



City of Palo Alto

City Council Staff Report

(ID # 10789)

Report Type: Action Items

Meeting Date: 1/13/2020

Summary Title: Safe Parking

Title: PUBLIC HEARING: Adoption of an Interim Ordinance Amending Title 18 (Zoning) of the Palo Alto Municipal Code to Temporarily Allow Overnight Safe Parking on Sites in All Zoning Districts With a Church or Religious Institution, Establishing Related Regulations, and Finding the Ordinance Exempt From CEQA Under CEQA Guidelines Section 15301

From: City Manager

Lead Department: Planning and Development Services

Recommendation

Staff recommends that the City Council:

- (a) Find the proposed Ordinance exempt from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines; and
- (b) Adopt an Interim Ordinance (Attachment A) Amending Title 18 (Zoning) of the Palo Alto Municipal Code to Temporarily Allow Overnight Safe Parking as an Ancillary Use to a Churches and Religious Institutions Use in All Zoning Districts Where Churches and Religious Institutions are an Allowed Use, and Establishing Temporary Regulations Related to Safe Parking, Including a Maximum Number of Vehicles Per Night on Each Site.

Executive Summary

In November 2019, the Policy and Services Committee unanimously recommend that staff draft an ordinance that would enable a Safe Parking pilot program.¹

This staff report describes the pilot program, which would be permitted on sites with a legal church or other religious institutions use. The accompanying ordinance, if passed into law, enacts the pilot program.

¹ From draft meeting minutes: "...staff draft accompanying regulations and code changes, to bring the Proposed Code Amendments directly to the City Council, have the Safe Parking Program engage in a 3-month pilot program..."

Safe parking refers to programs and places which allow households dwelling in their vehicles to park vehicles in a designated off-street parking lot overnight. The programs provide a place for the households to park during the evening and nighttime hours, as well as connect the households to services, and a path to stable, permanent housing. The programs aim to address the growing number of households in Palo Alto dwelling in vehicles. Several neighboring communities have launched pilot or permanent safe parking programs (Attachment B).

Background

On June 10, 2019, the Palo Alto City Council discussed a Colleagues' Memorandum² regarding safe parking. The City Council voted 5-1 (Tanaka dissenting, DuBois absent) to refer the item to the Policy and Services Committee. The Council Motion directed the Policy and Services Committee to craft program details to bring back to the City Council.³ The motion tasked the Policy and Services Committee to consider several aspects of the program, including location and nonprofit partnership.

On September 10, 2019, the Policy and Services Committee met and considered a staff report and presentation which described general trends and standards of operation for Safe Parking programs.⁴ The Committee considered this information as well as testimony provided by members of the public, including congregations interested in hosting safe parking and an organization interested in operating safe parking programs at congregations. The Committee unanimously passed a motion that directed staff to "return [to the Committee] with a safe parking program for up to four vehicles on private property containing religious institutions (Tier 1)."⁵ The Committee expressed a strong interest for a Tier 1 plan to return quickly given the small scale of the program, willingness of property owners to provide space for overnight parking, and the community's needs.

On November 12, 2019, the Policy and Services Committee considered a proposed Tier 1 safe program. The Committee voted unanimously to:

"to recommend to the City Council to direct Staff to draft accompanying regulations and code changes, to bring the Proposed Code Amendments directly to the City Council, have the Safe Parking Program engage in a 3 month pilot program, including using the notification system of the Conditional Use Permit of 600 feet to notify neighbors, and to direct Staff to construct a Safe Parking Program table with comparisons that include data from other cities."

² Colleagues' Memorandum: <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=41728&BlobID=71688>

³ Minutes from 6-10-19 City Council meeting:

<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=71062.13&BlobID=72707>

⁴ Staff report from 9-10-19: <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=53413.28&BlobID=73215>

⁵ Minutes from Policy & Services Committee meeting on 9-10-19:

<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=48524.18&BlobID=73675>

In accordance with direction provided at the November 12 Policy and Services Committee, the attached Ordinance is before the City Council for consideration (Attachment A).

Discussion

Safe parking programs operate in a growing number of communities throughout the Bay Area, including the nearby cities of East Palo Alto and Mountain View. Safe parking programs provide households dwelling in their vehicles with a safe place to park their vehicles overnight. While each program has specific parameters, generally safe parking programs provide overnight parking, connect participants to local social service agencies and programs, and seek to help individuals create and execute a path to stable housing. The September 10, 2019 staff report provides a thorough overview of safe parking programs.⁶

Tier 1 Program

The Policy and Services Committee recommended the Palo Alto Tier 1 Safe Parking Program be instituted with the parameters, processes, and conditions that have been included in the proposed ordinance. The ordinance includes the following:

1. The Tier 1 safe parking program would be limited to four or fewer vehicles parked for a limited duration and subject to standards of operation (below).
2. Any approved safe parking program would be valid only for the duration of the pilot program unless Council takes action to extend the program's duration. Specifically, the ordinance expires in March 2022 (approximately 2 years after adoption). Furthermore, any approved application is valid for 90 days; such permits are eligible for automatic 9-month renewal if the program operates according to the standards and conduct of use and other conditions as imposed by the ordinance.
3. Safe parking programs could only be established on private property that also contains a religious institution.
4. All operations are subject to permit application and approval.

Application and Approval Process

1. Application – Applications shall be submitted by a legally permitted church or religious institution proposing to host a safe parking program. The application shall be filed in a format prescribed by the Director of Planning and Development Services (Director). The application will include the contact information for the congregation, a signed contract with a safe parking program provider, evidence of case management services, a site plan which indicates the designated safe parking area, restroom and handwashing facilities, and adherence to all standards of operation.
2. Director's Decision – Once an application has been completed, it will be reviewed. The Director may approve the permit only after finding that:

⁶ <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=53413.28&BlobID=73215>

- a. The proposed Safe Parking use complies with the standards of operation listed in Section 18.38.160(f);
 - b. The proposed Safe Parking use at the location requested will not adversely affect the health, safety, or welfare of persons residing or working in the surrounding area; and
 - c. The proposed site is adequate in size and shape to accommodate the Safe Parking use.
3. Once the Director's decision has been made, public notice will be mailed to all residents and property owners within 600 feet of the proposed safe parking location.
4. Those who live or own property within the 600-foot radius are eligible to file an appeal within fourteen (14) calendar days after the notice is mailed.
5. Appeals of the Director's decision shall be made directly to City Council and shall be placed on the consent agenda within 45 calendar days. At that time, the City Council may:
 - a. Adopt the findings and recommendation of the Director; or
 - b. Remove the recommendation from the consent calendar, which shall require three votes, following which the City Council shall adopt findings and act on the application.

