



City of Sunnyvale

Agenda Item

24-0955

Agenda Date: 10/14/2024

REPORT TO PLANNING COMMISSION

SUBJECT

Proposed Project:

Introduce an Ordinance to:

Amend Article 5 (Special Housing Issues) of Title 19 (Zoning) of the Sunnyvale Municipal Code to Allow Safe Parking as a Primary or Ancillary Use at Specified Sites, other related Zoning Code Amendments, and related Amendments to the Peery Park Specific Plan Land Use Table and Direct Staff to Pursue Implementing a Safe Parking Pilot Program on Public Land.

Location: Citywide

File #: PLNG-2024-0645

Zoning: C-4, MP-02, M-S, M-3, PPSP-IE, and PPSP-MIC and Place of Assembly - Community Serving us sites

Environmental Review: Class 1 (California Environmental Quality Act [CEQA] Guidelines Section 15301), Class 4 (Section 15304), and Class 11 (Section 15311) Categorical Exemptions and Section 16061(b)(3)

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REPORT IN BRIEF

In 2020, the City Council approved the 2020 Housing Strategy that prioritized the development of a Safe Parking program. In December 2023, the City Council adopted the 2023-2031 Housing Element of the General Plan; any remaining programs from the 2020 Housing Strategy were added to the programs in the Housing Element, including program 'H34 Safe RV Parking' that directs staff to work with local human service providers to encourage the creation of a Safe RV parking program for the unhoused community. Throughout 2024, City Staff has been working to learn, research, and identify requirements needed to allow a Safe Parking Program for cars and RVs in Sunnyvale. After various outreach meetings and several meetings with neighboring jurisdictions, staff is proposing an Ordinance to allow Safe Parking as both as a standalone program in various commercial or industrial zones (as a primary use), while allowing Safe Parking as ancillary to a place of assembly/community service use in any zoning district. Staff is also proposing two types of parking programs: small (2-10 parking spaces) and large (11+ parking spaces); with a small program requiring a Miscellaneous Plan Permit (MPP) with notice and no public hearing and a large program requiring a Use Permit with a Planning Commission public hearing. Approval of a Safe Parking program would require various programmatic, safety, and facility compliance items clearly outlined in a Site Management Plan which would be monitored by the City on a regular basis. Staff is also recommending direction from Council to pursue implementing a City sponsored Safe Parking program on public land, and funding a small grant program to support nonprofit or faith based organizations in their establishment and operation of a new Safe Parking program in Sunnyvale.

BACKGROUND

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In 2020, the City Council approved the 2020 Housing Strategy that reviewed and prioritized a number of housing related programs for Sunnyvale. The development of a Safe Parking Ordinance and program is in response to the 2020 Housing Strategy - Establishment of a Safe RV Parking Program. This report reflects the need to also address the number of individuals who live in their vehicles as a last resort.

In 2022, the City Council added Supporting the Unhoused Community as a Council Strategic Priority. Council also authorized street outreach services to augment other social service programs in the County and to assist unhoused individuals in learning about and accessing services. In FY 2023-2024 a new position, Homeless Services Manager, was added to the Community Development Department Housing and Human Services Division.

In December 2023, the City Council adopted the 2023-2031 Housing Element of the General Plan; any remaining programs from the 2020 Housing Strategy were added to the programs in the Housing Element, including program H 34 Safe RV Parking that directs staff to work with local human service providers to encourage the creation of a Safe RV parking program for the unhoused community.

The Planning Commission is scheduled to consider this item on October 14, 2024.

The Housing and Human Services Commission is scheduled to consider this item on October 23, 2024.

The City Council is scheduled to consider this item on November 12, 2024.

EXISTING POLICY

2020 HOUSING STRATEGY- ESTABLISHMENT OF A SAFE RV PARKING PROGRAM - Identify potential improvements to existing housing programs as well as approaches to increase affordable housing stock and improve housing affordability in the City.

GENERAL PLAN - HOUSING ELEMENT

GOAL HE-5 EQUAL HOUSING OPPORTUNITIES AND SPECIAL NEEDS - Promote equal housing opportunities for all residents, including Sunnyvale's special needs populations, so that residents can reside in the housing of their choice.

Policy H-5.13 Housing and Services to Address Homelessness. Participate in the County Collaborative on Affordable Housing and Homeless Issues to support its efforts to prevent and end homelessness. Facilitate and sponsor the provision of permanent supportive housing for homeless people. Support local service providers that offer facilities and support services to homeless individuals and families, and persons at risk of homelessness.

