



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** May 29, 2019

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**SUBJECT: FILE NO. PP18-092: AMENDMENTS TO TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE (THE ZONING CODE) TO AMEND SECTION 20.80.1680 AND SECTION 20.80.1690 OF PART 17.5, CHAPTER 20.80 TO REVISE THE REQUIRED SETBACK IN SAFE PARKING PROVISIONS TO PROVIDE SHELTER TO HOMELESS PEOPLE IN VEHICLES PARKED ON EXISTING CITY-OWNED PARCELS, AND SITES CONSISTING OF LEGAL ASSEMBLY USES CONSTRUCTED AND OPERATING IN COMPLIANCE WITH THE SAN JOSÉ MUNICIPAL CODE AND TO EXEMPT SAFE PARKING USES FROM THE 55 DECIBEL NOISE PERFORMANCE STANDARDS AT THE PROPERTY LINE.**

## **RECOMMENDATION**

The Planning Commission voted 5-0-1 (Commissioner Ballard Absent) to recommend that the City Council:

1. Adopt a resolution approving the Addendum to the Incidental Safe Parking Use Negative Declaration in accordance with CEQA; and
2. Approve an ordinance amending Title 20 of the San José Municipal Code with revised provisions for safe parking of homeless people in vehicles parked on existing City owned parcels, and sites consisting of legal assembly uses constructed and operating in compliance with the San José Municipal Code.

## **OUTCOME**

Approval of the proposed Municipal Code Amendments will amend Sections 20.80.1680 and 20.80.1690 of Part 17.5, Chapter 20.80, as described in the attached staff report.

## **BACKGROUND**

On May 22, 2019, the Planning Commission conducted a public hearing on the proposed Amendments to the Zoning Code. The attached Staff Report to the Planning Commission provides the analysis, public outreach, and coordination conducted on the proposed item.

After staff's presentation, Commissioner Oliverio inquired if the proposed regulations could pertain to sites owned by other public agencies, such as a County parking lot. Staff stated that the ordinance applies only to City-owned sites or sites that contain a legal assembly use, such as churches, libraries, or gymnasiums, regardless of ownership. Commissioner Oliverio expressed interest in including other governmental entities in the scope of this work to allow them to use their land for safe parking. Senior Deputy City Attorney clarified that a government entity such as the County may not be subject to the Zoning Ordinance for use of their land for their governmental purposes.

Commissioner Griswold inquired whether the City would have any regulatory authority if the County were to use a mixed-use parking lot for commercial purposes and for public benefit. Senior Deputy City Attorney clarified that City zoning only applies to the County when its property is used for non-County-governmental purposes. If the County were to change the use from any governmental to a non-governmental use, it would be subject to City regulations, such as a County building leased to the public for commercial reasons.

No public comment was received, and no further discussion was held regarding this item. Commissioner Oliverio made a motion to recommend approval of the staff recommendation. Commissioner Leyba seconded this motion, and thanked staff for working through the limitations of the Sound Study to find a creative solution to reduce the setbacks.

The Commission voted 5-0-1 (Commissioner Ballard absent) to recommend approval of the item per staff's recommendations.

## **ANALYSIS**

A complete analysis of the issues regarding the Zoning Ordinance Amendments is contained in the attached Planning Commission Staff Report that provides the analysis, public outreach, and coordination conducted on the proposed item.

## **EVALUATION AND FOLLOW UP**

If the proposed Municipal Code Amendments are approved by Council, the new Ordinance will be effective 30 days after the second reading. Approval of this item would complete the actions referred to the City Manager in Council Policy Priority #10.

## **PUBLIC OUTREACH**

Public outreach for the staff proposed ordinance complies with the City Council's Public Outreach Policy and the Municipal Code. A public hearing notice, including the Planning Commission and City Council hearing dates was published in the San José Post-Record and emailed to a list of interested groups and individuals. Staff posted the hearing notice, staff report, and draft ordinance on the PBCE Department website. Staff has been available to discuss the proposal with interested members of the public.

## **COORDINATION**

The preparation of the Draft Ordinance, as recommended by staff, and this memorandum were coordinated with the Housing Department and City Attorney's Office.

## **CEQA**

File No. PP18-092, Addendum to Initial Study/Negative Declaration for the Incidental Safe Parking Use Municipal Code Amendments (Resolution No. 78990).

/s/  
Rosalynn Hughey, Secretary  
Planning Commission

For questions, please contact Michael Brilliot, Deputy Director, Planning Division at (408) 535-7831.

Attachments: Planning Commission Staff Report



# Memorandum

**TO:** PLANNING COMMISSION

**FROM:** Rosalynn Hughey

**SUBJECT:** SEE BELOW

**DATE:** April 12, 2019

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**SUBJECT: PP18-092: AMENDMENTS TO TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE (THE ZONING CODE) TO AMEND SECTION 20.80.1680 AND SECTION 20.80.1690 OF PART 17.5, CHAPTER 20.80 TO REVISE THE REQUIRED SETBACK IN SAFE PARKING PROVISIONS TO PROVIDE SHELTER TO HOMELESS PEOPLE IN VEHICLES PARKED ON EXISTING CITY-OWNED PARCELS, AND SITES CONSISTING OF LEGAL ASSEMBLY USES CONSTRUCTED AND OPERATING IN COMPLIANCE WITH THE SAN JOSÉ MUNICIPAL CODE AND TO EXEMPT SAFE PARKING USES FROM THE 55 DECIBEL NOISE PERFORMANCE STANDARDS AT THE PROPERTY LINE.**

## **RECOMMENDATION**

Recommend that the Planning Commission recommend the City Council:

1. Adopt a resolution approving the Addendum to the Negative Declaration in accordance with CEQA; and
2. Approve an ordinance amending Title 20 of the San Jose Municipal Code with revised provisions for safe parking of homeless people in vehicles.

## **OUTCOME**

If adopted by the City Council, the proposed ordinance amending Part 17.5 of Chapter 20.80 would revise the Zoning Code provisions pertaining to Incidental Safe Parking for the shelter of homeless people on City-owned parcels and sites containing legal assembly uses, based on recent City Council direction to staff at the public hearing held on February 26, 2019 to reduce the setback requirement from the safe parking area to residential properties.

## **BACKGROUND**

Given the clear need to establish alternative housing options for homeless individuals in the City, the Mayor and the City Council directed staff to develop an ordinance which would allow for an incidental "safe parking" use in City-owned and Assembly use parking lots for people who live in their vehicles. At the Planning Commission hearing held on January 30, 2019, the Commission voted 4-2 to recommend approval to modify the hours of operation by extending the

morning hours from 7 a.m. to 10 a.m., and to allow eating, food preparation, and cooking outside of vehicles and in temporary tents and structures. The City Council approved this recommendation, adopted the ordinance adding Part 17.5 of Chapter 20.80 and requested staff to return with a proposed amendment to reduce the setback from safe parking area boundary to residential uses in order to accommodate as many existing and potential safe parking sites as possible.

## **ANALYSIS**

### **Distance Criteria**

The CEQA noise analysis for the ordinance determined that a minimum setback of 65 feet would yield noise levels that would be compatible with the City's Municipal Code Chapter 20.30.700. This Section states that sound pressure levels generated by any use or combination of uses on a property shall not exceed 55 decibel (DB) at any property line shared with land zoned for residential use, except upon issuance and in compliance with a use permit.

The approved ordinance required a 65-foot setback from the safe parking area to the property line to ensure conformance with 55 DB noise performance standards at the property line.

The proposed use only includes night-time operation, and is related mostly to sleeping activity. Therefore, staff is recommending to exempt the Incidental Safe Parking use from the 55 DB sound pressure level requirements as measured at the property line from Chapter 20.30.700, as this standard mostly protects residential uses from adjacent outdoor use areas, and staff determined that quiet use of a back yard during the night is not deemed necessary. Exempting the Incidental Safe Parking use from the 55 DB sound pressure standard at the property line would allow reduced setbacks.

The Noise Analysis Report, prepared in November 2018, stated that a minimum 65-foot setback at the residential façade would yield maximum instantaneous noise levels of 60 dBA or less due to vehicle circulation, engine starts, door slams and human voices. This would result in exterior noise levels of 45 dBA or less inside an adjacent residential structure assuming windows are partially open for ventilation. Per this report, noise levels above 45 dBA are understood to cause sleep disturbance. The Noise Analysis Report found that a setback of 35 feet to a dwelling would sufficiently ensure that the noise levels would not exceed 60 dBA at the single-story residential façades if the parking areas are shielded by solid six-foot or greater noise barrier walls (the "required sound barrier") with no adjacent second-story residential facades. The second-story requirement is more stringent as noise would impact a second-story use overlooking an outdoor use. While a single-story residence may be shielded by a solid noise barrier, a second-story residential facade would not be shielded by a typical noise barrier with a height of 6-8 feet, and within a direct line of sight. The report further noted that no setback would be required if there are no residences on adjoining parcels.