Staff initially proposed the noticing and appeal radius be limited to immediately adjacent properties, like the individual review notice provided for the construction of new two-story homes. The Committee felt that providing a wider notice radius would allow concerns from neighbors to be addressed in a public forum.

Staff initially proposed the pilot program last for 18 months. The Committee felt the time period should be shortened to three months to help assure concerned neighbors that, should a permit holder fail to follow the conditions of approval, the permit could and would be revoked. As a result, the proposed ordinance provides an initial 90-day duration of permits (3 months), followed by a renewal for 270 days (9 months) if all the standards and conduct of use and other conditions as imposed by the ordinance are followed within the first 90 days. Any complaints received regarding violation of the standards would be reviewed and addressed by the City's Code Enforcement officers. At this time, code enforcement resources are limited to one full-time officer and one part-time officer. Nevertheless, this important program would be a priority for Code Enforcement. Should a safe parking program violate the condition of approval beyond the 90-day period, the ordinance provides a process for revoking the permits for those who do not adhere to the conditions of approval.

This duration attempts to balance the need to carefully monitor the potential tension between safe parking and neighbors while also providing permit holders time to successfully begin operations. Renewing a permit every 90 days would pose a barrier to the program operators,

permit holders, and city staff. Program operators and congregations expressed dismay that the permit would be reduced to only 90 days.

This proposed duration, however, may still discourage congregations from hosting a safe parking program. The uncertainty may prevent them from entering into contractual agreements with safe parking program operators. Likewise, the uncertainty may deter congregations or program operator may not make necessary investments to begin the program. Finally, donors and grantors may be reluctant to provide support for the operators or congregations. A permit duration of 1 year with an option for administrative renewal for an additional year may provide more assurance for congregations. City Council should carefully consider the appropriate permit duration.

Council should note the interim ordinance itself expires in 2 years (March 1, 2022). This 2-year duration allows Council, community, and staff to learn from this pilot project and craft a long-term program. During this two-year time period staff can develop and propose to the Policy and Services Committee and City Council Tier 2 and Tier 3 safe parking programs. Tier 2 programs would allow owners of private parking lots to host safe parking programs with more than 4 vehicles. Tier 3 programs would safe parking programs hosted on city-owned parking lots.

Tier 1 Program Standards of Operation

The Committee considered and supported the following standards of operation.

1. Hours of Operation - Hours of operation be limited to 6:00 pm – 8:00 am. Hours of operation must occur within that timeframe; specific hours are at the discretion of the applicant. Vehicles may not enter the parking lot prior to the stated opening time (in the evening) nor may vehicles remain after that stated closing time (in the morning). Permit holders shall ensure the safe and orderly arrival in the evening and departure of participants in the morning.
2. Required Facilities – Permit holder must provide program participants with access to restroom facilities that shall include a toilet and handwashing sink. It is highly recommended, though not required, that applicants provide shower facilities. Restroom and/or shower facilities may be internal to the permit holder’s property or mobile facilities provided specifically and exclusively to serve the safe parking program participants.
3. Contact Information – Permit holder shall post emergency contact information on the premises, including 911, the police non-emergency number, and a contact phone number for staff affiliated with the operation of the safe parking program. This contact would be available throughout the night and the first contact for non-emergency matters.
4. Verified Partnership with the Santa Clara County Homeless Management Information System and Coordinated Entry System – Permit holders must provide affirmative proof that the safe parking program operator at their site has entered into a Homeless

Management Information System partner agreement with Santa Clara County. Permit holders must also provide case management services to safe parking program participants. These services can be provided by the permit holder, by the safe parking program operator, or a designated third party. Case management helps facilitate the transition into permanent housing.

5. Safe, Cleanly, Orderly Premises - Permit holders shall maintain their premises in a safe, cleanly, and orderly manner. Premises shall be free of debris, refuse, and waste of any kind.
6. Revocation – A permit to operate a safe parking program may be revoked if the use is found to be detrimental to public health, safety, or the general welfare. Revocation proceedings would require a noticed public hearing.

Staff proposed and the Committee also considered and supported the following condition:

Quiet Hours – 10:00 pm – 7:00 am shall be quiet hours on the premises. No music or other noise shall emanate from the premises that would exceed the noise ordinance. Additional noise restrictions beyond the noise ordinance may be imposed on generators.

On further review, this condition appeared to be redundant as the City’s noise ordinance applies to this site in the same manner it applies throughout the City. This condition also did not specifically address the issue at hand. Instead, staff now proposes that the ordinance provide:

“No audio, video, or other amplified or mechanical sound may be played or generated that is audible outside participants’ vehicles.”

Policy Implications

To arrive at the above recommendations and proposed ordinance, Palo Alto City staff conferred with operators of safe parking programs and cities that support the operation of these programs. During these conversations, participants emphasized that while safe parking programs can and do help participating households find permanent, stable housing, the effect of these programs on vehicle dwelling is limited because the number of households dwelling in vehicles (including recreational vehicles, cars, vans, box trucks, or other vehicles) likely exceeds the number of safe parking spots available. However, if safe parking programs are not available, more households will continue to dwell in vehicles parked on public streets.

Finally, and importantly, there are not enough units of affordable housing available to serve the households who participate in safe parking programs. Nor are there enough affordable housing units to serve all households dwelling in vehicles. In other words, vehicle dwelling is a symptom of the regional housing affordability and supply crisis; without solutions to that larger-scale issue, safe parking remains a small but meaningful piece of assisting households who are thrust into homelessness because of the affordability crisis.

