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Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: Homelessness and Poverty Committee

Dear Honorable Members:

REPORT ON IMPLEMENTATION OF SAFE PARKING PILOT PROGRAM (CF 15-1138-S15)

During the December 7, 2016 meeting of the Homelessness and Poverty Committee, the Department of City Planning was directed to prepare and present an ordinance to the City Planning Commission to effectuate the establishment of a Safe Parking Pilot Program (SPPP) as part of the City's Comprehensive Homeless Strategy 6B. The SPPP would allow for overnight parking at pre-determined off-street locations for homeless individuals who currently sleep in their vehicles as a form of shelter, subject to operational guidelines currently in development with the Los Angeles Homeless Services Authority (LAHSA). The SPPP would offer such individuals a safe area to legally park on an overnight basis, as well as a stable location where outreach teams and case managers can access clients and connect them to services and permanent housing. Hours of operation would vary on a lot-by-lot basis at the discretion of the property owner, with the expectation that participants would vacate privately owned parking lots during normal operating hours (e.g. from 8:00 a.m. to 9:00 p.m.), or vacate publicly owned parking lots at posted hours in order to allow for the lots' original intended use. In any case, vehicles must be removed from the premises during the day, as continuous habitation in a vehicle on private or public property is not authorized without additional approvals from the City.

This report outlines the circumstances in which a property owner or tenant could provide overnight access to their existing parking lot for individuals who sleep in their vehicles. This is distinct from operating a shelter for the homeless, for which the regulations in LAMC 12.80, 12.81 and 14.00 A.8 would apply. Under the current regulations, overnight parking is already permitted in certain circumstances. The report also outlines the current procedures that may be utilized should there be existing project conditions that need to be addressed or should a special permit be required.

Applicability of Current Regulations

Property owners must comply with all applicable parking requirements as described in LAMC Section 12.21 A.4 as well as any additional limitations on overnight parking that apply to each respective property (i.e. Commercial Corner Developments, conditions of approval), but otherwise are not restricted from allowing individuals to park their vehicles overnight in on-site parking

spaces. Generally, property owners choosing to make their parking facilities available for overnight parking may do so without violating any part of the Zoning Code as long as the parking is not continuous and is only during night time hours. Property owners would still be responsible for ensuring that all nuisance laws are observed, as well as any other applicable Building, Fire, Disabled Access, Health, and Safety Codes.

As referenced above, a property's parking lot may be used to accommodate some vehicles overnight without violating its previously-approved use, unless site-specific conditions of approval exist. Overnight parking must take place in an existing, permitted parking lot. The property may not be a vacant lot. Furthermore, the Code does not prevent a facility, upon the property owner's discretion, from opening its doors overnight to allow use of the bathroom and other indoor facilities.

However, if additional services are provided, there may be other existing regulations pertaining to allowable uses that may need to be considered. For example, in cases where temporary structures are utilized on the site of a participating Safe Parking area, the applicant may need to secure a permit from the Department of Building and Safety (LADBS). These permits are available at the Department's permitting counters located in the Metro, Van Nuys, West Los Angeles, San Pedro and South Los Angeles offices. Additional information regarding permits and requirements may be obtained from the LADBS website at ladbs.org.

Plan Approval Process for Sites Subject to Conditions of Approval

One possible barrier for sites wishing to provide safe overnight parking would be if the project site is subject to specific conditions of approval as part of a prior planning entitlement which limit overnight use of the site's parking facilities. For example, a project may have a condition requiring the gates to be closed by a certain time.

In such a scenario, the applicant would need to seek a plan approval to modify the conditions of approval. Los Angeles Municipal Code (LAMC) Section 12.24 M provides that "for any lot or portion of a lot on which a deemed- approved conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, and existing uses may be extended on an approved site provided that plans are submitted to and approved by the Zoning Administrator, the Area Planning Commission, or the City Planning Commission, whichever has jurisdiction at the time."

Properties Located in a Commercial Corner Development or Mini-Shopping Center

Properties may be subject to additional limitations on hours of operation if they are located in a Mini-Shopping Center or a Commercial Corner Development as those terms are defined in LAMC Section 12.03, pursuant to LAMC Sections 12.22 A.23 and 12.24 W.27. If a property is subject to these regulations, it would require a conditional use permit in order to operate between the hours of 11 p.m. and 7 a.m. If the property does not already have a conditional use permit for this purpose, it would be required to apply for one following the procedures described in that Section prior to allowing individuals to utilize the parking lot overnight.

Recreational Vehicles

When used exclusively on a temporary overnight basis on a publicly or privately owned parking lot, a Recreational Vehicle (RV) would not be restricted by the applicable City and State regulations, unless otherwise stated. The Zoning Code does not differentiate between the use of

a vehicle or RV for this purpose, as approvals for RV Parks and Mobilehome Parks are required when the individual parking spaces or RVs are rented or leased to users (LAMC Section 12.03). Thus, property owners may choose to make their parking facilities available for temporary overnight parking for RVs. Property owners may not, however, lease or rent out space in their parking lots to users. Additionally, users may not dwell in their RVs for longer than one day. Just as for a vehicle, RVs would be required to vacate the property during the day, as continuous habitation in a vehicle on private property is not allowed without additional approvals, and would only be allowed in specific zones.

Conclusion

Overnight parking at off-street locations is permitted in certain circumstances. At a property owner's discretion, parking facilities may be made available for overnight parking for individuals who sleep in their vehicles as a form of shelter. The process for operating a safe parking facility may differ based on individual circumstances, but generally would occur in one of three ways:

1) If no plan approval or other entitlement is needed and no additional structures are provided on-site, a property owner may provide overnight parking on-site, subject to any other existing restrictions or existing conditions of approval.

2) If a property owner wishes to provide on-site structures and amenities, then a permit may be required from the Department of Building and Safety (LADBS). Applicants should inquire at a LADBS permitting counter located in the Metro, Van Nuys, West Los Angeles, San Pedro or South Los Angeles offices.

3) If a plan approval or other entitlement is needed in order to amend prior conditions of approval, an applicant must submit an application to the Department of City Planning. After the plan approval or other entitlement has been secured, the property owner may provide overnight parking on-site.

If you have any questions, please contact Matthew Glesne, Citywide Policy Planning Division, Department of City Planning at (213) 978-2666 or at matthew.glesne@lacity.org.

Sincerely,

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Director of Planning



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