



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jacky Morales-Ferrand

SUBJECT: SEE BELOW

DATE: October 17, 2022

Approved

Date

10/27/22

COUNCIL DISTRICT: 10

**SUBJECT: APPROVE THE SANTA CLARA VALLEY TRANSPORTATION
AUTHORITY LICENSE AGREEMENT FOR THE SAFE PARKING
PROGRAM**

RECOMMENDATION

- (a) Adopt a resolution adopting the addendum to the Incidental Safe Parking Use Municipal Code Amendments Negative Declaration (Resolution No 78990), all in accordance with the California Environmental Quality Act, as amended.
- (b) Approve a License Agreement with the Santa Clara Valley Transportation Authority for recreational vehicles safe parking at the Santa Teresa Light Rail Station, north parking lot, for a four-year term.

OUTCOME

The City Council's approval of a multi-year license agreement allows the implementation of the Safe Parking Program for recreational vehicles (RVs), which is a service that is currently not offered in San José. This program creates up to 45 RV parking spaces at an identified Santa Clara Valley Transportation Authority (VTA) owned site, for individuals and couples experiencing homelessness, to safely park 24 hours per day, seven days per week with the goal of transitioning people to permanent housing.

EXECUTIVE SUMMARY

The Housing Department is requesting the City Council's approval to execute a four-year term license agreement with VTA to implement the Safe Parking Program for RVs at the Santa Teresa Light Rail Station. The program would create up to 45 RV parking spaces for individuals and couples experiencing homelessness and allow them to park 24 hours per day, seven days a week. Over a four year period, services would be offered to an estimated 135 households (estimated 160 individuals). The Safe Parking Program provides a place where people who are living and sleeping in RVs can safely park to help them transition into a permanent home. This service, specifically for RV parking, is currently unavailable and needed in San José.

The Housing Department worked with the City Manager's Office and the Office of Economic Development and Cultural Affairs to identify parking lots in San José. The Housing Department toured eight sites and deemed the Santa Teresa VTA lot the most viable location.

Since the Santa Teresa VTA safe parking site will be a 24/7 site, the Housing Department worked with the Department of Planning, Building, and Code Enforcement to draft a California Environmental Quality Act (CEQA) Addendum to the Negative Declaration prepared for the Incidental Safe Parking Use Amendments to Title 20 of the San José Municipal Code, which currently only allows for overnight parking between 7:00 pm – 10:00 am. The CEQA Addendum can be viewed in the **Attachment**.

BACKGROUND

Need for Safe Parking

The February 2022 homeless census and survey counted 6,739 persons experiencing homelessness in San José, of whom 5,031 were unsheltered. This means that 75% of San José's homeless population sleeps outdoors in cars and RVs, on the street, in parks, tents, encampments, abandoned properties, and/or bus and train stations.

Santa Clara County Community Plan to End Homelessness

An end to homelessness means that every community will have a systemic response in place that ensures homelessness is prevented whenever possible or is otherwise a rare, brief, and non-recurring experience. The five-year Community Plan to End Homelessness is a countywide roadmap guiding government, private sector, nonprofit organizations, and other community members as they make decisions about funding, priorities, and needs. The framework for the Community Plan to End Homelessness includes three strategies:

- Strategy 1: Address the root causes of homelessness through system and policy change.
- Strategy 2: Expand homelessness prevention and housing programs to meet the need.
- Strategy 3: Improve quality of life for unsheltered individuals and create healthy neighborhoods for all.

The City, in partnership with the County of Santa Clara, is implementing and aligning its funding and grants with these strategies. Strategy 3 specifically aims to offer a variety of welcoming temporary housing options throughout the county, which includes safe places to park and access services.

Innovative Program Design to Advance Crisis Response Solutions for Ending Homelessness: Safe Parking Programs

Safe parking programs create a designated and secure place for car and RV dwellers to park and sleep, increase access to available services, and potentially decrease enforcement actions against people living in vehicles on City streets. Safe parking programs are one type of crisis response program designed to address the immediate needs of people living unsheltered while individuals and families seek permanent housing.

History of Safe Parking

In 2018, the City opened three safe parking programs all operated by LifeMoves, a social service provider specializing in homelessness solutions and case management. All three programs operated on City-owned sites. In October 2018, the City Council approved the safe parking pilot program at Seven Trees Community Center and Library. In November 2018, the City Council approved to expand the safe parking pilot to two other locations. Table 1 provides a summary of the sites placed into operation:

Table 1: Former Safe Parking Pilot Programs

Site Name	Target Population	Date Site Opened	Date Site Closed
Seven Trees Community Center and Library*	Families with minor children	November 1, 2018	September 30, 2019
Roosevelt Community Center	Individuals	May 1, 2019	June 30, 2021
Southside Community Center	Individuals	May 1, 2019	June 30, 2021

*First pilot program operated by the City

Collectively, the sites provided a total of 67 parking spots available each evening – none of the sites operated 24 hours a day. As a result, program participants needed to leave the site to find another location to park until they could return during the site’s hours of operation.