An ordinance amending the Zoning Code would typically go to the Planning and Transportation Commission (PTC) for consideration and recommendation before returning to Council. However, the Palo Alto Municipal Code allows Council to streamline procedural requirements for temporary regulations when necessary for the public health, safety or welfare.⁷ This ordinance is an interim ordinance that would sunset and be repealed in approximately two years. Staff proposed and the Committee supported this course of action. The Committee felt a great sense of urgency to address the human impacts of the housing crisis and provide relief that safe parking offers to marginalized members of the Palo Alto community. In addition, a safe parking operator in Mountain View testified to the availability of funding to support expansion. In addition, Palo Alto congregations attended the Committee meetings and declared their intent to host safe parking. Given this, the Policy and Services Committee recommended the ordinance come directly to the City Council.

Resource Impact

The resources required to administer this program can be absorbed into the existing budget of the Planning and Development Services Department. The program requires staff level review of applications; answering questions of applicants and/or potential applicants; consideration by the Director of Planning and Development Services; issuance of a decision; distribution of the decision letter; and tasks related to preparing for City Council if an appeal is filed and an appeal hearing is scheduled; consideration of renewal permits; receipt of and investigations of complaints and/or code violations.

At this time, the pilot program does not include any application fees. The imposition of an application fee could be a barrier that discourages congregations from participating. Through this pilot program, the City can ascertain the demand for this permit, the success of the program, and consider appropriate fees in future iterations of the program.

Timeline

This proposed ordinance requires two readings. After its second reading, the proposed ordinance shall be effective on the thirty-first date after the date of its adoption and shall expire upon adoption of replacement legislation by the City Council or on March 1, 2022, whichever occurs first.

Stakeholder Engagement

Stakeholder engagement included phone interviews and follow up conversations and participation in public meetings. The conversations included staff interviews to understand more about safe parking operations. In addition, staff discussed proposed parameters of the

⁷ PAMC Section 18.80.090 (Excerpt) Nothing in this section shall prevent the city council from changing or suspending operation of any provision of this title for temporary periods when in the determination of the council such suspension or change is necessary for the public health, safety or welfare. In such case, planning commission review shall not be required

pilot program with a safe parking operator to solicit feedback. Program parameters were also discussed with interested congregations to solicit feedback.

The topic of safe parking and the pilot program has been featured before the City Council (June 10, 2019), and two sessions of the Policy and Services Committee (September 10 and November 12). Several congregations and one safe parking program operator attended the Policy and Services Committee meetings, offering public comment. In addition, the Committee members asked several questions of the congregations as well as the program operators. Lastly, staff met with safe parking operators and potential host congregations in the preparation of the ordinance to review the proposed standards of operation.

Throughout these interactions, the potential participating congregations and safe parking operator(s) have provided helpful feedback and expressed support for the direction the pilot program is taking.

Environmental Review

The Ordinance is exempt from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines, which applies to minor alterations of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use. Adopting the Ordinance to allow the use of existing parking lots for temporary overnight safe parking would not constitute any significant expansion of use. CEQA Guidelines Section 15061(b)(3) also applies to the adoption of the Ordinance because it can be seen with certainty that there is no possibility that the activity of limited parking overnight in existing parking lots may have a significant effect on the environment.

The potential exceptions to the categorical exemption in CEQA Guidelines Section 15300.2 are not applicable. Use of existing parking lots in the operation of temporary safe parking does not impose a significant cumulative impact over time as the use as a parking lot is generally unchanged and the safe parking use is limited to a short duration; it is not an unusual circumstance to modify the hours of use of existing facilities, and there is nothing unusual about the size or location of the existing parking lots at which temporary overnight safe parking would be allowed; the use of existing parking lots does not adversely impact scenic or historical resources; and the Ordinance does not involve hazardous sites as it relates to existing parking lots and no ground disturbance would result from implementation of the Ordinance.

Attachments:

Attachment A Ordinance (PDF)

Attachment B Safe Parking Comparison Table (DOCX)

Ordinance No. _____

Interim Ordinance of the Council of the City of Palo Alto Amending Title 18
(Zoning) of the Palo Alto Municipal Code (PAMC) to Adopt Temporary
Regulations Relating to Safe Parking

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Findings and declarations. The City Council finds and declares as follows:

- A. The number of households dwelling in vehicles has grown substantially in the past decade. The lack of stable, affordable housing and other life circumstances have contributed to this growth.
- B. On thoroughfares throughout the city, individuals, families, and households of many kinds can be found dwelling in recreational vehicles, trucks, vans, cars, and other motorized vehicles.
- C. The City must, for the health, safety, and welfare of the community, identify and implement short-term and long-term solutions that support these households as they pursue and ultimately secure affordable, stable housing. Safe parking programs, which offer off-street, authorized parking spots in parking lots for households dwelling in their vehicles, represent a short-term solution.
- D. Churches and other religious institutions have expressed a desire and willingness to make their parking areas available for safe parking programs. Allowing such legally operating churches and other religious institutions to host safe parking programs for up to four vehicles in their parking lots overnight provides assistance to homeless households as they seek and follow a path towards stable housing. The provision of such assistance is a use consistent with the mission and purpose of many congregations and religious institutions.
- E. The presence of four vehicles in such parking lots overnight and the accompanying administration of assistance is a minor additional use that would not conflict with the primary use of the properties nor threaten the health, safety, or welfare of the community or its inhabitants. The administration of such programs serves to enhance the health, safety, and welfare of the community.

