

# **City of Palo Alto**

(ID # 10559)

# **Policy and Services Committee Staff Report**

Report Type: Action Items Meeting Date: 9/10/2019

**Summary Title: Safe Parking** 

Title: Discuss and Provide Direction to Staff Regarding Program Details for a

**Potential Safe Parking Program** 

From: City Manager

**Lead Department: Planning and Development** 

# Recommendation

Staff recommends that the Policy and Services Committee of the Palo Alto City Council discuss the contents of this report and provide direction to return with a more detailed program defining the parameters, general locations and regulatory process for a future safe parking program.

# **Executive Summary**

On June 10, 2019, the Palo Alto City Council discussed a Colleagues' Memorandum<sup>1</sup> and referred the matter to the Policy and Services Committee.<sup>2</sup> The Council Motion directed the Policy and Services Committee to craft program details to bring back to Council, including elements such as:

- A. Identify and determine interest in expanding vehicle dwelling management and transition services with local area nonprofits such as Project WeHope, Samaritan House, Life Moves, and Abode Services, who can partner with the city to manage a Vehicle Dweller program;
- B. Identify large commercial lots that could be used for a managed overnight program such as on Bayshore and in the Research Park and a plan to reach out to property owners;
- C. Seed the program using city-owned land located at 2000 Geng Road, and/or other potential sites. Explore bathroom construction and/or portable bathroom/shower services on identified Palo Alto city sites;

<sup>&</sup>lt;sup>1</sup> Colleagues' Memo: https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=41728&BlobID=71688

<sup>&</sup>lt;sup>2</sup> Action Minutes from 6-10-2019:

https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=47961.55&BlobID=72220

D. Engage the County of Santa Clara to explore funding assistance and for additional programs to support enabling individuals to find employment and housing.

This staff report seeks to inform the Committee members' discussion and formation of recommendations to Council for a safe parking program.

#### **Overall Considerations**

In recent years, an increasing number of Bay Area cities have sought to address the challenge of families and individuals dwelling in vehicles, including passenger vehicles, recreational vehicles, box trucks, and other vehicles not designed or intended for long-term habitation. A number of non-profit organizations operate "safe parking" programs throughout Santa Clara and San Mateo Counties.

Staff research has identified several dimensions the Policy and Services Committee may choose to discuss and consider as the program is formed.

- All communities offering safe parking engaged the services of professional organizations who are skilled in serving unhoused populations.
- Program requirements vary by operator and by community, with some cities adopting operating models that focus on serving persons within their communities' borders.
- Operators identified similar site requirements regardless of whether the safe parking program is hosted at a public or private parking lot.
- Cities supported these programs with both operating and/or capital contributions, both to seed the programs and to continue their operations.
- Cities considered the compatibility of the use and associated activities (safety, sanitation) with the adjacent uses and neighborhoods.
- A clear and consistent regulatory framework allows the programs to serve the community while limiting conflicts with nearby uses and activities.
- Safe parking programs are not a long-term solution. These programs do not provide housing, do not build more housing, and do not fundamentally change the economic circumstances of those they serve. Safe parking programs can help individuals and families obtain access to services, get on their feet, and find a path to stable housing. Even in the most encouraging cases, this transformation requires time.

# **Background**

Human habitation of vehicles has been a challenging issue in Palo Alto and throughout Santa Clara County for several years. Some Palo Altans expressed concerns regarding safety, blight caused by unkempt RVs, sanitation issues, parking impacts, and impaired visibility due to RVs specifically. Other Palo Altans advocate for those dwelling in vehicles and want to ensure persons are treated with compassion.

The scale of the issue has grown. The 2019 Santa Clara County Homeless Census & Survey<sup>3</sup> reported an overall increase in the homeless population: a total of 9,706, which represents a 31% increase since 2017. Palo Alto's homeless population increased 13% since 2017, for a 2019 total of 313 persons; 299 of those persons are unsheltered.

Data regarding the number of Palo Altans dwelling in vehicles is not as readily available. The 2019 Homeless Census & Survey noted that, in Santa Clara County, 18% of the homeless population dwell in vehicles. The Palo Alto Police Department's Community Service Officers conducted a visual survey of the streets of Palo Alto on August 13, 2019. There were 126 total motorhomes, recreational vehicles, or conversion vans parked on City streets. This count did not include anyone living in a regular passenger vehicle.

