



## Legislation Details (With Text)

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## REPORT TO COUNCIL

### SUBJECT

Joint Study Session with Planning Commission on the Zoning Code Comprehensive Update: Safe Parking, Assisted Living, and Continuation of August 20 Study Session Topics

### BACKGROUND

The Community Development Department is preparing a comprehensive update to the City of Santa Clara Zoning Code. The City of Santa Clara's current Zoning Code has not been comprehensively updated since it first came into effect in 1969.

### DISCUSSION

The study session will highlight potential areas of change within the Zoning Code Update including developing new regulations to address safe parking opportunities and assisted living developments.

### **Safe Parking**

Safe parking programs are overnight parking areas, typically large parking lots, that allow program participants who live in their vehicles to safely park their vehicle overnight. The goal of safe parking programs is to provide a temporary living situation until individuals and families regain permanent housing. Safe parking programs are often operated out of lots owned by churches, public entities, or non-profit organizations. They will typically have security or onsite staff, bathroom facilities, water, and trash services. Existing state law authorizes local authorities, by ordinance or resolution, to prohibit or restrict the parking or standing of vehicles on certain streets or highways, or portions thereof, between the hours of 2:00 a.m. and 6:00 a.m. Regulations to allow safe parking programs are often proposed in combination with overnight vehicle parking bans.

California is host to a number of Safe Parking Programs, many of which are operated by nongovernmental entities including faith-based groups and others that are operated by a local

government. Examples include:

- The City of Los Angeles launched a pilot in 2016, Safe Parking LA, in partnership with the Los Angeles Homeless Service Authority, and has multiple lots since March 2018.
- A multi-faith group in Oakland, where homelessness has grown 25% since 2015, recently received a \$300,000 city grant to start a safe-parking program in early 2019.
- The City of San Jose approved several safe parking program locations in February 2019, which will have bathrooms, security, water and trash disposal. This program is supported by funds from the city.
- San Francisco approved the launch of a safe parking pilot program in April 2019, although a suitable location has not yet been identified. When implemented, the program will operate a “triage center” for residents living in their cars that will offer showers, bathrooms and support staff.
- On June 11, the Mountain View City Council adopted a resolution for a City Safe Parking Program at two City-controlled lots at Shoreline Amphitheatre Lot B (from November 15, 2019 to March 15, 2020) and the lot at Pioneer Way and Evelyn Avenue (once permitted under a lease agreement with VTA) and to continue funding a caseworker for the chronically homeless. At the same meeting, the City Council directed staff to return in Fall 2019 with a draft ordinance and action plan for a phased approach to address public health and safety concerns related to oversized vehicles. A full ban of overnight parking of oversized vehicles in the public right-of-way could be in place by the end of next year.

According to a December 2018 analysis by the Homeless Policy Research Institute, safe parking programs draw funding from a number of different sources including county and city program funds, private and faith-based organization funding and Housing and Urban Development Homeless Prevention funds. Program budgets range from \$55,000 to \$360,000 per year. Those on the lower end typically rely heavily on volunteer support and offer services in partnership with nonprofits. Those with larger budgets may have longer hours of operation, beyond basic overnight hours and may offer a broader suite of services.

#### *State Legislation for safe parking currently under consideration*

AB 891 (Burke), which is pending in the Senate Appropriations Committee would require cities and counties with a population greater than 330,000 to establish a safe parking program for individuals and families living in their vehicles by June 1, 2022. The bill would require a safe parking program to provide a bathroom facility and onsite security, establish an application process that may include a background check requirement, and establish rules and regulations for the program. In addition, safe parking programs would be encouraged to coordinate with local nonprofits and city and county agencies to provide resources and access to social services that lead to long-term housing for program participants.

AB 302 (Berman), which is also pending in the Senate Appropriations Committee, would require community college campuses to provide access to parking facilities to enrolled homeless students for the purpose of sleeping in a vehicle commencing on or before April 1, 2020 until December 31, 2022, and require specified reporting on overnight parking facilities requirements and other housing services offered to homeless students.

At the study session, staff will present potential regulatory options to facilitate safe parking activities. Staff will discuss the safety, hygiene, and services necessary to be offered as well as the City's potential permitting process for such proposals. Regulations to allow safe parking programs are often proposed in combination with overnight vehicle parking bans, which will also be discussed.

### **Assisted Living**

Assisted living for senior citizens has become the subject of a number of recent development proposals and inquiries in the City of Santa Clara and is worth examining in depth as part of the Zoning Code Update. Providing services, amenities, and care along with senior housing is a growing market segment. There are implications for land use compatibility of each particular development as to whether it is intended to support seniors that are largely independent or needing greater degrees of care.

Currently the Zoning Code does not have a definition of assisted living and with the Zoning Code update, staff proposes to develop more clarity to address the siting of this growing market segment that does not often fit the categories of multifamily housing or hospital/institutional uses.

Based on recent developer inquiries, the local market demand for senior housing and assisted living is strong. Much of this demand is driven by the general aging of the baby boomer generation, as well as the desire of adult children to live close to their aging parents. Additionally, assisted living developments are competitive as investments as the revenue generation per square foot is high.

