

Reggie Meisler  
434 Morrissey Blvd  
Santa Cruz, CA 95062

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JAN 14 2022  
CITY CLERK'S DEPT.

January 13, 2022

Planning Department of City of Santa Cruz  
809 Center Street, Room 206  
Santa Cruz, CA 95060



To whomever it may concern:

On behalf of the local neighborhood organizing group Santa Cruz Cares, I would like to file an appeal for the decision made by the Zoning Admin on 1/12/21 on item 1 (OVERSIZED VEHICLE ORDINANCE & SAFE PARKING PROGRAMS PROJECT NO. CP21-0174 CITY-WIDE), and I would like this appeal to be sent to the Planning commission.

Let me first go about explaining why I believe this ruling was made in "error". I believe that the Zoning Admin misunderstood the nature of this ordinance as intended to "help" the houseless, which the admin stated as such before passing it. Given that the services stood up by this ordinance before its enforcement are nowhere near sufficient to serve the population currently living in Santa Cruz (Even by city staff estimates it would serve less than 50%), I think this clearly demonstrates that the priority of this ordinance is to criminalize those living in vehicles, not to serve them. An ordinance meant to serve them would focus on delivering services and security to all vehicle dwelling residents the city knows about prior to enacting enforcement of vehicle sleeping bans which would result in majority harm of this population through the mass-scale separation of people from their shelter.

Similarly, I had a concern about the ordinance during the meeting that the Zoning Admin clearly misunderstood. My concern was about CZU victims not being allowed to park in their friends and family member's private home driveways or in their backyards, due to how OVO is written and the CSSO provision (6.36.030(a)(4)) to which it is bound. After I asked my question, the Zoning Admin asked the City Manager's representative about CZU victims being able to park on private commercial parking lots. The City Manager's answer to that question was also made in error, in which he stated that they do not create any legal barriers to parking in private commercial parking lots. OVO clearly states in 10.40.120(e)(4) that:

"The oversized vehicle shall not be used for camping, lodging, residing or for accommodation purposes. Nothing in this section shall be construed to permit sleeping or camping in a vehicle as prohibited by the Santa Cruz Municipal Code."

The above statement thus ties the regulations of OVO to the regulations stated in CSSO, which formulates a variety of restrictions on camping, either in vehicles or tents, on private commercial property (6.36.030). This means the City Manager's representative was speaking in error and the Zoning Administrator clearly did not know that this was the case.

Because of the misinformation present during this discussion, we believe that another meeting should be had in which this policy can be scrutinized from a more accurate perspective.

Now, in considering how this ordinance conflicts with the City of Santa Cruz's General Plan, I would like to cite the mismanagement of CD2.2 (Work with local groups when planning significant public improvements for their neighborhoods and districts), in particular CD2.2.2 (Engage the public in long range planning projects including Area Plans and General Plan updates), as well as CC1.1 (Facilitate the participation of residents, citizen commissions, and other groups in local government decision-making).

As we saw with the failure of TOLO, so too did the city fail to adequately engage with the public on the development of OVO, which is full of complexity when applied to houseless individuals, given its indirect connection to regulations cited in CSSO. The city did not reach out to houseless community members in a significant way when developing this policy (as evidenced by the lack of knowledge of this ordinance's existence, discovered by Santa Cruz Cares after canvassing folks living in vehicles off of Delaware, shortly after the ordinance was passed), nor did they reach out to neighborhoods who regularly allow oversized vehicles to park on their street without complaint (My current neighborhood of 3+ years, just off Grandview & Mission, is an example of a tolerant neighborhood that is no longer allowed to be tolerant due to the strict wording of OVO & CSSO). Coupled with the incorrect comments made by the City Manager's own representative in the Zoning Administration meeting, as mentioned above, it seems clear that the effects of this ordinance are not only not fully known to the public (a failure of the goal of CC1), but possibly to city staff as well.

I would also like to cite CD2.4 (Improve neighborhood quality and housing through rehabilitation and code enforcement). Given that the underlying issue of poverty behind vehicle houselessness is not actually being dealt with in the OVO, it's clear that people will continue to sleep in their vehicles, and simply be subjected to evergrowing cruelties for doing so. Therefore CD2.4.3, for instance, which seeks to increase funding for code enforcement, which I'd imagine is being informally considered as part of CSSO & OVO, will not produce the desired result of CD2.4. In the spirit of the goal behind CD2.4 however, a better approach to improving neighborhood quality than OVO could be to use the county funds for homeless infrastructure to build a local gray water treatment site and formalize the concept of neighborhood contracts between housed neighbors and folks living in vehicles on their blocks. Contract disputes could then be mediated through neighborhood courts. Community groups could then better help fill the gaps, where necessary.

I'd also like to cite CC3.9 (Sustain long-term fiscal stability). It's clear that there has not been any fiscal considerations attached to the OVO regarding potential constitutionality lawsuits, nor

a fiscal impact study as to the cost of enforcing the OVO without adequate tow yard capacity. This seems odd given that Section 4 of OVO puts forward a Severability clause which accounts for parts of this ordinance being found unconstitutional, implying that the members of city staff who drafted this plan were well aware of potential constitutionality lawsuits being upheld against this ordinance, but did not cite those dangers as potential fiscal impacts.

Further investigation should find this oversight particularly galling given the fact that representatives of Disability Rights California, the ACLU, and the Santa Cruz Homeless Union sent letters to council during its public readings suggesting the likelihood of legal challenge if OVO or CSSO were to be enforced. The City of Santa Cruz would be unlikely to successfully defend these ordinances in court, if challenged, given the federal court ruling of *Martin v Boise*. Mountain View, CA also demonstrates that more legal precedents may soon come to pass which could be used to challenge OVO. Last year, houseless activists in Mountain View filed a lawsuit against their city in hopes of overturning an RV parking ban. Though the judge did not strike down that ban, they also refused to dismiss the lawsuit. In doing so, the judge signaled that, when this law is first used to actually remove someone from their vehicle-shelter, it could indeed be legally challenged, resulting in the city not only overturning parts of these ordinances but also paying out damages sustained in the removal of people from their vehicle-shelter.

Given these concerns and many, many, more, we at Santa Cruz Cares believe that OVO deserves to be appealed.

Sincerely,



Reggie Meisler  
Member of Santa Cruz Cares  
reggie.meisler@gmail.com  
415-846-8097