

DRAFT 10/10/24 AMMA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND ARTICLE 5 (SPECIAL HOUSING ISSUES) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE TO ALLOW SAFE PARKING AS A PRIMARY OR ANCILLARY USE AT SPECIFIED SITES, OTHER RELATED ZONING CODE AMENDMENTS, AND MAKING FINDINGS OF CEQA EXEMPTION

WHEREAS, the number of households dwelling in vehicles has grown substantially in the past decade in thoroughfares throughout the City; and

WHEREAS, the lack of stable, affordable housing in the area has greatly contributed to this growth; and

WHEREAS, the City of Sunnyvale has included in its 2020 Housing Strategy the Establishment of a Safe RV Parking Program and in its Housing Element Program H34 Safe RV Parking.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 19.12 AMENDED. Section 19.12 of Article 2 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Chapter 19.12

DEFINITIONS

19.12.200 “S”

(1) “Safe Parking program” means the provision of supportive services and safe, legal parking as primary or ancillary use for unhoused households who are dwelling in their vehicles in accordance with Chapter 19.66.

(a) “Safe Parking– Ancillary Use” means the provision of a safe a secure parking location to unhoused people as an ancillary use to an existing primary use identified in Chapter 19.66.

(b) “Safe Parking – Primary Use” means the provision of a safe and secure parking location to unhoused people as identified in Chapter 19.66 where it is the only use on the site, or other uses on site collectively are less than 50% of the total site.

(c) “Safe Parking Program Operator” means an agency or organization that facilitates,

administers, oversees, and provides staffing and management for safe parking uses in approved safe parking programs.

(d) “Safe Parking Site – Large” means a safe parking site with eleven (11) – 75 parking spaces.

(e) “Safe Parking Site – Small” means a safe parking site with two (2)- ten (10) parking spaces.

(2) – (30) Renumbered, Text Unchanged.

SECTION 2. Section 19.66 ADDED. Section 19.66 of Article 5 (Special Housing Issues) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby added to read as follows:

Chapter 19.66

SAFE PARKING SITE

19.66.010. Findings and Purpose.

(a) Findings. The city council finds that the number of households without permanent shelter and dwelling in vehicles parked in thoroughfares has grown throughout the city and that the lack of stable, affordable housing in the area has greatly contributed to this growth. For the health, safety, and welfare of the community, the city is identifying and implementing short- and long-term solutions to support unhoused households and they pursue stable housing opportunities. A safe parking program will offer authorized, off-street parking spots, toilets, and supportive services for individuals and households dwelling in their vehicles. The program represents a short-term solution to homelessness.

(b) Purpose. The provisions contained in this section create a Safe Parking program in certain zoning districts in the city subject to specific performance standards and permit requirements. These standards and requirements are intended to ensure that safe parking sites will be compatible with surrounding uses while effectively garnering unhoused participation and transition into permanent housing solutions.

19.66.020. Permit Required.

(a) Safe Parking may be allowed as a primary use in the following zoning districts, subject to the approval of a Miscellaneous Plan Permit or Use Permit: C-4, MP-O2, M-S, M-3, PPSP-IE, PPSP-MIC.

(b) Safe parking may be allowed as an ancillary use to a Place of Assembly - Community Serving use in any zoning district.

(c) The city council may approve a Safe Parking Program on publicly-owned property subject to the recommendation of the Planning Commission and approval by the City Council.

(d) Safe parking sites are prohibited on all other sites in the city.

(e) Permit approval is required prior to the establishment and operation of a safe parking site. Permit approval is conditioned upon consistency with this chapter.

(f) A Miscellaneous Plan Permit is required prior to hosting a Safe Parking Site – Small which is subject to review and approval of the director of community development pursuant to SMC 19.98.040. A Use permit is required prior to hosting a Safe Parking Site – Large, which is subject to review and approval by the Planning Commission. Any physical modification or expansion of facilities shall require a separate permit. A modification from Safe Parking Site – Small to Safe Parking Site- Large requires a Use permit.

