



MEMORANDUM

TO: City Council

FROM: Brian Pedrotti, Community Development Director

BY: Andrew Perez, Planning Manager

SUBJECT: Discussion of a Draft Safe Parking Ordinance

DATE: March 14, 2023

SUMMARY OF ACTION:

The purpose of this study session is to provide the City Council an opportunity to review and provide further direction regarding a potential ordinance that would allow Safe Parking sites for the unhoused under certain circumstances on Public Facility zoned property, and any paved lot within the Industrial Mixed Use zone.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

Development of the ordinance requires staff time to review the ordinance internally and with stakeholders, prepare staff reports, and present the ordinance to Council. The ordinance does not commit any City funding to support safe parking sites.

RECOMMENDATION:

Review staff's proposed ordinance, receive public comment, and provide direction to staff.

BACKGROUND:

Rising costs of living and lack of affordable housing units have contributed to housing instability throughout the State. In response, cities, counties, non-profit organizations, and faith-based organizations have sought to establish safe parking sites to provide a level of security and stability for those living in their vehicles. The needs of individuals living in their vehicles are different from the chronically unhoused in that they face unique legal, social, and economic challenges. Safe parking programs aim to meet the basic needs of security and hygiene for those living in their vehicles while also mitigating potential impacts to surrounding neighborhoods.

On two occasions, City staff met with a group of faith leaders from the community and homeless advocates that had expressed interest in hosting safe parking sites. The safe parking model described by the participating members of the faith community consisted of providing a limited number of spaces in parking lots at existing church properties for

Item 12.b.

City Council
Discussion of a Draft Safe Parking Ordinance
March 14, 2023
Page 2

use by individuals living out of their vehicles to park overnight. Those lots would be monitored by volunteers and church resources would be used to cover expenses and provide essentials for those staying at the site. Safe parking sites are not well defined as a land use by the Municipal Code, so initially staff considered a safe parking program to be an expansion of the existing church use, and therefore, warranted an amendment of the church's conditional use permit to establish a permanent safe parking site. The faith leaders expressed that an amendment to the CUP was too onerous for the churches and would deter organizations from establishing these programs. At the same time, there are health and safety standards that need to be regulated for the well-being of safe parking operators, guests, and neighbors that apply uniformly to qualifying properties, however the City Council sets that eligibility. As a result of those discussions with community stakeholders, staff developed the attached draft ordinance for Council consideration and comment. It provides for a safe parking permit approval process, that addresses City's health and safety concerns while ensuring those standards do not make these kinds of programs too difficult to operate. It is meant to provide a starting point in advance of staff initiating the formal ordinance approval process.

On September 18, 2020, Temporary Use Permit 20-024 was approved for the establishment of a temporary safe parking program at St. John's Lutheran Church located at 959 Valley Road. The permit authorized four (4) parking spaces in the church's parking lot for this program. St. John's provided portable restrooms, a handwashing station, trash receptacles, and fire extinguisher for use of its guests. Involvement in active case management with the 5Cities Homeless Coalition was a condition of entry into the site. In its application, St. John's committed to monitor the site for at least the first 30 days to verify the program was operating as intended. The initial approval authorized the program to operate for six (6) months. At the end of that time period, staff had not received any complaints about the use, therefore, staff approved a six (6) month extension to the program. Again, no complaints were received during the final six (6) months.

Various local cities and the County of San Luis Obispo (County) have identified areas for safe parking with mixed success. The City of San Luis Obispo operates a 20-space safe parking site in the Railroad District that provides toilets and handwashing stations. On February 27, 2023, the County announced the intended phasing out of a large safe parking site on Kansas/Oklahoma Avenue that had opened in August 2021 with approximately 70-80 users, acknowledging the program failed to meet its objective of serving as a temporary solution where participants could transition into other temporary or permanent housing.

On February 28, 2023, staff agendized a study session for discussion of the safe parking ordinance at the City Council meeting. Due to timing constraints from other items on the same agenda, the City Council continued the item to a date uncertain.

Item 12.b.

ANALYSIS OF ISSUES:

While Section 16.16.090 of the Municipal Code authorizes the Community Development Director to approve minor use permits for temporary uses, including temporary safe parking, the intent in drafting this ordinance was to craft a permanent, codified entitlement authority for a safe parking use. The draft ordinance presented for discussion defines the use, identifies eligible locations, outlines permit requirements, establishes performance standards for the operation of a site, and provide allowances for the City to inspect the site for compliance with those performance standards.

The attached draft ordinance is presented to the City Council as one potential option. If the City Council is not in favor of the way this draft ordinance is structured, City staff could consider a different framework for the safe parking permit, or choose not to move forward at this time. For instance, City staff could instead prepare an ordinance with a ministerially-approved safe parking permit, based on objective, defined criteria specified in the ordinance. Such an alternative would allow the permit to be approved without a subjective determination by the City, provided it had sufficient procedural safeguards in place. Under that alternate, the City could mimic some of the existing standards applicable to a Public Safety Welfare Permit.

Definition

The draft ordinance defines a Safe Parking Site as:

“A paved parking lot outside of the public right-of-way that provides unhoused individuals and/or families who are living in a vehicle a dedicated, safe place to park overnight. No rent shall be exchanged between a host and occupants. The occupancy of a vehicle at a safe parking site operated in compliance with this Section shall not constitute a violation of AGMC 9.22.”

Properties will be eligible to host a Safe Parking Site on a paved lot in the Public Facility zone or a paved lot on properties within the Industrial Mixed Use Zone. The zoning eligibility ensures a number of established religious facilities located in the City, the most interested City stakeholders for this potential program, would be able to apply to establish a safe parking site.