The Palo Alto Police Department has logged 1500 complaints annually for abandoned vehicles; some of which may serve as habitation for individuals and families. The Police Department has devoted resources to enforcing the 72-hour parking restriction by marking and subsequently tagging vehicles parked on El Camino Real about once each month. When this effort started in July 2018, PD marked 75 total vehicles (including 43 RVs or motorhomes, and 32 cars or trucks). In December 2018, PD marked 62 total vehicles (including 43 RVs or motorhomes and 19 cars or trucks). As a result of these enforcement activities on El Camino Real, the Palo Alto Police Department believes that the truly "abandoned" vehicles have all been removed (towed), meaning that any remaining vehicles now are being actively driven as required by law.

The reasons persons live in vehicles has been the subject of local and national media, with the *Palo Alto Weekly*, the *San Francisco Chronicle*, the *San Jose Mercury News*, and *Bloomberg News*—among others—documenting the stories of some who are living in vehicles. Different circumstances lead to vehicle habitation, including increased rent and the high cost of housing, or life events that lead to financial challenges (divorce, illness, etc.). In addition, some persons are temporary workers (construction, etc.) or permanent workers who cannot find housing they can afford in the area and prefer sleeping in an RV to long daily commutes. While anecdotal information enriches our understanding of the issues, more outreach would be required to obtain more accurate and precise data regarding the population in Palo Alto.

#### History of Council Action

The City of Palo Alto has made previous attempts to address community impacts and concerns related to vehicle dwelling. The timeline below provides an overview:

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<sup>&</sup>lt;sup>3</sup> The report is available here:

https://www.sccgov.org/sites/osh/ContinuumofCare/ReportsandPublications/Documents/2015%20Santa%20Clara%20County%20Homeless%20Census%20and%20Survey/2019%20SCC%20Homeless%20Census%20and%20Survey%20Report.pdf

- July 2011 Draft ordinance prepared to prohibit human habitation of vehicles. After concerns were raised, the City assembled a working group of stakeholders to provide input to City staff.
- November 2011 Information report provided to Policy & Services Committee
- 2012 Working group continued to meet. The group proposed a pilot safe parking program to be hosted at congregational parking lots. Only one church volunteered; their support was withdrawn due to neighborhood opposition.
- November 2012 Report and recommendations Policy & Services committee.
- 2013 —City Council considered and adopted a ban on vehicle dwelling, but held enforcement in abeyance pending outreach and education. This ordinance was later rescinded after the Ninth Circuit Court of Appeals held that the City of Los Angeles' ban on vehicle dwelling violated the Constitution.
- 2017 Palo Alto Police Department undertook enforcement activities with respect to the 72-hour parking rule. As a result of this, 2 vehicles were towed in October 2017 (PA Weekly Online Report).

# **Discussion**

# **Safe Parking Operations**

Staff identified at least 6 non-profit organizations operating safe parking programs in Santa Clara and San Mateo Counties. Each operator differs slightly in the services provided and the populations served. Attachment A provides a snapshot of some providers; but this is not a definitive or exhaustive list. Key aspects of program design include identifying who the program will serve and participation requirements.

#### **Household Status**

Safe parking programs serve families with minors, adult individuals, and adult couples. Some programs focus on one population. One provider recommended having families with children in an area separated from households consisting of adults only. This separation can provide a feeling of greater safety and security for parents and primary caregivers. Separation could be within the lot or by having separate parking lots serve different populations.

Families with minors dwelling in vehicles experience more rapid rehousing when compared to adult individuals and couples. Rehousing families is the highest priority for most Bay Area counties. One provider estimated that 90% of families utilizing their safe parking program were housed. He noted, however, that the family-only safe parking lot is utilized at a lower rate than the lots that serve individuals and couples that is to say, when the other safe parking lots are full, spaces remain unused at the family lots. Providers also reported that families with children are more likely to seek the shelter of a friend or family member, or to place their child in the care of a friend or family member, to prevent the child from experiencing homelessness.