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SECTION 2. The Accessory and Support Uses portion of Table 1 of Section 18.12.030 (Land Uses) of Chapter 18.12 (**R-1 Single-Family Residential District**) of Title 18 (Zoning) is hereby amended as follows:

18.12.030 Land Uses

The permitted and conditionally permitted uses for the single family residential districts are shown in Table 1:

**TABLE 1
PERMITTED AND CONDITIONALLY PERMITTED LOW-DENSITY RESIDENTIAL USES**

	R-1 and all R-1 Subdistricts	Subject to Regulations for:
ACCESSORY AND SUPPORT USES		
Accessory facilities and uses customarily incidental to permitted uses with no more than two plumbing fixtures and no kitchen facility, or of a size less than or equal to 200 square feet	P	18.04.030(a)(3) 18.12.080
Accessory facilities and uses customarily incidental to permitted uses with more than two plumbing fixtures (but with no kitchen), and in excess of 200 square feet in size, but excluding second dwelling units	CUP	18.12.080
Home occupations, when accessory to permitted residential uses	P	18.42.060
Horticulture, gardening, and growing of food products for consumption by occupants of the site	P	
Accessory Dwelling Units	p ⁽¹⁾	18.42.040
Junior Accessory Dwelling Unit	p ⁽¹⁾	18.42.040
<u>Safe Parking</u>		<u>18.42.160</u>
EDUCATIONAL, RELIGIOUS AND ASSEMBLY USES		
Private Educational Facilities	CUP	
Churches and Religious Institutions	CUP	
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SECTION 3. The Accessory and Support Uses portion of Table 1 of Section 18.13.030 (Land Uses) of Chapter 18.13 (**Multiple Family Residential (RM-20, RM-30 and RM-40) Districts**) of Title 18 (Zoning) is hereby amended as follows:

18.13.030 Land Uses

Table 1 specifies the permitted and conditionally permitted land uses in the multiple-family residence districts.

**TABLE 1
MULTIPLE FAMILY RESIDENTIAL USES
[P = Permitted Use • CUP = Conditional Use Permit Required]**

	RM-20	RM-30	RM-40	Subject to regulations in:
ACCESSORY AND SUPPORT USES				
Accessory Facilities and uses customarily incidental to permitted uses	P	P	P	Chapter 18.40
Accessory Dwelling Unit when accessory to permitted single-family residence	p ⁽¹⁾ & (4)	p ⁽¹⁾ & (4)	p ⁽²⁾ & (4)	18.42.040
Home Occupations, when accessory to permitted residential uses	P	P	P	Chapter 18.42
Horticulture, Gardening, and Growing of food products for consumption by occupants of a site	P	P	P	
Surface Parking Facilities located on abandoned railroad rights-of-way		CUP	CUP	
Safe Parking				<u>18.42.160</u>
EDUCATIONAL RELIGIOUS, AND ASSEMBLY USES				
Churches and Religious Institutions	CUP	CUP	CUP	
Private Clubs, Lodges, or Fraternal Organizations, excluding any such facility operated as a business for profit			CUP	
Private Educational Facilities	CUP	CUP	CUP	
...				

SECTION 4. The Accessory and Support Uses portion of Table 1 of subsection (a) of Section 18.16.040 (Land Uses) of Chapter 18.16 (**Neighborhood, Community, and Service Commercial (CN, CC and CS) Districts**) of Title 18 (Zoning) is hereby amended as follows:

18.16.040 Land Uses

...

(a) Commercial Zones and Land Uses

Permitted and conditionally permitted land uses for each commercial zone are shown in Table 1:

**TABLE 1
MULTIPLE FAMILY RESIDENTIAL USES
[P = Permitted Use • CUP = Conditional Use Permit Required]**

LAND USE	CN (4)	CC, CC(2)	CS (4)	Subject to Regulations In:
ACCESSORY AND SUPPORT USES				
Accessory facilities and activities customarily associated with or essential to permitted uses, and operated incidental to the principal use.	P	P	P	18.42
Drive-in services or take-out services associated with permitted uses ⁽³⁾	CUP	CUP	CUP	18.42
Tire, battery, and automotive service facilities, when operated incidental to a permitted retail service or shopping center having a gross floor area of more than 30,000 square feet.		CUP		18.42, 18.40.160
<u>Safe Parking</u>				<u>18.42.160</u>
EDUCATIONAL, RELIGIOUS, AND ASSEMBLY USES				
Business and Trade Schools		P	P	
Churches and Religious Institutions	P	P	P	
Private Educational Facilities	CUP	P	P	
Private Clubs, Lodges, or Fraternal Organizations	CUP	P	P	
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SECTION 5. The Accessory and Support Uses portion of Table 1 of Section 18.18.050 (Land Uses) of Chapter 18.18 (**Downtown Commercial (CD) District**) of Title 18 (Zoning) is hereby amended as follows:

18.18.050 Land Uses

TABLE 1
CD PERMITTED AND CONDITIONALLY PERMITTED USES
P = Permitted Use • CUP = Conditional Use Permit Required

	CD-C	CD-S	CD-N	Subject to Regulations In Chapter:
ACCESSORY AND SUPPORT USES				
Accessory facilities and activities associated with or essential to permitted uses, and operated incidental to the principal use	P	P	P	
Drive-in or Take-out Services associated with permitted uses ⁽²⁾	CUP	CUP	CUP	
Tire, battery, and automotive service facilities, when operated incidental to a permitted retail service or shopping center having a gross floor area of more than 30,000 square feet	CUP			18.40.160
Safe Parking				<u>18.42.160</u>
EDUCATIONAL, RELIGIOUS, AND ASSEMBLY USES				
Business and Trade Schools	P	P		
Churches and Religious Institutions	P	P	P	
Private Educational Facilities	P	P	CUP	
Private Clubs, Lodges, or Fraternal Organizations	P	P	CUP	
• • •				

SECTION 6. The Accessory and Support Uses portion of Table 1 of subsection (a) of Section 18.20.030 (Land Uses) of Chapter 18.20 (**Office, Research, and Manufacturing (MOR, ROLM, RP and GM) Districts**) of Title 18 (Zoning) is hereby amended as follows:

18.20.030 Land Uses

(a) Permitted and Conditionally Permitted Land Uses

Table 1 lists the land uses permitted or conditionally permitted in the industrial and manufacturing districts.