Life Moves – Service Provider

LifeMoves served a total of 67 households, or a total of 238 individuals, at the Seven Trees Community Center and Library safe parking site from November 1, 2018 to September 30, 2019. The program at Seven Trees Community Center and Library targeted families; of the 238

individuals served, 129 were children. Also, of the 238 individuals served, 126 individuals transitioned to temporary housing and 73 individuals transitioned to permanent housing. The safe parking programs at the Roosevelt and Southside Community Centers served a total of 259 households, or a total of 368 individuals from May 1, 2019 through June 30, 2021. Of the 368 individuals served, 180 individuals transitioned to temporary housing and 78 individuals transitioned to permanent housing.

Launch of the Housing Department Request for Proposals

In March 2021, the Housing Department released a Request for Proposals (RFP) for potential operators of two safe parking programs – one for those living in cars and one for those living in RVs. There was one respondent with the experience and preference to operate a program for car dwellers. In November 2021, the Housing Department released a second RFP soliciting community-based organizations to operate a program that served individuals living in RVs, primarily in targeted homeless encampments. The second RFP resulted in one respondent, which was LifeMoves.

Identifying Safe Parking Sites

Both RFPs stated that proposals would be more competitive if respondents identified a site in which to operate 24 hours a day, seven days a week. Neither respondent to the RFPs provided a viable location to operate a safe parking program. The next step was for the City to identify and secure two locations to operate both programs. This memorandum focuses on the site selected for the Safe Parking Program for RVs. The City is still identifying a site to operate a program for cars.

City Council Approval for Safe Parking for RVs

On June 28, 2022, the City Council adopted a resolution authorizing the Director of Housing to negotiate and execute an agreement with LifeMoves¹ in the amount of \$1,520,000 to operate the Safe Parking Program for RVs. When funded by the City, Safe Parking is a program operated on property that is located outside of the public right-of-way and managed by a non-profit service provider that offers individuals and couples living in vehicles a temporary place to park while working towards a transition plan to permanent housing.

ANALYSIS

Safe Parking Site Search Criteria

Staff in the Housing Department and City Manager's Office evaluated many potential locations before the VTA site was selected as the most viable option.

¹ [Actions Related to the Grant Agreements for Multiple Homelessness Programs for Fiscal Year 2022-2023, June 28, 2022](#)

The site search evaluation criteria included the following:

- Site usability including size and layout of the parking lot (minimum of 125 standard vehicle size parking spaces);
- Site ownership or property owner's willingness to provide the City with temporary site control;
- Accessibility during the evening and daytime hours;
- Accessibility to space for trash and recycle receptacles, and the installation of portable toilets;
- Accessibility to nearby services and amenities, such as grocery stores, health centers, libraries, etc.;
- Inspected for Fire Code compliance, including enough space to allow proper spacing between vehicles and entry and exit point; and
- Proximity of known concentration of homeless populations residing in RVs.

Other considerations included:

- Paved parking lot with fencing for secured access control;
- Established lighting at the site and power sources;
- Located in commercial or industrial zoned-area; and
- Access to a sewer line and water hook-ups.

Safe Parking Site Selection Process

The Housing Department worked with the City Manager's Office and Office of Economic Development and Cultural Affairs to identify parking lots in San José that could potentially be used 24 hours per day, seven days per week. Staff developed the aforementioned site search criteria to focus the selection efforts to identify the most viable option.

The Housing Department toured eight sites to identify the most viable location to host the program. A brief profile for each site is summarized in Table 2.

Table 2: Summary of Evaluation of Safe Parking Site Search

	Property Owner/Site Name/Address	Council District	Minimum Required Parking Spaces Available	Comments	Outcome
1.	VT North Lot: Santa Teresa VTA Light Rail Station	10	Yes	Site layout allows most flexibility to serve the most program needs	Viable site selection
2.	City of San José 71 Vista Montaña San José, CA 95134	4	Yes	Property is too small for RV parking	Disqualified
3.	City of San José Agnews Center, 304 Cabrillo Rd, San José, CA 95134	4	Yes	Property with two large vacant buildings caused major concerns for safety and increase security costs	Disqualified
4.	County of Santa Clara 130 W Tasman Dr, San José, CA 95134	4	Yes	Property slated for remodel	Disqualified
5.	Santa Clara County Housing Authority 3553 N First St, San José, CA 95134	4	Yes	Property is under construction	Disqualified
6.	City of San José 300 Enzo Dr, San José, CA 95138	2	Yes	Property slated for construction, term of use only 4-6 months, site layout not feasible for RV parking	Disqualified
7.	San José International Airport Economy Lot: 1 Airport Green Lot Parking Access, San José, CA 95110	6	No	24/7 use not possible as location was in operation during daytime hours	Disqualified

