 - . First 4 – 5 days - 100+ citations - most first-time warnings
 - 0. Carter - stated that over 50% of citations issued in first week; the remaining 7 weeks have seen issuance for other 50%
 - . Stated that decline in number of citations since first week
 - a. Carter - stated that vast majority of enforcement in first two weeks
7. [REDACTED] - asked about number of calls for service
 - a. Carter - provided data about number of calls for service 12 AM to 5 AM
 - b. Carter - stated that 58% of citations self-generated (meaning that PD had seen OV, issued warning to RV dweller)
8. [REDACTED] - stated that Westside Neighbors conducted outreach to public - more outreach needed
 - a. [REDACTED] - stated that had attempted to navigate CRSP app - suggested that button for reporting RV should be provided
 - i. Carter - stated that generally 24 to 48-hr delay between report of RV and when police received information
9. Lee - provided overview of PC hearing process
 - a. Lee - stated that flyers distributed to all RVs in the City (clarified from Megan)
 - b. Lee - provided overview of outreach conducted - online form, etc.
 - c. Lee - provided overview of duration allowed to provide comments
 - d. Lee - stated that at discretion of Chair as to how long public comment allowable
 - e. [REDACTED] - asked about time and location of PC hearing
 - f. Lee - clarified that PC authorized to make final decision on CDP
 - g. Lee - clarified that appeal to CC possible - no fee
 - h. Lee - stated that CC appeal can then be made
 - i. Lee - stated that no appeal of CCC possible
 - j. Lee - stated that intent to provide feedback to Planning Commission
 - k. Lee asked for any feedback received
 - . Lee said that intent to supplement comments, matrix
10. Lee opened meeting to comment
 - a. [REDACTED] - stated that Westside Neighbors' feedback overwhelmingly positive - 5 streets cleared
 - b. [REDACTED] - stated that have received anecdotal response - huge improvement overall
 - c. [REDACTED] - stated that will continue to pressure County to provide spaces
 - d. [REDACTED] - stated conditions have improved
 - a. [REDACTED] - stated that significant improvement in RV parkign on Delaware
 - b. [REDACTED] - stated that mobile home park residents feel safe
 - c. [REDACTED] -stated that students now park on Delaware

- l. [REDACTED] - stated that troubling that have not been study of impact to OVO on unhoused
- m. [REDACTED] - stated that only study of OVs conducted by advocate group
- n. [REDACTED] - stated that gas cost high, relocation, parking costs high
- o. [REDACTED] - stated that City should conduct systematic study of impact of OVO on unhoused community
- p. [REDACTED] - stated that on-site mental health counselor, on-site drug counselor would be helpful; after-care (checkup) important - some had found housing that did not go well with them
- q. [REDACTED] - stated that understands that significant costs associated with safe parkign program
- r. [REDACTED] - stated that Evan with Free Guide conducting outreach on own time
- s. [REDACTED] - stated that maybe outreach to Tier 2 parking participants - outreach to those participants involved
 - i. Lisa - stated time gap -8 PM to 8 AM hours; not during working hours
 - ii. Lisa - stated that have heard feedback related to connection to services; maybe outreach day once or so per month
- t. [REDACTED] - asked question about reasonable accommodation - request for reasonable accommodation through website - what qualifies as disability, who is making decision what constitutes disability
 - . [REDACTED] - stated that range of disabilities, including learning differences, drug/alcohol addiction, etc.
- a. [REDACTED] - stated that accommodations often a footnote; discrepancy between official definition of disability and recognition of such - drug abuse, mental health disorders
- b. [REDACTED] - stated that reasonable accommodation should be its own page in staff report
 - . Lee - stated that information available on website
 - i. Lee - stated that fair criticism
- c. Lisa - asked about how request for reasonable accommodation made
 - . Megan - provided response
 - i. Megan - stated that had received one request for reasonable accommodation - that did not have to participate in program as individual had handicapper license plate
 - ii. Carter - stated that potential that likely that many with disabilities do not know that options available to request
 - iii. Carter - suggested that higher prominence of reasonable accommodation helpful
 - iv. Megan - stated that two instances (?) of reasonable accommodation of which aware
 - v. Lisa - clarified that all understand that can participate in process for PC hearing tomorrow evening