TABLE 1
Industrial/Manufacturing District Land Uses
[P = Permitted Use • CUP = Conditional Use Permit Required]

	MOR	ROLM ROLM(E)	RP RP(5)	GM	Subject to Regulations In Chapter:
ACCESSORY AND SUPPORT USES					
Accessory facilities and activities customarily associated with or essential to permitted uses, and operated incidental to the principal use.	P	P	P	P	Chs.18.40, 18.42
Automatic Teller Machines	P	P	P	P	18.20.030(d)
Home Occupations, when accessory to permitted residential uses.	P	P	P	P	Chs. 18.40, 18.42
Safe Parking					<u>18.42.160</u>
EDUCATIONAL, RELIGIOUS, AND ASSEMBLY USES					
Business and Trade Schools				P	
Religious Institutions		P	P	P	
Colleges and Universities	P	P	P		
Private Clubs, Lodges, or Fraternal Organizations	CUP	CUP	CUP	CUP	
Private Schools (K-12)	CUP	CUP	CUP	CUP	
• • •					

SECTION 7. The Accessory and Support Uses portion of Table 1 of Section 18.28.040 (Land Uses) of Chapter 18.28 (**Special Purpose (PF, OS and AC) Districts**) of Title 18 (Zoning) is hereby amended as follows:

18.28.040 Land Uses

Table 1 shows the permitted (P) and conditionally permitted (CUP) land uses for the Special Purpose Districts.

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**TABLE 1
Land Uses**

	PF	OS	AC	Subject to Regulations In Chapter:
ACCESSORY AND SUPPORT USES				
Accessory facilities and accessory uses		P		Chs. 18.40, 18.42
Eating and drinking services in conjunction with a permitted use	CUP ⁽¹⁾			
Retail services as an accessory use to the administrative offices of a non-profit organization, provided that such retail services do not exceed 25% of the gross floor area of the combined administrative office services and retail service uses	CUP ⁽¹⁾			
Retail services in conjunction with a permitted use	CUP ⁽¹⁾			
Sale of agricultural products produced on the premises; provided, that no permanent commercial structure for the sale or processing of agricultural products shall be permitted.			P	
Accessory dwelling units, subject to regulations in Section 18.42.040			p ⁽²⁾	18.42.040
Junior accessory dwelling unit		p ⁽²⁾		18.42.040
<u>Safe Parking</u>				<u>18.42.160</u>
AGRICULTURAL AND OPEN SPACE USES				
Agricultural Uses, including animal husbandry, crops, dairying, horticulture, nurseries, livestock farming, tree farming, viticulture, and similar uses not inconsistent with the intent and purpose of this chapter		P	P	
Botanical conservatories, outdoor nature laboratories, and similar facilities		P		
Native wildlife sanctuaries		P		
Park uses and uses incidental to park operation	P			
EDUCATIONAL, RELIGIOUS, AND ASSEMBLY USES				
Business or trade schools	CUP ⁽¹⁾			
Churches and religious institutions	CUP ⁽¹⁾			
Educational, charitable, research, and philanthropic institutions		CUP		
Private educational facilities	CUP ⁽¹⁾			
Public or private colleges and universities and facilities appurtenant thereto	CUP			
Special education classes	CUP ⁽¹⁾			
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SECTION 8. The Accessory and Support Uses portion of Table 1 of Section 18.36.040 (Land Uses) of Chapter 18.36 (**Hospital (HD) District**) of Title 18 (Zoning) is hereby amended as follows:

18.36.040 Land Uses

The uses of land allowed by this chapter in the HD district are identified in the following table. Land uses that are not listed on the table are not allowed, except where otherwise noted. Permitted and conditionally permitted land uses for the HD district are shown in Table 1:

**TABLE 1
HD Permitted and Conditional Uses**

LAND USE	HD	Subject to Regulations in:
ACCESSORY AND SUPPORT USES		
Accessory facilities and activities customarily associated with or essential to permitted uses, and operated incidental to the principal use	P	Ch. 18.40, 18.42
Eating and drinking services in conjunction with a permitted use	P	
Retail services in conjunction with a permitted use	P	
<u>Safe Parking</u>		<u>18.42.160</u>
EDUCATIONAL, RELIGIOUS, AND ASSEMBLY USES		
Churches and religious institutions	P	
Public or private colleges and universities and facilities appurtenant thereto	CUP	
...		

SECTION 9. Chapter 18.38 (**PC Planned Community District Regulations**) of Title 18 (Zoning) is hereby amended to add a new Section 18.38.180 (Safe Parking) to read as follows:

18.38.180 Safe Parking

Safe Parking in compliance with Section 18.42.160 of this code is allowed on any site in the PC district with a legal Church or Religious Institution use.

SECTION 10. Chapter 18.42 (**Standards for Special Uses**) of Title 18 (Zoning) is hereby amended to add a new Section 18.42.160 (Safe Parking) to read as follows:

18.42.160 Safe Parking

The following regulations apply to zoning districts where safe parking use is permitted.

(a) **Purpose**

The intent of this section is to establish regulations to govern the operation of safe parking programs at churches and religious institutions within the city of Palo Alto. The safe parking programs provide interim assistance to households using vehicles as their residence by providing a safe place to park, access to restroom facilities, connection to social service programs, and other support to transition households into permanent, stable housing.

(b) **Definitions**

- (1) “Safe Parking” means the providing of shelter of homeless persons as an incidental use to an existing, legal Church or Religious Institution use where the shelter is provided in vehicles located in designated paved Safe Parking Areas.
- (2) “Safe Parking Area” means the paved area where the vehicles are parked for the Safe Parking use.
- (3) “Safe Parking Program Operator” means an agency or organization that facilitates, administers, oversees, and provides staffing for Safe Parking uses in Safe Parking Areas.

(c) **Safe Parking Permit Required**

- (1) **Permit required.** No person shall operate, allow, permit or suffer a Safe Parking use without approval of a valid safe parking permit.
- (2) **Application requirements.** All applications pursuant to this Section shall be filed with the Director in a 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) **Receipt of application.** No application shall be deemed received until the following have been provided to the Planning and Development Services:
 - (i) An application fee as set forth in the Municipal Fee Schedule; and
 - (ii) All documents specified as part of the application in this Section or on the application form.

(d) **Decision and Appeal.** Notwithstanding the provisions of Chapter 18.77, the procedures of this Section shall apply to all safe parking permits.

