



# Memorandum

**TO:** NEIGHBORHOOD SERVICES  
AND EDUCATION COMMITTEE

**FROM:** Jacky Morales-Ferrand  
Rosalynn Hughey

**SUBJECT:** SEE BELOW

**DATE:** August 27, 2018

Approved

Date

9/1/18

**SUBJECT: COUNCIL PRIORITY POLICY #13: PROPOSED POLICY FRAMEWORK  
FOR THE DEVELOPMENT OF A SAFE PARKING ORDINANCE**

## **RECOMMENDATION**

It is recommended that the Neighborhood Services and Education Committee (NSE) provide feedback related to the proposed Safe Parking Ordinance and receive a status update on the pilot Safe Parking Program.

## **BACKGROUND**

The 2017 biennial homeless census counted 4,350 homeless persons in San José. Out of the total 4,350 individuals, 74% were unsheltered (living in vehicles, on the streets, in abandoned storage structures, or in homeless encampments). From January 2017 to December 2017, there were 486 calls to the City of San José's Homeless Concerns Hotline over concerns about homeless persons residing in their vehicles (132 calls for people inhabiting their cars and 354 calls for people inhabiting recreation vehicles or RVs). Further, during the same timeframe, there were 125 occupied vehicles reported to the City of San José's Vehicle Abatement Program.

Given the demonstrated need, the Housing Department has been working to implement a pilot Safe Parking Program that would create a safe and secure place for car and recreational vehicle dwellers to park and sleep. Such a structured program is intended to increase access to available services, reduce the number of people living illegally in their vehicles on the streets, decrease enforcement actions and the resulting legal fees incurred by the homeless individual, and provide resources to secure permanent housing and economic stability. Long term, the Housing Department and Planning Building and Code Enforcement (PBCE) are developing a safe parking ordinance, which is needed to operate on a privately owned site. The City could allow a Safe Parking Program on a city-owned site without the need of an ordinance.

## **ANALYSIS**

With the evident housing crisis and demonstrated need for interim homeless solutions, the City Council prioritized the development of a “Safe Parking Program” ranking it number 13 out of 27 priorities. The directive was to explore and develop an ordinance which would allow “safe parking” as a permitted use in public and privately-owned parking lots for people who live in their vehicles.

### **Safe Parking Ordinance**

One of the principal barriers to a Safe Parking Program in the City is that providing overnight shelter in a car on a lot is not allowed because such use is inconsistent with the Zoning Ordinance. Staff from the Housing Department, Planning, Building, and Code Enforcement (PBCE) and the City Attorney’s Office (CAO) are preparing an ordinance to allow this use on sites with specific zoning designations and uses. This draft ordinance will provide a regulatory framework for an entity that wishes to run a Safe Parking Program on their site. The ordinance will also provide a regulatory framework to address the relationship between the use and the surrounding neighborhoods that may be impacted by the new safe parking use. To accomplish this work, staff is seeking direction from the Committee on the framework for this ordinance.

The proposed safe parking ordinance would allow local owners of property with assembly uses, including faith-based organizations and businesses, to host a Safe Parking Program. The proposed safe parking ordinance framework will apply to allow a new incidental use for sites with assembly uses (in addition to City sites). This relatively narrow scope should allow it to be reviewed and adopted more quickly. The proposed selection of assembly uses reflects the interest from the faith community in providing Safe Parking Programs.

Under the current proposed framework, the ordinance would allow the owners who meet the requirements to provide those in vehicles with a legal place to park overnight. Highlights of the draft ordinance framework include:

- Parking only between the hours of 10 p.m. and 7 a.m.;
- The use will be deemed incidental to an existing assembly use provided that the safe parking use occupies less than 50% percent of the paved square footage of the site, and where the shelter is provided in vehicles located in designated paved parking areas;
- Programs must follow guidelines related to waste disposal and access to restroom facilities.
- Any organization participating in the Safe Parking Program must ensure that the regulatory standards required by the Housing Department and in the ordinance are followed.
- Safe Parking Programs will be registered with the Housing Department and shall maintain the use in compliance with a management plan.
- Allow for a maximum of 20 vehicles in one 24-hour period or no greater than 50% of existing parking stalls, whichever is more restrictive.
- No fires, cooking or food preparation shall be performed outside of the participants’ vehicles.