H32. Programs to Address Homelessness. Continue to provide funding for programs that seek to prevent and end homelessness and provide supportive services to homeless and at-risk clients. Continue to implement programs such as WorkFirst Sunnyvale and Tenant-Based Rental Assistance. Using new funds such as Permanent Local Housing Allocation and HOME-ARP, create and fund new programs that support the City's residents who are experiencing homeless or at risk of homelessness.

- Objective: Provide annual funding for homeless programs and at-risk households to

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serve at least 150 households per year. Implement new rental assistance program for seniors experiencing homelessness.

- Policy(ies) Implements: H-5.13
- Timeframe: Implement new funding sources in 2023, ongoing once implemented.
- Responsible Department or Agency: Community Development Department, Housing Division

H34. Safe RV Parking. Work with local human service providers to encourage the creation of a Safe RV Parking program for the unhoused community.

Objective: Support the establishment of a safe RV parking program and identify at least one potential site.

- Policy(ies) Implements: H-5.13
- Timeframe: Commence study in 2023 and implement by 2025
- Responsible Department or Agency: Community Development Department, Housing Division

Council Policy 5.1.3 Human Services

POLICY PURPOSE: The City of Sunnyvale recognizes that the supportive human services programs of the Federal, State and County governments do not fully meet the needs of all its population. The City, therefore, shall make its best efforts to provide supplemental human services, which include but are not limited to the emergency services, senior services, disabled services, family services and youth services.

Council Strategic Priority: Support the Unhoused Community

ENVIRONMENTAL REVIEW

The action being considered is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to the Categorical Exemptions Class 1 (CEQA Guidelines Section 15301, Existing Facilities), Class 4 (CEQA Guidelines Section 15304, Minor Alterations to Land), and Class 11 (Section 15311, Accessory Structures). The proposed regulations for safe parking involves operation and minor alterations of existing facilities involving negligible or no expansion of the existing or former use. Adopting the Ordinance to allow safe parking on sites ancillary to existing primary uses or as primary uses would not constitute any significant expansion of use. Safe parking would occur in urban areas (developed or vacant) on existing developed lots that are not identified as environmentally sensitive. Minor grading on a grade of 10 percent or less may be required for the creation of a new parking lot for a safe parking site. Sites would be limited to a maximum of 75 vehicles as to minimize impacts to the land and neighboring sites. Operation of safe parking sites include installation of temporary accessory structures to support the use such as portable toilets, hand washing stations, solid waste and recycling bins, lighting, and potable water tanks which can readily be removed from the sites should the safe parking operations cease. Graywater and blackwater would be managed by the Safe Parking Program Operator. Setback requirements would ensure adequate separation from existing residential uses and fire protection clearances between parking spaces. The requirement to comply with the Noise Ordinance would ensure operational noise does not exceed local thresholds. Any proposed larger generators would be subject to air pollution requirements through BAAQMD's permitting process. Therefore, in addition, the action is exempt under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the safe parking regulations may have a significant effect on the environment.

DISCUSSION

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Staff researched Safe Parking program models in Santa Barbara, Los Angeles, Humboldt, and consulted with a number of local jurisdictions and Safe Parking providers to understand current program operations, costs, restraints, and inform the development of the Safe Parking Ordinance for the City.

Need for Safe Parking

In 2023, thirty two percent (32%) of unhoused Sunnyvale residents who were assessed for services (those individuals whose information was entered into the Homeless Management Information System - HMIS) declared that they were living in their cars. Also, in 2023 City staff conducted a windshield survey and observed over 100 RV's parked on City streets. While not all of these vehicles may have been occupied by unhoused individuals, the growing number of persons living in their vehicle as housing of last resort is growing regionally with the continued rising costs of housing and staggered wages, indicating that vehicular homelessness will not be trending downward anytime soon.

General Overview of Safe Parking

Safe Parking programs are generally temporary in nature and designed to provide a legal, safe, and stable environment for unhoused individuals and families, and are coupled with supportive services. Services typically include toilet facilities, potable water, contained waste management, site operations through an experienced nonprofit or faith-based organization, and case management.