11. Lisa - sated that would like to hear suggestions for program improvement

- a. [REDACTED] - stated that, at first meeting, had suggested that outreach to websites important
- b. Megan - stated that had contacted websites; response received that cannot remove
- c. [REDACTED] - asked where funding coming from? One-time, limited funds financing Safe Parking Program currently
 - i. Lisa - stated that had put in request for program from general fund
 - ii. [REDACTED] - stated that \$500 - \$600 k needed

- iii. Megan - stated that Safe Parking Program one of lower-cost programs of City in cost by household
- iv. ████████ - asked how long Coastal Permit good for
- v. Lee - stated that had reached out to Coastal Commission - would include COA that review at some point in time - perhaps five-year threshold - probably five-year review period
- vi. Lee - stated that PC hearing will include recommended COA
- vii. ████████ - asked what opportunity for extension, improvement
- viii. Lisa - stated that will look to colleagues at County level - help connect participants to County services
- ix. Lisa -stated that ack acknowledge that current program a stopgap measure
- x. Lee - stated that 24/7 program experience positive outcomes - would like to ensure ongoing improvements - perhaps, if reduce time taken to enter program and then pursue long-term housing - will lead to improvements
- xi. ████████ - stated that will continue to advocate that Evan's program to be extended into County
- xii. ████████ - stated that concern that is not known how OVO impacting vehicularly housed people - wants to be sure that comment lodged; staff acknowledged that comment would be noted
- xiii. ████████ - stated that funding for gas card to be provided from Santa Cruz Neighbors

12. Meeting conclusion

2/28/24

Oversized Vehicle Ordinance Public Outreach Meeting – 2/28/24

OVO Stakeholder Outreach Meeting of 2/28/24

1. Stakeholder attendees – [REDACTED] (ACLU), [REDACTED] (Disability Advocates), [REDACTED] (Santa Cruz Cares), [REDACTED] (Westside Neighbors), [REDACTED] (Santa Cruz Neighbors)
2. Staff attendees – Lisa Murphy (CMO), Lee Butler (PCD), Carter Jones (PD), Larry Imwalle (CMO), Gaven Hussey (Parking), Tim Maier (PCD)
4. Lisa Murphy - introduced agenda for meeting
 - a. Introduced Conditions of Approval reviewed by Planning Commission at public hearing
 - b. [REDACTED] - asked question about makeup of Stakeholder Group meeting, and stated that he would want more representation from the unhoused
 - i. Stated that would happily cede place on Stakeholder Outreach Meeting group to unhoused person
 - c. [REDACTED] - asked about OV count and the approach/methodology for the count (“What would that look like?”)
 - i. Lee Butler – replied stated that would include a count of oversized vehicles, distinguishing between vehicles lived in and those not (e.g., indicated by fogging of windows during morning count)
 - d. [REDACTED] - asked about intent for outreach re: service available to unhoused
 - i. Lee - stated three avenues for provision of feedback - online form, email address for contact with City staff, phone number directed to staff
 - ii. [REDACTED] - relayed that, if want feedback, have to go out and proactively talk to people- often, repeatedly
 - iii. Lee - agreed that experience described similar to that experienced by City staff
 - e. [REDACTED] - stated hard to measure impacts through quantitative data - suggested that more qualitative data to be used
 - i. Larry - clarified that Condition of Approval states that City staff will collect quantitative data to extent possible
 - ii. Lee - underscored that OV count, trash pickup - can be quantified
 - iii. Lee - stated that staff receptive to recommendations
 - f. [REDACTED] - asked how measure access to Coast
 - i. Participant stated that not sure - can ask Coastal Commission how measures access to coast
 - ii. [REDACTED] - suggested that calls to Police Department possibly a useful metric related to enforcement of OVO
 1. Carter Jones - stated that tried to capture data through dispatch
 - a. Carter - stated that phone number for police department non-emergency number advertised and is the phone number to which City staff direct complaints related to OVO