Staff proposes to revise the setback requirements for Safe Parking to be measured from the occupied dwelling structure, from both first and second story, and not the property line. See below Table 1 showing the proposed required setbacks from various uses:

*Table 1*

Minimum distance from the Safe Parking Area boundary		
a	To property line	5 feet
b	To closest occupied single-story residential dwelling structure with a sound barrier consistent with the noise analysis	35 feet
c	To first floor of an occupied dwelling structure without a sound barrier	65 feet
d	To second story of an occupied dwelling structure	65 feet
e	To closest occupied detached Secondary Unit if located along property line	5 feet

See below Table 2 showing the current required setbacks from various uses:

*Table 2*

Minimum distance from the Safe Parking Area boundary		
a	To property line	35 feet
b	To closest occupied single-story residential dwelling structure with a sound barrier consistent with the noise analysis	35 feet + Existing Building setback
c	To first floor of an occupied dwelling structure without a sound barrier	65 feet
d	To second story of an occupied dwelling structure	65 feet

This would mean that the setback requirement for Safe Parking areas would vary from site to site depending on the proximity of adjacent dwelling structures. Based on typical residential setbacks, staff expects the following common setback scenarios for the Safe Parking use:

1. The rear yard setback of a residential dwelling is most restrictive for the R-1 zoning district at 20 feet, which can be further reduced to 15 feet with a rear yard exception. Since the standard requires a 35-foot minimum distance from the residential dwelling to the Safe Parking Area, the Incidental Safe Parking use could be located a minimum of 20 feet from the shared property line, separated by the required sound barrier, if the residential dwelling is located 15 feet from the same property line, and if the second story is located at least 65 feet away from the Safe Parking Area boundary.
2. The side setback requirement of a residential dwelling is five feet from the property line. Since the standard requires a 35-foot minimum distance from the residential dwelling to the Safe Parking Area, in this instance, the Safe Parking use would have to be located 30 feet from the shared property line, separated by the required sound barrier, if the residential dwelling is located 5 feet from the same property line, and if the second story is located at least 65 feet away from the Safe Parking use.
3. If Secondary Units or ADUs are located along the shared property line, they may typically be located immediately adjacent to the property line, or if constructed as a second story, located five feet away from the property line. The minimum distance requirements for other dwelling types would not need to be followed for ADUs if there are no openings along the nearest building wall to the property line. The requirements for openings for an ADU, located on the

first story along the property line, are further limited by Building and Fire Department regulations, and will require a raised sill height of five feet for second story ADUs along nearest property lines. The distance requirements to Safe Parking use would therefore be limited to primary dwelling units, and not ADUs if there are no openings on the side facing the nearest shared property line. ADUs with openings will require the same minimum separation applicable to a primary dwelling unit.

4. No setbacks are required if there are no dwelling units on an adjoining residentially zoned property.

### **Zoning Code**

Following the City Council direction, the proposed ordinance amendments would incorporate the following revised performance standards (see attached revised draft Zoning Code changes):

#### *Proposed Underlined Amendments to Section 20.80.1680 – Safe Parking Exception to Permit Requirement.*

Notwithstanding Sections 20.80.1665 and 20.80.1670 of this Part, no conditional use permit or special use permit shall be required for any Safe Parking use that meets and remains in full compliance with all of the following requirements:

1. The Parcel containing the Incidental Safe Parking Area shall be located within the City's Urban Service Area.
2. The boundary of the Incidental Safe Parking Area shall be at least five feet from any exterior property line.
3. 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 Safe Parking Area:
  - a. Thirty- five (35) feet from the first story of an occupied dwelling structure where the adjacent residential use is separated by a solid six-foot or greater sound barrier with no adjacent second story residential facades. To be effective, a sound 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.
  - b. Sixty-five (65) from a single-story occupied structure where no sound barrier exists.
  - c. Sixty-five (65) feet from a second-story of an occupied dwelling structure.
  - d. Five feet (5) from a Secondary Unit or Accessory Dwelling Unit, where no openings on the nearest building wall exist.
4. The Parcel containing the Incidental Safe Parking use shall comply with City Council Policy Number 4-3 on Outdoor Lighting for Private Developments, as may be amended from time to time.

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5. Incidental Safe Parking uses shall be registered with the Housing Department and periodically update registration, on such forms as may be approved by the Director of Housing.
6. Sites containing Incidental Safe Parking uses shall be inspected for compliance with the Fire Code and Housing Department requirements.
7. 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.
8. Any Site containing an Incidental Safe Parking use including public access and parking shall be maintained in a clean and safe condition, and in compliance with a management plan that is completed as part of registration with the Housing Department.
9. Incidental Safe Parking use shall comply with the requirements of Section 20.80.1675.
10. 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.

*Proposed Underlined Amendments to Section 20.80.1690 – Incidental Safe Parking Generally*

1. Council Policy 6-16 (Uses of Public Property) and Chapter 6.46 of Title 6 of this Code (regulating Mobilehomes and Mobilehome Parks) shall not apply to Incidental Safe Parking.
2. Incidental Safe Parking use is exempt from maximum exterior noise level of 55 dB, measured at the property line adjacent to a property used or zoned for residential purposes.

**Housing Department Registration**

The Housing Department requires a mandatory registration process and inspection for those sites electing to be a Safe Parking location. Based on City Council direction, the Housing Department will provide additional guidelines for the operation of a Safe Parking site, materials required to complete the registration process, and relevant information for safe parking operators. The registration process requires a program contact, a site layout plan, a service management plan, and an emergency disaster plan. The revised Safe Parking registration packet (Attachment 4) is attached to the Addendum.

**PUBLIC OUTREACH/INTEREST**

Staff posted information about the proposed Zoning Code changes on the Planning Division's website in compliance with applicable requirements of the San José Municipal Code and State law. Staff has been available to discuss this item with interested members of the public. Staff will also send e-mail notification of this agenda item to its list of self-subscribed e-mail addresses that have requested notification prior to the scheduled Planning Commission hearing date. The proposed changes to the Zoning Code, with guidance and registration provided by the Housing Department, are intended to address issues raised by the public.

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### COORDINATION

Preparation of this report and the draft Zoning Ordinance were coordinated with the Housing Department and the City Attorney's Office.

### CEQA

The Director of Planning, Building and Code Enforcement Department approved preparation of an Addendum to the Incidental Safe Parking Use Municipal Code Amendments Negative Declaration (Resolution No. 78990), prepared for the project under the provisions of the environmental review requirements the California Environmental Quality Act (CEQA) of 1970, as amended (CEQA), including the state and local implementing regulations. The project was determined to be consistent with the above-referenced ND. The Addendum evaluated the potential impacts to noise, and finds that the project would not result in new or more significant environmental impacts. The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that, "An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR or negative declaration have occurred."

The IS/ND was previously completed in compliance with the California Environmental Quality Act (CEQA), as amended, to reflect the independent analysis of the project by the City. The IS/ND was circulated for public review from December 21, 2018 to January 22, 2019, a total of 30 days. The IS/ND identified that the implementation of the project would not result in any significant effects to the environment. The IS/ND, associated appendices, response to comments, and other related environmental documents are available on the Planning website at: <http://www.sanjoseca.gov/index.aspx?NID=6264>.

*Michael Bellit for*

ROSALYNN HUGHEY, DIRECTOR  
Planning, Building and Code Enforcement

For questions, please contact Aparna Ankola, Project Manager, Ordinance, and Policy Team at 408-535-7845.

Attachments:

- 1) Draft Ordinance
- 2) Draft CEQA Resolution
- 3) Addendum to Negative Declaration
- 4) Safe Parking Registration Packet

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING  
TITLE 20, CHAPTER 20.80 OF THE SAN JOSE MUNICIPAL  
CODE PART 17.5, CHAPTER 20.80, SECTIONS 20.80.1680  
AND 20.80.1690 REDUCING SETBACK DISTANCES AND  
EXEMPTING INCIDENTAL SAFE PARKING AREAS FROM  
MAXIMUM EXTERIOR NOISE LEVELS**

**WHEREAS**, on February 26, 2019, the City Council approved an ordinance (Ordinance No. 30226) to allow for an incidental “safe parking” use in City-owned and Assembly use parking lots for people who live in their vehicles, and requested an amendment to reduce the setback from safe parking area boundaries; and

**WHEREAS**, the noise analysis prepared for the ordinance as required under the California Environmental Quality Act (“CEQA”) determined that a minimum setback of 65 feet would yield noise levels that would be compatible with the City’s Municipal Code Chapter 20.30.700, which states that sound pressure levels generated by any use or combination of uses on a property shall not exceed 55 decibel (DB) at any property line shared with land zoned for residential use, except upon issuance and in compliance with a use permit; and

**WHEREAS**, in order to accommodate as many existing and potential safe parking sites as possible, amendments to Sections 20.80.1680 and 20.80.1690 of Part 17.5, Chapter 20.80 of the San José Municipal Code would reduce the required setbacks for Incidental Safe Parking areas and exempt Incidental Safe Parking use from maximum exterior noise levels of 55 decibels (“dB”); and

**WHEREAS**, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, “CEQA”), the Director of Planning, Building and Code

Enforcement of the City of San José, on December 20, 2018, prepared and approved a Negative Declaration; and

**WHEREAS**, pursuant to CEQA Guidelines Section 15162, the Director of Planning, Building and Code Enforcement of the City of San José prepared an Addendum to the Incidental Safe Parking Program Initial Study/Negative Declaration under the provisions of the environmental review requirements, the California Environmental Quality Act of 1970, as amended, including the state and local implementing regulations, and approved by the Director of Planning, Building and Code Enforcement on [REDACTED], 2019; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for this Ordinance; and

**WHEREAS**, this City Council has reviewed and considered the adopted Incidental Safe Parking Use Project Negative Declaration and related City Council Resolution No. 78990, prior to taking any approval actions on this Ordinance;

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 20.80.1680 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

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**Part 17.5**  
**INCIDENTAL SAFE PARKING USE ON PLACES OF ASSEMBLY AND CITY PARCELS**

**20.80.1680 – Safe Parking Exception to Permit Requirement.**

Notwithstanding Sections 20.80.1665 and 20.80.1670 of this Part, no conditional use permit or special use permit shall be required for any Safe Parking use that meets and remains in full compliance with all of the following requirements:

A. The Parcel containing the Incidental Safe Parking Area use shall be located within the City's Urban Service Area.

A.B. The boundary of the Incidental Safe Parking Area shall be at least five (5) feet from any exterior property line.

