

16.52.270 Safe Parking (draft)

- A. Purpose. This Section establishes criteria and procedures for the consideration and review of Safe Parking Site applications, and standards for the operation of Safe Parking Sites. Vehicles parked overnight have been a source of potential environmental hazards when waste is discharged. Such waste may include gas, oil, or human waste. These discharges create unsanitary conditions, public health risks, and potential environmental impacts. Additionally, vehicles parked overnight can accumulate and discharge trash and debris in and around areas where vehicles are parked. The city wishes to provide for designated areas for unhoused individuals to park their vehicles overnight and ensure that unhoused individuals receive social services as part of these programs. The programs will help provide assistance to households using vehicles as their residence by providing a safe place to park, restroom facilities, access to social services programs, and other support needed to help transition households toward permanent, stable housing.
- B. Definitions.
1. "Safe Parking Site" means a paved parking lot outside of the public right-of-way that provides unhoused individuals and/or families who are living in a vehicle a dedicated, safe place to park overnight. No rent shall be exchanged between host and occupants. The occupancy of a vehicle at a safe parking site operated in compliance with Section shall not constitute a violation of AGMC 9.22.020.
  2. "Safe Parking Operator" means an agency or organization that facilitates, administers, oversees, and provides staffing for safe parking uses in the permitted area of the Safe Parking Site.
  3. "Guest" means a person who stays overnight in the permitted area of the Safe Parking Site.
  4. "Director" means the Community Development Director.
- C. Locations. The following locations are eligible to host a Safe Parking Site:
1. Paved parking lots on properties located in the Public Facility zone;
  2. Paved parking lots on properties within the Industrial Mixed Use zone.
- D. Permit Requirements.
1. No person shall operate, allow, permit a Safe Parking Site without approval of a Safe Parking Permit through the authority granted in the Arroyo Grande Municipal Code (AGMC).
  2. All applications shall be filed with the director in the form prescribed by the director. The application form shall contain a list of information that must be submitted in order for the application to be deemed complete.
  3. Establishment of a Safe Parking Site at an eligible location shall obtain a Safe Parking Permit. The site shall comply with all existing conditions of approval for the entitled use, the Performance Standards of this Section, and any conditions of approval for the Safe Parking Permit.
- E. Application Requirements. An application to establish a Safe Parking Site shall include:
1. Completed application form and payment of the required fee.

2. A site plan indicating the location of the designated overnight parking spaces trash and recycling facilities, water, restroom facilities, exterior lighting fixtures, location of and distances to surrounding residential properties.
  3. A written statement from a social service provider assuring its participation in the operation of the Safe Parking Site.
  4. Management Plan. A management plan shall be submitted with the application to establish a Safe Parking Site. The plan shall address the following items, at a minimum:
    - i. Number of spaces allocated
    - ii. Proposed days and hours of operation
    - iii. Staff qualifications and training
    - iv. Security, including the number of people per shift, length of shifts, and description how the site is monitored and how the performance standards will be enforced
    - v. Pet policy, including provisions for cleanliness, noise, and use of leashes
    - vi. Facility and parking lot maintenance
    - vii. Prohibition of campfires
    - viii. Procedures for addressing complaints in a timely manner
    - ix. An anti-discrimination policy
    - x. Copy of liability insurance for the use of the property as a safe parking site.
  5. Any other information the Director may determine is necessary to ensure compliance with the provisions of this Section.
- F. Decision and Appeal. Notwithstanding Section 16.16.080, safe parking permits shall be subject to the decision and review process provided herein.
1. Authority and findings. The director may approve a safe parking permit only after finding that:
    - i. The Safe Parking Operator has met the application requirements in subsection E of this section.
    - ii. The proposed location is adequate in size and shape to accommodate the proposed Safe Parking Site.
    - iii. The Safe Parking Site meets the standards in subsection G of this section.
  2. Director Decision
    - i. The director shall prepare a written decision to approve, approve with conditions, or deny the application.
    - ii. Notice of the director's decision approving or denying a Safe Parking Site permit shall be given by mail to owners and residents of property within 300' of the proposed Safe Parking Site. The notice shall include the address of the property, a brief description of the proposed use, the director's decision, and a description of the appeal process.
    - iii. The director's decision shall become final fourteen (14) days after the date the notice is mailed unless an appeal is filed.
  3. Appeal
    - i. The applicant or property owners within 300' of the proposed Safe Parking Site may file an appeal of the director's decision by making a written request of appeal to the city clerk before the date the director's decision becomes final.

- ii. At any time prior to the hearing, the person requesting the hearing may withdraw the appeal request. If the hearing request is withdrawn and 14 days have lapsed from the mailing date of the notice under (F)(2) above, the decision of the director shall become final.
- 4. City Council Review on Appeal.
  - i. If there is proper appeal of the director's decision, the city council shall decide the appeal on consent within 60 days. The decision of the City Council shall be final.
  - ii. The city council may:
    - 1. Adopt the findings and recommendation of the director; or
    - 2. Remove the recommendation from the consent calendar by three votes in favor. Such removal will result in the city council adopting its own findings and action on the application.

