

ORDINANCE NO. 10-21 N.S.

**AN URGENCY ORDINANCE AMENDING SECTION 9.40.010 AND 9.40.015
AND ADDING A NEW SECTION 9.40.018 “SAFE PARKING SITE PILOT
PROGRAM” TO THE RICHMOND MUNICIPAL TO ALLOW CERTAIN
PRIVATE PROPERTY OWNERS TO HOST UP TO FOUR VEHICLE
HOUSEHOLDS FOR A LIMITED DURATION**

WHEREAS, the California Constitution, Article XI, Section 7, provides cities with the authority to enact ordinances to protect the health, safety and general welfare of their citizens; and

WHEREAS, California Government Code Section 36937(b) allows an ordinance to take effect immediately if it is an ordinance for immediate preservation of public peace, health or safety; contains a declaration of the facts constituting the urgency; and is passed by four-fifth vote of the City Council; and

WHEREAS, Government Code Section 8550, the California Emergency Services Act, authorizes the governing bodies of cities, towns, and counties in the state of California to declare a state of emergency in order to “mitigate the effects of natural, manmade, or war-caused emergencies that result in conditions of disaster or in extreme peril to life, property, and the resources of the state, and generally to protect the health and safety and preserve the lives and property of the people”; and

WHEREAS, additionally, pursuant to Richmond Municipal Code Section 2.08.010, the City Council may introduce and adopt an emergency ordinance at the same meeting in cases of emergency; and

WHEREAS, an urgency ordinance that is effective immediately is necessary to avoid the immediate threat to public peace, health, and safety as failure to adopt this urgency ordinance would result in an immediate threat to public peace, health and safety to the public and to people needing to dwell in their vehicles because of the conditions of the COVID-19 pandemic and resulting economic and public health crisis; and

WHEREAS, it is deleterious to human life and society at large to allow people to dwell in their vehicles without regulation and access to services; and

WHEREAS, it is within the Council’s basic police powers to implement and enforce this ordinance; and

WHEREAS, the number of residents in Richmond and the number of Contra Costa County residents living in cars and recreational vehicles has increased significantly, with one third of unsheltered people identified in the 2020 Point in Time count are sleeping in vehicles, up from 30 percent in 2019; and

WHEREAS, the lack of safe places for people living in cars and recreational vehicles to park has lead to congregations of vehicles that exacerbates the neighborhood impacts where illegal sites have arisen; and

WHEREAS, a safe and secure location for vehicle dwellers to temporarily occupy and receive services while waiting for permanent housing will help mitigate negative impacts that have been associated with illegal sites including crime, lack of sanitation and other public nuisances.

WHEREAS, safe parking programs may be considered as one of a variety of short-term emergency measures to create a safe space for unsheltered homeless persons.

WHEREAS, the City Council declares that these short-term measures are not intended to supplant planning, financing, and facilitating long-term solutions to preventing and ending homelessness.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND DOES ORDAIN AS FOLLOWS:

Section 1. Recitals.

The City Council finds the foregoing recitals to be true and correct and hereby incorporates those recitals and findings into this Ordinance.

Section 2. Emergency Need.

The City Council finds and declares that adoption of this Emergency Ordinance is necessary for preserving the public peace, health and safety for the following reasons:

- A. A safe and secure location for vehicle dwellers to temporarily occupy and receive services while waiting for permanent housing will help mitigate negative impacts that have been associated with illegal sites including crime, lack of sanitation and other public nuisances.
- B. It is deleterious to human life and society at large to allow people to dwell in their vehicles without regulation and access to services.

Section 3. Chapter 9.40 Miscellaneous Provisions of the Richmond Municipal Code is amended, including adding a new Section 9.40.018 Safe Parking Sites Pilot Program to read as follows:

9.40.010 - House trailers regulated.

Except as described in Section 9.40.015 or 9.40.018, no person owning or controlling any trailer, house car, tent or similar structure shall cause or permit the same to be used as a dwelling habitation or sleeping accommodation within the City of Richmond except in trailer camps for which a conditional use permit granted under the provisions of the zoning ordinance of the City of Richmond is in effect. Provided, however, that a trailer, house car, tent or similar structure not in a trailer camp may be used as a temporary sleeping accommodation for periods of time totaling not more than twenty-one days in any calendar year, if all of the following conditions are met:

- (1) That no rent is paid or other consideration given to anyone for the use and occupancy of any site or parcel of land by the occupant of the trailer, house car, tent or similar structure. For purpose of this provision Rent shall have the same meaning as defined in Richmond Municipal Code Section 11.100.030(j);
- (2) That no cooking or bathing is permitted therein;
- (3) That no nuisance is created by such use;
- (4) That such trailer, house car, tent or similar structure complies with the requirements of size and lot location prescribed for accessory buildings in single-family districts by the zoning ordinance;
- (5) That such trailer, house car, tent or similar structure is located on a lot on which there is a single-family or duplex dwelling house in use as such;
- (6) That not more than one such trailer, house car, tent or similar structure is so used at any time on a single lot;
- (7) That a certificate of occupancy therefor is first obtained in the manner prescribed by Section 6.02.240 of the Building Regulations Administrative Code;
- (8) That all the requirements of Section 18000, et seq., of the Health and Safety Code of the State of California relating to mobile homes and mobile home parks are complied with.