To develop the programmatic details and an ordinance for Sunnyvale's Safe Parking program, City staff consulted with city staff in Mountain View, Palo Alto, Saratoga, Fremont, and Santa Rosa who have developed and manage existing programs. Each of these programs represent a variation in safe parking; some sites serve only RV's or passenger vehicles overnight and other programs operate 24/7 and serve both oversized and passenger vehicles. There are common elements in the design for all of the operational programs that staff considered: access to basic sanitation services, clear eligibility requirements, connection to supportive services, and reduction of barriers for participation.

Community Engagement

In July 2024, the City held two Safe Parking Community Meetings, one meeting was held for Sunnyvale residents and business owners, the other meeting was intended for nonprofit agencies and faith-based organizations. Both meetings provided education on Safe Parking Programs and a timeline and process for bringing the City's Safe Parking Ordinance forward for City Council consideration.

The resident/business owner meeting attendees were generally supportive of a safe parking program in Sunnyvale. The attendees mentioned concerns with potential noise and crime as well as possible barriers to entry into a program. They also were concerned that smaller programs may not be sufficient to make a difference to the people living in vehicles. Comment themes related to providing clean safe streets throughout the City and linking those in need to services. The faith-based/non-profit provider meeting attendees indicated interest in providing a Safe Parking Program, however noted that there would need to be financial support and partnerships between service providers.

Additionally, staff will continue to conduct outreach to unhoused residents in the City who are currently residing in their vehicles to understand what their existing needs are and what they would like to see in a Safe Parking program.

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Overview of the Safe Parking Ordinance

The purpose of Safe Parking is to provide unhoused individuals and families with vehicles a safe place to temporarily park, receive case management services, and facilitate transition to permanent housing. The ordinance will enable Safe Parking in certain zoning districts, or in combination with community service Places of Assembly in any zoning district, subject to specific performance standards and permit requirements. These standards and requirements are intended to ensure that Safe Parking facilities will be compatible with surrounding uses and effective at facilitating participants' transition to permanent housing.

The Safe Parking Ordinance was developed through multi-departmental efforts with the expertise of staff from Community Development Department (Planning, Building, and Housing), Department of Public Safety, Department of Public Works, Environmental Services Department, Office of the City Manager, and Office of the City Attorney.

The following are key components of the Safe Parking Ordinance and Decision-Making Procedures:

Type of Facility and Decision Process					
Type of Safe Parking Facility	Number of Vehicles	Decision Maker	Hearing Required	Notice Required	Permit Type Required
Small site	2-10	Director of Community Development	No	Yes	MPP
Large site	11-75	Planning Commission	Yes	Yes	UP

Minimum requirements for noticing are included in SMC Section 19.98.040 and may be expanded or modified by the specific requirements of an application and by policies adopted by resolution by the city council or as determined by the director of community Development Minimum notice includes mailing and on-site noticing for a Safe Parking - Small site and mailing, on-site noticing, public notice bulletin board at city hall and noticed published at least once in a newspaper of general circulation in the city for a Safe Parking - Large site. The director recommends that, at least initially, the minimum distance for mailed notice of 300 feet be expanded to 500 feet for a small site and 1,000 feet for a large site.

Proposed Zoning Districts and Land Uses <u>For</u> Safe Parking Sites	
Zoning District	Zoning Type
C-4	Service Commercial
MP-02	Moffett Park-Office
M-S	Industrial and Service
M-3	General Industrial
PPSP-IE	Peery Park Specific Plan, Innovation Edge
PPSP-MIC	Peery Park Specific Plan, Mixed Industry Core
Any	Ancillary to a Place of Assembly-Community Serving use

Program Operations:

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- 24/7 or overnight only programs allowed
- Single site or rotational programs allowed
- RV's, oversized vehicles, and/or passenger cars may be allowed
- Supportive services required

Safety & Program Compliance:

- Miscellaneous Plan Permit required for small sites (2-10 vehicles)
- Use Permit required for large sites (11+ vehicles)
- Site Inspection by City staff prior to the approval of a Safe Parking permit
- Annual permitting renewals
- Site visits by City's staff to monitor the Safe Parking Program
- Fire safety requirements
- Detailed site plan showing emergency procedures, ingress, egress, lighting
- Site management plan (describing operations and services), including:
 - Other uses on the site and the hours of operation for all uses;
 - Number of parking spaces allocated to the program, types of vehicles permitted and the days and hours the spaces will be allocated to the program;
 - Description of project management, including procedures for site monitoring, participant screening, the proposed facilities and services to be offered, and an emergency contact who is available 24 hours per day;
 - A description of how waste disposal, including graywater, blackwater, recycling, is proposed to be managed by the Safe Parking Program Operator.

