Summary Title: Downtown In-Lieu Parking Office Ban Temporary Extension

Title: SECOND READING: Adoption of an Ordinance Amending Section 18.18.090 (Parking and Loading) of Chapter 18.18 (Downtown Commercial District) of Title 18 (Zoning) of the Palo Alto Municipal Code (PAMC) to Temporarily Extend Ineligibility of Certain Uses to Participate in the University Avenue In-lieu Parking Program (FIRST READING: May 11, 2020 PASSED: 4-3)

From: City Manager

Lead Department: Planning and Development Services

Recommendation:
Staff recommends that Council adopt the attached ordinance.

Background:
On May 11, 2020, the City Council adopted on first reading an ordinance extending a ban on commercial office uses above the ground floor from participating in the City’s downtown in-lieu parking program. This motion is provided below:

SUBSTITUTE MOTION AS AMENDED: Council Member Kou moved, seconded by Vice Mayor DuBois to adopt the Ordinance extending a ban on commercial office uses above the ground floor from participating in the City’s downtown in-lieu parking program for a period of nine-months during which time the Planning and Transportation Commission would make a recommendation and return to Council.

SUBSTITUTE MOTION AS AMENDED PASSED: 4-3 Fine, Kniss, Tanaka no
A review of the administrative record for this ordinance found that the required second reading had not occurred and is now being placed on the Council’s consent calendar. The ordinance will become effective on the 31st day following the second reading.

Staff anticipates returning to the Council in advance of the nine month deadline following meetings with the Planning and Transportation Commission.

Attachments:

Attachment A: Ordinance Amending PAMC Section 18.18.090 to Temporarily Extend Ineligibility of Certain Uses to Participate in the University Avenue In-Lieu Parking Program (PDF)
Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending Section 18.18.090 (Parking and Loading) of Chapter 18.18 (Downtown Commercial District) of Title 18 (Zoning) of the Palo Alto Municipal Code (PAMC) to Temporarily Extend Ineligibility of Certain Uses to Participate in the University Avenue In-Lieu Parking Program

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Findings and declarations. The City Council finds and declares as follows:

A. The City of Palo Alto (City) is a job center with among the highest housing prices and greatest jobs to housing imbalances in the Bay Area, resulting in a housing shortage that threatens the city’s prosperity, diversity, stability, environment, quality of life, and community character.

B. A variety of policies result in incentives for office development over housing, including the availability of the University Avenue In-Lieu Parking Program.

C. On April 1, 2019, the Palo Alto City Council adopted Ordinance 5460, which included a temporary ban on participation in the University Avenue In-Lieu Parking Program for certain uses, pending further study and recommendation from the Planning and Transportation Commission (PTC).

D. Additional time is required for the City staff and the PTC to develop a recommendation regarding permanent changes to the University Avenue Parking In-Lieu Program.


F. On March 16, 2020, the public health officers for the six Bay Area counties, including Santa Clara County, took the unprecedented and dramatic step of issuing “shelter-in-place” orders directing county residents to shelter at home for three weeks beginning March 17 (the Shelter-in-Place Order). The Order limits activity, travel, and business functions to only the most essential needs.

G. In an effort to reduce the spread of COVID-19, the City has cancelled several meetings of the PTC in March and April 2020, eliminating opportunities for PTC consideration prior to the expiration of the initial temporary ban on May 1, 2020.
H. Pursuant to Palo Alto Municipal Code section 18.80.090, the public health, safety, and welfare require that the temporary ban on participation in the University Avenue In-Lieu Parking Program be temporarily extended to maintain the status quo pending further study by City Staff and the PTC.

SECTION 2. Subdivision (d) of Section 18.18.090 (Parking and Loading) of Chapter 18.18 (Downtown Commercial (CD) District) of Title 18 (Zoning) is hereby amended to read as follows:

18.18.090 Parking and Loading

[...]

(d) In-lieu Parking Provisions

In connection with any expansion of the supply of public parking spaces within the CD commercial downtown district, the city shall allocate a number of spaces for use as "in-lieu parking" spaces to allow development to occur on sites which would otherwise be precluded from development due to parking constraints imposed by monetary contribution to the city to defray the cost of providing such parking. Contributions for each required parking space shall equal the incremental cost of providing a net new parking space in an assessment district project plus cost for the administration of the program, all as determined pursuant to Chapter 16.57 of Title 16 of this code, by the director of planning and community environment, whose decision shall be final. Only sites satisfying one or more of the following criteria, as determined by the director of planning and community environment, shall be eligible to participate in the in-lieu parking program:

1. Construction of on-site parking would necessitate destruction or substantial demolition of a designated historic structure;
2. The site area is less than 10,000 square feet, but of such an unusual configuration that it would not be physically feasible to provide the required on-site parking;
3. The site is greater than 10,000 square feet, but of such an unusual configuration that it would not be physically feasible to provide the required on-site parking;
4. The site is located in an area where city policy precludes curb cuts or otherwise prevents use of the site for on-site parking; or
5. The site has other physical constraints, such as a high groundwater table, which preclude provision of on-site parking without extraordinary expense.
Office uses above the ground floor shall not be eligible to participate in the in-lieu parking program for one year two years from the effective date of Ordinance No. 5460, from May 2, 2019 through May 1, 2020 2021.

[. . .]

SECTION 3. 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 4. The Council finds that the potential environmental impacts related to the Housing Workplan Ordinance, including the amendments enacted herein were analyzed in the Final EIR for the Comprehensive Plan Update, which was certified and adopted by the Council by Resolution No. 9720 on November 13, 2017. This Ordinance is consistent with and implements the program evaluated in the EIR.
SECTION 5. This Ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

__________________________________  ____________________________
City Clerk                                                                    Mayor

APPROVED AS TO FORM:  APPROVED:

______________________________  _________________________________
Assistant City Attorney                            City Manager

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Director of Planning & Development Services