2. Participant - asked if can differentiate call for service by number of vehicles, license plate, etc.
 - a. Carter - explained details of how tally, quantify number of vehicles involved
- . ██████ - asked about how can distinguish number of vehicles cited, etc.
 - i. ██████ - stated that has submitted several PRA requests and has not noticed any dismissals
- a. ██████ - asked how can differentiate number of calls for service related to Ovs to determine whether situation has improved
 - i. Participant clarified - number of calls for service does not exactly equate to number of tickets
- b. ██████ - stated that many tickets given out on Westside, not many given on Eastside - indicated selective enforcement
 - i. Carter - relayed that number of tickets given has dramatically declined
 1. Carter - stated that significantly fewer RVs in concentrations of multiple vehicles in daytime along Delaware Avenue
 2. Lisa - stated that lower number of RVs on streets likely attributable to greater participation in safe parking programs
- c. Carter - stated that has seen RVs from Safe Parking program parked on street
 - i. ██████ - clarified that ticket issued to vehicle, not to person
 1. Gaven - confirmed
 2. Carter - indicated that common for RVs to be sold, donated - owned by one party with release of liability to another party
- d. Larry - stated that large number of Tier 2 participants enrolled right before program became active
 - . When asked, Larry stated that participant enrollment had dropped off
- e. Lisa asked deadline for suggestions for COAs to be received
 - . Lee stated sooner, better - have to get to clerk
 0. Lee - stated that at PC hearing, conditions of approval modified
 - i. Lisa - stated that, in order to get feedback into packet for Clerk, Clerk will need suggestions for modified conditions of approval by Monday
 0. Dylan - stated that will provide written suggestions by 3/7, and, likely, by 3/6
 - ii. ██████ - stated that calls for services underreported - often, people don't want to call police -
 0. Carol asked about street sweeping - Gaven provided basic feedback
 - iii. Lisa - directed meeting back to focus on OV
 0. Lisa - stated that appreciate content of suggestions
 1. Lisa - stated that wants to focus on positives, negatives of enforcement
 - a. ██████ - stated that not much time has passed - need data on impacts of Safe Parking programs on Ovs
 - b. Lisa - relayed that County has more resources in connecting OV residents to services
 - c. Discussion continued
 - d. ██████ - stated that has heard the cost of gas 400 to 500 dollars per month
 - e. ██████ - asked about street sweeping

- iv. Staff participant- asked if stakeholder participant have list of concerns beyond what discussed
 - 1. [REDACTED] - stated that concerns re: cost of gas, decline in number of RVs, number of RV dwellers with disabilities, accommodation of person with disabilities
 - a. Asked about nature of reasonable accommodation for RV
 - 2. [REDACTED] - stated that would be helpful for phone number, access to ADA coordinator
 - . Stated that can take form of rides to safe parking locations, tow to parking locations, exemption from program, etc.
 - a. Stated that federal law requires that accommodation be provided - accommodation must be directly related to disability
 - i. Lee - stated that have added language to website site related to request for reasonable accommodation
 - ii. Lee - stated that want to be sure that potential participants can find link for reasonable accommodation
 - iii. Lee describes how person can fill in form to make request
 - iv. Lee - stated that can include info on Safe Parking form
 - 3. [REDACTED]-asked about hours of operation for Safe Parking
 - . Lee, Lisa - related that staff do not work on weekend
 - a. Larry relayed that have guided participants in filling out form on weekends
 - 4. [REDACTED] - stated that complaint has heard relates to access to parking in lots
 - . [REDACTED] - asked about next steps
 - . Lisa - replied that will wait for suggestions from him
 - i. [REDACTED] - stated that would send document to Lisa again that had previously sent

3. Meeting conclusion

OUTREACH

	What I Like	City Response
1	Providing information about safe parking during ticketing	Yes, the City will be distributing an info flyer with ticket.
2		
3		
4		
5		

