

Ordinance No. 5609

Ordinance of the Council of the City of Palo Alto Adopting Permanent Regulations for Safe Overnight Parking Programs.

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 eight 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 up to eight 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.

SECTION 2. Section 18.42.160 (Safe Parking) of Chapter 18.42 (Standards for Special Uses) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows [additions are underlined and deletions ~~struck through~~].

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 director:

(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 18.42.160.

(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) The Department may host a community meeting, held virtually or in-person, and send mailed notice to owners and residents of property within 600 feet of the subject property notifying them of the date, time, location of the meeting. Notices shall be [sent/postmarked] 14 days prior to the community meeting.

(iii) Following a community meeting, if one is held, or after the director has made a tentative decision to issue a permit, 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.

(iv) 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 the director 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/tenants 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 14 days have lapsed from the mailing date of the notice under subsection (d)(2) above, 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. Permits shall be valid as provided in Section 18.77.100 ~~for a period of up to 18 months unless suspended or revoked sooner as set forth in this section.~~

~~—(1) 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.~~

~~—(2) 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. 5490, whichever is earlier.~~

~~—(3) Expiration of interim ordinance. In no event shall a permit be valid beyond the expiration date of interim Ordinance No. 5490.~~

(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. For the first twelve (12) months following permit issuance, the permit holder may host up to four vehicles for safe parking per evening. After twelve (12) months following permit issuance, the permit holder shall be eligible to host up to six vehicles for safe parking per evening. After twenty-four (24) months following permit issuance, the permit holder shall be eligible to host up to eight vehicles for safe parking per evening. The Planning Director shall mail notice of each scheduled increase in capacity to the permit holder and all residents and owners of property within 600 feet of the subject property. The increase in capacity shall become effective fourteen (14) days after this notice is mailed unless an appeal is filed pursuant to subdivision (d)(3) above. ~~At no time shall more than 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. Additionally, participants shall observe quiet hours from 10:00 p. m. to 7:00 a. m.

(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. Whenever feasible, portable restroom facilities shall be located at least 25 feet from neighboring residential buildings and 25 feet from street frontages. In the event the lot configuration does not allow such siting, the Director shall have discretion to determine the location of the portable restroom and/or handwashing facilities.

(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. The contact information described shall also be sent from the City by mail to the residents and owners within 600 feet of the program site.

(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.

(11) Annual Reporting. The safe parking program operator shall submit a report to the Director reflecting the prior calendar year's activities. The report shall be submitted electronically in a format approved by the Director. The report shall include the number of individual participants in the calendar year, the number of nights each space was occupied each year, the disposition of each participant that exited the program during the calendar year (exit to housing, exit to homelessness, etc.), the city in which the person was last housed, and any complaints from neighbors communicated to the operator or permit holder along with the resolution of the complaints. Where a safe parking program operator operates multiple sites within the City of Palo Alto, the annual report may be combined.

(12) Participant preferences. A safe parking program provider shall award available parking spaces with preference given to students, or households with students, enrolled in the Palo Alto Unified School District.

(13) Vehicle Idling. Vehicle idling is not allowed except as allowed under Chapter 10.62 of this code.

(14) No temporary structures. No temporary structures shall be erected in relation to the safe parking program. Small amenities such as chairs may be utilized during program hours, provided that they are stored in vehicles or within the permit holder's building(s) during quiet hours.

(15) Personal property. All personal property shall be stored in participant vehicles.

(16) Fire. No open fires or open flames are allowed.

(17) Lot monitoring. The safe parking program operator shall deploy lot monitors to occupied safe parking lots. Lot monitors shall make at least three visits to the lots to ensure the safety of the participants and adherence to the operational conditions. Lot monitors are advised to be deployed in the early evening (lot opening – 10:00 p. m.), in the overnight hours (11 p. m. – 5 a. m.), and in the morning hours (6 a. m. – 8:00 a. m.).

(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 the permit, 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 10 days prior to the hearing at the most recent home or business address on file with the planning and development services department.

(b) Notice to public. Notice of the hearing shall be given at least 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 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' department's website and by email to other interested persons who requested notice to the planning and development services department.

(c) The director's decision shall become final 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 5 days after mailing of the decision addressed to the permit holder.

SECTION 3. A temporary safe parking permit issued under Ordinance No. 5490 shall, upon written request of the permit holder, become subject to the rights and obligations provided in Palo Alto Municipal Code Section 18.42.160 as enacted by this ordinance and as may be amended from time to time. Specifically, the duration of such permit would not be limited by an expiration date or the expiration of Ordinance No. 5490 and the permit would be subject to the requirements of Section 18.42.160, subdivision (f).

SECTION 4. 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 5. 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 6. This Ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED: December 4, 2023

PASSED: January 16, 2024

AYES: BURT, KOU, LAUING, LYTHCOTT-HAIMS, STONE, VEENKER

NOES: TANAKA

ABSENT:

ABSTENTIONS:

ATTEST:

DocuSigned by:
Makaelani Ali Yun
8691CE5898F6400...
City Clerk

DocuSigned by:
Greer Stone
174753172A9C49D...
Mayor

APPROVED AS TO FORM:

DocuSigned by:
Albert Yang
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Assistant City Attorney

APPROVED:

DocuSigned by:
Ed Shikada
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City Manager

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Director of Planning and
Development Services