(g) Term. A permit issued pursuant to this chapter shall be valid for a term of one year from the date of issuance, and, unless suspended or revoked, must be renewed by the Safe Parking Program Operator so long as the Safe Parking site is in operation. Renewal permits may be subsequently approved by the director of community development for up to two years.

(h) Suspension or Revocation. The approval of a Safe Parking Program may be suspended, revoked or modified by the director of community development as follows:

(1) Notice and Hearing. Notice shall be mailed to the Safe Parking Program Operator and property owner at the address specified in the application. The notice shall specify the reason for the revocation and shall designate a time and place of an administrative hearing with the director of community development no sooner than the sixth business day following the mailing date of the notice. The Safe Parking Program Operator shall be given the opportunity to provide written and oral evidence at the hearing. Failure to appear at the hearing shall constitute a waiver of any objections to the proposed action.

(2) Following the hearing, the director of community development may revoke, suspend, or modify the approval if the director can make one or more of the following findings:

(i) The approval was obtained by fraud;

(ii) The Safe Parking Program has been or is being conducted in violation of this code or other applicable law;

(iii) The conditions of approval have been or are being violated;

(iv) The Safe Parking Program constitutes a public nuisance.

(3) Notice of decision. A written notice of the director's decision shall be prepared and mailed to the Safe Parking Program site address as specified in the application. If the approval is revoked, the notice shall contain a statement directing the Safe Parking Program Operator to immediately cease using the property for a Safe Parking Program, and that failure to cease such use may be subject to further legal action or enforcement.

(4) The decision of the director of community development is final. The decision may be appealed to Superior Court.

(5) A Safe Parking Program in operation without approval is not subject to this section.

19.66.030. Permit Application.

(a) An application for a Safe Parking site shall be submitted and include all of the following:

(1) A site plan showing:

(i.) The parking spaces designated for the proposed Safe Parking sites,

(ii) Setbacks to all adjacent buildings, properties, and residential uses;

(iii) Location of exterior light fixtures, including proposed exterior lighting;

(iv) Locations of ingress and egress to the site.

(2) A procedure for emergency evacuation;

(3) A site management and operations plan as described in 19.66.040.

(b) All Safe Parking sites are required to provide all of the following:

(1) One toilet and one handwashing facility per 20 participants, which may be adjusted with program participation enrollment;

(2) Trash and recycling service, with service and bins sufficient for the needs of the proposed Safe Parking program as determined by the Department of Environmental Services;

(3) Access to potable water; and

(4) If RV parking is proposed, parking for passenger vehicle(s) accessory to an RV.

(c) Setbacks. All vehicles shall be located at least 10 feet from any building or structure located on the property.

(d) Buffer from residential use. All vehicles shall maintain a minimum buffer of fifty feet from any property line of a lot that contains an existing residential use.

19.66.040 Site Management and Operations Plan.

As part of its application, the Safe Parking Program Operator shall provide a site management and operations plan describing the proposed functions of the site, including:

(a) A list of other uses conducted on the site, the hours of operation of other uses, and the proposed hours of operation for the Safe Parking program. Such information must demonstrate that the Safe Parking site will not conflict with a primary use;

(b) The number of parking spaces allocated to the proposed Safe Parking program, types of vehicles permitted in the program, and the days and hours the spaces will be allocated to the proposed Safe Parking program;

(c) A description of project management, including procedures for site monitoring, participant screening, the proposed facilities and services to be offered, and an emergency contact who is available 24 hours per day;

(d) A description of how waste disposal, including graywater, blackwater, trash, and recycling, is proposed to be managed by the Safe Parking Program Operator.

19.66.050. Site Inspection.

City staff shall inspect the proposed Safe Parking site prior to operation to ensure compliance with Safe Parking Performance Standards in accordance with section 19.66.080 and all application materials submitted. The site is also subject to periodic site inspections during regular business hours to confirm consistency with permit requirements. Staff shall inspect Safe Parking sites prior to the issuance of a renewal permit.

