



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Jacky Morales-Ferrand

**SUBJECT:** SEE BELOW

**DATE:** October 2, 2018

Approved

Date

10-2-18

**COUNCIL DISTRICT: 7**

**SUBJECT: FUNDING AWARD FOR THE SAFE PARKING PILOT PROGRAM**

## RECOMMENDATION

- a. Adopt a resolution authorizing the Director of Housing to execute an agreement with LifeMoves in the amount of \$250,000 from the Housing Trust Fund to operate a Safe Parking Pilot Program for families from October 16, 2018 through June 30, 2019.
- b. Adopt a resolution approving an exception to Council Policy 6-16 for this Safe Parking Pilot Program.

## OUTCOME

Approval of the recommended actions will implement a Safe Parking Pilot Program consistent with number thirteen on the City Council's Policy Priority List and create additional services for homeless families in San José.

## BACKGROUND

The 2017 biennial homeless census counted 4,350 homeless persons in San José. Out of the total 4,350 individuals, 74% were unsheltered (were living in vehicles, on the streets, in abandoned or storage structures, or in homeless encampments). The biennial point-in-time homeless census counted 104 families with children experiencing homelessness in San José with 340 individuals living in these families. This represents approximately 8% of the total homeless population counted in the census in San José.

From January 2017 to December 2017, there were 486 calls to the City of San José's Homeless Concerns Hotline over concern about homeless persons residing in their vehicles (132 calls for people inhabiting their cars and 354 calls for people inhabiting recreation vehicles or RVs).

During the same timeframe, there were 125 occupied vehicles reported to the City of San José's Vehicle Abatement Program.

### ***Safe Parking Program***

In September 2014, the Housing Department presented to the Community and Economic Development Committee potential strategies for providing interim housing solutions. With input from other jurisdictions and community partners, staff provided a review of a variety of programs that target families and individuals. Safe Parking Programs were identified as a potential tool to address the safety of the community and the homeless participants. Safe Parking Programs 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.

In 2015, the Housing Department released two separate Requests for Proposals (RFP) for potential operators of a Safe Parking 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. There was additional interest in private parties in establishing programs on private parking lots. To allow this use, the City identified that changes would be needed to the Zoning Code.

The Mayor and the City Council have taken several actions to support the development of a Safe Parking Program. In October 2017, the City Council ranked and approved new items for the Council Priority list. A Safe Parking Program received ten votes and was added to the City Council priority listing as number thirteen. In March 2018, the Mayor's March Budget Message allocated one-time funding of \$3 million to Council prioritized homeless strategies including safe parking. In June 2018, the Council Policy Priority List was released and ranked a "Safe Parking Program" as number thirteen out of twenty-seven priorities. The directive was to explore and develop an ordinance which would allow for a legal use of "safe parking" in public and privately-owned parking lots for people who live in their vehicles.

Given the number of people found living in their vehicles over the past year, the City Council direction to prioritize the creation of a Safe Parking program and the impact to the City, the Housing Department initiated another RFP to implement a Safe Parking Pilot Program in the spring of 2018.

### **ANALYSIS**

The Housing Department released a third RFP in March of 2018 inviting proposals for a Safe Parking Pilot Program (the Pilot) to be operated on a City-owned property outside of the public right of way, which was new to this RFP, 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 the Gilroy Compassion Center.

The selection criteria were as follows:

- Program Description – 35%
- Organizational and Financial Capacity and Experience – 30%
- Goals and Outcomes – 20%
- Budget – 15%

Detailed scoring criteria were developed and used by a proposal review panel consisting of four Housing Department staff and one external stakeholder knowledgeable in homeless programs delivery. The panel met on May 30, 2018 to discuss and score the proposals. After scoring and ranking all proposals according to the criteria, the panel selected LifeMoves as the awardee for the Safe Parking Pilot Program.

The proposed Pilot Program is designed to serve families, with at least one minor child, who use their cars and recreation vehicles as their primary residence in San José. To qualify for the Pilot Program, the adults in the family must be employed or employable. This is an interim housing solution for participating households to “park” as they search for permanent housing. The Pilot Program is anticipated to cost \$250,000 for its first year of operation. After the Pilot Program is operating, staff will evaluate its effectiveness prior to making a recommendation regarding ongoing funding. The Pilot Program will operate at an unused overflow parking area in the Seven Trees Community Center located at 3590 Cas Drive in San José. Program participants may use the restrooms in the proposed site during business hours. Outside of facility hours, the program participants and LifeMoves staff and security will utilize secured onsite restrooms with a key provided by the Department of Parks, Recreation and Neighborhood Services. The Pilot Program will operate at the site seven days a week for 12 hours each day from 7:00 p.m. to 7:00 a.m. the following day. Vehicles will not be allowed to be on the project site outside of the operating times of the program. All vehicles must exit the project site in the morning when the operating time ends.

