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*Community Development Department  
Planning Division  
510-494-4440*

June 1, 2021

To: Mark Danaj, City Manager

From: Courtney Pal, Planner II

Subject: Additional Information for City Council Agenda Item 5.B – Safe Parking Host Sites Ordinance

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At their meeting on May 27, 2021, the Planning Commission voted 7-0 to approve the draft minutes from the May 13, 2021 meeting with minor changes to the text of the motion. The approved minutes are being provided to City Council as an update to Informational Item 2 for Agenda Item 5.B – Safe Parking Host Sites Ordinance.



**MINUTES  
FREMONT PLANNING COMMISSION  
REGULAR MEETING OF MAY 13, 2021**

This meeting was conducted utilizing the teleconferencing software Zoom and is consistent with the State of California Executive Order N-29-20 dated March 17, 2020 regarding the Coronavirus (COVID-19) pandemic.

CALL TO ORDER: Chairperson Yee called the meeting to order at 7:00 p.m.

PRESENT: Chairperson Yee  
Vice Chairperson Rao  
Commissioners Cardenas, Daulton, Liu, McDonald, Steckler

ABSENT: None

STAFF PRESENT: Joel Pullen, Planning Manager  
Heather Lee, Senior Deputy City Attorney  
Courtney Pal, Planner II  
Laurie Flores, Homeless Services Manager  
David Wage, Senior Planner  
  
Suzanne Shenfil, Human Services Director  
Wayne Morris, Deputy Director Community Development  
Trish Cordova, Recording Clerk  
Maria Salinas, Recording Clerk  
Chavez Company, Remote Stenocaptioning  
Napoleon Batalao, Video Technician

APPROVAL OF MINUTES: **Commissioner Cardenas** moved to approve minutes from the regular meetings of March 11 and April 8, 2021. **Commissioner Steckler** seconded and motion carried unanimously.

DISCLOSURES: **Commissioner McDonald** stated that she has been to many of the locations that are under consideration as Safe Parking Host sites, including church sites, and that she has had quite a bit of exposure to unhoused populations.

**Commissioner Cardenas** stated that he has traveled through the proposed Safe Parking Host sites and are familiar with them.

**Chairperson Yee** visited five safe parking sites in Union City, spoke with residents at those locations, and visited two of the five sites in Mountain View. He also spoke with Executive Directors of the safe parking programs in San Jose, Livermore and Santa Barbara.

*Timestamps from the video webcast are listed below each Public Hearing Item Number and are in hours format, as follows: (hours:minutes:seconds). Video webcasts of Planning Commission meetings can be found at: <https://fremontca.viebit.com/#>*

**CONSENT CALENDAR**      None

**PUBLIC/ORAL  
COMMUNICATIONS**      None

### **PUBLIC HEARING ITEMS**

Item 1.      **SAFE PARKING HOST SITES ORDINANCE** – To consider an ordinance  
(00:06:38) amending Chapter 18.25 (Definitions) and Chapter 18.190 (Special Provisions Applying to Miscellaneous Uses) under Fremont Municipal Code Title 18 (Planning and Zoning) to allow safe parking as an ancillary use at sites with permitted assembly uses, quasi-public facilities, and public facilities, and to consider a finding that the amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) per, each as a separate and independent basis, (1) CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the proposed amendments will have the potential for causing a significant effect on the environment, and are not subject to CEQA review, and (2) CEQA Guidelines Section 15183, as the proposed amendments are consistent with general plan policies and do not involve any peculiar significant effects that were not previously analyzed or discussed as significant effects in prior Environmental Impact Reports (EIRs) or the General Plan, with which the proposed amendments are consistent.

**Planning Manager Joel Pullen** introduced the item and the team of City staff who worked on the project.

**Homeless Services Manager Laurie Flores** spoke to the homelessness crisis in Fremont and provided the framework and context of safe parking as a tool to address homelessness.

**Project Planner Courtney Pal** spoke to the ordinance that staff has developed to allow safe parking host sites on private facilities.

**Ms. Flores** and **Ms. Pal** then responded to questions from Commissioners regarding:

- Use of public facilities that are City owned, or City run.

- Outreach to other public facilities that could accommodate vehicular homeless.
- Possible physical modification and/or expansion of host facilities.
- Rotation of host sites, to allow the transition of vehicles from one location to another.
- Use of stand-alone parking lots without existing facilities and/or buildings.
- Requirements for registration and insurance.
- Maximum number of individuals, versus number of vehicles.
- Access to electricity.
- CEQA determination and possible effects on the environment.
- Use of private lots and/or faith-based organizations in industrial areas.
- A transition plan, as vehicle homeless move on to permanent living situations.

**Chairperson Yee** opened the public hearing and invited public comments.

**David Bonaccorsi**, representing Fremont for Everyone and former Fremont City Council member, urged the Planning Commission to not only recommend approval of the ordinance to the City Council, but to also recommend that the Council take up steps two and three of the three-prong proposal described in the staff report sooner than later.

**Lisa Danz**, Fremont resident and a member of Fremont for Everyone, spoke in favor of the proposed safe parking ordinance and also encouraged the advancement of prongs two and three of the proposal.

**Chairperson Yee** closed the public hearing and called for a brief recess at 8:13 p.m.

**Chairperson Yee** reconvened the meeting at 8:26 p.m.

**Homeless Services Manager Laurie Flores** and **Project Planner Courtney Pal** continued to respond to questions from the Commission, with assistance from **Deputy Director Community Development Wayne Morris** and **Human Services Director Suzanne Shenfil**, on issues related to:

- Number of faith-based organizations that are currently interested in hosting safe parking for vehicular homeless.
- The quantifying measure to indicate a successful program.
- Funding for the program, and expected cost for host sites.
- Research done with other municipalities that have similar programs.
- Incentives for people living in vehicles to choose the safe parking program over parking on the street, or elsewhere in the community.
- An outreach strategy to inform vehicular homeless of the safe parking program and host site locations.