# Vehicles

A variety of vehicle types are used as habitation throughout Palo Alto. Typical vehicles include cars, recreational vehicles (RVs), vans—some which have been modified with beds and other amenities--, and box trucks (this report uses RVs as a shorthand for this category of vehicle). Some providers serve only individuals or families in passenger vehicles (cars), some serve RVs only, and some serve all vehicle types.

Segregating services by vehicles allows providers to focus their energies and efforts on serving the specific needs of sub-populations. Living in a vehicle is less comfortable and less secure than living in an RV. Those dwelling in cars are often more motivated to find secure housing. This does not mean finding long-term housing is easier, but the individuals may show more incentive to change.

RVs and other modified vehicles provide more amenities, security, and a less-costly living arrangement than traditional housing in the city, county, and region. For these reasons, persons dwelling in RVs may be less motivated to transition to traditional housing. Providers report many who dwell in RVs do not view themselves as homeless. By having an area focused on RVs, providers can focus.

RVs have different logistical requirements than passenger vehicles. RVs are larger than passenger vehicles and the parking lots serving them require more space. Whereas the same parking lot may be able to serve a greater number of passenger vehicles, it may serve fewer RVs. In addition to the spatial requirements of the RVs, persons living in RVs may own passenger vehicles they may use to travel to and from work. These vehicles may be accommodated on site or may be parked on the public streets depending on the provider and local regulations. If parked on site, the passenger vehicles occupy additional space.

#### Residency

Some communities institute practices that prioritize providing safe parking for individuals, couples, and families residing within the jurisdiction's borders. Various strategies are used to achieve this outcome. Generally, police identify the vehicles that are parked within the jurisdiction's borders and a license-plate (or other vehicle identifier) based system is used to verify if a person or family was within the community when the program began. These policies aim to dedicate resources to serving longer-term members of the community, over those who have arrived more recently.

# Case Management

Providers often require clients to work with a case manager. The case manager actively assists participants in overcoming barriers to housing and/or steady employment, working with them to find and secure stable housing, and ultimately helping their client to achieve self-sufficiency. This can include connecting clients to health care, addiction treatment, and other public programs and resources. Requiring regular contact with a case manager may deter some individuals from participating in safe parking.

# Time Limit

Even if case management is not required, nearly all programs have participants undergo an intake process to obtain basic information and to approve the person or family for participation in the safe parking program. Individuals are approved to utilize a lot for 60 or 90 days at a time; the approval is reassessed at the end of the time period with potential for extension.

Most programs are structured to require participants to exit the lot after 12 hours, purportedly to ensure that participants do not acquire the rights of tenants under state law. Further research will be conducted to advise the Committee of the City's options with respect to this issue. Requiring participants to leave the lot each morning (1) may return cars and RVs to a city's streets during the day and (2) may discourage those in RVs from participating as they may prefer to stay put—or move every three days as required in many communities.

# Vehicle Registration

Providers often require vehicles to become registered, for drivers to have valid licenses, and to carry adequate, current insurance. Some programs work with participants to secure these items, as denying participation for lacking these items might exclude individuals and families most in need of assistance.

# **Safe Parking Facilities**

Staff discussed the essential characteristics of ideal safe parking facilities with organizations that operate safe parking programs. They outlined the following essentials:

- Lighting
- Fencing or other means to secure and/or limit access to the site during hours of safe parking operation
- Restrooms, including handwashing & showers
- Trash disposal for solid waste
- Wastewater disposal or vouchers
- Staffing, which can include case managers, and some sites hire security guards during hours of operation

#### Privately Owned Land

Several communities in Santa Clara County allow safe parking programs to operate from parking lots owned by congregations (such as churches, synagogues, and other religious communities). Congregations may host evening activities for their members and the community that require use of their parking lots; during overnight hours the parking lots are typically unused by vehicles. By hosting the programs overnight, congregations are able to fulfill their missions without disrupting their activities or displacing other parking lot uses.

Lots of Love operated 2 parking lots at 2 congregations in the City of Mountain View. These pilot parking lots allowed the congregations, the community, and the City to understand the impacts and potential of the safe parking program. In Mountain View, the City identified the

necessary requirements to obtain a Temporary Use Permit (TUP), allowing the program to operate at these parking lots.