C. ~~The portion of a Parcel containing the~~ Incidental Safe Parking ~~use~~ Area shall not be located at a distance closer than ~~a minimum of sixty five feet~~ the following minimum setback distances from any residential use that is located on another Parcel, measured from the nearest point on the boundary of Safe Parking Area to the dwelling structure; ~~to the nearest Parcel line of a Parcel containing a residential use.~~

- i. ~~The minimum setback distance may be reduced to thirty five feet in the event~~ Thirty-five (35) feet from the first story of an occupied dwelling structure where the adjacent residential use is separated by a solid six-foot tall or greater ~~noise 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. ~~Any Safe Parking use that does not adhere to these minimum setbacks shall provide an analysis prepared by a qualified noise consultant demonstrating compliance with the City's noise standards for uses adjacent to residential uses.~~

- 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.

B-D. The Parcel containing the Incidental Safe Parking use shall comply with City Council Policy Number 4-3 on Outdoor Lighting for Private Developments, as may be amended from time to time.

C-E. Incidental Safe Parking uses shall be registered with the Housing Department and periodically update registration, on such forms as may be approved by the Director of Housing.

D-F. Sites containing Incidental Safe Parking uses shall be inspected for compliance with the Fire Code and Housing Department requirements.

E-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.

F.H. Any Site containing an Incidental Safe Parking use including public access and parking shall be maintained in a clean and safe condition, and in compliance with a management plan that is completed as part of registration with the Housing Department.

G.I. Incidental Safe Parking use shall comply with the requirements of Section 20.80.1675.

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.

SECTION 2. Section 20.80.1690 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

**Part 17.5**

**INCIDENTAL SAFE PARKING USE ON PLACES OF ASSEMBLY AND CITY PARCELS**

**20.80.1690 – Incidental Safe Parking Generally**

A. Council Policy 6-16 (Uses of Public Property) and Chapter 6.46 of Title 6 of this Code (regulating Mobilehomes and Mobilehome Parks) shall not apply to Incidental Safe Parking.

B. Incidental Safe Parking use is exempt from maximum exterior noise level of 55 dB, measured at the property line adjacent to a property used or zoned for residential purposes.

PASSED FOR PUBLICATION of title this \_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
SAM LICCARDO  
Mayor

ATTEST:

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk

DRAFT

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE ADDENDUM TO THE INCIDENTAL SAFE PARKING USE MUNICIPAL CODE AMENDMENTS NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED**

**WHEREAS**, prior to the adoption of this Resolution, the Planning Director of the City of San José prepared an Initial Study/Negative Declaration for Incidental Safe Parking Use Municipal Code Amendments under Planning File No. PP18-092 (the “Initial Study/Negative Declaration”), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively “CEQA”); and

**WHEREAS**, the Incidental Safe Parking Use Municipal Code Amendments (the “Initial Project”) analyzed under the Initial Study/Negative Declaration consists of a Director-initiated amendment to Title 20 of the San José Municipal Code to create standards that could 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 paved parking areas and operating in compliance with the San José Municipal Code within the City of San José, California; and

**WHEREAS**, the Initial Study/Negative Declaration concluded that implementation of the Project would not result in certain significant effects on the environment; and

**WHEREAS**, the City Council adopted Resolution No. 78990 on February 26, 2019, setting forth certain findings pertaining to the Initial Study/Negative Declaration, all pursuant to the provisions of CEQA; and

**WHEREAS**, prior to the adoption of this Resolution, the Planning Director of the City of San José prepared an Addendum to the Initial Study/Negative Declaration for Incidental Safe Parking Municipal Code Amendments under Planning File No. PP18-092, all in accordance with the requirements of CEQA; and

**WHEREAS**, as further described in the Addendum to Incidental Safe Parking Municipal Code Amendments, the implementation of the amendments to Title 20 of the San José Municipal Code would not result in new significant effects on the environment beyond those already identified in the previously approved Initial Study/Negative Declaration and addenda thereto, nor will the amendments result in an increase in the severity of significant effects identified in the Initial Study/Negative Declaration and addenda thereto; and

**WHEREAS**, the City of San José is the lead agency on the amendments described herein, and the City Council is the decision-making body for the proposed approval to undertake the amendments; and

**WHEREAS**, the City Council has reviewed and considered the Initial Study/Negative Declaration, and addenda thereto and intends to take actions on the amendments in compliance with CEQA and State and local guidelines implementing CEQA; and

**WHEREAS**, the Initial Study/Negative Declaration and addenda thereto are on file in the Office of the Director of Planning, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, are available for inspection by any interested

person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

**THAT THE CITY COUNCIL** does hereby make the following findings: (1) it has independently reviewed and analyzed the Initial Study/Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the amendments, (2) the Addendum to the Initial Study/Negative Declaration prepared for the amendments has been completed in compliance with CEQA and is consistent with State and local guidelines implementing CEQA, and (3) the Addendum to the Initial Study/Negative Declaration represents the independent judgment and analysis of the City of San José, as lead agency for the Project. The City Council designates the Director of Planning at the Director's Office at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, as the custodian of documents and records of proceedings on which this decision is based.

**THAT THE CITY COUNCIL** does hereby find that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby adopt the Addendum to the Initial Study/Negative Declaration prepared for the amendments (Planning File No. PP18-092). The Initial Study/Negative Declaration and addenda thereto are: (1) on file in the Office of the Director of Planning, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113 and (2) available for inspection by any interested person.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
SAM LICCARDO  
Mayor

ATTEST:

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk

DRAFT

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

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

**PP18-092 Municipal Code Amendments for Incidental Safe Parking.** Amendment to Title 20 of the Municipal Code to create standards that could 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 paved parking areas and operating in compliance with the San José Municipal Code within the City of San José.

**Location:** City-wide

**Council District:** City-wide

**Assessor's Parcel Number:** Various

An Addendum to the Incidental Safe Parking Use Municipal Code Amendments Negative Declaration (Resolution No. 78990) was prepared for the project under the provisions of the environmental review requirements the California Environmental Quality Act (CEQA) of 1970, as amended (CEQA), including the state and local implementing regulations. The project was determined to be consistent with the above-referenced ND. The Addendum evaluated the potential impacts to noise, and finds that the project would not result in new or more significant environmental impacts.

The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that "A lead agency or responsible agency shall prepare an addendum to an adopted negative declaration if only minor technical changes or additions are necessary or none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR or negative declaration have occurred." Circumstances which would warrant a subsequent EIR or negative declaration include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR 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 (ND) cited above:

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics               | <input checked="" type="checkbox"/> Agriculture 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"/> Hazardous Materials         | <input checked="" type="checkbox"/> Hydrology & Water Quality  |
| <input checked="" type="checkbox"/> Land Use                 | <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 Sig. |

**PROJECT ANALYSIS**

The purpose of the Initial Study/ Negative Declaration was to evaluate the environmental impacts of the proposed amendments to Title 20 of the Municipal Code to create standards that could 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 paved parking areas and operating in compliance with the San José Municipal Code. The Initial Study evaluated the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project, and concluded that no significant impacts would result that required mitigation, and therefore the proposed ordinance qualified for a Negative Declaration.

The attached Addendum provides additional background on the project description and analyzes the impacts of the modified project. Specifically, the analysis reviews the impacts of the modified project with regards to noise and the City's noise requirements. Based on the analysis, the proposed changes would not result in new impacts than those previously disclosed and analyzed in the approved ND.

No new or more significant environmental impacts beyond those identified in the approved ND have been identified. The project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the ND. For these reasons, a supplemental or subsequent EIR or negative declaration is not required, and an Addendum to the adopted Incidental Safe Parking Use Municipal Code Amendments Negative Declaration was prepared for the proposed project.

This Addendum will not be circulated for public review, but will be attached to the Incidental Safe Parking ND pursuant of CEQA Guidelines §15164.

Aparna Ankola  
Project Manager

Rosalynn Hughey, Director  
Planning, Building and Code Enforcement

5-10-2019

Date

\_\_\_\_\_  
Deputy

**Attachments:**

Addendum to the Initial Study/Negative Declaration for the Incidental Safe Parking Use, May 2019  
Safe Parking in San José Registration Packet

**ADDENDUM**  
**TO THE INITIAL STUDY/NEGATIVE DECLARATION**  
**FOR THE INCIDENTAL SAFE PARKING USE**  
**MUNICIPAL CODE AMENDMENTS PROJECT**

**May 2019**

**1.1 PURPOSE OF THE ADDENDUM**

The California Environmental Quality Act (CEQA) Guidelines Section 15162 recognizes that between the date an environmental document is adopted and the date the project is fully implemented, one or more of the following changes may occur: 1) the project may change; 2) the environmental setting in which the project is located may change; 3) laws, regulations, or policies may change in ways that impact the environment; and/or 4) previously unknown information can arise. Before proceeding with a post-approval change to the project, CEQA requires the Lead Agency to evaluate these changes to determine whether or not they affect the conclusions in the environmental document.

On February 26, 2019, the San José City Council approved an ordinance for the Incidental Safe Parking Use Municipal Code Amendments project, followed by adoption on March 12. The environmental impacts of this project were addressed in an Initial Study/Negative Declaration. The purpose of the Initial Study was to evaluate the environmental impacts of the proposed amendments to Title 20 of the Municipal Code to create standards that could 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 paved parking areas and operating in compliance with the San José Municipal Code. The Initial Study evaluated the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project, and concluded that no significant impacts would result that required mitigation, and therefore the proposed ordinance qualified for a Negative Declaration.