8.	Santa Clara County Housing Authority 675 E Santa Clara St, San José, CA 95112	3	No	Property was slated for construction (north lot) so long-term use not feasible	Disqualified
----	--	---	----	---	--------------

Proposed VTA License Agreement

The Housing Department, with support from Councilmember Sergio Jimenez in Council District 2, pursued the Santa Teresa Light Rail Station parking lot owned by VTA, as it was deemed a viable site for safe parking. Negotiations to execute a license agreement with VTA began in April 2021. The agreement allows the City of San José the right of entry and the ability to operate the Safe Parking Program for RVs at the Santa Teresa Light Rail Station. The program would create up to 45 RV parking spaces for individuals and couples experiencing homelessness and allow them to park 24 hours per day, seven days a week. Over a four-year period, services would be offered to an estimated 135 households (estimated 160 individuals).

The license agreement will be for an initial four-year term and it permits the City to enter and use the property to operate the program, as well as conduct necessary site preparations such as building fencing and the installation of solar. The site is expected to be completed and ready for occupancy at the end of the year.

It should be noted that since discussions began with Councilmember Jimenez in Council District 2, a redistricting plan was approved by the City Council on January 11, 2022. As a result, the VTA property at the Santa Teresa Light Rail Station is now in Council District 10 under Councilmember Matt Mahan.

CEQA Compliance

Given the significant need to establish alternative housing options for individuals living in vehicles in the City, the Mayor and the City Council directed staff to develop an ordinance that would allow for an incidental “safe parking” use in City-owned and Assembly Use parking lots. Assembly Use is a land use designation where people can come together for a common purpose. Examples of assembly uses are places of worship, private clubs or lodges, and theaters. In December 2018, City Council adopted the ordinance adding Part 17.5 of Chapter 20.80 of the San José Municipal Code. The ordinance² revised the Zoning Code provisions pertaining to Incidental Safe Parking allowing for overnight parking between the hours of 7 p.m. and 10 a.m.

Since the VTA site will allow RVs to stay 24 hours per day, seven days a week, the Housing Department worked with the Department of Planning, Building, and Code Enforcement to draft a CEQA Addendum to the Negative Declaration prepared for the Incidental Safe Parking Use

² [Zoning Code Changes to Safe Parking from Planning Commission May 22, 2019](#)

Amendments to Title 20 of the San José Municipal Code to move the program forward. The CEQA Addendum can be viewed in the **Attachment**.

Because there are no sensitive receptors adjacent to the Santa Teresa Station site, the CEQA Addendum did not specifically address the use of generators. Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369, effects of the environment on the project are not considered CEQA impacts. However, out of an abundance of caution, since there would be several RVs parked close to each other, and the Safe Parking Program supports a vulnerable population, the use of generators presents the potential for excessive noise and toxic air quality contaminants that could impact the residents at this site. Therefore, the Safe Parking Program at the Santa Teresa VTA lot will not allow the use of generators until an air quality and noise study for the use of RV generators at the Santa Teresa VTA location is conducted.

Air Quality and Noise Study for the VTA Safe Parking Program

The Housing Department will use environmental consultant, David J. Powers and Associates, to study the impact of individual RV generator use on residents of the Safe Parking site as well as surrounding sensitive receptors. The study will include noise measurements taken at similar programs and an analysis to determine the noise and air quality impacts that could potentially occur as a result of multiple individual RV generators being used in a confined area. The purpose of the study is for the City to have complete confidence that allowing the use of RV generators at a Safe Parking site dedicated to RVs would not create any health and safety impacts to the vulnerable population that would use this City service. Staff is also working with the San José Fire Department to develop guidelines that the site operator will enforce to ensure individual RV generators are used in a safe manner. This study will be conducted as quickly as possible to consider the full range of options of using generators in a safe manner. Staff are making every effort to complete this assessment before the cold weather season sets in.

Until the CEQA study is completed, the Housing Department will work with LifeMoves to mitigate electricity challenges. Temporary services that may be provided to program participants in the interim may include onsite access to charging stations, meals, and blankets.