The proposed operator, LifeMoves, will offer basic necessities, while also providing offsite individualized case management, employment development, and housing placement services. LifeMoves will be responsible for developing an operational plan that includes:

- Hiring on-site security during hours of program operation
- Providing trash receptacles and disposal service for the program
- Developing emergency evacuation procedures
- Ensuring site and surrounding neighborhood is kept clean
- Maintaining quiet hours from 10:00 p.m. to 7:00 a.m.
- Prohibiting congregating outside of vehicles
- Sheltering within vehicles (no tents, lean-tos, or other temporary facilities)
- Being respectful of public property and neighbors

### ***Exception to Policy 6-16***

City Council Policy 6-16, adopted in 1986, established procedures regarding decisions affecting City-owned lands. It provides that where a private party is conducting an activity related to an underlying public function, a site development permit is required.

The proposed Safe Parking Pilot Program is a temporary activity to be conducted by a City grantee on publicly-owned property to serve the underlying public function of providing a safe place for homeless individuals living in vehicles to park and sleep, and connecting participants to case management and housing. Council Policy 6-16 was developed to ensure public participation in decisions regarding public land, but it has not been updated to reflect more tailored outreach requirements such as are found in Council Policy 6-30, Public Outreach Policy, last amended in 2004, or to include exceptions for temporary or emergency uses. The Housing Department has conducted significant outreach as discussed in the Public Outreach section below. Complying with the requirements of this policy would potentially add a significant delay to the Department's ability to provide the Safe Parking Pilot Program this year.

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

The results of the program will be reported through the annual update on homeless activities to the City's Neighborhood Services and Education Committee which will occur in the fall of 2019.

### ***Ordinance Development***

The Housing Department is currently working with the Department of Planning, Building and Code Enforcement to develop a safe parking ordinance to allow private property owners, including faith-based organizations and businesses, to host safe parking. The ordinance will provide those in vehicles with a legal place to temporarily park overnight. Any organization participating in the Safe Parking Program must ensure that the standards and requirements in the ordinance are followed. An ordinance would allow for the consideration of issues like waste disposal and access to restroom facilities, while also providing a regulatory framework for surrounding neighborhoods that may be impacted by the new safe parking use. The ordinance will come to the City Council for consideration in January 2019.

### **POLICY ALTERNATIVES**

In reaching the recommendation spelled out above, the following alternative was also considered:

**Alternative #1:** The City could choose not to award the contract to LifeMoves to operate the Safe Parking Pilot Program.

**Pros:** The City could provide the funds for alternative uses.

**Cons:** The households who sleep in their vehicles would not have access to a safe place to park, which will also connect them to services and housing options.

**Reason for not recommending:** Providing the first safe parking pilot program with comprehensive services for homeless families in San José is critical to ensuring the safety of its most vulnerable residents during evening hours. This is also a priority for the City Council.

### **PUBLIC OUTREACH**

Stakeholder and neighborhood outreach meetings were scheduled and facilitated by Housing Department staff in coordination with District 7 staff, where the site is proposed. The first meeting with the stakeholders included management staff from SJPD, Library and Parks, Recreation and Neighborhood Services, the proposed operator, principals of the nearby schools, the president of the neighborhood association and a representative from the District Attorney's Office, occurred on August 29, 2018. The second stakeholder meeting will take place on October 9, 2018 in which the Operations Plan will be reviewed in detail for feedback.

Beginning on August 29, 2018, the Housing Department conducted outreach to the eight neighbors who surround the proposed site. Ongoing communication has been maintained with the eight neighbors. The Housing Department distributed 400 flyers to homes surrounding the proposed site to inform them of a community meeting on September 4, 2018. Fourteen residents participated in the community meeting. The Housing Department also participated in the neighborhood association meeting on September 5, 2018 to address comments and concerns about the Pilot Program. On September 6, 2018, the Housing Department spoke directly to the Chief of Police in regard to questions and concerns about the Pilot Program as a result of neighborhood input. The Housing Department spoke briefly about the Pilot Program at the Neighborhood Services & Education Committee on September 13, 2018.

The feedback from stakeholders and neighbors was similar in that both groups were interested in bringing more resources to the community, including safety patrols, gang interventions, and housing for car dwellers. The response from the Housing Department was that the Pilot Program would provide much needed services to the community.

This memorandum will be posted on the City's Council Agenda website for the October 16, 2018 City Council Meeting.

### **COORDINATION**

The memorandum was coordinated with the San José Public Library, the Department of Parks, Recreation, and Neighborhood Services, the City Attorney's Office and the City Manager's Budget Office.

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**COMMISSION RECOMMENDATION/INPUT**

At the June 14, 2018 Housing and Community Development Commission (HCDC) meeting, the HCDC passed (6-3) the Housing Trust Fund Expenditure Plan for FY 2018-19, which included a funding allocation for the Safe Parking Pilot Program.

**BUDGET REFERENCE**

Fund #	Appn #	Appn. Name	Total Appn	Amt. for Contract	2018-2019 Adopted Operating Budget Page	Last Budget Action (Date, Ord. No.)
440	2453	Housing and Homeless Projects	\$1,000,000	\$250,000	X-49	06/19/18, 30124

**CEQA**

Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP18-076.

/s/

JACKY MORALES-FERRAND  
Director, Housing

For questions, please contact Kelly Hemphill, Housing Policy and Planning Administrator, at (408) 975-4483.