In adopting an ordinance approving the project, the City Council accepted the Planning Commission's recommendations with the following modifications:

- a. Allow Safe Parking providers to include supervised, outdoor food preparation and eating by either participants or the provider as part of the operator's site layout plan and service management plan, but continue to prohibit participants from lighting fires of any kind;
- b. Allow Safe Parking operators the discretion in the management plan to allow participants, under unique conditions, to periodically sleep outside of cars if, for example, it would be

- dangerously hot to sleep inside the car, or a participant has marked pain or discomfort because of sleeping inside a car;
- c. Return with proposed amendment to reduce the setback to 30 feet; and
  - d. Require Safe Parking operators to maintain and publish a phone number that will allow operators to address any related community concerns or complaints, including those that might be made outside of regular business hours.

The final adopted version of the Ordinance is presented below in *Section 2.1 Summary of the Approved Project*.

This Addendum specifically addresses Council direction related to item c. above, to return with proposed amendments to reduce the setback.

A project that is revised, after completion of a Negative Declaration and project approval, can qualify for an Addendum pursuant to CEQA Guidelines Section 15164, which states that “a lead agency or responsible agency shall prepare an addendum to a previously certified EIR or negative declaration if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred.”

Circumstances that would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

This Addendum to the Initial Study/Negative Declaration will not be formally circulated for public review, but will be attached to the Initial Study/Negative Declaration, pursuant to CEQA Guidelines Section 15164(c). All documents referenced in this amendment are available for public review in the Department of Planning, Building and Code Enforcement at San José City Hall, 200 East Santa Clara Street, during normal business hours.

## **SECTION 2.0 DESCRIPTION OF THE PROPOSED CHANGES TO THE PROJECT**

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Section 2.1 describes the project as analyzed and approved in February 2019. Section 2.2 describes the proposed changes to the previously approved project.

### **2.1 SUMMARY OF THE APPROVED PROJECT**

The ordinance approved by City Council in February 2019 included amendments to the Municipal Code, specifically to Title 20 of the San José Municipal Code (Zoning Code) to allow homeless individuals and families living in their private vehicles to park their vehicles overnight at existing designated parking areas as follows:

#### **Part 17.5 – INCIDENTAL SAFE PARKING USE ON PLACES OF ASSEMBLY AND CITY PARCELS**

##### **20.80.1660 - Definitions.**

*The following definitions are for purposes of this Part:*

1. *“Assembly Building” means a Building that is primarily used for Assembly Use.*
2. *“Assembly Use” means a use involving the gathering of persons to participate in a group or common activity or to observe a presentation, performance, or exhibition.*
3. *“Incidental Safe Parking” means the providing of shelter to homeless people as an incidental use to an existing primary Assembly Use or other use identified in this Part provided that the safe parking use occupies less than fifty (50%) percent of the paved square footage of the Site, and where the shelter is provided in vehicles located in designated paved “Safe Parking Area(s)”.*
4. *“Place of Assembly” means a Site that contains Assembly Uses including but not limited to religious assemblies, gymnasiums, libraries, theaters, schools, and community centers.*
5. *“Safe Parking Area” means the paved area(s) where the vehicles are parked for the Incidental Safe Parking use.*

##### **20.80.1665 - Permit Required.**

- A. *An Assembly Use may provide Incidental Safe Parking to homeless persons in compliance with Section 20.80.1840, and will not need to amend their current permit or obtain a new permit.*
- B. *If a legal Assembly Use does not comply with Section 20.80.1840, Incidental Safe Parking may only be provided if:*
  1. *The use is specifically allowed by a conditional use permit or Planned Development permit issued for the Assembly Use; or*

2. *With an amendment to an existing conditional use permit or Planned Development permit for Assembly Use; or*
  3. *With a special use permit if no conditional use permit or Planned Development permit is required for the Assembly Use.*
- C. *A management plan shall be submitted as part of any permit application for Incidental Safe Parking on Assembly Building site(s).*

**20.80.1670 - Findings.**

- A. *The Director or Planning Commission may issue a special use permit only after finding that:*
1. *The Incidental Safe Parking use at the location requested would not adversely affect the health, safety, or welfare of persons residing or working in the surrounding area.*
  2. *The proposed site is adequate in size and shape to accommodate the Incidental Safe Parking use.*
- B. *The application shall be denied where the information which is either submitted by the applicant or presented at the public hearing fails to satisfactorily substantiate such findings.*

**20.80.1675 - Conduct of use.**

*An Assembly Use that is a legal use may provide Incidental Safe Parking to homeless persons subject to each of the following limitations:*

1. *Incidental Safe Parking use may be allowed on a legal Parcel that is at least three thousand (3,000) square feet in size.*
2. *No Assembly Building or other Structure shall be erected, enlarged or modified without an approved Development Permit as required by Chapter 20.100 of this Title.*
3. *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.*
4. *No site shall be enlarged or modified for Incidental Safe Parking use without an approved Development Permit as required by Chapter 20.100 of this Title.*
5. *The Incidental Safe Parking use shall be operated in a manner that is fully in conformance with all State and local laws including regulations and permit requirements which are not otherwise in conflict with the provisions of this Part.*
6. *The Incidental Safe Parking use shall also comply with the requirements of Section 20.80.1665 or Section 20.80.1680.*
7. *During weekdays, vehicles using the Incidental Safe Parking use shall arrive after 7:00 p.m. and depart before 10:00 a.m.*

8. *No fires of any kind shall be permitted.*
9. *No audio, video or other amplified sound may be played or generated that is audible outside participants' vehicles.*
10. *Camping tarps or equipment erected beyond the participant's vehicle are prohibited.*
11. *A restroom or portable toilet, water, and refuse disposal, and sufficient trash and recycling receptacles shall be provided for the participants.*

**20.80.1680 – Safe Parking Exception to Permit Requirement.**

*Notwithstanding Sections 20.80.1665 and 20.80.1670 of this Part, no conditional use permit or special use permit shall be required for any Safe Parking use that meets and remains in full compliance with all of the following requirements:*

1. *The Parcel containing the Incidental Safe Parking use shall be located within the City's Urban Service Area.*
2. *The portion of a Parcel containing the Incidental Safe Parking use shall not be located at a distance closer than a minimum of sixty-five feet from any residential use that is located on another Parcel, measured from the nearest point on the boundary of Safe Parking area to the nearest Parcel line of a Parcel containing a residential use. The minimum setback distance may be reduced to thirty-five feet in the event the adjacent residential use is separated by a solid six-foot or greater noise 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. Any Safe Parking use that does not adhere to these minimum setbacks shall provide an analysis prepared by a qualified noise consultant demonstrating compliance with the City's noise standards for uses adjacent to residential uses.*
3. *The Parcel containing the Incidental Safe Parking use shall comply with City Council Policy Number 4-3 on Outdoor Lighting for Private Developments, as may be amended from time to time.*
4. *Incidental Safe Parking uses shall be registered with the Housing Department and periodically update registration, on such forms as may be approved by the Director of Housing.*
5. *Sites containing Incidental Safe Parking uses shall be inspected for compliance with the Fire Code and Housing Department requirements.*
6. *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.*

7. *Any Site containing an Incidental Safe Parking use including public access and parking shall be maintained in a clean and safe condition, and in compliance with a management plan that is completed as part of registration with the Housing Department.*
8. *The Incidental Safe Parking use shall comply with the requirements of Section 20.80.1675 and Section 20.80.1680.*

#### **20.80.1860 – Incidental Safe Parking Use– City Property**

*Notwithstanding this Part, an Incidental Safe Parking use may be provided on a Parcel owned or leased by the City, provided that the Safe Parking Area(s) shall include no more than 49 percent of the paved area.*

#### **20.80.1870 – Incidental Safe Parking Use– Generally**

*Council Policy 6-16 (Uses of Public Property) and Chapter 6.46 of Title 6 of this Code (regulating Mobilehomes and Mobilehome Parks) shall not apply to Incidental Safe Parking.*

#### **Operational Plan Registration with Housing Department**

As described above, the adopted Code revisions include a registration process with the City's Housing Department. To facilitate the registration process, the Housing Department has developed guidelines for the operation of an incidental safe parking area, materials required to complete the registration process, and relevant information for incidental safe parking operators such as any operational issues that should be considered. In addition, the registration process may require submittals such as contact information, a service management plan, an emergency disaster plan, an evacuation plan, and a fire watch log.

The Housing Department has developed a checklist, or template, to assist incidental safe parking operators to assess the facility's conformance to applicable Municipal Code regulations, and the Housing Department's registration process (see Initial Study Appendix A). An Incidental Safe Parking use shall comply with the following location criteria, or require supplemental environmental review:

*No Safe Parking use shall occur within a mapped FEMA 1% Flood Hazard Zone*

*No Safe Parking use shall occur within a mapped Geologic Hazards Zone*

*No Safe Parking use shall occur within a mapped ALUC Airport Safety Zone*

*No Safe Parking use shall occur within 1,000 feet of a California Accidental Release Program (CalARP) facility*

*No Safe Parking use shall occur on a property included on any list compiled pursuant to 65962.5 of the Government Code (Cortese List).*

Upon receipt of a registration packet, the Housing Department will arrange for an inspection of the incidental safe parking area to determine the maximum occupancy capacity (i.e., maximum number of persons/vehicles) of the proposed incidental safe parking area.