Addressing Safety

The Safe Parking Program will prioritize efforts to safely prepare the site for participants and surrounding neighbors. The following is a summary of safety requirements that will be implemented by the Housing Department and LifeMoves, as recommended by the San José Fire Department:

- Space RVs a minimum of 10 feet apart with slides and awnings extended;
- Park RVs a minimum of 10 feet from combustible vegetation;
- Monitor leaking fluids through daily visual inspections; utilize a hazardous material spill kit or call the Fire Department as needed;
- Prohibit storage of items outside RVs, with some exceptions, such as a table and chair;

- Provide each RV with battery-operated smoke and carbon monoxide alarms and portable fire extinguisher;
- Complete and maintain a documented fire watch every 30 minutes;
- Mow dry brush bordering the parking area for a minimum distance of 20-100 feet;
- Maintain a fire lane measuring 20 feet in width and 20 feet in length around the entire property within the boundary fencing;
- Design site so that vehicle traffic flows in a single direction and gates must remain open to allow for emergency vehicle traffic;
- Number RV parking sites with signage displayed on the vehicle so that incoming emergency responders can easily identify vehicles;
- Prohibit open recreational or cooking fires; small propane or electric grills or cooktops may be considered; and
- Provide each designated smoking area with a fire extinguisher and a receptacle for smoking material.

Program Scope and Neighborhood Response

The Safe Parking Program will provide comprehensive services to participants and implement an operating protocol that ensures site safety. The following outlines services provided to enhance safety and cleanliness:

- Staff presence onsite at all times; including contracted private professional security during overnight hours;
- Individualized services to all participants with the goal of attaining permanent housing;
- Portable restrooms and handwashing stations with daily servicing;
- Dumpsters and weekly waste management services;
- Daily monitoring of loitering and/or trespassing;
- Referral only; participants will be pre-screened for eligibility and program admission (those who drop in without being screened will not be admitted);
- Participants must check in when they arrive;
- No guests are permitted unless previously approved;
- RVs must be owned or leased by the participant(s), be in safe and operable conditions, have a valid vehicle registration and minimum state required insurance;
- Flexible funds for RV repairs will be provided;
- Participants must have a valid driver's license;
- Participants must abide by program rules to remain enrolled in the program;
- Participants must shelter within vehicles; tents, lean-tos, or other temporary structures on the property are not allowed;
- The disposal of both grey and black water will be offered via vouchers and/or onsite mobile services;
- Personal items may be taken out of vehicles while people are moving about the site, but all belongings must be stored inside vehicles when people go to sleep each night;

- Fencing will be installed to secure the area; no loitering will be allowed outside the fence; and
- Participants are expected to respect quiet hours each night, from 10:00 p.m. to 7:00 a.m., seven days a week.

In this agreement, the City is agreeing to indemnify and hold VTA harmless, except to the extent cause by malicious acts or gross negligence by VTA.

Coordination

Operations of the Safe Parking Program will require ongoing coordination and regular communication between the departments of Housing, Public Works, Police, Parks, Recreation and Neighborhood Services, and Transportation, and the District 10 City Council Office. Additional external partners include LifeMoves and VTA. The Housing Department will coordinate across internal departments and external partners daily to ensure successful delivery of services and minimal impact to surrounding neighborhoods. Any concerns related to the Safe Parking Program will be addressed within the same business day by LifeMoves or the Housing Department.

Maintaining Open and Ongoing Communication

Additionally, monthly Community Advisory Council meetings will be held to enhance communication amongst all internal and external partners and the surrounding residents, businesses, and schools. These meetings will provide a forum to discuss operations, facilitate collaboration and answer questions or concerns. In addition to the monthly meetings, the Housing Department will manage ongoing communication, as needed. Community members can report concerns by emailing safe.parking@sanjoseca.gov or by calling (408) 793-6827.

CONCLUSION

The actions recommended in this memorandum will allow the Housing Department to execute a four-year license agreement with VTA, which will allow the Housing Department to use the Santa Teresa VTA lot for use of a Safe Parking Program and create up to 45 RV parking spaces for individuals and couples experiencing homelessness, allowing them to park 24 hours per day, seven days a week. Services would be offered to an estimated 135 households (estimated 160 individuals) over the four-year contract period.

EVALUATION AND FOLLOW-UP

Updates on the Safe Parking Program will be provided in the Housing Department's annual report on homeless programs. The Administration will return to City Council on November 29, 2022 and will provide recommendations regarding what enhancements surrounding neighborhoods will receive as a result of accepting a safe parking site in their neighborhood. A

Community Advisory Committee has been newly formed to address any questions and will provide a mechanism for open and consistent communication.

CLIMATE SMART SAN JOSE

The recommendation in this memorandum has no effect on Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

The Housing Department coordinated with Council District 10 and Council District 2 on public outreach.

The Housing Department facilitated two information meetings in District 10:

1. Conducted an informational presentation for the Rancho Santa Teresa Swim and Racquet Club on February 28, 2022.
2. Facilitated a hybrid community meeting at Santa Teresa Branch Library on June 22, 2022.