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- A Neighborhood Relations Plan shall be developed and maintained for each Safe Parking Program to address any complaints in a timely manner.
- Safe Parking Programs shall be inspected for compliance with the Building and Fire Code.
- Quiet hours shall be maintained between 10:00 p.m. and 7:00 a.m., seven days a week, 365 days a year. Quiet hours do not preclude outdoor activities, such as smoking in designated outdoor areas or exiting the location.
- The Safe Parking Program shall not be located closer than a minimum distance of 500 feet from another Safe Parking Program, where the distance between the locations is measured from the nearest Parcel line to the nearest Parcel line.
- The portion of a Parcel containing the Safe Parking Program shall not be located at a distance closer than a minimum of 150 feet from any residential use that is located on another Parcel, measured from the nearest vehicle parking stall containing the Safe Parking Program to the nearest Parcel line of a Parcel containing a residential use.

Staff is requesting direction to proceed with developing an ordinance based on the framework described above.

#### Safe Parking Pilot Program

Per Council direction, the Housing Department is proposing to launch a Safe Parking Pilot Program while working on the development of a city-wide safe parking ordinance. The City does not require a conditional use permit to operate safe parking on City-owned land. The proposed pilot will fund a non-profit homeless services agency to provide oversight, supportive services to participants, security and neighborhood outreach for the Pilot.

In 2015, the Housing Department released two separate Requests for Proposals (RFP) for potential operators of a Safe Parking Pilot Program in San José. The first RFP produced no responses. The second RFP resulted in an award but the intended program was unable to advance due to challenges with the permit to operate safe parking at the agency's site. The Safe Parking Pilot Program would create a safe and secure place for car and recreation vehicle dwellers to park and sleep, increase access to available services, reduce traffic and the number of people living illegally in their vehicles on the streets, decrease enforcement actions and resulting legal costs to homeless persons, and provide resources to secure permanent housing and economic stability.

A third RFP was released in March of 2018 inviting proposals for a Safe Parking Pilot Program to be operated on a City-owned property outside of the public right of way and managed by a non-profit homeless service provider. Five agencies submitted proposals to provide services by the application response deadline of 12:00 PM on May 21, 2018. The five agencies were LifeMoves, HomeFirst, Amigos de Guadalupe, Project WeHope, and Gilroy Compassion Center.

Detailed scoring criteria were developed and used by a proposal review panel consisting of four City staff and one external stakeholder knowledgeable in homeless programs delivery. The panel

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met on May 30, 2018 to discuss and score the proposals. After scoring and ranking all proposals according to the criteria, the panel identified LifeMoves as the awardee for the Safe Parking Pilot Program.

The proposed Safe Parking Pilot Program is designed to serve families with minor children who use their cars and recreation vehicles as their primary residence in San José. This is an interim housing solution for participating households to “park” or reside at an authorized City-owned location as they search for permanent housing. LifeMoves proposes to offer basic necessities, while also providing individualized case management, employment development, and housing placement services. The Safe Parking Pilot Program is anticipated to cost \$250,000 for its first year of operation. If approved, and after the program is operating, staff will evaluate its effectiveness prior to making a recommendation regarding on-going funding.

### *Next Steps*

The Housing Department is requesting feedback from the Neighborhood Services and Education Committee on the proposed safe parking ordinance. Once feedback from the Committee and from the community has been obtained, the Planning, Building and Code Enforcement Department will take the proposed ordinance to the Planning Commission in November 2018 for discussion and approval. The proposed safe parking ordinance will come to City Council for approval in December 2018. When the final ordinance is approved, it will conclude the work for this Council priority.

The Housing Department is working to identify a City-owned location to operate the pilot program. Community outreach will begin after a location is identified. The Housing Department plans to bring a contract for the Safe Parking Pilot Program to the City Council for approval in October 2018.

### **EVALUATION AND FOLLOW-UP**

The Housing Department and PBCE will return to City Council in late fall 2018 for the approval of the Zoning Code changes to Chapter 20.80 of the San José Municipal Code. The environmental clearance process will be initiated in September 2018.

### **PUBLIC OUTREACH**

This item has been posted on the Neighborhood Services and Education Committee website for September 13, 2018.

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**COORDINATION**

This item has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

**COMMISSION RECOMMENDATION/INPUT**

The Planning Commission and the Housing and Community Development Commission will review the draft Ordinance for feedback prior to the final City Council consideration.

**CEQA**

Preliminary direction to staff and eventual action requires approval from decision-making body. Public Project number PP17-007.

/s/

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/s/

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For questions, please contact Kelly Hemphill, the Acting Manager of the Homelessness Response Team, at 408-975-4483.