



# City of Palo Alto

(ID # 10788)

## Policy and Services Committee Staff Report

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**Report Type: Action Items**

**Meeting Date: 11/12/2019**

**Summary Title: Safe Parking**

**Title: Staff Recommends the Policy and Services Committee Discuss the Proposed Tier 1 Safe Parking Pilot Program at Religious Congregations and Institutions; Direct Staff to Draft Accompanying Regulations and Code Changes; and Bring Proposed Code Amendments Directly to the City Council**

**From: City Manager**

**Lead Department: Planning and Development Services**

### **Recommendation**

Staff recommends the Policy and Services Committee discuss the proposed Tier 1 safe parking pilot program at religious congregations and institutions; direct staff to draft accompanying regulations and code changes; and bring proposed code amendments directly to the City Council.

### **Background**

On June 10, 2019, the Palo Alto City Council discussed a Colleagues' Memorandum<sup>1</sup> regarding safe parking and referred the matter to the Policy and Services Committee.<sup>2</sup> On September 10, 2019, the Policy and Services Committee directed staff to:

1. Return with a safe parking program for up to four vehicles on private property containing religious institutions (Tier 1);
2. Develop and return with a safe parking program that would allow for five or more vehicles on private property (Tier 2);
3. Explore the possibility of a larger scale safe parking program on private commercial property and city owned property (Tier 3).

The Committee expressed a strong interest for a Tier 1 plan to return quickly given the incidental nature of the program, willingness of property owners to provide space for overnight parking and expressed community needs. This report responds to this direction and

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<sup>1</sup> Colleagues' Memo: <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=41728&BlobID=71688>

<sup>2</sup> Action Minutes from 6-10-2019:

<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=47961.55&BlobID=72220>

summarizes a possible approach to implement a Tier 1 safe parking program. Based on Committee direction, staff would prepare an ordinance and make refinements as needed to specific components of the program for Council review. Tier 2 and 3 are longer term projects that will return at a future date and are not addressed in this report.

## **Discussion**

The Committee expressed an interest and support for a quick process to implement a small-scale safe parking program. The most expedient path is to interpret the City's definition of a church to include safe parking programs as incidental and ancillary components of religious institutions. The challenge with this approach, however, is that the City would not be able to (through an interpretation) establish standard operational conditions and expectations for safe parking programs nor procedural requirements for even limited public notice.

A more traditional model to implement this type of policy change is to prepare a zoning text amendment, which would be reviewed by the Planning and Transportation Commission before a recommendation is advanced to the City Council. This process could take up to nine months to complete.

An alternative to these two options is to bring an ordinance to Council under a provision of the Municipal Code that allows Council to streamline procedural requirements when necessary for the public health, safety or welfare.<sup>3</sup> Staff recommends an eighteen month pilot program, which would allow a longer-term program to proceed through the Planning and Transportation Commission. With the Committee's support and direction, staff would prepare an ordinance implementing a program substantially described in this report and present that ordinance directly to the City Council. If directed, staff anticipates an ordinance can be presented to the City Council in January.

Another benefit of this approach is that it allows the community an opportunity to experience the benefits of a safe parking program, while also learning from its initial implementation. During this time period, staff will conduct outreach to safe parking operators, property owners, and nearby residents to learn what is working about the program and where changes may be required. The Planning and Transportation Commission will conduct a public hearing and consider long-term regulations toward the end of the pilot program and make recommendations to the City Council.

### Key Program Components

The proposed Tier 1 safe parking program would include the following:

1. A safe parking program would be limited to four or fewer vehicles parked for a limited duration and subject to standard conditions of approval (see section immediately

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<sup>3</sup> 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.

following).

2. Any approved safe parking program would be valid only for the duration of the pilot program unless regulations are codified extending the program.
3. Safe parking programs could only be established on private property that also contains a religious institution and subject to permit approval.
4. The permit authorizing a safe parking program would require a public notice be sent to immediate neighbors and a tentative decision on the application would be made by the planning director (like most applications) and subject to appeal directly to the City Council.<sup>4</sup>
5. Appeals would be limited to the applicant and owners or tenants on property that immediately abut or is across the street from the property seeking a safe parking program (this is like the City's Individual Review application process related to new two-story home construction).

### Standards of Operation

In order to ensure that the Tier 1 safe parking programs operate in ways that provide dignity to those served and provide appropriate consideration for neighboring properties, staff recommends 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. *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.
3. *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 that applicants provide shower facilities as well and staff seeks the Committee's support to make this a requirement. 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.
4. *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.
5. *Connection to Santa Clara County Case Management System* – Permit holders must

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<sup>4</sup> An appeal would be placed on the Consent Calendar. At the request of three or more Councilmembers, the item could be pulled and scheduled for a future hearing.

provide affirmative proof that they are affiliated with a program that will provide case management services to participants in the safe parking program and that participants in the safe parking program will be vetted through such program.

6. *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.
7. *Revocation* – a permit holder may lose the opportunity to continue a safe parking program if the use is found to be detrimental to public health, safety, or the general welfare. Revocation proceedings would require a noticed public hearing.

The Committee may also want to consider whether a permit holder must provide staff resources (security or program volunteer) on-site for the hours a safe parking program is provided. City staff has some reservations about the added cost relative to the benefit for a use that is anticipated to be ancillary or incidental to an existing religious institution. For a larger program with five or more vehicles – staff envisions the possible need for an on-site security personnel but that would be evaluated under the Tier 2 program.

Beyond the standard conditions, the director, or City Council on appeal, could also impose project specific conditions or approval as warranted.

### **Resource Impact**

At this time, no significant resource impacts to Palo Alto are anticipated. Establishing and permitting this program can be incorporated into existing City operations and budget. At this time, program operations will not require financial or other assistance from the City of Palo Alto.

### **Environmental Review**

The recommendation in this report is to discuss and provide direction to staff on a policy topic that requires further research, development and analysis. There is no action taking place or decisions being made that qualify this discussion and direction as a project in accordance with section 15378 of the California Environmental Quality Act (CEQA) Guidelines.