The Housing Department facilitated one informational meeting in District 2:

1. Facilitated a community meeting and conducted an internet webinar presentation on July 6, 2022. Over 100 residents attended the meeting.

Over 150 stakeholders attended the three meetings including neighborhood residents, local businesses and homeless advocates. The Housing Department collected extensive input from stakeholders at each of the meetings. The majority of residents were opposed to the safe parking proposal expressing concerns about potential increased crime, and more RV's and encampments in the area as a result of the program. The idea of a "no encampment zone" surrounding the safe parking program was raised which staff will bring forward a policy recommendation to City Council on November 29, 2022. Some residents were supportive of the program expressing a need for designated areas in the City for people to park and receive services. In response to questions received at community meetings and through emails, the Housing Department created a safe parking frequently asked questions (FAQ) document³. The FAQ answers common questions and addresses misconceptions raised throughout the safe parking planning process. This FAQ has been updated throughout the process and shared with residents and other stakeholders.

The Housing Department and LifeMoves have committed to regular communication with the neighborhood residents during the development of safe parking and ongoing after

³ Safe Parking FAQ: <https://www.sanjoseca.gov/home/showpublisheddocument/84276>

implementation by the newly formed Community Advisory Committee. Staff has coordinated with the District 2 and 10 offices to engage key stakeholders from those districts who wish to participate. The Committee provides a forum to discuss operations, facilitate collaboration, and answer questions or concerns. The Committee will also be attended by Police and BeautifySJ and will serve as the mechanism for addressing any neighborhood issues. The Committee has met on August 24, 2022 and September 6, 2022 and will continue to meet regularly.

This memorandum will be posted on the City's Council Agenda website for the November 8, 2022 City Council meeting.

COORDINATION

This item has been coordinated with the City Attorney's Office, the Department of Planning, Building, and Code Enforcement, the Department of Public Works, and the City Manager's Budget Office.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

FISCAL/POLICY ALIGNMENT

This recommended action is consistent with the "*Community Plan to End Homelessness*" endorsed by the City Council in August 2020. It advances Strategy 3 which is to improve the quality of life for unsheltered individuals by providing access to a location where individuals and couples experiencing homelessness can safely park RVs at a secure site until they can be transitioned to permanent housing.

COST SUMMARY/IMPLICATIONS

This memorandum recommends approval to negotiate and execute a License Agreement with VTA to park RVs at the Santa Teresa Light Rail Station, North parking lot. VTA is not charging the City for use of the parking lot. The Housing Department has existing funding in place for agreements to operate the Safe Parking Program. There are no ongoing fiscal impacts to the General Fund as a result of this action.

HONORABLE MAYOR AND CITY COUNCIL

October 11, 2022

Subject: Approve the Valley Transit Authority License Agreement for the Safe Parking Program

Page 13

CEQA

Addendum to the Incidental Safe Parking Use Municipal Code Amendments Project Negative Declaration (Resolution No. 78990) File No. PP18-092 (Addendum File No. ER22-220).

/s/

JACKY MORALES-FERRAND

Director, Housing Department

The principal author of this memorandum is Stephanie Jimenez, Development Officer with the Homelessness Response Team. For questions, please contact Kelly Hemphill, Division Manager, at kelly.hemphill@sanjoseca.gov.

Attachment: CEQA Addendum

**ADDENDUM TO THE INCIDENTAL SAFE PARKING USE MUNICIPAL CODE
AMENDMENTS NEGATIVE DECLARATION**

24/7 SAFE PARKING OPERATION AT THE SANTA TERESA STATION SITE

Pursuant to Section 15164 of the CEQA Guidelines, the City of San José has prepared this Addendum to the Incidental Safe Parking Use Municipal Code Amendments Negative Declaration (Planning File No. PP18-092) because minor changes made to the project, as described below, do not raise important new issues about the significant impacts on the environment.

The environmental impacts of this project were addressed by the Safe Parking Use Municipal Code Amendments Negative Declaration supported by an Initial Study which was adopted by City Council Resolution No. 78990 on February 26, 2019.

ER22-220: A public project to allow the City to operate an Incidental Safe Parking site 24 hours a day, seven days a week on a City-leased site on a Valley Transportation Authority (VTA) Santa Teresa Light Rail Station parking lot.

Location: Santa Teresa Light Rail Station northern-most parking lot, off Santa Teresa Boulevard in South San José. The nearest intersection is approximately 0.3 mile north at Santa Teresa Boulevard and San Ignacio Avenue.