As noted previously, this Addendum specifically addresses Council direction related to item c. on page 2 above, to return with proposed amendments to consider reductions in the required setbacks to as little as 30 feet. The proposed ordinance Section 20.80.1680 would be modified as follows (new or modified text is shown in underline format:

**20.80.1680 – Safe Parking Exception to Permit Requirement.**

Notwithstanding Sections 20.80.1665 and 20.80.1670 of this Part, no conditional use permit or special use permit shall be required for any Safe Parking use that meets and remains in full compliance with all of the following requirements:

- A. The Parcel containing the Incidental Safe Parking Area shall be located within the City's Urban Service Area.
- B. The boundary of the Incidental Safe Parking Area shall be at least five feet from any exterior property line.
- C. The 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 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 separated by a solid six-foot 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) 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 a Secondary Unit or Accessory Dwelling Unit.
- D. The Parcel containing the Incidental Safe Parking use shall comply with City Council Policy Number 4-3 on Outdoor Lighting for Private Developments, as may be amended from time to time.
- E. Incidental Safe Parking uses shall be registered with the Housing Department and periodically update registration, on such forms as may be approved by the Director of Housing.
- F. Sites containing Incidental Safe Parking uses shall be inspected for compliance with the Fire Code and Housing Department requirements.
- 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.

- H. Any Site containing an Incidental Safe Parking use including public access and parking shall be maintained in a clean and safe condition, and in compliance with a management plan that is completed as part of registration with the Housing Department.
- I. Incidental Safe Parking use shall comply with the requirements of Section 20.80.1675.
- 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.

**20.80.1685 – Incidental Safe Parking – City Property**

Notwithstanding this Part, an Incidental Safe Parking use may be provided on a Parcel owned or leased by the City, provided that the Safe Parking Area(s) shall include no more than 49% of the paved area.

**20.80.1690 – Incidental Safe Parking Generally**

- A. Council Policy 6-16 (Uses of Public Property) and Chapter 6.46 of Title 6 of this Code (regulating Mobilehomes and Mobilehome Parks) shall not apply to Incidental Safe Parking.
- B. Incidental Safe Parking use is exempt from maximum exterior noise level of 55 dB, measured at the property line adjacent to a property used or zoned for residential purposes.

No other changes to the approved project are proposed.

## **SECTION 3.0 ENVIRONMENTAL IMPACTS OF THE PROPOSED CHANGES TO THE PROJECT**

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The discussion below describes the environmental impacts of the modified project compared to the impacts of the previously approved project. Also noted are any changes that have occurred in the environmental setting that would result in new impacts or impacts of greater severity than those identified in the previously adopted Initial Study/Negative Declaration. This Addendum only addresses those resource areas that would be potentially affected by the proposed changes to the previously approved project. The modified project would have the same impacts with regards to the following environmental issues:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities and Service Systems

This is because the overall nature and operational characteristics of incidental safe parking facilities would remain the same as the approved project. The modified project includes adjustments to the required setbacks from adjacent residential uses, setbacks that were adopted for the purpose of ensuring a compatible land use by limiting the noise levels that would be experienced by adjacent residential uses. The proposed changes would not have implications for the overall number or locations of incidental safe parking facilities nor the size of incidental safe parking facilities, as those are regulated through other aspects of the recently adopted Municipal Code amendments, and are not proposed to change. This Addendum analyzes the impacts of the modified project in regards to the following environmental issue:

- Noise

### **3.1 NOISE**

The adopted Ordinance regulates requests by places of assembly and City properties, such as those used for religious purposes, gymnasiums, libraries, theaters, schools, and community centers, to provide homeless people safe parking for overnight shelter in their own vehicles. As noted previously, this Addendum specifically addresses Council direction related to item c. on page 2 above, to return with proposed amendments to consider reductions in the required setbacks to as little as 30 feet adjacent to residential uses.

### 3.1.1 Findings of the Previously Adopted Initial Study/Negative Declaration

Noise generated by the future safe parking facilities would occur in the form of increased activity at these existing facilities, including during nighttime hours when there may currently be little to no activity at these locations. The Initial Study concluded the proposed Municipal Code amendments would ensure future incidental safe parking facilities would not result in significant noise impacts based on provisions included in the ordinance, Part 17.5, Section 20.80.1675 and Section 20.80.1680, as presented above in *Section 2.1 Summary of the Approved Project*. Further, Incidental Safe Parking facilities would implement additional noise controls contained in their management plan. These additional noise controls include:

- Quiet hours between 10 p.m. and 7 a.m., daily.
- Staff/Security monitoring and enforcement of conduct
  - All electronic devices must be on low or on vibrate mode at all times
  - When using any electronic devices, speaker mode is not allowed
  - All residents must use headphones when sound is necessary for usage
- Prohibition of congregation on the site
- *Limitation of number of vehicles*
- Public outreach and information meetings for community members.

With these controls included in the Ordinance and expected in site-specific management plans, and based on the uppermost limits of the noise data presented above, hourly average noise levels during busy time periods in a safe parking lot would be 55 dBA Leq (i.e. hourly average noise level) 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 L<sub>max</sub> or less. Such exterior noise levels would be 45 dBA L<sub>max</sub> or less indoors assuming windows are partially open for ventilation and would be reduced to a level where a person of reasonable sensitivity would not experience sleep disturbance or interference with other indoor activities such as reading or watching television.

As stated in the Initial Study *Section 3.0 Project Description*, any Safe Parking use that does not adhere to these minimum setbacks (i.e., 65 feet or 35 feet from the property line when shielded by noise barrier and no adjacent second story residential façade) shall, pursuant to the adopted ordinance, provide an analysis prepared by a qualified noise consultant demonstrating compliance with the City's noise standards for uses adjacent to residential uses. No setback would be required to achieve relevant noise standards if there are no adjoining residences or places where people sleep.

### **3.1.2 Background on Sound**

#### Noise Regulatory Background

The City's Zoning Ordinance limits noise levels at adjacent properties. Chapter 20.30.700 states that sound pressure levels generated by any use or combination of uses on a property shall not exceed 55 dBA at any property line shared with land zoned for residential use, except upon issuance and in compliance with a Conditional Use Permit. This code is not explicit in terms of the acoustical descriptor associated with the noise level limit. However, a reasonable interpretation of this standard would identify the ambient base noise level criteria as the hourly average noise level ( $L_{eq}$ ).

According to the World Health Organization, sleep disturbance can occur when intermittent interior noise levels reach or exceed 45 dBA  $L_{max}$ , particularly if background noise is low. Typical structural attenuation is 15 dBA with a bedroom window partially open; therefore, the World Health Organization criteria suggest that short-term events should not generate noise in excess of 60 dBA  $L_{max}$  in order to prevent sleep disturbance.

### **3.1.3 Noise Impacts from the Modified Project**

The proposed ordinance amendment would modify the required setback as currently measured from the property line to instead reflect the actual distance from the proposed incidental safe parking use to the adjacent residential structure. This change is in keeping with the results of the Initial Study's Noise Memo, which found that with the controls included in the Ordinance and expected in site-specific management plans, and based on the noise data, hourly average noise levels during busy time periods in a safe parking lot would be 55 dBA  $L_{eq}$  or less as measured 65 feet from the parking area.

At this same distance (65 feet), maximum instantaneous noise levels due to vehicle circulation, engine starts, door slams, and human voices would be 60 dBA  $L_{max}$  or less. Such exterior noise levels would be 45 dBA  $L_{max}$  or less indoors assuming windows are partially open for ventilation and would be reduced to a level where a person of reasonable sensitivity would not experience sleep disturbance or interference with other indoor activities such as reading or watching television. Therefore, the important distance for adequate attenuation of safe parking lot noise is the separation as measured from the residence itself and not to the property line, given the nighttime environment at issue is not the rear yard of the adjacent residence, but rather the residence's interior.

Under the proposed modified ordinance, the minimum separation distance of sixty-five (65) feet may be reduced to thirty-five (35) feet in the event the adjacent residential use is separated by a solid six-foot or greater noise barrier with no adjacent second story residential facades. Taking into account the typical 25-foot rear setback for single-family dwellings in most residential zoning districts, this means the safe parking facility could have cars parked as close as 40 feet (40 feet safe parking + 25 feet residence = 65 feet separation) from the adjacent property line for second story residential facades, and as close as ten feet from the property line adjacent to single story facades shielded by a

six-foot solid barrier (10 feet safe parking +25 feet residence = 35 feet separation), and still have adequate distance for noise attenuation to comply with the City's noise requirements.

If Secondary Units or ADUs are located along the shared property line, they may typically be located immediately adjacent to the property line, or if constructed as a second story, located five feet away from the property line. The distance requirements to Safe Parking use would not apply to ADUs if there are no openings on the side facing the nearest shared property line, as the noise reduction provided by a solid wall is much greater than that of a wall with windows or doors, even if closed. ADUs with openings will require the same minimum separation applicable to a primary dwelling unit.

Therefore, the proposed ordinance amendment would not result in any new impacts or substantial increase in the severity of previously identified impacts in that future safe parking facilities would maintain the 65 feet of separation for 2nd story facades and 35 feet of separation for single-story facades shielded by a six-foot solid barrier, the Noise Memo indicates is necessary to meet applicable City noise policies. Therefore, the modified project would not result in a new significant impact nor a substantial increase in the severity of the previously disclosed impacts presented in the 2018 previously adopted Initial Study/Negative Declaration.