**Chairperson Yee** shared information he garnered from his contact with Executive Directors of three other cities that have similar safe parking programs in place.

**Commissioner McDonald** expressed her concerns over the limited number of safe parking spots available, the potential burden on the faith-based communities, and the regulations imposed in the proposed ordinance. She advocated for more flexibility for the proposed safe parking program.

**Commissioner McDonald** then made a motion to recommend to the City Council approval of staff recommendation, with the addition that the City Council move forward in the allowance of overnight parking in all public and private lots; to promote participation by using guidelines and recommendations rather than regulations; and to move on to the other two prongs of the proposal as soon as possible to accomplish the greater needs of the unhoused population in Fremont.

**Commissioner Daulton** seconded the motion.

IT WAS MOVED (MCDONALD/DAULTON) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0) THE PLANNING COMMISSION – HELD PUBLIC HEARING;

AND

RECOMMENDED THAT THE CITY COUNCIL:

FIND THAT THE TEXT AMENDMENTS ARE EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER, EACH AS A SEPARATE AND INDEPENDENT BASIS, (1) CEQA GUIDELINES SECTION 15061(B)(3) IN THAT IT CAN BE SEEN WITH CERTAINTY THAT THERE IS NO POSSIBILITY THAT THE PROPOSED AMENDMENTS WILL HAVE THE POTENTIAL FOR CAUSING A SIGNIFICANT EFFECT ON THE ENVIRONMENT, AND ARE NOT SUBJECT TO CEQA REVIEW, AND (2) CEQA GUIDELINES SECTION 15183, AS THE PROPOSED AMENDMENTS ARE CONSISTENT WITH GENERAL PLAN POLICIES AND DO NOT INVOLVE ANY PECULIAR SIGNIFICANT EFFECTS THAT WERE NOT PREVIOUSLY ANALYZED OR DISCUSSED AS SIGNIFICANT EFFECTS IN PRIOR ENVIRONMENTAL IMPACT REPORTS (EIRS) OR THE GENERAL PLAN, WITH WHICH THE PROPOSED AMENDMENTS ARE CONSISTENT;

AND

FIND THAT THE PROPOSED AMENDMENTS ARE CONSISTENT WITH THE GENERAL PLAN, INCLUDING THE HOUSING ELEMENT AND LAND USE ELEMENT IMPLEMENTATION MEASURES DISCUSSED IN THE STAFF REPORT;

AND

FIND THAT THE PROPOSED AMENDMENTS FURTHER THE PUBLIC INTEREST, CONVENIENCE, AND GENERAL WELFARE OF THE CITY BY FACILITATING THE PROVISION OF SAFE PARKING FOR THOSE LIVING IN THEIR VEHICLES, AN UNDERSERVED PORTION OF OUR COMMUNITY WHO CURRENTLY LACK ACCESS TO BASIC NEEDS LIKE CLEAN WATER,

RESTROOMS, AND SANITATION THAT WOULD BE PROVIDED THROUGH THE SAFE PARKING SITES;

AND

INTRODUCE AN ORDINANCE APPROVING AMENDMENTS TO FMC TITLE 18 (PLANNING AND ZONING), WITH THE ADDITIONAL RECOMMENDATIONS IN THE MOTION;

AND

DIRECT STAFF TO DOCUMENT THE ABOVE WRITTEN FINDINGS AND RECOMMENDATION OF THE COMMISSION TO THE CITY COUNCIL AND TO PREPARE, AND THE CITY CLERK TO PUBLISH, A SUMMARY OF THE ORDINANCE.

The motion carried by the following vote:

AYES: 7 – Cardenas, Daulton, Liu, McDonald, Rao, Steckler, Yee

NOES: 0

ABSTAIN: 0

ABSENT: 0

RECUSE: 0

## DISCUSSION ITEMS

## MISCELLANEOUS ITEMS

Information from Commission and Staff:


- Information from staff, as reported by **Planning Manager Joel Pullen**:
  - Some of our Commissioners were able to attend the League of California Cities – Planning Commissioners Academy in March/April. The City looks forward to providing ongoing training to members of its governing bodies.
  - The Safe Parking Ordinance proposal heard tonight is tentatively scheduled for the first City Council meeting in June 2021.
  - City Attorney Harvey Levine has retired and former Assistant City Attorney Debra Margolis has agreed to come back as Interim City Attorney.
- Actions from City Council Regular Meetings, as reported by **Planning Manager Joel Pullen**:
  - This last Tuesday, Project Planner Courtney Pal presented to the City Council a proposal for a reduced fee for pre-approved accessory dwelling units, which the Council approved.
- Information from Commission:
  - **Commissioner McDonald** spoke of her experience in attending the first session of the Sierra Club seminar on sea level rise and adaptive solutions, and encouraged others to attend the subsequent sessions scheduled for May 20 and May 27, 2021 from 9 a.m. until noon.


- **Commissioner Cardenas** commented on Nurses Appreciation week being this week and thanked them for the wonderful work they do. He also commented on the partnership between Haller's Pharmacy and the Fremont Fire Department in providing COVID-19 vaccination clinics, and encouraged everyone to get vaccinated.

**ADJOURNMENT**

Meeting adjourned at 9:07 p.m.

SUBMITTED and APPROVED BY:

  
Kim Salazar, Recording Clerk  
Planning Commission

  
Joel Pullen, AICP, Secretary  
Planning Commission