Assessor's Parcel Number: 706-03-013

Council District: 10

The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, Addendum to an EIR or a Negative Declaration, which states that “(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary. A lead agency or responsible agency shall prepare an addendum to a previously adopted Negative Declaration or EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent environmental document have occurred. Circumstances which would warrant a subsequent environmental document include substantial changes in the project or new information of substantial importance which would require major revisions of the previous Negative Declaration due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

The following impacts were reviewed and found to be adequately considered by the Negative Declaration and supporting Initial Study cited above:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agricultural & Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology and Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology & Water Quality |
| <input checked="" type="checkbox"/> Land Use & Planning | <input checked="" type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Population and Housing | <input checked="" type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Utilities & Service Systems | |
| <input checked="" type="checkbox"/> Mandatory Findings of Significance | | |

ANALYSIS

Background

In 2019, the City adopted amendments to Title 20 of the Municipal Code to allow incidental safe parking on assembly use sites and City-owned parcels. The City prepared an Initial Study that evaluated the environmental impacts of the amendments, and adopted a Negative Declaration titled “ Incidental Safe

Parking Use Municipal Code Amendments Negative Declaration.” The amendments allow homeless individuals and families to sleep overnight in their personal vehicles, by allowing “safe parking” as an incidental permitted use to an existing assembly use or on City properties, where the safe parking is provided on existing parking areas and operating in compliance with the San José Municipal Code. The code amendments include performance standards related to noise, setbacks, lighting, hours of operation, and management of the site to ensure potential impacts to the surrounding community would be minimized.

Proposed Project

Since adoption of the Municipal Code Amendments in 2019, the COVID pandemic occurred which resulted in an increase in the number of individuals and families experiencing homelessness. In addition, the economic and geopolitical forces now manifest in high gas prices further burdening these impacted individuals and families and in particular those who live in recreational vehicles (RVs) which consume more fuel than smaller vehicles. The consequence of these events has been RVs that remain parked on City streets during the day, a growing number of neighborhood complaints, and no one place for these impacted individuals and families to be, in order to receive services and assistance that would help them transition into permanent housing situations.

To address this urgent need, the City is proposing a pilot program to operate a safe parking site 24 hours a day, seven days a week (24/7) on a parking lot at the Santa Teresa Light Rail Station (Santa Teresa Station site). The Santa Teresa Station site would be leased from the Valley Transportation Authority (VTA) for a period of 48 months and may be extended if the need persists and the VTA is agreeable to an extension. The adopted Negative Declaration analyzed operation of safe parking sites from 7:00 p.m. to 10:00 a.m. the following day, but this pilot program would allow 24/7 operation at the Santa Teresa Station site. As with all safe parking sites, this site would follow the guidelines in Municipal Code Section 20.80.1675, Conduct of Use. The City would hire a contractor to operate the site on behalf of the City.

The project site would be surrounded by a temporary fence. The parking lot is lit at night by existing light fixtures on the parking lot. There would be one security guard on site every day from 12:30 a.m. to 8:00 a.m. who would control ingress/egress and perform hourly walk arounds. All vehicles entering the site would be required to have a Parking Permit. During the day, the case workers and Residential Service Coordinators (RSCs) (described below) would conduct hourly walks to check that all RVs have a parking permit and are properly registered with the operator.

The project site would have 45 regular parking spaces available for the project. However, the total number of vehicles on the project site at any one time would not exceed 45 and is anticipated to be much fewer. The majority of the vehicles are anticipated to be Recreational Vehicles (RVs) and would be separated to allow reasonable space (approximately 10 feet between RVs) to allow for privacy and movement around vehicles. Parking spaces would also be available for daily on-site case workers, and staff as described below.

All amenities provided to support the project would be temporary. There would be no connections to existing utilities and there would be no ground disturbance. The City would provide the following amenities for the use of the individuals using the site: portable toilets, hand washing stations, a potable water spigot, and trash receptacles. A temporary water tank would be provided by the sanitary servicing company. Water use is anticipated to be approximately 8,000 gallons a month. The City would provide trash collection services. A temporary solar-powered office trailer would be provided on-site for use by the operations staff. The operator would provide a smoke detector and a carbon monoxide monitor for each RV.

The Operator would provide three case managers to work with the homeless individuals to provide guidance and assistance with jobs and transitional housing. These case managers would be on site from 9:00 a.m. to 5:30 p.m.

The Operator would also provide three RSCs. These RSCs would provide the homeless individuals with food, toiletries, and other services; resolve site-related issues; and provide staff coverage during hours when the case

manager is not on site. An RSC would be present on site at all times (one dayshift, one mid-shift, and one swing-shift).

The participants in the program are anticipated to transition into permanent housing within three to six months. As space allows and as participants transition out of the program, new participants would be brought into the program at the Santa Teresa Station site.

Environmental Analysis

This Addendum to the adopted Negative Declaration analyzes the impacts of operating a 24/7 safe parking site at the Santa Teresa Station site.