- (1) **Authority and Findings.** The Director may approve a safe parking permit only after finding that:

- (i) The proposed Safe Parking use complies with the standards listed in subsection (f) of this Section 18.38.160.
- (ii) The proposed Safe Parking use at the location requested will not adversely affect the health, safety, or welfare of persons residing or working in the surrounding area.
- (iii) The proposed site is adequate in size and shape to accommodate the Safe Parking use.

The application shall be denied where the information which is either submitted by the applicant or presented at the public hearing fails to satisfactorily substantiate such findings.

(2) **Decision by Director.**

- (i) The Director shall prepare a written decision to approve, approve with conditions, or deny the application.
- (ii) Notice of the Director's decision shall be given by mail to owners and residents of property within 600 feet of the subject property. The notice shall include the address of the property, a brief description of the proposed use, a brief description of the Director's decision, and a description of how to appeal the decision.
- (iii) The Director's decision shall become final fourteen (14) days after the date the notice is mailed unless an appeal is filed. The Director may, for good cause, specify in writing a longer period for requesting a hearing at the time he or she issues the decision.

(3) **Filing of Appeal and Withdrawal.** Notwithstanding the provisions of Chapter 18.78, the process set forth in this subsection (d)(3) and subsections (d)(4)-(d)(5) below of this Section shall apply to appeals of the Director's decision on safe parking permits.

- (i) The applicant or subject property owner, or owners or residents of a property within 600 feet of the subject property, may file an appeal of the Director's decision by filing a written request with the City Clerk before the date the Director's decision becomes final. The written request shall be filed in a manner prescribed by the Director and shall be accompanied by a fee, as set forth in the Municipal Fee Schedule.
- (ii) At any time prior to the hearing, the person requesting the hearing may withdraw the request. If the hearing request is withdrawn and fourteen (14) days have lapsed from the mailing date of the notice under subsection (iii), the proposed Director's decision shall be final.

(4) **Decision by the City Council on Appeal.** If a timely appeal is received by the City Clerk, and not withdrawn, the Director's decision shall be placed on the consent calendar of the City Council within 45 days. The City Council may:

- (i) Adopt the findings and recommendation of the Director; or
- (ii) Remove the recommendation from the consent calendar, which shall require three votes, following which the City Council shall adopt findings and take action on the application.

(5) **Decision by the City Council Final.** The decision of the City Council on appeal is final.

(e) **Duration of Permits.**

(1) **Initial term.** Permits shall be valid for a period of up to 90 calendar days unless suspended or revoked sooner as set forth in this Section.

(2) **Extension term.** If the Director does not find any violation of the permit conditions or this Section during the initial 90-day period, the permit shall be automatically extended for up to an additional 270 calendar days.

(3) **Renewal term.** If the Director does not find any violation of the permit conditions or this Section during the 270-day extension period, the permit shall be renewed and be valid for a period of up to one year or the expiration of this interim Ordinance No. _____, whichever is earlier.

(4) **Expiration of interim ordinance.** In no event shall a permit be valid beyond the expiration date of interim Ordinance No. _____.

(f) **Standards and Conduct of Use**

The following standards shall apply to all Safe Parking uses:

(1) **Qualifying site.** Safe Parking may be allowed on a parcel with an existing, legal Church or Religious Institution use.

(2) **Number of vehicles.** At no time shall more than four (4) vehicles be used for Safe Parking.

(3) **Hours of operation.** A Safe Parking use may only occur between the hours of 6:00 p.m. and 8:00 a.m.

(4) **Noise.** Audio, video, generator, or other amplified sound that is audible outside the vehicles parked in the Safe Parking program is prohibited.

- (5) **Shelter in vehicles.** All persons receiving Safe Parking shall shelter within the vehicles. No person shall be housed in tents, lean-tos, or other temporary facilities.
 - (6) **Required facilities.** Accessible restroom facilities, including a toilet and handwashing sink, shall be available to persons utilizing the site for Safe Parking at all times during the hours of operation. These facilities may be the existing onsite facilities or mobile facilities brought onsite on a temporary basis to serve persons utilizing Safe Parking.
 - (7) **Contact information.** The following emergency contact information shall be posted on site in a place readily visible to persons utilizing Safe Parking: (i) a contact phone number for the Safe Parking Program Operator; (ii) the police non-emergency phone number; and (iii) 911. The Safe Parking Program Operator shall be available at all hours of operation at the posted phone number and shall be the first contact for non-emergency matters.
 - (8) **Connection to county case management system.** The Safe Parking use shall be managed and operated by a Safe Parking Program Operator that participates in the federal Homeless Management Information System with Santa Clara County or other county.
 - (9) **Safe, clean, orderly premises.** The Safe Parking Area and other onsite areas accessed by persons utilizing Safe Parking shall be maintained in a safe, clean and orderly condition and manner.
 - (10) **Compliance with laws.** The Safe Parking use shall be operated in a manner that is fully in conformance with all State and local laws including regulations and permit requirements.
- (g) **No Assignment of Permit.** No person shall assign or transfer a safe parking program permit issued under this Section.
- (h) **Suspension, Revocation and Modification**
- (1) **Grounds for suspension, revocation or modification.** The Director may suspend, revoke or modify a permit, according to the procedures set forth in subsection (h)(2) below, 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 of approval.**

(i) **Public hearing by Director**

(a) **Notice to permit holder.** Whenever the Director believes that grounds for the suspension, revocation, or modification of a permit exist, the Director shall give the permit holder written notice of the date, time and place of a hearing to be held before the Director on whether the permit should be suspended, revoked, or modified. The notice shall state the alleged grounds for the proposed revocation, suspension or modification of the permit, and the notice shall be served on the permit holder by mail at least ten (10) days prior to the hearing at the most recent home or business address on file with the Planning and Development Services.

(b) **Notice to public.** Notice of the hearing shall be given at least ten (10) days prior to the hearing by mailing to all residents and owners of property within 600 feet of the subject property.

(ii) **Decision of the Director.**

(a) Within ten (10) days following the hearing, the Director shall prepare a written decision to revoke, suspend, modify, or leave unchanged the permit.