As used herein, the word "lot" means a lot as defined in the zoning ordinance.

9.40.015 - Tiny houses on wheels pilot project.

- (a) Purpose. The purpose of this section is to evaluate the feasibility of allowing tiny houses on wheels to be used as accessory dwelling units as part of a pilot project under certain conditions.
- (b) Definition: Tiny house on wheels means a structure intended for separate, independent living quarters for one household that meets these six conditions:
 - (1) Is licensed and registered with the California Department of Motor Vehicles and meets American National Standards Institute (ANSI) 119.2 or 119.5 requirements;
 - (2) Is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection. Cannot (and is designed not to) move under its own power;
 - (3) Is no larger than allowed by California State Law for movement on public highways;
 - (4) Has at least 100 square feet of first floor interior living space;
 - (5) Is a detached self-contained unit which includes basic functional areas that support normal daily routines such as cooking, sleeping, and toiletry; and
 - (6) Is designed and built to look like a conventional building structure.
- (c) For the purposes of this section, the pilot project will allow not more than six tiny houses on wheels to be occupied and issued a zoning compliance certificate. The time period for the pilot project shall begin following adoption of this section and shall terminate 36 months thereafter.
- (d) Tiny houses on wheels that are part of the pilot project may be located in any zoning district where residential uses are allowed, with or without a conditional use permit, including non-residential districts where residential uses are allowed as an accessory use.
- (e) Tiny houses on wheels shall comply with standards of the Zoning Code RMC 15.04.610.020 Accessory Dwelling Units.
- (f) Occupants of tiny houses on wheels regulated by this section shall be limited to homeless individuals recognized as such by the Contra Costa County Health Services, Health, Housing and Homeless Services.
- (g) The Zoning Administrator shall review the design of the tiny houses regulated by this section to determine if the structure is compatible with the neighborhood.
- (h) At the conclusion of the pilot project, the Director of Planning and Building shall prepare and submit an evaluation of the project to the City Council.

9.40.018 Safe Parking Site Pilot Program

9.40.018.010 Purpose

Homelessness is a significant and growing issue, driven in large part by the shortfalls in housing supply and affordable housing throughout the City, Bay Area Region and State. The number of Contra Costa County residents living in cars and recreational vehicles (RVs) has increased significantly, with one third of unsheltered people identified in the 2020 Point in Time count are sleeping in vehicles, up from 30 percent in 2019. The objective of this safe parking sites pilot program is to provide a safe and secure location for vehicle dwellers to temporarily occupy and receive services while waiting for more stable housing.

9.40.018.020 Definitions

A. "Safe parking host site" shall mean a location that provides homeless individuals and/or families living in a vehicle a dedicated, safe place to park. No rent shall be exchanged between host and the occupants. The occupancy of a vehicle at a permitted safe parking site shall not constitute a nuisance pursuant to RMC 8.60.040.

B. "Rent" shall have same meaning as defined in Richmond Municipal Code Section 11.100.030(j)

9.40.018.030 Safe parking host sites.

(A) Purpose and Applicability. The purpose of this section is to establish standards for the establishment and operation of safe parking sites at existing assembly uses, quasi-public facilities, and public facilities that assures compatibility of safe parking site activities with surrounding uses. The provisions of this section apply notwithstanding the requirements of Section 15.04.610.180.

B) Location. A safe parking host site is a permitted use within any zoning district, provided they are located in conjunction with an existing and properly permitted community assembly, cultural facility, government building, public use, public safety facility, quasi-public and social service center, quasi-public or public facility and safe parking site host permit as provided in subsection (C) of this section.

(C) Ministerial Safe Parking Host Site Permit. A safe parking host site shall not be established or maintained unless and until a ministerial safe parking site host permit has been issued and is in full force and effect.

(1) Scope. The safe parking host site permit shall allow safe parking as an ancillary use to the permitted primary community assembly, cultural facility, government building, public use, public safety facility, quasi-public and social service center. Any physical modification or expansion of facilities associated with a safe parking site shall require a separate design review permit pursuant to Section 15.04.805 of this Code.

(2) Submittal Requirements. An application for the safe parking host site permit shall be submitted to the Community Development Department, and shall include the following:

(a) A site plan showing the proposed location of required facilities listed in subsection (D)(6), parking spaces designated for safe parking, and setbacks to adjacent properties as required per subsection (D)(10);

(b) A site management and operations plan describing the proposed functions of the site, including:

(i) A list of other uses conducted on the site and their hours of operation, demonstrating that the primary use will not conflict with the safe parking use;

(ii) The number of safe parking spaces provided and the days and hours the spaces will be available for safe parking;

(iii) A description of program management, including procedures for site monitoring, participant screening, and provision of facilities and services;

(iv) A description of how waste disposal, including both greywater disposal and trash disposal, shall be managed by the host site according to best management practices; and

(v) A description of how the site will meet the performance standards as provided in subsection (D).