Required Facilities:

- Toilets and hand washing stations (Minimum of 1 toilet & 1 sink per 20 participants)
- Trash and recycling
- Access to potable water
- For RV programs, parking for commuter vehicles

Potential Safe Parking Pilot Program on Public Land

Staff is seeking direction from Council whether to explore a Safe Parking Pilot Program on public land. Included below is a proposed plan for the establishment of a Safe Parking Pilot Program on publicly owned land in the City.

The Program would include the following components:

- One site on public land
- 24/7 operations
- Nonprofit program operator
- Two Year Pilot
- Evaluate scaling up/other solutions, longer-term solutions

This plan could take approximately eight to nine months to execute, depending on the factors discussed below:

1. Site Identification

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To identify sites for this project, staff would work internally and with other public agencies to identify and secure a lot that is of sufficient size to accommodate RV's, their commuter cars, and passenger vehicles. In addition, staff would need to ensure the facilities have adequate sanitation facilities and utilities (potable water, electricity, etc.) or that such facilities could be added as site improvements. Staff will also consider the time and associated costs to conduct site improvements using existing city staff vs. procuring a contractor for such work.

2. Public Outreach

Once a site has been identified by the City, extensive public outreach would be conducted to provide an opportunity for feedback. Public noticing in close proximity to the site (staff recommends property owners and tenants within 1000 feet of the site) would be done along with community meetings to gather feedback.

3. Secure Funding

Once a site has been selected and public outreach has been completed, staff would return to Council with funding recommendations and direction. Staff will seek all available opportunities for local, state, and federal grant funding for the proposed Safe Parking program.

Possible Funding For Safe Parking Pilot Program		
Source of Funds	Funding Name	Limitations
State-HCD	Permanent Local Housing Allocation (PLHA)	Case Management for Safe Parking, Rapid Rehousing assistance
State-HCD	Prohousing Incentive Program (PIP)	Case Management for Safe Parking, Rapid Rehousing assistance

If outside funding is not identified, staff would present a city funding source for Safe Parking program as part of the FY 2025-26 budget.

Estimated Cost for Safe Parking Operations

Staff has estimated costs for the operation of a Safe Parking Program on public property based on the average cost of site operations in neighboring jurisdictions.

Staffing costs include case management, program management, lot monitoring, and administrative staff to manage the day-to-day operations of the Safe Parking program. As noted below, larger sites will require additional staffing.

Operations costs include portable toilets and handwashing stations, trash services, utilities, contracted labor, direct program assistance, office/program supplies and equipment. These costs do not include any lost opportunities or loss of current revenue.

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Estimated Annual Operating Costs For Safe Parking Sites			
Cost Type	Number of Parking Spaces		
	9 Spaces	12 Spaces	30 Spaces
Staffing Cost	\$375,000	\$375,000	\$405,000
Operating Cost	\$85,000	\$143,000	\$235,000
Total Estimated Cost	\$460,000	\$518,000	\$640,000

4. Securing a Service Provider (Site Operator)

Once funding has been secured, staff will conduct a solicitation process for a qualified Safe Parking operator to manage the Safe Parking site including provision of case management services. The solicitation process generally takes six to eight months from start to finish. Staff would return to Council with a recommendation for contract award for a Safe Parking service provider (site operator). If approved, the Safe Parking Program would start around Quarter 1 of next fiscal year.

Possible Funding for Safe Parking Programs On Private Land

As an additional option the City Council may consider offering General Fund grants for nonprofits or faith-based organizations to develop a Safe Parking Program on private land. The grant funding would cover capital improvements to the site and other start-up costs.

FISCAL IMPACT

There is no direct fiscal impact related to approval of the proposed amendment to the Sunnyvale Municipal Code. If the City Council provides direction to pursue any of the options proposed in this report, the item will be brought for Council consideration as part of the FY 2025/26 Recommended Budget.

PUBLIC CONTACT

Notice of the hearings was emailed to Community organizations, non-profits, a list of commenters on the Housing Element and other interested parties. Staff has received no comments on the item. In addition, the notice of the Planning Commission and City Council Public Hearings was published in the *Sun* newspaper.

Public contact was made by posting the meeting agendas on the City's official-notice bulletin board at City Hall, at the Sunnyvale Public Library and in the Department of Public Safety Lobby. In addition, the agenda and this report are available at the NOVA Workforce Services reception desk located on the first floor of City Hall at 456 W. Olive Avenue (during normal business hours), and on the City's website.