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6

7

What are my concerns	City Response
Location of signage	Link to signage map has been added to the ovo homepage. Initial locations for signs have been approved by the Coastal Commission. The City's Traffic Engineer has discretion to add additional signs, if needed in the future.
1. City quietly restriping Delaware Ave. 2. Do not move forward with the restriping plan on Delaware Ave as designed.	Project has been at three public hearings (2017 Council, 2020 Transportation & Public Works Commission, and 2020 Council). The City is in the "concept plan" phase of a Swanton-Delaware multiuse trail project. Assuming the plans move past the concept phase, and after more opportunities for public participation and comment, construction could potentially be scheduled for Summer 2026. The construction of the multi-use trail requires consolidating parking to a single side of the roadway. In an effort to conserve the number of "standard" stalls, perpendicular spaces are proposed on the
How will City ensure signs are equitably placed and not concentrated	Initial locations for signs have been approved by the Coastal Commission. The City's Traffic Engineer has discretion to add additional signs, if needed in the future.
Can outreach workers help to obtain various permits if RV person cannot go to parking office?	An outreach worker can assist those living in OV's with the enrollment process into a safe parking program. At this time the City does not have staff available to help residents obtain permits, other than the parking office staff who are able to respond to questions via phone, e-mail, or in person.
Location of Signage: How to get signage in an area?	Staff is working to develop best-practices to allow the public to request additional signage, and for those requests to be assessed and implemented within the resources available and identified need at the location.

<p>Need another option other than a phone number to ask questions about safe parking program.</p>	<p>The City has created an e-mail account (safeparking@santacruzca.gov) as well as phone number for safe parking inquiries.</p>
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Solutions	City Response
Need outreach to the "Vacation" apps to let them know City Rules have changed regarding OVO parking	The City has reached out to the sites that C.Polhamus submitted via email and is awaiting reponse back.
Give neighborhood the ability to get signage	See response below

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ENVIRONMENTAL IMPACT

What I Like	
1	Immediate response to blackwater dumping
2	
3	
4	
5	
6	

City Response	What are my concerns
<p>Please report any spills or dumping incidents, whether accidental or intentional, to the Environmental Compliance Department at 831-420-6050. During non-business hours, please call 911 to report spills or illegal dumping.</p>	<p>No response or even follow up on reports of EH</p>
	<p>Unattached trailers are an important tool for sheltering people.</p>
	<p>People losing vehicles (if it is towed) makes an env. Impact worse.</p>
	<p>SCPD not having the manpower to successfully enforce regarding litter.</p>

City Response	Solutions
<p>When feasible, City staff will go to the site of reported incidents to mitigate the spill. Enforcement is a challenge as violators must be caught in the act. (MB) See phone numbers two cells to the left for best reporting options.</p>	<p>RV Dwellers to provide their own clean up and the city provide dumpsters</p>
<p>The Council made a policy decision on the unattached trailer issue, and so a change in policy would need to be made at the Council level. Staff is happy to pass the policy suggestions of this group on the Council. In the meantime, City outreach workers stand ready to help these individuals access shelter and housing.</p>	
<p>Outreach workers stand ready to help these individuals access shelter and housing.</p>	<p>Public Works to Report Enviro hazards, Publish phone number or add to CRSP</p>
<p>PD has an enforcement plan and will have the resources to enforce the OVO.</p>	<p>Provide people with detached trailers or working motor homes</p>
	<p>Create a place to dump balckwater on the West side</p>

City Response

The City has provided public access dumpsters in the area of Delaware and Natural Bridges over the course of the last few years. The dumpsters have not been able to mitigate the refuse challenges in this area. The City's Public Works team is currently providing twice weekly clean up of abandoned refuse in this area.

Please report any spills or dumping incidents, whether accidental or intentional, to the Environmental Compliance Department at 831-420-6050. During non-business hours, please call 911 to report spills or illegal dumping. Staff will evaluate whether CRSP updates are needed/possible.