While permitting safe parking at congregations makes use of underutilized parking lots, the proximity of congregations to residences can limit support for this operational model. For example, 3 congregations in Mountain View initially expressed interest in hosting safe parking; one declined to participate due to neighbors' concerns. Similarly, Palo Alto investigated the possibility of congregations hosting safe parking programs; however only 1 congregation volunteered, and a few interested congregations declined due to neighborhood opposition.

At this time, approximately 3 congregations have approached the City of Palo Alto to express interest in hosting safe parking programs. If the City pursues a pilot or permanent program at these congregations, public outreach will be needed.

#### Publicly Owned Land

Staff explored the viability of 2 city-owned parcels identified in the Colleagues' Memorandum: 2000 Geng Road and 1237 San Antonio.

### 2000 Geng Road

The site located near 2000 Geng Road is approximately 0.9 acres or 39,204 square feet (Attachment B). The site is improved with small buildings dating back to the late 1950s. The area is highlighted in green in Attachment B. Staff prepared a rough estimate of the number of households that could be accommodated on the site. Staff estimate that up to 20-30 households may be physically accommodated on this site, or significantly less depending on program requirements. This number will vary, though, depending on the number of RVs or passenger vehicles at each site. With more direction from Council regarding program operations, a more thorough spatial review can be conducted and the potential service capacity further refined.

The area is zoned ROLM, an industrial designation. Per PAMC 18.20.30, "emergency shelters" are permitted in ROLM areas east of Highway 101, suggesting potential compatibility between safe parking uses and the neighboring uses. The site is surrounded by offices. The parcel is not located near any residentially zoned areas or any existing housing. Two private schools, Fusion Academy Palo Alto and International School of the Peninsula are located 1,539 and 1,363 feet away respectively. Given the location of the site, neither the schools nor offices are easily

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<sup>&</sup>lt;sup>4</sup> "Emergency shelter" means a facility or use, which gives temporary housing (six months or less) for homeless individuals or families and may involve supplemental services. Supplemental services may include, but are not limited to, meal preparation, an activities center, day care for homeless person's children, vocational rehabilitation, and other similar activities.

accessed from the site, providing privacy and separation for both the participants in safe parking and the nearby uses.

The site is located immediately adjacent to the Baylands Athletic Fields, though the parking areas are separated by fencing. Users of the athletic fields may voice concerns about the proximity of the site to the fields. Depending on the hours of operation, the safe parking operation may have minimal overlap with active use of the athletic fields. When the athletic fields are in use, flyballs occasionally reach cars in this area; a higher fence may be advisable.

The site is served with utilities, including water and power. This would allow for lighting and restrooms. The area is also fenced though upgrades may be needed.

Currently, the site serves 2 purposes: it is licensed to Anderson Honda and serves as the temporary location of Fire Station 3. The City licensed the 15,000 square foot portion to Anderson Honda for storing equipment and automobiles. The license commenced on February 1, 2019 and expires on January 31, 2022. Anderson Honda's rent is \$0.65 per square foot per month or \$9,750 with annual 3% increases. The remainder of the site is currently occupied as a temporary fire station while Fire Station 3 is under construction. Attachment C shows the area of the site that serve as the Temporary Fire Station and the 15,000 square foot portion leased to Anderson Honda.

The site could be continued to be utilized as a temporary fire station during future fire station renovations. The Office of Emergency Services has expressed interest in using this site. The Community Service Department has expressed interest in dedicating the site as parkland.

#### 1237 San Antonio

The former Los Altos Treatment Plant (LATP) is located at 1221/1237 North San Antonio Road and measures approximately 13.27 acres (Attachment D). The area surrounding the LATP is zoned ROLM. Per PAMC 18.20.30, emergency shelters are principally permitted in ROLM areas east of Highway 101, suggesting compatibility between safe parking uses and the neighboring uses. The closest residential parcels are located across Highway 101. This site is located near Palo Alto's border with the City of Mountain View. Nearby uses include an assortment of businesses, the Mountain View San Antonio Bus Yard, the Palo Alto Baylands. The site is near a Palo Alto Baylands trailhead.