## **SECTION 4.0 CONCLUSION**

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Based on the above analysis and discussion, no substantive revisions are needed to the Incidental Safe Parking Use Municipal Code Amendments Initial Study/Negative Declaration, because no new significant impacts or impacts of substantially greater severity would result from the modified project. There have been no changes in circumstance that would result in new significant environmental impacts or substantially more severe impacts, and no new information has come to light that would indicate the potential for new significant impacts or substantially more severe impacts than were previously discussed. Therefore, no further evaluation is required.

Pursuant to CEQA Guidelines Section 15164(c), this Addendum need not be circulated for public review, but will be included in the public record file for the Incidental Safe Parking Use Municipal Code Amendments 2018 Initial Study/Negative Declaration.



## Safe Parking in San José Registration Packet

### GENERAL INFORMATION

#### **INTRODUCTION**

Safe Parking provides a safe and stable location for persons living in their vehicles or recreational vehicles to sleep overnight. If your organization or business is interested in providing safe parking in a parking lot for persons living in their vehicle or recreational vehicle within San José, the registration packet is intended to help you do so in compliance with the City's Safe Parking Ordinance.

In addition, the registration packet includes some guidance on what is needed to demonstrate initial compliance with health and safety standards, best practices for operating a safe parking program, as well as how to access to outreach and case management support. Please complete the packet to participate in the Safe Parking Program in San José.

#### **DESCRIPTION**

- Locations are restricted to parking lots in places of assembly, which may include but is not limited to faith-based organizations, gymnasiums, libraries, movie theaters, nightclubs, schools or community centers.
- To participate, the operator that will host the Safe Parking must be registered with the Housing Department and complete this registration packet.
- The Housing Department will inspect the proposed safe parking area and facilitate a safety inspection by the Fire Marshal prior to operation.
- The registration packet includes a compliance checklist, to assist Safe Parking hosts/operators to assess conformance with the City's Safe Parking Ordinance, and the Housing Department's registration process.

#### **SAFE PARKING REGISTRATION PACKET CHECKLIST**

The following includes documents that should be included in the Safe Parking Program Registration Packet. The City has included examples and/or attachments within for your convenience.

- Contact Sheet
- Ordinance Compliance Checklist
- Management Plan
- Emergency Disaster Plan
- Evacuation Plan (sample included for reference)
- Site Plan (sample included for reference)
- Fire Watch Log

#### **INSPECTION (Required)**

Returning all of the above mentioned items in the packet will allow for the City to provide you with technical assistance and/or guidance to ensure safety for those being served. Once the packet is received by the City, a site visit will be scheduled with the identified point of contact. The site visit will include a safety inspection conducted by inspectors from both the Housing Department and the Fire Department. The inspection will include, but not be limited to, the following and the host will be provided with recommendations to ensure safe operations:



## Safe Parking in San José Registration Packet

- Maximum occupancy standard for designated parking spaces
- Setbacks to residences and businesses
- Proximity of gas appliances to parking lot
- Location and number of fire extinguishers
- Location of restrooms
- Access to trash cans
- Access to electricity
- Lighting
- Emergency exit plan(s)

### **SAFE PARKING HOST EVALUATION (Optional)**

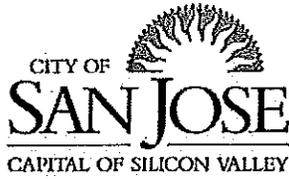
*Participating organizations and businesses will be asked to submit a report summarizing the experience hosting safe parking. The City will request feedback on the following so please keep track of this data.*

- What were the dates of operation?
- What was the target population?
- What was the total capacity (vehicles and people) each night?
- What was the total number of people served (unduplicated)?
- What was the total number of volunteers who engaged?
- What were some significant successes to operating this program?
- Were there any major issues or concerns while operating the program?
- What were some unmet needs that could benefit the program going forward?
- What are the rough cost estimates of what it took to operate the services, if available?
- What would you do differently next time, if applicable?
- Other thoughts and comments?

### **CITY CONTACT**

Please contact Lorena Diez with the City of San José's Housing Department with any questions about the Safe Parking Program in San José. Lorena can be reached at 408-975-4456 or [lorena.diez@sanjoseca.gov](mailto:lorena.diez@sanjoseca.gov). If you are interested in participating in the Safe Parking Program, please submit the following completed packet to the City of San José (Attention: Lorena Diez, 200 E. Santa Clara St., 12<sup>th</sup> Floor San Jose, CA, 95113 or scanned and emailed). You are invited to set an appointment to complete a final review of all submitted documents and schedule a site inspection if questions cannot be resolved via email.

**Thank you very much for partnering with the City of San José!**



**Safe Parking in San José Registration Packet**

**CONTACT SHEET**

Site Name: \_\_\_\_\_

Site Address: \_\_\_\_\_

Property owner's name \_\_\_\_\_

Primary contact name: \_\_\_\_\_

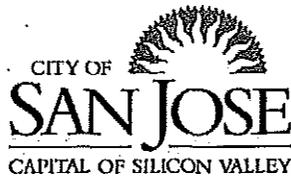
Primary contact phone: \_\_\_\_\_

Primary contact email: \_\_\_\_\_

Alternate contact name: \_\_\_\_\_

Alternate contact phone: \_\_\_\_\_

Alternate contact email: \_\_\_\_\_

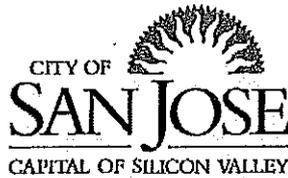


## Safe Parking in San José Registration Packet

### ORDINANCE COMPLIANCE LIST

Directions: Please review the following statements under the San José Municipal Code Section 20.80.1675 (Incidental Safe Parking Use On Places of Assembly and City Parcels). Check a box for each statement.

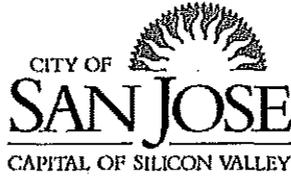
1. The parcel containing the Incidental Safe Parking Area is located within San José's Urban Service Area.  
 YES    NO    I DON'T KNOW
2. The legal parcel used for Safe Parking is at least 3,000 square feet in size.  
 YES    NO    I DON'T KNOW
3. There is/will be a designated paved "Safe Parking Area".  
 YES    NO    I DON'T KNOW
4. The Incidental Safe Parking use occupies less than 50% of the paved square footage of the site.  
 YES    NO    I DON'T KNOW
5. Safe Parking participants will be sheltered within the vehicles, except as otherwise indicated in the Management Plan as part of this Registration Packet.  
 YES    NO    I DON'T KNOW
6. No building or other structures may be erected, enlarged, or modified for safe parking use without a development permit.  
 I AGREE
7. No Safe Parking participant will be housed in tents, lean-tos or other temporary facilities.  
 I AGREE
8. I understand that the Incidental Safe Parking must maintain quiet hours between 10PM and 7AM, 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).  
 I AGREE
9. Safe Parking participants must arrive after 7PM and depart before 10AM on weekdays (Monday-Friday).  
 I AGREE
10. No fires of any kind shall be permitted.  
 I AGREE



### Safe Parking in San José Registration Packet

11. No audio, video or other amplified sound may be played or generated that is audible outside participants' vehicles.  
 I AGREE
  
12. The Parcel containing the Incidental Safe Parking use complies with City Council Policy Number 4-3 on Outdoor Lighting for Private Developments, as may be amended from time to time.  
 YES    NO    I DON'T KNOW
  
13. A restroom or portable toilet, water, refuse disposal, and sufficient trash and recycling receptacles must be provided for the participants.  
 I AGREE
  
14. Incidental Safe Parking uses must periodically update registration, on such forms as may be approved by the Director of the Housing Department.  
 I AGREE
  
15. Sites containing Incidental Safe Parking uses shall be inspected for compliance with the Fire Code and Housing Department requirements.  
 I AGREE
  
16. The operator agrees to work with any neighbor(s) to address impacts that the use may have on the neighboring community.  
 I AGREE
  
17. The Management Plan shall require that a contact number for the operator must be posted in plain view, timely responses to complaints must be made, and a log of complaints, and responses to those complaints be maintained.  
 I AGREE
  
18. Any site containing an Incidental Safe Parking use including public access and parking is maintained in a clean and safe condition, and in compliance with the management plan that is completed as part of this registration packet.  
 I AGREE

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## Safe Parking in San José Registration Packet

### MANAGEMENT PLAN

#### I. Introduction

This service management plan sets forth the strategy whereby the participating operator will meet the needs of a vulnerable population of unhoused persons living in their vehicles or recreational vehicles with the objective of providing a designated parking lot with access to restrooms and trash cans.

#### II. Primary Intent: Acknowledgement of Ordinance

The primary intent of the participating host/operator is to provide safe parking in the host/operator's parking lot where vehicles or recreational vehicles may safely park overnight in accordance with the Safe Parking Ordinance (Title 20 of the San José Municipal Code - the Zoning Code - Section 17, Chapter 20.80). By completing this plan, the participating host/operator affirms that they have read the attached Safe Parking Ordinance and had an opportunity to ask City Housing Department staff questions prior to completing this registration packet.

#### III. General Operations

Name of Site: \_\_\_\_\_

Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

Hours: \_\_\_\_\_ P.M. - \_\_\_\_\_ A.M.