RVs are expensive to buy and maintain, and the end result would still be people living on the streets, in areas not designed for human habitation. The City Council has made a policy decision to prioritize a model intended to try to move people into shelter/housing. Any change to that policy would need to be made at the Council level. Staff is happy to relay this suggested policy change to the Council.

Staff is currently assessing viable locations to install a publicly accessible, centrally located, RV dump station.

PERMITS

	What I Like	City Response
1		
2		
3		
4		
5		
6		

No Comments

What are my concerns	City Response

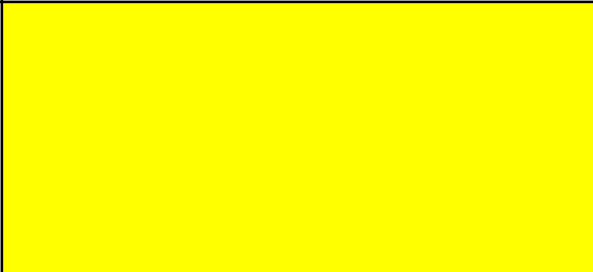
No Comments

Solutions	City Response
<p>Allow neighborhoods to apply for consensus exemptions for permits.</p>	<p>If the desire is for neighborhoods to be able to allow overnight OV parking, this would require a change to the ordinance, which would require a policy change from the City Council. There could also be Coastal Act implications if the Council adopted this change in policy. Staff is happy to relay this policy change suggestion to the Council.</p>

SAFE PARKING

	What I Like	City Response
1	Tier 3 - Safe parking: being able to stay during the day	
2	Tier 3 is better because people don't have to move overnight and can focus on their other issues.	
3	Evan and Corey are doing a great job at Armory. Can they come to these meetings to share what they have learned?	The focus of this group is on the implementation of the OVO and associated suggestions. We will likely have full agendas addressing just the core topic. If time allows, we will schedule them.
4		
5		
6		

What are my concerns	City Response
Need more safe parking during the day.	The City has identified additional lots to expand the overnight (Tier 2) parking program as needed. (MB) Viable locations for Tier 3 are limited, and the cost of Tier 3 is significant. Still, staff understands there is a desire for more Tier 3 (safe daytime parking), and staff can relay this suggestion to the Council.
Where do you park your car when you drive RV to? The parking lot?	Those currently participating in the overnight and long-term program (Tiers 2 and 3) that have a standard vehicle as well as an OV have primarily been parking their second vehicle in front of their OV. Others have utilized street parking for their standard car.
Not likely to be placed into housing after extended stay	The City continues to work with the County to connect people to services.
Is tier 3 program accessible: ADA bathrooms and showers	Yes. There are ADA accessible portable toilets and an ADA portable shower.
Does an RV have to be registered to stay in parking lot?	No. The City-funded safe parking programs do not require current registration.
How will Tier 3 spots be given out/how will people be prioritized?	The Tier 3 program works off of an interest list. When a space opens up, staff contact individuals on the list who have the appropriate vehicle for the spot available. If the individual contacted is not interested in participating at this time, staff will contact another person from the list. Families with children are prioritized for Tier 3.

<p>How is Tier 3 parking program prioritizing people with disabilities w/valid disabled placards?</p>	<p>Currently there is no prioritization for individuals people with disabilities w/ valid disabled placards. Those who wish to participate in the City's safe OV parking program, but are unable to do so due to a disability, may make a request for reasonable accommodation, which may be made by submitting the City's ADA Grievance Form.</p>
<p>Sanitation services not reflected in safe parking contract.</p>	
<p>We need more spots throughout the county</p>	<p>To email all 5 members of the BOS at once, you can use BoardOfSupervisors@santacruzcountyca.gov</p>
<p>The safe space parking at the Armory cost 400K a year. How will it be funded next year?</p>	<p>The City is currently seeking funding sources for this program next year. Staff is working with state and federal legislative lobbyists as well as surveying grant opportunities, and seeking support from the County.</p>
<p>Who on the county BOS is working on this? We need the county to located other sites for OVO parking.</p>	<p>To email all 5 members of the BOS at once, you can use BoardOfSupervisors@santa cruzcountyca.gov</p>
<p>We need more Tier 3 Spots. Currently there are 50 people registered and waiting for spots.</p>	<p>The current waitlist is 45. Viable locations for Tier 3 are limited, and the cost of Tier 3 is significant. Still, staff understands there is a desire for more Tier 3 (safe daytime parking), and staff can relay this suggestion to the Council."</p>
<p>Parking is not the end game - services is. How are people who are parking connected to services if they are not in Tier 3?</p>	<p>Individuals who enroll in the overnight parking complete an enrollment form that asks what services they would like to be connected to. Those who request assistance are then connected to the City Outreach team.</p>