#### G. Performance Standards

- 1. Hours of Operation. The Safe Parking Program's hours of operations shall not conflict with the hours of operation of the primary use of the location, nor shall it operate outside of the hours of 6:00pm and 7:00am.
- 2. Facilities. The Safe Parking Operator shall ensure that occupants of vehicles parked overnight shall have access to restrooms, drinking water, and trash receptacles. The restrooms may be located in an existing building on-site, or in mobile bathrooms.
- 3. Social Services. The Safe Parking Operator of the site shall coordinate with a social service provider that will screen occupants as they enter the safe parking site, offer support services, and case management. Social service provider, for purposes of this Section is defined as an organization that provides assistance applying for benefits, mental health and substance use services, outpatient health services, information and referral services, child care, education, life skills training, employment assistance and job training, housing search and counseling services, legal services, outreach services, transportation, food assistance, risk assessment and safety planning (particularly for individuals and families experiencing domestic violence), and case management services such as counseling, finding and coordinating services, and monitoring and evaluating progress in a program
- 4. Lighting. All source of lighting shall be shielded and focused away from adjoining properties in accordance with AGMC Section 16.48.090.
- 5. Capacity. A maximum number of six (6) parking spaces may be allocated for overnight use in a Safe Parking Program.
- 6. Distance/Screening. The Safe Parking Operator shall provide screening from residential structures through the use of fencing or other physical barrier and locate the parking spaces no closer than 300' from neighboring residential structures. The designated parking spaces shall be located as far as possible from neighboring residential structures.
- 7. Noise. No noise, music, or other audio may be played in the vehicle at a volume which exceeds 50 decibels, the standards established by AGMC 9.16.040. Any guest who creates noise exceeding the standards in AGMC 9.16.040 will first be warned, and if the noise does not cease, be asked to leave. In addition, the guest and/or the Safe Parking Operator may be penalized based on AGMC 9.16.080.

8. Recreational Vehicles. Recreational vehicles are prohibited from safe parking sites.
  9. Emergency Access. All driveways must remain clear to provide access to the site by emergency vehicles.
- H. Guests. Guests of the safe parking site must provide proof of vehicle registration, insurance and the vehicle must be driven by someone with a valid driver's license.
- I. Duration. The permit issued through this section shall be valid for 18 months, unless suspended or revoked as described in this section. At the end of the 18-month period, if the director finds that there have been no violations of any of the permit conditions, the permit shall be automatically extended for an additional 18-month period.
- J. Assignment. A Safe Parking Operator may only transfer or assign a permit issued through this section with the written permission of the director. Transfer of the permit granted in this section without such permission shall be grounds for the suspension or termination of the permit.
- K. City's Right to Inspect.
1. The Safe Parking Operator shall allow City representatives to enter and inspect the program site during business hours to ensure compliance with this Section, all applicable County, State, and Federal regulations, and compliance with all applicable Building and Fire Codes.
- L. Penalty. Violation of any of the standards and regulations of this section shall result in revocation or suspension of the permit through procedures described below.
1. The director may suspend, revoke, or modify a permit if the director finds that:
    - i. Operation of the Safe Parking Program violates any provision of this section, other applicable provision of this code, or state law; or
    - ii. Operation of the Safe Parking Program is detrimental to public health, safety or the general welfare.
  2. Procedure for suspension, revocation, or modification.
    - i. Opportunity to Cure. Whenever the director believes that the permit holder is in violation of this section, conditions of approval, or other law, the director shall provide the Safe Parking Operator a written notice describing the violations and provide a reasonable opportunity for the Safe Parking Operator to cure the violations.
    - ii. Failure to Cure. If the Safe Parking Operator fails to cure the violations specified by the director, the director shall set a date for hearing on whether the permit should be suspended revoked or modified. The director shall provide notice to the Safe Parking Operator 10 days in advance of the date set for hearing to the most recent home or business address on file with the city for the Safe Parking Operator. The notice shall state the reasons the director proposes to revoke, suspend, or modify the permit.
    - iii. Public Notice. Notice of the hearing regarding the permit shall be given at least 10 days in advance of the hearing to all residents and owners of property within 300' of the subject property.
    - iv. Director Decision. Within 10 days of the hearing, the director shall prepare a written record of its decision, stating the grounds for such decision and the evidence supporting the decision.

- v. Notice of Decision. Notice of the director's decision shall be mailed to the permit holder at the most recent business or home address on file with the city. Additionally, the notice shall be posted to the city's website and provided by email to any other person who requested notice of such decision with the city clerk.
- vi. The director's decision shall become final 10 days after the notice is mailed to the permit holder unless a timely appeal is filed. Appeal of the director's decision shall occur through the same process described in subsection (F), (3-4) of this section. The decision of the city council shall be mailed to the permit holder and shall become final and effective five days following the date postmarked on the mailing.

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