(3) Inspection Requirement. Prior to the approval of a safe parking host site permit, City staff shall perform an inspection of the site to ensure compliance with the safe parking site standards.

(4) Ministerial Approval. The zoning administrator or designee shall approve an application for a ministerial safe parking host site permit when an inspection has been performed and the applicant has demonstrated that they would meet all standards as provided in subsection (D) of this section. The approval shall be valid for six months from the date of issuance.

(5) Renewal. Applications for renewal of the safe parking host site permit shall be made to the Community Development Department and shall require re-inspection of the safe parking site premises to ensure ongoing compliance with safe parking site standards.

(D) Safe Parking Host Site Standards. The zoning administrator or designee shall issue a safe parking host site permit when the applicant has demonstrated that they would meet all of the following performance standards:

- (1) Operation. Safe parking host sites shall be operated as an ancillary use subordinate to or part of the principal use at an existing facility.
- (2) Approved Site Management and Operations Plan. Safe parking host sites shall have a site management and operations plan approved by the Community Development Director or designee.
- (3) Hours of Operation. On any night that safe parking is offered, a safe parking host site shall operate for a minimum of ten (10) hours. The specific hours of operation for each site, including additional hours up to and including 24-hour operation, shall be established with the approval of the safe parking host site permit.
- (4) Types of Vehicles Permitted. Safe parking host sites shall be used only by operable cars, recreational vehicles (RVs), and vans that have received a valid permit from the site operator to park at a specific safe host parking site. For the purposes of this subsection, "operable" shall mean that the vehicle is capable of moving or operating on its own power or that of a companion tow vehicle, is not missing any significant component part, and can be driven on and off site without assistance.
- (5) Maximum Number of Participants. No more than four (4) inhabited vehicles shall be allowed to park at a safe parking host site at one time.
- (6) Facilities. Restroom, potable water, and trash facilities shall be provided, maintained, and accessible to participants on the site during safe parking hours.
- (7) Vehicle Clearances. A minimum clearance of six (6) feet shall be maintained between any vehicle used for safe parking and any other vehicle.
- (8) Fire Safety. Fire extinguishers and combination smoke/carbon monoxide detectors shall be provided within each RV. A combination smoke/carbon monoxide detector shall be provided within each passenger car or van. Communal fire extinguisher(s) shall be provided such that there is one fire extinguisher located within 75 feet of each inhabited vehicle.
- (9) Circulation. Parked vehicles shall not obstruct drive aisles or otherwise interfere with established circulation patterns on the site. The site shall maintain adequate emergency vehicle access and access to fire protection systems, as determined by the Fire Marshal or designee.
- (10) Setbacks from Property Lines. Designated safe parking spaces for cars and vans shall be located a minimum of ten (10) feet from any property line.
- (11) Setbacks from Buildings. All vehicles shall be located at least 10 feet from any other building or structure located on the property.
- (12) Noise. Safe parking host sites shall observe quiet hours between 10:00 p.m. and 7:00 a.m. Use of generators shall be prohibited during quiet hours.
- (13) Posting. The site address and phone number for the representative of the site operator shall be posted in a visible location on the safe parking site. Notification of the neighborhood Council shall be provided by the permit within 30 days of permit approval by the City.
- (14) Exterior Storage Prohibited. Outdoor storage around parked vehicles shall be prohibited. Tents, tarps, and other temporary outdoor shelters, either affixed to a participant's vehicle or freestanding, shall be prohibited.
- (15) Fire Prohibited. Fires, heaters, barbeque grills, and other outdoor cooking or warming appliances shall be prohibited.

(E) Pilot Project Period. For the purposes of this section, the pilot project will allow not more than 15 scattered safe parking program sites to be permitted at one time. The time period for the pilot project shall begin following adoption of this section and shall terminate 24 months thereafter.

Section 4. Environmental Determination.

This Ordinance is not a project under CEQA because it can be seen with certainty that it will not cause a physical change in the environment.

Section 5. Severability.

If any subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the article would be subsequently declared invalid or unconstitutional. The courts are hereby authorized to reform the provisions of this Ordinance in order to preserve the maximum permissible effect of each subsection herein.

First introduced and adopted as an urgency ordinance at a regular meeting of the City Council of the City of Richmond held June 22, 2021, by the following vote:

- AYES: Councilmembers Jimenez, Martinez, McLaughlin, Willis, and Vice Mayor Johnson III, and Mayor Butt.
- NOES: None.
- ABSTENTIONS: Councilmember Bates.
- ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:
TOM BUTT
Mayor

Approved as to form:
TERESA STRICKER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Urgency Ordinance No. 10-21 N.S.**, passed and adopted by the City Council of the City of Richmond at a regular meeting held on June 22, 2021.



Pamela Christian, City Clerk of the City of Richmond