Solutions	City Response
Build Skills program	Staff is interested in hearing more about your idea and would be happy to present it to Council."
Make Local business connections to help support people to be more stable	Outside the scope of city services at this time. However, City code (6.36.030(a)(3)) allows for businesses to authorize people to reside in up to three separate vehicles on their property, so long as they meet various sanitation, nuisance, and other criteria. No permit is required.
For cost of 1 year at the Armory Camp, we could give people an RV	RVs are expensive to buy and maintain, and the end result would still be people living on the streets, in areas not designed for human habitation. The City Council has made a policy decision to prioritize a model intended to try to move people into shelter/housing. Any change to that policy would need to be made at the Council level. Staff would be happy to relay policy suggestions generated by this group to the Council.
We need the County to get involved in providing spaces for RV parking near services (Emiline for example)	To email all 5 members of the BOS at once, you can use BoardOfSupervisors@santacruzcountyca.gov
More Case Managers	The City and County consistently survey funding opportunities to expand case mangement.
Possible having a place on westside to dump gray and black water	Staff is currently assessing viable locations to install a publicly accessible, centrally located, RV dump station.

<p>Expand spaces in the county area and have safe spaces managed</p>	<p>To email all 5 members of the BOS at once, you can use BoardOfSupervisors@santacruzcountyca.gov</p>
<p>Provide resources to services to assist with registration and tickets</p>	<p>Both the AFC SafeSpaces and City-funded long-term (Tier 3) safe parking programs have flex funds to assist participants (and those on the wait/interest list) with these services. At the current time, there are no funding sources, nor staff capacity to provide these services throughout the region.</p>
<p>Create real time vacancy data for safe parking</p>	<p>Both the overnight and the long term safe parking programs have real time mechanism to track capacity.</p>

ENFORCEMENT

	What I Like	City Response
1		
2		
3		
4		
5		
6		

No Comments

Miscellaneous Comments

What about all the people who received tickets in the past when the City put the overnight up? Why is there no compensation to those people?

What are my concerns	City Response
SCPD has a history of discriminatory enforcement.	We would like to hear more. Please share any specific concerns with our department so we can assess service delivery and provide a specific response.
Does SCPD have the manpower to enforce the OVO	PD has an enforcement plan and will have the resources to enforce the OVO.
SCPD Volunteers have history of discrimination. How exactly will they be involved in enforcement?	PD will have no volunteer(s) involved with enforcement of the OVO.
Concerned about being ticketed when I work late and cant move RV before the parking ban times.	Please connect directly with the Safe Parking program for possible solutions.
Today police ticketed every car and RV on Delaware with a 72 hr tow warning (abandoned vehicle). Is it common practice to issue mass tickets based on where you park.	We would like to hear more. Please share any specific concerns with our department directly so we can assess service delivery and provide a specific response.

From PD* Confirm PW (parking office) will handle post-issuance and parking citation appeal process questions? CB proposed response: "Information about how to request administrative review of a parking ticket can be found online here: <https://www.cityofsantacruz.com/government/city-departments/public-works/parking-services/parking-enforcement>."

Parking will handle admin reviews of OVO parking citations as they do for all parking citations, including citation process questions. If the citation was given by PD, review will be forwarded to the noted officer and returned to Parking Office, following the current process we have in place.