Because the 24/7 safe parking site would be temporary with no ground disturbance or addition of permanent structures, would be located within the City's urban boundary on an existing paved site with existing lighting, would be provided with amenities such as portable toilets and portable trash receptacles, and the site would be maintained and regularly cleaned by the project operator, the proposed project would have the same impact as for the previously analyzed project in the following resource areas:

Resource Area	Impact	
	Previously Approved Project	Proposed Project
Aesthetics	Less than Significant Impact	Less than Significant Impact
Agricultural and Forestry Resources	No Impact	No Impact
Biological Resources	No Impact	No Impact
Cultural Resources	No Impact	No Impact
Geology and Soils	No Impact	No Impact
Greenhouse Gas Emissions	Less than Significant Impact	Less than Significant Impact
Hazards and Hazardous Materials	No Impact	No Impact
Hydrology and Water Quality	Less than Significant Impact	Less than Significant Impact
Land Use and Planning	No Impact	No Impact
Mineral Resources	No Impact	No Impact
Population and Housing	Less than Significant Impact	Less than Significant Impact
Recreation	Less than Significant Impact	Less than Significant Impact
Utilities and Service Systems	Less than Significant Impact	Less than Significant Impact
Mandatory Findings of Significance	Less than Significant Impact	Less than Significant Impact

Compared to the previously analyzed project, the proposed project could result in an increase in odors, an increase in the duration of noise and vehicle trips because of the 24/7 operations, and potentially an increase in the use of public services. These resource areas are discussed below.

Air Quality

Air quality impacts with the exception of odors, would remain the same as for the previously approved project. The project site is an existing parking lot and generates emissions of pollutants through current operations. The nature and scale of the incidental safe parking program would not result in a substantial increase in vehicle trips to and from this existing facility. Homeless individuals living out of their vehicles are currently parked in various parts of the City and their vehicle emissions are already occurring in the local environment. Thus, the proposed project would not result in a substantial increase in the emissions of pollutants but would actually be less than the previously

approved project because the proposed project would allow extended parking on site without the need to move around.

The 24/7 operations under the proposed project could potentially generate objectionable odors because of the use of portable toilets. The operator of the 24/7 safe parking site would be required to provide enough portable toilets to serve the maximum number of safe parking residents on the project site. Portable toilets for a 24/7 use such as the proposed project would be serviced twice a week. Regular servicing would prevent any objectionable odors from affecting neighboring uses, and the safe parking residents. The proposed project would not create objectionable odors that would affect substantial number of people. Similar to the previously approved project, the impact would be less than significant.

Noise

Noise would be generated by the project during installation of the temporary fence, and operation of the site that includes RVs and vehicles entering and exiting the site, service vehicles for the portable toilets and water stations, staff vehicles entering and exiting the site, and activity during the day as individuals and families use the site and access services. Noise sources associated with safe parking activity would include vehicle circulation, engine starts, door slams, and human voices. Sounds due to car horns or alarms may also occur on an infrequent basis.

The noise impact from installation of the temporary fence and removal of the fence when the safe parking site is decommissioned would not be a significant impact because they are two specific activities with a duration of no more than four hours for each activity.

The City's Municipal Code includes the following controls related to safe parking operational noise:

Section 20.80.1675

- C. All persons receiving incidental Safe Parking shall shelter within the vehicles, except as otherwise provided in the approved management plan that is completed as part of registration with the Housing Department. No person shall be housed in tents, lean-tos or other temporary facilities.*
- I. No audio, video or other amplified sound may be played or generated that is audible outside participants' vehicles*

Section 20.80.1680

- B. The boundary of the Incidental Safe Parking Area shall be at least five (5) feet from any exterior property line*
- C. The Incidental Safe Parking Area shall not be located at a distance closer than the following minimum setback distances from any residential use that is located on another parcel, measured from the nearest point on the boundary of Incidental Safe Parking Area to the dwelling structure:*
 - i. Thirty-five (35) feet from the first story of an occupied dwelling structure where the adjacent residential use is separate by a solid six-foot tall or greater sound barrier with no adjacent second-story residential facades. To be effective, a noise barrier must be solid over the face and at the base of the barrier (i.e., no cracks or gaps), and be constructed from materials having a minimum surface weight of three pounds per square foot (3 lbs./sq. ft). One-inch (nominal thickness) wood fence boards are suitable as well as concrete or masonry block.*
 - ii. Sixty-five (65) feet from a single-story occupied structure where no sound barrier exists.*