There are five market segments related to senior housing, based on the level of independence of the person including: age-restricted housing; Service-Based Senior Living; Assisted Living; Skilled Nursing Facilities; and Continuing Care Communities.

- Age-restricted housing without ancillary services has the same form and function as housing for the general population but is restricted to individuals aged either 55 and older or 62 and older.
- Service Based Senior Living is the most residential of the types of senior housing with services. Meals are often included in the cost to rent a unit and are provided from a commercial kitchen. Residents can perform the activities of daily living (ADLs) including bathing, getting dressed, taking medications, being mobile and eating. There is little health-related care provided other than medication management associated with this living arrangement. No licensing is required for Service Based Senior Living facilities.
- Assisted Living refers to a combination of housing, personalized supportive services and health-related care designed to respond to the individual needs of those who require help with activities of daily living. Assisted Living Facilities are licensed through the California Department of Social Services.
- Nursing homes in California are licensed as Skilled Nursing Facilities through the Department of Public Health. Skilled Nursing Facilities provide 24-hour skilled care for chronic and short-term conditions that require medical and nursing care. Patients generally rely on assistance for most or all activities of daily living.

- Service Based Senior Living, Assisted Living, and Skilled Nursing Facilities are sometimes offered together as part of Continuing Care Communities, so that senior citizens can remain in one facility over the course of their lives.

Currently, the Santa Clara City Code includes the enumerated use of Nursing Homes in the Zoning Code, which is allowed by right in the OA Administrative Office Zoning District. The City does not have any additional regulations that differentiate the levels of care involved with other assisted living facilities. The OA district is extremely limited in its application, with only 47 parcels being zoned OA Administrative Office within the City and are located mostly along arterials such as Scott Boulevard, Winchester Boulevard and Saratoga Avenue.

Staff is evaluating how and where to regulate the various levels of care associated with these facilities. Staff is concerned about the effect that uses with an institutional character might have in mixed-use and high-density residential districts where activation of the street is a priority. One approach to address this concern is to create a process that is parallel to the State's requirements for licensing assisted living and skilled nursing facilities.

For the purpose of this report, age-restricted housing without ancillary services is functionally identical to other types of housing and is allowed in the same locations as non-age restricted housing, including mixed-use districts. Service-Based Senior Living facilities appear to be compatible in the Medium Density Residential Zoning District and in stand-alone Commercial Zoning Districts. The stand-alone Commercial Zoning Districts consist of CN-Neighborhood Commercial, CC-Community Commercial, and CT-Thoroughfare Commercial. Assisted Living and Skilled Nursing facilities appear more appropriately located with other institutional uses such as the PQP-Public Quasi Public Zoning District or in one of the stand-alone Commercial Districts. Given the higher staffing levels in both Assisted Living and Skilled Nursing facilities, the Conditional Use Permit process may be the best process to ensure that adequate parking and operations plans for the facilities are in place.

### **Additional Topics**

This report was prepared prior to the August 20, 2019 study session on the Zoning Code comprehensive update. Additional topics that may be raised by the Planning Commission and City Council at the August 20 study session may also be addressed in this meeting.

### **Future Study Sessions**

To allow time for more review and comment on the Zoning Code Update, another joint study session with the Planning Commission and City Council is scheduled for Tuesday, October 8. The October 8 study session will be focused on short-term rental regulations and potential criteria to limit occupancy in single family residences.

### **Next Steps**

A public review draft of the proposed zoning code will be available in the October and November 2019 timeframe, with a public hearing by the Planning Commission anticipated in December 2019 and a City Council hearing anticipated in January 2020.

### **ENVIRONMENTAL REVIEW**

This is an information report only and no action is being taken by the City Council and no environmental review under the California Environmental Quality Act ("CEQA") is required at this time. The Comprehensive Zoning Update will undergo environmental review and an environmental

document will be brought to the City Council when the Council considers the Update for approval in 2020.

### **PUBLIC CONTACT**

Community participation is a key part of the Zoning Code Update. In addition to meetings with the Old Quad Neighborhood on June 19, 2018, August 20, 2018, September 17, 2018, October 15, 2018, and December 3, 2018, staff organized community meetings with the general public on February 13 and 28, 2019 to discuss topics for change within the Zoning Code. The topics discussed with community members included the codification of elements of the City's single-family design guidelines; the creation of new zoning districts to implement existing General Plan designations; possible changes to the number of parking spaces required for residential and non-residential uses; and regulation of short-term rentals, such as Airbnb. Community meetings to gain input on the topic of potential occupancy criteria in single family residences were held on April 29, May 16, and May 29, 2019. The May 16 and May 29 meetings were also live-streamed.

The City received over 500 responses to a community survey on the Zoning Code Update, which was released on June 20, 2019 and made available through July 12, 2019. The survey was announced on the City's social media accounts, sent to interested parties through e-notify lists and posted on the City's website.

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

### **FISCAL IMPACT**

There is no impact to the City other than administrative time.

### **COORDINATION**

This report has been coordinated with the City Attorney's Office.

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Deanna J. Santana, City Manager