19.66.060. Rotational Program.

The Community Development Director may approve a rotational program that would provide Safe Parking to the same group of individuals, however the program would rotate between several approved sites.

19.66.070. Performance Standards.

The Safe Parking Program Operator shall demonstrate compliance with all of the following performance standards:

(a) Safe Parking sites may be operated as a primary use or as an ancillary use to an existing facility.

(b) Safe Parking sites shall have a site management and operations plan subject to review and approval by the director of community development.

(c) Hours of operation. The hours of operation for the Safe Parking site shall be reviewed and approved by the director of community development and subject to the limitations as designated in the site permit. The director of community development may approve hours of operation up to 24 hours per day.

(d) Supportive services. Supportive services must be a component of all Permit applications and

available to all Safe Parking program participants.

(e) Vehicles permitted. Only passenger vehicles, recreational vehicles, and oversized vehicles that have received approval from the Safe Parking Program Operator may participate in the Safe Parking program at the Safe Parking site. Participant vehicles must be moveable, functioning, and not leaking sewage or other fluids.

(f) Clearance between vehicles. The Safe Parking site shall maintain at least eight (8) feet between vehicles and at least sixteen (16) feet between a recreational vehicle, truck, or cab-over camper and other vehicle. Exceptions may be granted for passenger vehicles and recreational vehicles that belong to the same owner.

(g) Fire extinguishers of sufficient capacity shall be provided by the Safe Parking Program Operator for community use and located within 75 feet of each vehicle. The Safe Parking Program Operator shall submit fire extinguishers to be reinspected regularly.

(h) Circulation. Parked vehicles shall not obstruct drive aisles or otherwise interfere with established and approved circulation patterns on site. The Safe Parking site shall maintain adequate emergency vehicle access, access to fire hydrants and fire protection systems, and be subject to periodic reinspection by the Department of Public Safety.

(i) The Safe Parking program shall not result in a deficiency in the minimum required parking for a primary use.

(j) Noise. Safe Parking sites shall observe nighttime hours between 10:00 P.M. and 7:00 A.M. where operational noise shall not exceed 50 dBA at any point on the property line of an adjacent residential use, or 60 dBA during daytime hours. For nonresidential adjacent uses, noise shall not exceed 60 dBA during nighttime hours and 70 dBA during daytime hours. Noise shall be measured from any point on the adjacent property line.

(k) Portable generators shall be at least five (5) feet from any building and a minimum of 50 feet from the property line of an adjacent residential use. Generators shall only be used on a paved surface. Generators are not permitted during nighttime hours between 10:00 P.M. and 7:00 A.M.

(l) Posting. The site shall be posted with the address and phone number for a representative of the site. The posting shall be in a visible location within three (3) feet of the sidewalk, constructed of durable material and weather-proof.

(m) Exterior Storage Prohibited. Outdoor storage of personal property, including tents, tarps, temporary outdoor shelters, and belongings at, near, or around parked vehicles including freestanding or affixed structures, shall be prohibited.

(n) Fire prohibited. Fires, heaters, barbeque grills, and any other open flame outdoor cooking or warming appliance shall be prohibited.

(o) Any site used as a Safe Parking site, including public access and parking areas shall be

maintained in a safe and clean condition, and in compliance with an approved Site Management Plan.

SECTION 3. Section 19.18.030 AMENDED. Table 19.18.030 (Residential Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Table 19.18.030									
Permitted, Conditionally Permitted and Prohibited Uses in Residential Zoning Districts									
RESIDENTIAL ZONING DISTRICTS		R-0/R-1	R-1.5	R-1.7/PD	R-2	R-3	R-4	R-5	R-MH
Education, Recreation and Places of Assembly									
F.	Places of Assembly – Community Serving	UP	UP	SDP	UP	UP	UP	UP	UP
<u>I.</u>	<u>Safe Parking Site</u>	<u>See Chapter 19.66</u>							