The site is divided into 3 areas, Area A, Area B, and Area C; these are delineated on Attachment E. Area A comprises four acres of undeveloped bay margin marshland and an area of elevated fill. Area B comprises 6.6 acres and was the site of the City of Los Altos Wastewater Treatment Plant from 1958 until 1972. Area B is currently being renovated and contains an inactive clarifier tank structure and six former wastewater treatment ponds. Area B also contains areas wetlands areas, as illustrated on Attachment E. Area C comprises 2.6 acres and is leased to utility contractors for materials storage and GreenWaste.

Given the current commitments and the large portion that is dedicated as wetlands, only an approximate 1-acre portion of Area B would be available. Staff prepared a rough estimate of the number of households that could be accommodated on the site. Staff estimate that up to 25 – 35 households may be physically accommodated on this site, or significantly less depending on program requirements. This number will vary, though, depending on the number of RVs or passenger vehicles at each site. With more direction from Council regarding program operations, a more thorough spatial review can be conducted, and the potential service capacity further refined.

Area B is currently being renovated. The most recent license agreement signed at Area C is \$0.70 per square foot per month. If Area B could generate a similar rental rate, then the monthly income would be \$30,492 for one acre of land.

The secluded location of the site might present limited conflict with nearby uses and occupants. That characteristic may also make the location feel unwelcoming for participants. In addition, Area B is not connected to utilities.

# **Regulatory Framework**

Many jurisdictions offering safe parking programs begin with a small-scale pilot program to test and learn. If successful, the program is refined, expanded, and made permanent.

The temporary pilot could operate under a Temporary Use Permit. Under PAMC 18.42.050, the Director of Planning "may grant a temporary use permit to authorize the use of a site in any district for a temporary use...if it does not require public hearing and notice." For context, the Hotel de Zink, which offers emergency sheltering to homeless persons at congregations throughout Palo Alto, currently operates under a Temporary Use Permit issued by the Planning and Development Services Department. The Hotel de Zink rotates to different congregations every 30 days.

Currently, the City may issue a Temporary Use Permit for up to 45 days. During the pilot phase, the City Council might consider amending aspects of the Temporary Use Permit requirements in order to allow the pilot to operate for six or twelve months.

If Palo Alto chose to operate safe parking on a more permanent basis, the Planning and Development Services Department would work in partnership with the City Manager, the City Attorney, and other relevant departments to craft a regulatory framework that would support the program. The regulatory framework would likely include a discretionary permit application and review, a process that provides opportunity for public input, associated changes in zoning and the municipal code to define the use, and conditions of operation.

# **Resource Impact**

The budgetary impact of safe parking will vary greatly depending on the structure of a program in Palo Alto. Key budget impacts are related to the following:

- If the City decides to use City land, the city will forego lease revenue in the General Fund.
- Providing adequate facilities for the program to be successful will require City funds (for example if the City installs showers and restrooms or contracts to provide portable restrooms). Facility costs might be paid directly by the City, or they may be included in a contract with a service provider.
- Funding operating costs of the site.

# Costs in Other Cities

The operational costs of safe parking programs vary across providers, as each offers unique service and staffing models. Observing the funds dedicated by regional municipalities provides an indication of the potential cost and anticipated contributions should the city decide to initiate a program.

The City of Mountain View supported Lots of Love with \$287,525 for a two-year pilot. Lots of Love operates from the parking lots of 2 local congregations. A July 11, 2019 staff report stated that the cost to expand existing safe parking programs from serving 60 vehicles to serving 100 vehicles ranged from \$250,000 to \$280,000. In addition to expanding services, Mountain View is also working to expand the number of locations serving as safe parking lots. The City of East Palo Alto allocated \$318,000 to establish a safe parking program. In fall 2018, the City of San Jose approved a contract for \$250,000 with LifeMoves to operate a safe parking program.

#### **Potential Funding Sources**

Staff will need to conduct additional research to determine whether designated funds are available for this use. Potential funding sources for further exploration include:

- Housing trust fund/housing reserve funds
- Community Development Block Grant (CDBG) funds
- HSRAP

Unrestricted General Funds may of course be used for this purpose.

The City could also collaborate with Santa Clara County, and seek additional funding from the County to support safe parking. Santa Clara County has provided some financial support to programs in Mountain View and other cities.