Onsite Supervision (explain staff/volunteer hours, numbers and shifts, including fire watch):

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Good Neighbor Plan (explain any outreach to neighborhood, safety plans or regulations, etc.):

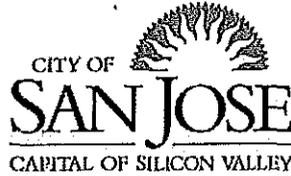
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**Safe Parking in San José Registration Packet**

**IV. Safe Parking Operations (check all that apply)**

**Eligibility**

- By referral only (by \_\_\_\_\_)
- Drive-ins welcome
- Intake (for example, general personal information, program rules, behavioral expectations, etc.)
- Background check required
- Pets allowed
- Sobriety required
- Vehicles only
- Both vehicles and recreational vehicles
- Recreational vehicles only
- Vehicles must be registered and/or insured
- Vehicles must be operable
- Provide authorized parking pass to participants
- Participants must sleep in vehicles except as listed: \_\_\_\_\_
- Other (specify) \_\_\_\_\_

**Target Population**

- Homeless men
- Homeless women
- Both homeless men and women
- Families with minor children
- Other (specify) \_\_\_\_\_



## Safe Parking in San José Registration Packet

### V. Host Services and Supplies

#### Required Basic Needs

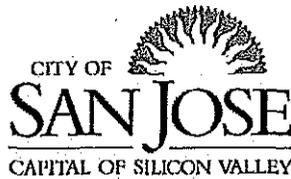
- Restrooms or Portable Toilets
- Trash and Recycling receptacles

#### Optional Basic Needs (check all that apply)

- Bedding
- Toiletries
- Showers
- Clothing
- Electricity hook up
- Bio waste disposal (explain) \_\_\_\_\_
- Storage provided for participant's belongings
- Breakfast (purchased or donated)
- Dinner (purchased or donated)
- Hot Meals (purchased or donated)
- Outdoor food preparation allowed by participants (all fires are prohibited)
- Outdoor food preparation allowed by participating operator (all fires are prohibited)
- Other (specify) \_\_\_\_\_

#### Optional Other Services (check all that apply)

- Conduct VI-SPDAT/use Homeless Management Information System
- Case management/resources/referrals/support by volunteers
- Case management/resources/referrals/support by paid trained professionals
- Healthcare



### Safe Parking in San José Registration Packet

Auto repair aid

Driver license aid

Other (specify) \_\_\_\_\_

#### VI. Property Management

##### Required Services

Posted hotline number or e-mail for neighboring residents to report concerns

Safe parking area coned off or otherwise marked

Fire watch implemented by volunteers or security and log maintained

Emergency exit and evacuation plan in place

All fire extinguishers updated and in working order

Emergency exit plan reviewed nightly with participants

##### Optional Services (Check all that apply)

Notified adjacent residences and businesses

Maintain complaint and response log

Paid janitorial/maintenance services

Volunteer janitorial/maintenance services

Paid hygiene items (toilet paper, etc.)

Donated hygiene items (toilet paper, etc.)

Paid security

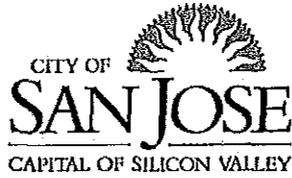
Volunteer security

Security cameras in place

Safe parking signage on site

Regular site patrols

Storage for program supplies



**Safe Parking in San José Registration Packet**

- Electricity hook -up
- Designated smoking area-identified
- Other (specify) \_\_\_\_\_

**VII. Other:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# EMERGENCY DISASTER PLAN

## INSTRUCTIONS:

Post a copy in a prominent location in facility, near telephone.

NAME OF SITE				OWNER / ADMINISTRATOR OF SITE	
SITE ADDRESS (NUMBER, STREET,		CITY,	STATE,	ZIP CODE)	TELEPHONE NUMBER ( )

**I. ASSIGNMENTS DURING AN EMERGENCY (USE REVERSE SIDE IF ADDITIONAL SPACE IS REQUIRED)**

NAME(S)	TITLE	ASSIGNMENT
1.		DIRECT EVACUATION AND PERSON COUNT
2.		HANDLE FIRST AID
3.		TELEPHONE EMERGENCY NUMBERS

**II. EMERGENCY NAMES AND TELEPHONE NUMBERS (IN ADDITION TO 9-1-1)**

POLICE OR SHERIFF	OFFICE OF EMERGENCY SERVICES
RED CROSS	POISON CONTROL
HOSPITAL(S)	OTHER AGENCY/PERSON

**III. FACILITY EXIT LOCATIONS (USING A COPY OF THE FACILITY SKETCH INDICATE EXITS BY NUMBER)**

1.	2.
3.	4.

**IV. UTILITY SHUT-OFF LOCATIONS (INDICATE LOCATION(S) ON THE FACILITY SKETCH [LIC 999])**

ELECTRICITY

WATER

GAS

**V. FIRST AID KIT (LOCATION)**

**VI. EQUIPMENT**

SMOKE DETECTOR LOCATION

FIRE EXTINGUISHER LOCATION

TYPE OF FIRE ALARM SOUNDING DEVICE IF PRESENT

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LOCATION OF DEVICE

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**VII. AFFIRMATION STATEMENT**

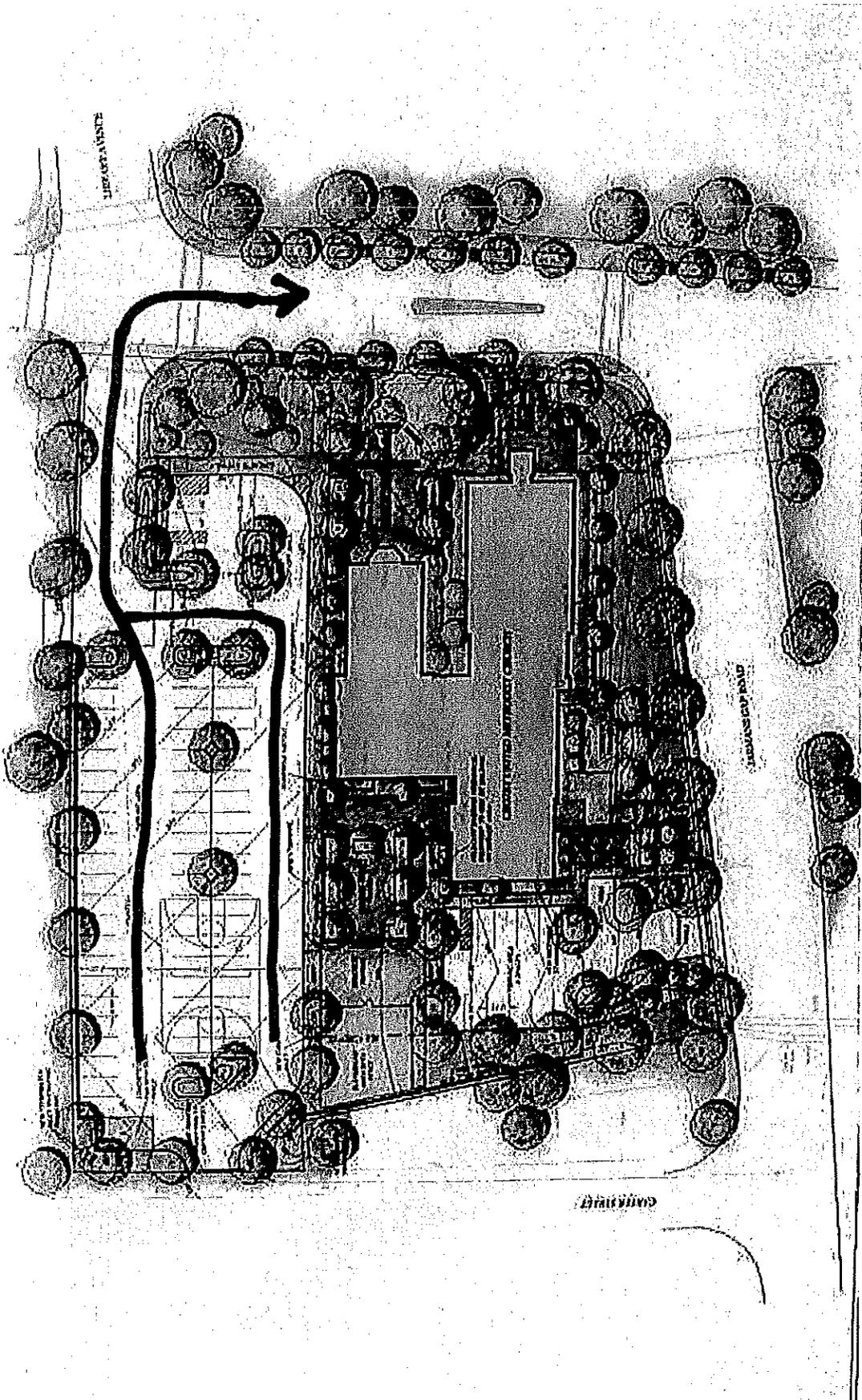
**AS OWNER / ADMINISTRATOR OF THIS FACILITY, I ASSUME RESPONSIBILITY FOR THIS PLAN FOR PROVIDING EMERGENCY SERVICES AS INDICATED BELOW. I SHALL INSTRUCT ALL CLIENTS, ANY STAFF AND/OR VOLUNTEERS AS NEEDED IN THEIR DUTIES AND RESPONSIBILITIES UNDER THIS PLAN.**