SECTION 4. Section 19.20.030 AMENDED. Table 19.20.030 (Commercial Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Table 19.20.030				
Permitted, Conditionally Permitted and Prohibited Uses in Commercial Zoning Districts				
COMMERCIAL ZONING DISTRICTS	C-1	C-2	C-3	C-4
6. Education, Recreation and Places of Assembly				
I.	Safe Parking Site	See Chapter 19.66		

SECTION 5. Section 19.22.030 AMENDED. Table 19.22.030 (Industrial Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Table 19.22.030						
Permitted, Conditionally Permitted and Prohibited Uses in Industrial Zoning Districts						
Use Regulations by Zoning District USE		M-S Zoning Districts FAR ³	M-S Zoning Districts	M-S/POA Zoning Districts	M-3 Zoning Districts FAR ³	M-3 Zoning Districts
4. Education, Recreation and Places of Assembly						
F.	Places of Assembly – Community Serving	N/A	N	UP	N/A	N
<u>H.</u>	<u>Safe Parking Site</u>	<u>See Chapter 19.66</u>				

SECTION 6. Section 19.24.030 AMENDED. Table 19.24.030 (Public Facilities Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as

follows:

Table 19.24.030			
Permitted, Conditionally Permitted and Prohibited Uses in Public Facilities Zoning Districts			
Use Regulations by Zoning District USE		O	PF
4. Education, Recreation and Places of Assembly			
F.	Places of Assembly – Community Serving	N	UP
<u>I.</u>	<u>Safe Parking Site</u>	<u>See Chapter 19.66</u>	

SECTION 7. Section 19.29.060 AMENDED. Table 19.29.060 (Moffett Park Specific Plan Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Table 19.29.060									
Permitted, Conditionally Permitted and Prohibited Uses in MPSP Districts									
Use	MP-O1, MP-O2	MP-E1	MP-E2	MP-E3	MP-H	MP-AC	MP-MU	MP-R	MP-PF
Education, Recreation and Places of Assembly¹									
Places of Assembly – Business Serving	SDP	N	N	N	N	SDP	SDP	N	SDP
Places of Assembly – Community Serving	N	N	N	N	N	SDP	SDP	SDP	SDP
<u>Safe Parking Site</u>	<u>See Chapter 19.66</u>								

SECTION 8. CEQA - EXEMPTION. The City Council finds that the project is exempt under the California Environmental Quality Act (CEQA) pursuant to the Categorical Exemptions Class 1 (CEQA Guidelines Section 15301, Existing Facilities), Class 4 (CEQA Guidelines Section 15304, Minor Alterations to Land), and Class 11 (Section 15311, Accessory Structures). The proposed regulations for safe parking involves operation and minor alterations of existing facilities involving negligible or no expansion of the existing or former use. Adopting the Ordinance to allow safe parking on sites ancillary to existing primary uses or as primary uses would not constitute any significant expansion of use. Safe parking would occur in urban areas (developed or vacant) on existing developed lots that are not identified as environmentally sensitive. Minor grading on a grade of 10 percent or less may be required for the creation of a new parking lot for a safe parking site. Sites would be limited to a maximum of 75 vehicles as to

minimize impacts to the land and neighboring sites. Operation of safe parking sites include installation of temporary accessory structures to support the use such as portable toilets, hand washing stations, solid waste and recycling bins, lighting, and potable water tanks which can be readily removed from the sites should the safe parking operations cease. Graywater and blackwater would be managed by the Safe Parking Program Operator. Setback requirements would ensure adequate separation from existing residential uses and fire protection clearances between parking spaces. The requirement to comply with the Noise Ordinance would ensure operational noise does not exceed local thresholds. Any proposed larger generators would be subject to air pollution requirements through BAAQMD's permitting process. Therefore, in addition, the action is exempt under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the safe parking regulations may have a significant effect on the environment.

SECTION 9. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions 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 section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 10. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 11. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

DAVID CARNAHAN
City Clerk
Date of Attestation: _____

LARRY KLEIN
Mayor

(SEAL)

APPROVED AS TO FORM:

REBECCA L. MOON
City Attorney