(b) Notice of the decision shall be provided by mail to the permit holder, by posting on the Planning and Development Services' website and by email to other interested persons who requested notice to the Planning and Development Services.

(c) The Director's decision shall become final ten (10) days after the notice is mailed to the permit holder unless a timely appeal is filed.

(iii) **Request for appeal hearing.** The permit holder or subject property owner, or owners or residents of a property within 600 feet of the subject property may file an appeal of the Director's decision with the City Clerk. The appeal shall be filed in written form in a manner prescribed by the Director.

(iv) **Decision by the City Council on appeal.** If a timely appeal is received by the City Clerk, and not withdrawn, the Director's decision shall be placed on the consent calendar of the City Council within 45 days. The City Council may:

(a) Adopt the findings and recommendation of the Director; or

(b) Remove the recommendation from the consent calendar, which shall require three votes, following which the City Council shall adopt findings and take action on the application.

(v) **Effective date of revocation, suspension or modification.** The decision of the City Council is final. The revocation, suspension or modification will be effective five (5) days after mailing of the decision addressed to the permit holder.

SECTION 11. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 12. The Council finds that the Ordinance is exempt from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines, which applies to minor alterations of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use. Adopting the Ordinance to allow the use of existing parking lots for temporary overnight safe parking would not constitute any significant expansion of use. CEQA Guidelines Section 15061(b)(3) also applies to the adoption of the Ordinance because it can be seen with certainty that there is no possibility that the activity of limited parking overnight in existing parking lots may have a significant effect on the environment. The Council further finds that the potential exceptions to the categorical exemption in CEQA Guidelines Section 15300.2 are not applicable. Use of existing parking lots in the operation of temporary safe parking does not impose a significant cumulative impact over time as the use as a parking lot is generally unchanged and the safe parking use is limited to a short duration; it is not an unusual circumstance to modify the hours of use of existing facilities, and there is nothing unusual about the size or location of the existing parking lots at which temporary overnight safe parking would be allowed; the use of existing parking lots does not adversely impact scenic or historical resources; and the Ordinance does not involve hazardous sites as it relates to existing parking lots and no ground disturbance would result from implementation of the Ordinance.

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SECTION 13. This Ordinance shall be effective on the thirty-first date after the date of its adoption and shall expire upon adoption of replacement legislation by the City Council or on March 1, 2022, whichever occurs first. Upon expiration of this Ordinance, the City Clerk shall direct the City’s codifier to update the Palo Alto Municipal Code as appropriate.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Planning & Development Services

Attachment B – Safe Parking Comparison Table

Table 1: Sample of Nearby Safe Parking Programs

	East Palo Alto	Mountain View	San José
Safe Parking Program	<ul style="list-style-type: none"> • Known as Recreational Vehicle Safe Parking Pilot Program, “RVS3P”. • Focus on recreational vehicles (RVs). • 1 parking lot on City-owned land. • City has a license and grant agreement with Project WeHOPE (PWH) and has awarded grant funds to PWH. In turn, PWH collaborates with other organizations to provide a full array of support services. • City Council declared a shelter crisis on July 17, 2018. 	<ul style="list-style-type: none"> • Allows safe parking at private parking lots, including congregations and city-owned or city-controlled lots. • Some lots focus on passenger vehicles (primarily congregations), while others allow oversized vehicles. • Private lot owners agree to help people in need by allowing use of their lot between 5:00 p.m. and 9:00 a.m. • A Safe Parking Operator (such as MOVE) manages the lot, reviews and interviews applicants, links applicants with social services, and provides limited liability coverage. • Individuals living in their cars or RVs apply through the Community Services Agency (CSA) to be able to stay in the lot overnight. • Social services work with the Safe Parking participants to provide case management services and get them back on the path to more stable housing. • Council declared shelter crisis in March 2019, expires June 30, 2020. 	<ul style="list-style-type: none"> • The City created two types of Safe Parking programs. • The first is a City-operated program at two locations. • The second is an ordinance that allows businesses and non-profits to establish Safe Parking Areas in their parking lots. The process for getting started includes a simple and free registration and inspection of the proposed parking lot. • The City supported operation of one (1) safe parking lot that specifically served families with minor children. The lot never reached its full capacity. In Sept. 2019, the Council voted to discontinue the program and transition to a Motel Voucher program for families with children.
Permitting	<ul style="list-style-type: none"> • PWH and the City (as property owner) obtained an Interim Use Permit, approved by the Planning Commission Sept. 10, 2018. • The permit lasts up to 1 year. 	<ul style="list-style-type: none"> • March/Summer 2018, City Council approved pilot program at two faith-based sites and approved funding for MOVE Mountain View’s “Lots of Love” program. • December 2018, Council approves process for Temporary Use Permit for a Palo Alto Housing Corporation-owned lot; this site ultimately required Conditional Use Permit. 	<ul style="list-style-type: none"> • San Jose offers city-run programs and allows private landowners to establish safe parking lots. • The City contracted with Life Moves to provide services and operates the City’s “Safe and Supportive Parking” program at city-owned lots. • The City of San José developed a Safe Parking