Permit Requirements

Staff is presenting an ordinance to the City Council for its consideration that requires an applicant to obtain a Safe Parking Permit (SPP), a new permit type that would be processed similar to a Minor Use Permit – Plot Plan Review (PPR). The processing fee for the PPR is \$756 which reflects the City’s projected, actual costs of issuance of such a permit. The Community Development Director would be authorized to approve SPPs through a discretionary approval process. Approved SPPs would be reported to the Planning Commission on its agenda, which is posted at City Hall and on the City’s website for public viewing. Due to the sensitivity surrounding this land use, the attached ordinance for discussion purposes establishes unique findings for approval, provisions for appeal

City Council
Discussion of a Draft Safe Parking Ordinance
March 14, 2023
Page 4

and permit revocation, and limits the duration of the entitlement. Existing procedures for appeals and revocation may be sufficient for other Minor Use Permits, but SPPs involve unhoused individuals who will rely on these programs in determining where to sleep at night. Thus, the draft ordinance includes a more rigorous procedure before such a permit is revoked.

This draft version of the ordinance limits the duration of the entitlement to 18 months. The approval would automatically extend for another 18-month period if the Director finds no violations of any of the permit conditions occurred during the previous 18-month operating period. AGMC Section 16.12.130 specifies that all permits and licenses, with the exception of Home Occupation Permits and Business Licenses, run with the land even in the event of change of ownership on the site or structure. Although it is uncommon for a religious facility to sell its property for a non-religious use, the provision within the draft ordinance that limits the length of the entitlement would prevent the SPP permit from transferring to the new property owner that may want to continue the safe parking use, but lacks the resources to successfully operate the site.

If the City Council would like to see a different approach for its Safe Parking ordinance, an alternative option would involve a ministerial approval process, meaning the application would be approved if it meets certain defined, objective standards. If Council provides direction that this alternative is desired, then staff will draft an ordinance with objective criteria for administrative approval with procedural safeguards for revocation or modification of the permit.

Performance Standards

An application to establish a Safe Parking Site, regardless of the permit requirement, must include a site plan showing locations and number of parking spaces allocated to the use, restrooms, trash and recycling facilities, and exterior lighting. It is through the application that an applicant demonstrates compliance with certain performance standards required by the ordinance. In addition to the site plan, an application must include an operations and management plan that communicates the operational details about the site to give the City a high level of certainty that the site will be operated in a safe manner that is harmonious with the surrounding neighborhood. The operations plan will need to identify the number of spaces allocated to the program and the days and hours of operation. It will also need to identify the operators of the site, their qualifications for managing the site, and any training or experience in providing social services.

Perhaps the most important aspect of the management plan is the details of the security plan. For a safe parking site to serve its purpose for those living in their vehicles, the site must operate in a safe and orderly manner. An applicant must commit to monitoring the site during the hours of operation, identify the manner in which it will do the monitoring, and include procedures for addressing issues at the site as well as any complaints. Additionally, the applicant must furnish evidence of liability insurance for the overnight parking use. These standards will assure those that reside in the areas near a safe

Item 12.b.

parking site that it will operate safely and without adversely impacting the adjacent neighborhood.

Many of the performance standards are addressed in the initial application. One of those standards requires that the applicant coordinate with a social services provider that will offer support services and case management for those occupying the site. Due to liability issues, a social service provider will need assurance that the safe parking site will have the necessary level of security before referring people to the site. The applicant must therefore develop and implement a security plan that provides protection for the occupants as an initial step to operation of a program onsite

Additional performance standards are included in the draft ordinance for the purposes of maintaining a safe environment for guests to the site and to mitigate potential impacts on surrounding neighborhoods. For example, a safe parking site may only operate between the hours of 6:00pm and 7:00am, and may not conflict with the hours of operation of the site's primary use. Additionally, a site may not host more than six (6) vehicles at any time to minimize potential impacts. The draft ordinance also establishes definite standards for noise, a prohibition of campfires, adequate lighting, and maintenance of emergency access to ensure guests are provided with a safe environment.

Next Steps

Feedback obtained from the City Council at the study session will dictate whether an ordinance will proceed through the regular consideration and adoption process. In the event that Council is supportive of the presented ordinance, staff will refine and present the draft ordinance to Planning Commission at a future meeting for a recommendation to Council for adoption. If Council instead prefers an ordinance based on an administrative, non-discretionary approval, staff will prepare a new safe parking ordinance based on that direction. Alternatively, City Council may seek to not move forward with a safe parking ordinance at this time.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

1. Identify a preferred version of the draft ordinance and direct staff to proceed in refining and presenting to the Planning Commission for a recommendation hearing; or
2. Request that staff revise the draft ordinance as directed or draft an ordinance which uses a ministerial approval process, then proceed to Planning Commission for a recommendation hearing; or
3. Do not direct staff to proceed with a Safe Parking ordinance at this time; or
4. Provide other direction to staff.

ADVANTAGES:

The ordinance will establish a process for permitting safe parking sites, which provide basic hygienic needs and safety for those living out of their vehicles. The ordinance

includes performance standards that are anticipated to prevent the safe parking use from having adverse impacts on surrounding properties.

DISADVANTAGES:

The safe parking site ordinance requires participation from a social services provider that may face challenges in serving multiple sites in the City.

ENVIRONMENTAL REVIEW:

No environmental review is required for the study session discussion. Adoption of a safe parking ordinance will require environmental review at the time it is considered formally, and will be noticed accordingly.

PUBLIC NOTIFICATION AND COMMENTS:

Leaders of local faith-based organizations, the 5 Cities Homeless Coalition, and San Luis Obispo County Homeless Services staff were notified of this agenda item via e-mail on March 3, 2023 due to expressed stakeholder interest. The notification included a link to the February 28th City Council staff report and the draft ordinance. The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

Attachments:

1. Draft Ordinance