- iii. *Sixty-five (65) feet from a second-story of an occupied dwelling structure.*
 - iv. *Five feet (5) from an Accessory Dwelling Unit or Secondary Unit, where no openings on the nearest building wall exist.*
- G. *Quiet hours on any parcel containing an Incidental Safe Parking use shall be maintained between 10:00 p.m. and 7:00 a.m. seven (7) days a week, 365 days a year. Quiet hours do not preclude outdoor activities, such as smoking in designated outdoor areas or exiting the Site.*
- J. *The operator shall work with any neighbor(s) to address impacts that the use may have on the neighboring community. The Management Plan shall require that a contact number be posted in plain view, timely responses be made, and a log of complaints, and responses to those complaints be maintained.*

As analyzed for the previous project, based on noise measurements and observations made by Illingworth & Rodkin, Inc. (I&R) at the Safe Parking Pilot Program for Families at the Seven Trees Community Center and Library located at Los Arboles Street/Cas Drive and I&R file data of typical parking sounds, the instantaneous noise (i.e., Lmax) of a passing car at 15 miles per hour (mph) typically ranges from 52 decibels (dBA) to 62 dBA at 50 feet. The noise generated during an engine start is similar. Door slams create lower noise levels. The hourly average noise level resulting from all of these noise-generating activities in a busy parking lot, without taking into account the shielding effect of sound walls, could range from 47 dBA to 57 dBA Leq at a distance of 50 feet from the parking area.

Based on the noise data above, hourly average noise levels during busy time periods in the safe parking area would be 55 dBA Leq or less as measured 65 feet from the parking area. At this same distance, maximum instantaneous noise levels due to vehicle circulation, engine starts, door slams, and human voices would be 60 dBA Lmax or less.

To the west of the site is a Pacific Gas and Electric office building, to the east is Valley Oak Technology Park, to the south is an undeveloped parcel, and to the north is Highway 85. There are no sensitive receptors in the immediate vicinity of the project site. The nearest residences to the project site are approximately 350 feet south of the site across from Santa Teresa Boulevard, a six-lane major thoroughfare. Noise attenuates with distance, and the traffic on Santa Teresa Boulevard also generates noise. Thus, any noise created at the safe parking site would not impact those residences. Based on the analysis above, the noise impact of a 24/7 safe parking operation would be the same as for the previous project. Similar to the previously approved project, the impact would be less than significant.

Public Services

A 24/7 safe parking operation could potentially result in an increase in the use of public services. Similar to the previously approved project, safe parking at the Santa Teresa Station site would comply with the Fire Code, and all activities associated with the incidental safe parking would be required to conform to State and local laws. Additional human activity in the form of incidental safe parking would not create substantial demand for fire and police protection such that new or physically altered government facilities would be necessary. While it is a 24/7 operation, the proposed project does not provide permanent residence, and student generation would not occur. While public parks in the vicinity may experience an increase in use from the safe parking residents, the number of visits would not rise to the level where new or expanded facilities would be required. Similar to the previously approved project, the impact of the proposed project on public services would be less than significant.

Transportation/Traffic

Safe parking is an incidental use and is not subject to evaluation for vehicle miles traveled (VMT) under the City's Transportation Analysis Policy 5-1. VMT only applies to permanent housing and employment and does not include temporary transitional housing situations such as safe parking.

The proposed project would generate additional vehicle trips to the general area from the safe parking participants as well as the staff. The Santa Teresa Station site is mainly geared toward RV users. Because RVs are larger than regular cars and take up more space, the maximum number of RVs that the Santa Teresa Station site is at most, 20. Because this site would operate 24/7, the vehicles would typically stay in place with RSCs providing food and toiletries eliminating the need for additional trips. During the day, a maximum of four staff members would be on site during normal working hours. Security and other staff would be arriving and departing during non-peak hour times. Impacts to roadways and intersections during weekday commute peak hours would, therefore, be limited and not considered significant. While it is possible that some of the participants may have jobs or attend schools and may potentially use public transport or pedestrian and bicycle facilities, the numbers are likely to be much less than the maximum 20 vehicles on site, and would not create an impact to these other modes of transit. The transportation/traffic impact of a 24/7 safe parking operation would be the same as the previous project. Similar to the proposed project, the impact would be less than significant.


Based on the above analysis specific to the Santa Teresa site, and the temporary short-term nature of the program and associated impacts, no new or more significant environmental impacts beyond those identified in the Incidental Safe Parking Use Municipal Code Amendments Negative Declaration and supporting Initial Study have been identified. Thus, preparation of a subsequent environmental document is not required, and this Addendum is the appropriate level of documentation for the proposed project.

This Addendum will not be circulated for public review but will be added to the Incidental Safe Parking Use Municipal Code Amendments Negative Declaration pursuant of CEQA Guidelines §15164(c).

Christopher Burton, Director
Planning, Building and Code Enforcement

9/12/22

Date



Deputy