Attachment B – Safe Parking Comparison Table

		<ul style="list-style-type: none"> September 2019, Council approved amendments to Safe Parking Ordinance; safe parking now requires a Nondiscretionary Conditional Use Permit and operation permit from Police Department. Nondiscretionary Conditional Use Permit not required during declared shelter emergency. 	<p>Ordinance that allows private property owners to designate their parking areas in places of assembly for safe parking. The ordinance approved by City Council in February 2019 included amendments to the Municipal Code, specifically to Title 20 of the San José Municipal Code (Zoning Code). The property owner does not need to obtain a permit and may design operations from hours, type of vehicles, and target population.</p>
Operator	<ul style="list-style-type: none"> Project WeHOPE, in collaboration with LifeMoves and Abode Services. 	<ul style="list-style-type: none"> MOVE Mountain View’s “Lots of Love” program. 	<ul style="list-style-type: none"> LifeMoves
Locations	<ul style="list-style-type: none"> 1798 Bay Road - 15-20 recreational vehicles. 	<ul style="list-style-type: none"> 5 locations active or planned/approved St. Timothy’s Episcopal Church, up to 4 passenger vehicles. Lord’s Grace Christian Church, up to 4 passenger vehicles. 1020 Terra Bella Avenue, Palo Alto Housing, up to 8 oversized vehicles. VTA transit lot – Pioneer Way & Evelyn Avenue, City Operated. Shoreline Amphitheatre Parking Lot B, up to 30 oversized vehicles. 	<ul style="list-style-type: none"> Roosevelt Community Center, avg 8-10 vehicles/night. Southside Community Center, avg 10-12 vehicles/night. Seven Trees Community Center and Library (discontinued Sept. 2019).
Year Enacted	<ul style="list-style-type: none"> Discussions began in 2017. Program concept discussed and advanced by City Council in January 2018. July 17, 2018 Council authorized City Manager to execute a License and Grant agreement with PWH. Grand Opening May 14, 2019. 	<ul style="list-style-type: none"> Feasibility discussed in Feb. 2016 March-Summer 2018 City approves funding for Lots of Love program Oct. & Dec. 2018 approval for safe parking use at Palo Alto Housing Corp. site; approved funding for lot improvements. June 2019 City Council approved safe parking operations in city-controlled or city-owned lots. Sept. 2019 amended safe parking ordinance. 	<ul style="list-style-type: none"> Operation began on November 1, 2018 at Seven Trees Community Center and Library; a program focused on families with minor children; lot discontinued in Sept. 2019. May 15, 2019, launched safe parking for adults at 2 community centers.
City Financial Support	<ul style="list-style-type: none"> \$226,000 for construction and improvements at the city-owned safe parking site. 	<ul style="list-style-type: none"> March 2018, Safe Parking Program Pilot: Support for new Mountain View nonprofit 	<ul style="list-style-type: none"> Oct. 2018, \$250,000 to LifeMoves to operate six-month pilot program.

Attachment B – Safe Parking Comparison Table

	<ul style="list-style-type: none"> • \$218,500 to PWH for operations. 	<p>Lots of Love (\$25,000 start-up to June 2018; \$30,000 for Fiscal Year 2018-19).</p> <ul style="list-style-type: none"> • March 2018, RV/Vehicle Repair Funds: One-time contribution to existing Community Services Agency (CSA) fund initiated by concerned community members (\$10,000). • Dec. 2018, \$82,500 for safe parking site preparation. • Dec. 2018, up to \$72,250 for MOVE Mt. View • Sept. 2019 - \$100,000 for safe parking from the \$200,000 included in the Fiscal Year 2019-20 Adopted Budget originally authorized for Homeless Enforcement Initiatives. • Sept. 2019, Authorized an agreement with the County of Santa Clara for a total not to exceed \$285,000, which includes \$100,000 to increase the safe parking capacity; \$125,000 to continue a case worker for permanent supportive housing; and \$60,000 for case management and outreach. 	<ul style="list-style-type: none"> • March 26, 2019, \$400,000 to expand program to 2 additional city-owned lots until June 2021.
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Attachment B – Safe Parking Comparison Table

Table 2: Oversized Vehicle Regulations

City	Summary	Code Section
East Palo Alto	<ul style="list-style-type: none"> No oversized vehicle parking between the hours for 2:00 am – 5:00 am. No oversized vehicle parking with in 75 feet of an intersection. 	<ul style="list-style-type: none"> 10.04.1300 Oversized Vehicles and Trailers Unconnected to a Motor Vehicle.¹
Mountain View	<ul style="list-style-type: none"> 2 code sections address the parking of oversized vehicles on narrow streets (less than 40 feet in width) and next to Class II bikeways. 	<ul style="list-style-type: none"> Goes into effect June 30, 2020 Bikeway Ordinance² Narrow Streets Ordinance³
San Jose	<ul style="list-style-type: none"> Large Vehicle Parking prohibited in areas of the City that are identified at the director’s discretion. 	<ul style="list-style-type: none"> 11.98 Code Section is Here.⁴
Palo Alto	<ul style="list-style-type: none"> Oversized vehicles not permitted to park in residential zones between the hours of two a.m. to six a.m. No vehicles can park for seventy-two consecutive hours or more. 	<ul style="list-style-type: none"> 10.44.020 No parking overnight in residential zones.⁵ 10.36.030 Seventy-two hours⁶

¹ East Palo Alto Oversized Vehicle Ordinance:

https://library.municode.com/ca/east_palo_alto/codes/code_of_ordinances?nodeId=TIT10VETR_CH10.04VEPA_10.04.1300VVETRUMMOVE

² Mountain View Bikeway Ordinance: https://library.municode.com/ca/mountain_view/ordinances/code_of_ordinances?nodeId=985620

³ Mountain View Narrow Streets Ordinance: https://library.municode.com/ca/mountain_view/ordinances/code_of_ordinances?nodeId=985627

⁴ San Jose Large Vehicle Parking 11.98: https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT11VETR_CH11.98LAVEPA

⁵ City of Palo Alto 10.44.020 [http://library.amlegal.com/nxt/gateway.dll/California/paloalto_ca/title10vehiclesandtraffic*/chapter1044stoppingstandingandparking-pr?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:paloalto_ca\\$anc=JD_10.44.020](http://library.amlegal.com/nxt/gateway.dll/California/paloalto_ca/title10vehiclesandtraffic*/chapter1044stoppingstandingandparking-pr?f=templates$fn=default.htm$3.0$vid=amlegal:paloalto_ca$anc=JD_10.44.020)

⁶ City of Palo Alto 10.36.030: [http://library.amlegal.com/nxt/gateway.dll/California/paloalto_ca/title10vehiclesandtraffic*/chapter1036stoppingstandingandparking-ge?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:paloalto_ca\\$anc=JD_10.36.030](http://library.amlegal.com/nxt/gateway.dll/California/paloalto_ca/title10vehiclesandtraffic*/chapter1036stoppingstandingandparking-ge?f=templates$fn=default.htm$3.0$vid=amlegal:paloalto_ca$anc=JD_10.36.030)