#### **Environmental Review**

The recommendation in this report is to discuss and provide direction to staff on a policy topic that requires further research and analysis. As there is no action taking place or decisions being made, this effort does not qualify as a project in accordance with section 15378 of the California Environmental Quality Act (CEQA) Guidelines.

#### Attachments:

- Attachment A Safe Parking Programs Santa Clara County
- Attachment B 2000 Geng Road & Surrounding Zoning
- Attachment C 2000 Geng Road
- Attachment D 1221 San Antonio & Surrounding Zoning
- Attachment E 1221 San Antonio

# Attachment A – Point in Time Snapshot of Santa Clara County Safe Parking Programs Matrix - Programs continue to evolve and expand.

Agency & Program Name	Locations	Target Population	Capacity	Program Duration (LOS)	Contact to enroll Intake Process	Other Onsite Provided	Requirements of Clients (DL, Ins, Reg)	Supportive Services Provided
Amigos de Guadalupe - Posada Project	3 sites ongoing: - VTA lot - McKinley school district - Church lot	Families, singles	25 Cars	60 to 90 day stay	Call 408-341-6080 Screening within 48 hrs. Goal is to serve on the same day as contact is made.	1.Restrooms 2. Mobile Showers food 1 x/week	Registration, IDs, some lots require insurance Responsibility for own trash (public cans available).	management
Gilroy Compassion Center (GCC) - Focus Safe Parking Program	1 Site – Church in Morgan Hill	P1 – families P2 – single women P3- single men. Cars ONLY	8 vehicles, cars or RV's	As long as needed; must be active in case management	Apply in person at GCC, contact Janessa or Michelle for copy of application	Trash pickup     To-go meal in morning     info on meals in community     Security camera (police patrol occasionally)	Driver's License, valid registration, written application, insurance, identification.	Case management, financial assistance, supplies
Lots of Love - Mountain View	2 Church lots in Mountain View	Not yet defined – families at 1, singles, seniors, working individuals	Up to 4 cars per site	As long as needed; must be active in case management	Drop-in to CSA of Mountain View at 204 Steirlin Road or call MMV phone # 650-861- 0181	1.Porta potties 2.referrals for food 3. lot monitored via random checks	Permit parking signs, 8 X 11 cardstock notice on dashboard; make and license plate	CSA provides case management
Winter Faith Collaborative	2 Current Programs: - Cupertino/ Saratoga 12 sites serve 1x per mon #2- Campbell 2 sites share a year- round schedule #3- Pending 3 <sup>rd</sup> program	Families, singles and couples	15 vehicles per program. Cars and/or RV's Total: 30	Length of stay based on client need and Case Management plan	Amigos does all screening/CM	1.Trash can, water and bathroom available     2. Monitoring & limited food by site volunteers	Driver's License, valid registration, permit parking signs on dashboard	Flex funds – for registration, ID, repair, not insurance
LifeMoves	3 Lots: -Lot 1 East San Jose for familiesLot 2 Downtown San Jose (singles/couples) -Lot 3 South SJ (singles/couples)	Families, singles and couples, adults with adult dependent children	65 vehicles, CARS, RVs can be considered	90 – 120 days	Call 669-238-6193 or email safeparking@lifemoves.o rg	Trash Cans available 2. Food/snacks brought daily access to microwave at night     staff/ security on site during operational hours     showers/restrooms	Vehicle must be operable License, Registration, Insurance; obtaining these can be incorporated into case plan goals Family must have a minor child in household	Case Management Flex Funds
Project We Hope	1 site in East Palo Alto	Families, singles and couples	20 RVs	60 – 90 days; can be extended	Waiting list of those living in RVs who need services; identified as living in Palo Alto before certain date	<ol> <li>Portable restrooms &amp; handwashing</li> <li>Mobile showers (Dignity on Wheels)</li> <li>Security guards.</li> <li>Case manager.</li> <li>Vouchers for dumping RV septic</li> <li>Garbage disposal.</li> <li>Breakfast and dinner provided.</li> </ol>	Must obtain driver's license, registration, insurance; program will help clients obtain these.	Case management, classes (health, financial literacy, etc.), meals.