ALTERNATIVES

Recommend to City Council:

1. Introduce an Ordinance to Amend Article 5 (Special Housing Issues) of Title 19 (Zoning) of the Sunnyvale Municipal Code to Allow Safe Parking as a Primary or Ancillary Use at Specified Sites, other related Zoning Code Amendments, and related Amendments to the Peery Park Specific Plan Land Use Table (Attachment 2 to the report), Find that the Action is Exempt from the California Environmental Quality Act (CEQA) Pursuant to the Class 1, Class 4, and Class 11 Categorical Exemptions and Section 16061(b)(3).

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2. Direct Staff to Pursue Implementing a Safe Parking Pilot Program on Public Land and return to Council with program details.
3. Direct staff to prepare a Budget Issue for consideration with the FY 2025-2026 Budget for a General Fund grant for a nonprofit or faith-based organization to provide a Safe Parking Program on private land.
4. Alternatives 1, 2 and 3 with modifications.
5. Do not adopt the ordinance nor direct staff on any further action.

RECOMMENDATION

Recommend to City Council:

Alternatives 1, 2 and 3: 1) Introduce an Ordinance to Amend Article 5 (Special Housing Issues) of Title 19 (Zoning) of the Sunnyvale Municipal Code to Allow Safe Parking as a Primary or Ancillary Use at Specified Sites, other related Zoning Code Amendments, and related Amendments to the Peery Park Specific Plan Land Use Table (Attachment 2 to the report) and Find that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to the Class 1, Class 4, and Class 11 Categorical Exemptions and Section 16061(b)(3); 2) Direct Staff to Pursue Implementing a Safe Parking Pilot Program on Public Land; and, 3) Direct staff to include an option in the FY 2025-2025 Budget for a General Fund grant for a nonprofit or faith-based organization to provide a Safe Parking program on private land.

To arrive at the above recommendations and proposed ordinance, City staff conferred with operators of safe parking programs and staff from other cities that support the operation of these programs. During these conversations, individuals emphasized that the need for safe parking likely exceeds the number of safe parking spots that will be available. However, if safe parking programs are not available, more households will continue to dwell in vehicles parked on public streets.

Reducing the number of individuals and families who are unhoused is a complex issue that requires multi-agency and interdepartmental coordination, regional collaboration, and a long-term focus. In the meantime, programs such as Safe Parking offer a short-term solution to connect vehicularly homeless households with services, support, and long-term housing solutions.

The Santa Clara County Board of Supervisors recently directed County staff to collaborate with cities on safe parking and temporary housing opportunities and report back at the mid-year budget cycle. Staff recommends that City, County and other public land be assessed as potential Safe Parking host sites. Staff would return with a list of potential sites with information on costs to prepare a site for safe parking and costs to operate a program and will identify potential funding sources.

Grant funding for a nonprofit or faith-based organization to establish a safe parking program on private land may assist an outside organization with site improvements and other start-up costs. Council could consider this funding option with the FY 2025-2026 Budget, alongside other new programs.

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LEVINE ACT

The Levine Act (Gov. Code Section 84308) prohibits city officials from participating in certain decisions regarding licenses, permits, and other entitlements for use if the official has received a campaign contribution of more than \$250 from a party, participant, or agent of a party or participant in the previous 12 months. The Levine Act is intended to prevent financial influence on decisions that affect specific, identifiable persons or participants. For more information see the Fair Political Practices Commission website: www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html

A check in the checklist below indicates that the action being considered falls under a Levine Act category or exemption:

SUBJECT TO THE LEVINE ACT

- ☐ Land development entitlements
- ☐ Other permit, license, or entitlement for use
- ☐ Contract or franchise

EXEMPT FROM THE LEVINE ACT

- ☐ Competitively bid contract
- ☐ Labor or personal employment contract
- ☒ General policy and legislative actions

Prepared by: Amanda Sztoltz, Homeless Services Manager
Reviewed by: Shaunn Mendrin, Planning Officer
Reviewed by: Trudi Ryan, Director, Community Development
Reviewed by: Dennis Jaw, Interim Director of Finance
Reviewed by: Connie Verceles, Deputy City Manager
Approved by: Tim Kirby, City Manager

ATTACHMENTS

1. Reserved for Report to Council
2. Draft Ordinance
3. Draft Resolution