TO: HONORABLE CITY COUNCIL

FROM: JONATHAN LAIT, DIRECTOR PLANNING & DEVELOPMENT SERVICES

DATE: OCTOBER 5, 2020

SUBJECT: AGENDA ITEM 7 - 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)

Staff has revised Attachment A, the draft ordinance, of the staff report to correct the end-date of the ordinance to accurately reflect Council’s motion of a nine-month extension.

The ordinance attached to the staff report reads as follows:

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 through February 1, 2021.

The attached corrected ordinance language reads as follows:

Office uses above the ground floor shall not be eligible to participate in the in-lieu parking program for one year from the effective date of Ordinance No. 5460, from May 2, 2019 through May 1, 2020 through February 1, 2021.

Jonathan Lait
Director of Planning & Development Services

Ed Shikada
City Manager
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 (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 from the effective date of Ordinance No. 5460, from May 2, 2019 through May 1, 2020 through February 1, 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

____________________________
Director of Planning & Development Services
Certificate Of Completion
Envelope Id: 2FC81696D9474224B03CDE07FAA55B79
Status: Completed
Subject: Please DocuSign: PDS At Places Memo Council Oct 5 Agenda Item No 7
Source Envelope:
Document Pages: 5
Certificate Pages: 2
AutoNav: Enabled
EnvelopeId Stamping: Enabled
Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Record Tracking
Status: Original
9/29/2020 1:46:50 AM
Holder: Madina Klicheva
Madina.Klicheva@CityofPaloAlto.org
Location: DocuSign
Security Appliance Status: Connected
Pool: StateLocal
Storage Appliance Status: Connected
Pool: City of Palo Alto
Location: DocuSign

Signer Events
Signature
Timestamp
Jonathan Lait
Sent: 9/29/2020 1:48:08 AM
Viewed: 9/30/2020 8:50:29 AM
Signed: 9/30/2020 9:21:37 AM

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Ed Shikada
Sent: 9/30/2020 9:21:39 AM
Viewed: 9/30/2020 10:46:40 AM
Signed: 9/30/2020 10:47:18 AM

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

In Person Signer Events
Signature
Timestamp

Editor Delivery Events
Status
Timestamp
Agent Delivery Events
Status
Timestamp
Intermediary Delivery Events
Status
Timestamp
Certified Delivery Events
Status
Timestamp
Carbon Copy Events
Status
Timestamp
Beth Minor
Sent: 9/30/2020 10:47:20 AM
Electronic Record and Signature Disclosure:
<table>
<thead>
<tr>
<th>Carbon Copy Events</th>
<th>Status</th>
<th>Timestamp</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Offered via DocuSign</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Witness Events</th>
<th>Signature</th>
<th>Timestamp</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Notary Events</th>
<th>Signature</th>
<th>Timestamp</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Envelope Summary Events</th>
<th>Status</th>
<th>Timestamps</th>
</tr>
</thead>
<tbody>
<tr>
<td>Envelope Sent</td>
<td>Hashed/Encrypted</td>
<td>9/30/2020 10:47:20 AM</td>
</tr>
<tr>
<td>Certified Delivered</td>
<td>Security Checked</td>
<td>9/30/2020 10:47:20 AM</td>
</tr>
<tr>
<td>Signing Complete</td>
<td>Security Checked</td>
<td>9/30/2020 10:47:20 AM</td>
</tr>
<tr>
<td>Completed</td>
<td>Security Checked</td>
<td>9/30/2020 10:47:20 AM</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Payment Events</th>
<th>Status</th>
<th>Timestamps</th>
</tr>
</thead>
</table>