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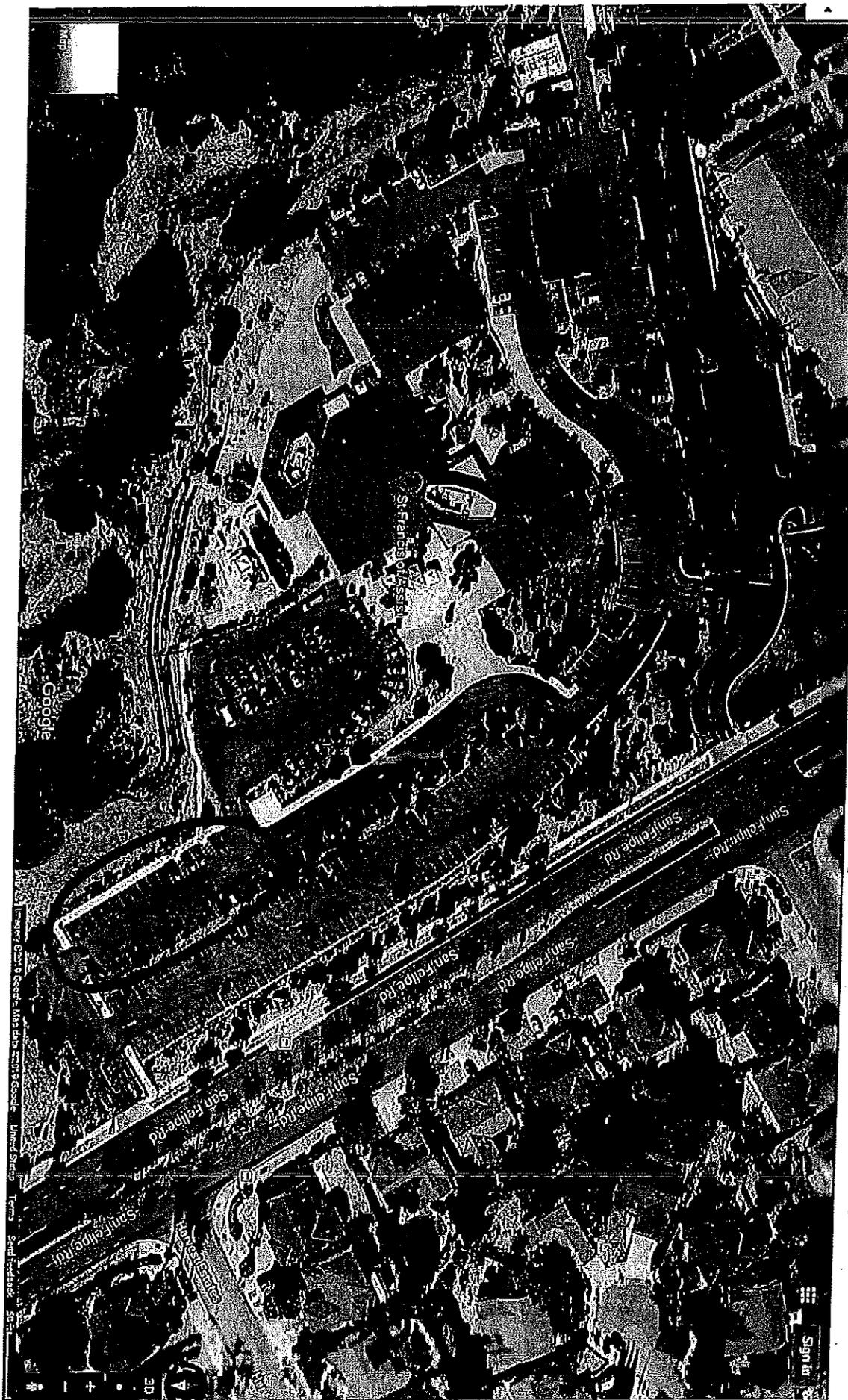
SIGNATURE

DATE

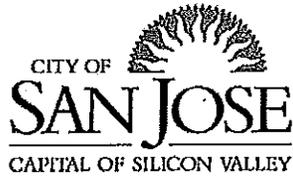
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# Evacuation Plan



# Site Plan



**Safe Parking in San José Registration Packet**

**FIRE WATCH LOG**

Site Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Date: \_\_\_\_\_

HOUR	Adjacent Building(s)	Parking Lot Perimeter	Vehicles Exterior	Restroom(s)	Remarks
8:00pm					
9:00pm					
10:00pm					
11:00pm					
12:00pm					
1:00am					
2:00am					
3:00am					
4:00am					
5:00am					
6:00am					
7:00am					



## Safe Parking in San José Registration Packet

### GENERAL INFORMATION

#### **INTRODUCTION**

Safe Parking provides a safe and stable location for persons living in their vehicles or recreational vehicles to sleep overnight. If your organization or business is interested in providing safe parking in a parking lot for persons living in their vehicle or recreational vehicle within San José, the registration packet is intended to help you do so in compliance with the City's Safe Parking Ordinance.

In addition, the registration packet includes some guidance on what is needed to demonstrate initial compliance with health and safety standards, best practices for operating a safe parking program, as well as how to access to outreach and case management support. Please complete the packet to participate in the Safe Parking Program in San José.

#### **DESCRIPTION**

- Locations are restricted to parking lots in places of assembly, which may include but is not limited to faith-based organizations, gymnasiums, libraries, movie theaters, nightclubs, schools or community centers.
- To participate, the operator that will host the Safe Parking must be registered with the Housing Department and complete this registration packet.
- The Housing Department will inspect the proposed safe parking area and facilitate a safety inspection by the Fire Marshal prior to operation.
- The registration packet includes a compliance checklist, to assist Safe Parking hosts/operators to assess conformance with the City's Safe Parking Ordinance, and the Housing Department's registration process.

#### **SAFE PARKING REGISTRATION PACKET CHECKLIST**

The following includes documents that should be included in the Safe Parking Program Registration Packet. The City has included examples and/or attachments within for your convenience.

- Contact Sheet
- Ordinance Compliance Checklist
- Management Plan
- Emergency Disaster Plan
- Evacuation Plan (sample included for reference)
- Site Plan (sample included for reference)
- Fire Watch Log

#### **INSPECTION (Required)**

Returning all of the above mentioned items in the packet will allow for the City to provide you with technical assistance and/or guidance to ensure safety for those being served. Once the packet is received by the City, a site visit will be scheduled with the identified point of contact. The site visit will include a safety inspection conducted by inspectors from both the Housing Department and the Fire Department. The inspection will include, but not be limited to, the following and the host will be provided with recommendations to ensure safe operations:



## Safe Parking in San José Registration Packet

- Maximum occupancy standard for designated parking spaces
- Setbacks to residences and businesses
- Proximity of gas appliances to parking lot
- Location and number of fire extinguishers
- Location of restrooms
- Access to trash cans
- Access to electricity
- Lighting
- Emergency exit plan(s)

### **SAFE PARKING HOST EVALUATION (Optional)**

Participating organizations and businesses will be asked to submit a report summarizing the experience hosting safe parking. The City will request feedback on the following so please keep track of this data.

- What were the dates of operation?
- What was the target population?
- What was the total capacity (vehicles and people) each night?
- What was the total number of people served (unduplicated)?
- What was the total number of volunteers who engaged?
- What were some significant successes to operating this program?
- Were there any major issues or concerns while operating the program?
- What were some unmet needs that could benefit the program going forward?
- What are the rough cost estimates of what it took to operate the services, if available?
- What would you do differently next time, if applicable?
- Other thoughts and comments?

### **CITY CONTACT**

Please contact Lorena Diez with the City of San José's Housing Department with any questions about the Safe Parking Program in San José. Lorena can be reached at 408-975-4456 or [lorena.diez@sanjoseca.gov](mailto:lorena.diez@sanjoseca.gov). If you are interested in participating in the Safe Parking Program, please submit the following completed packet to the City of San José (Attention: Lorena Diez, 200 E. Santa Clara St., 12<sup>th</sup> Floor San Jose, CA, 95113 or scanned and emailed). You are invited to set an appointment to complete a final review of all submitted documents and schedule a site inspection if questions cannot be resolved via email.

**Thank you very much for partnering with the City of San José!**



**Safe Parking in San José Registration Packet**

**CONTACT SHEET**

Site Name: \_\_\_\_\_

Site Address: \_\_\_\_\_

Property owner's name \_\_\_\_\_

Primary contact name: \_\_\_\_\_

Primary contact phone: \_\_\_\_\_

Primary contact email: \_\_\_\_\_

Alternate contact name: \_\_\_\_\_

Alternate contact phone: \_\_\_\_\_

Alternate contact email: \_\_\_\_\_



## Safe Parking in San José Registration Packet

### ORDINANCE COMPLIANCE LIST

Directions: Please review the following statements under the San José Municipal Code Section 20.80.1675 (Incidental Safe Parking Use On Places of Assembly and City Parcels). Check a box for each statement.

1. The parcel containing the Incidental Safe Parking Area is located within San José's Urban Service Area.  
 YES    NO    I DON'T KNOW
2. The legal parcel used for Safe Parking is at least 3,000 square feet in size.  
 YES    NO    I DON'T KNOW
3. There is/will be a designated paved "Safe Parking Area".  
 YES    NO    I DON'T KNOW
4. The Incidental Safe Parking use occupies less than 50% of the paved square footage of the site.  
 YES    NO    I DON'T KNOW
5. Safe Parking participants will be sheltered within the vehicles, except as otherwise indicated in the Management Plan as part of this Registration Packet.  
 YES    NO    I DON'T KNOW
6. No building or other structures may be erected, enlarged, or modified for safe parking use without a development permit.  
 I AGREE
7. No Safe Parking participant will be housed in tents, lean-tos or other temporary facilities.  
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8. I understand that the Incidental Safe Parking must maintain quiet hours between 10PM and 7AM, 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).  
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 I AGREE
10. No fires of any kind shall be permitted.  
 I AGREE



### Safe Parking in San José Registration Packet

- 11. No audio, video or other amplified sound may be played or generated that is audible outside participants' vehicles.  
 I AGREE
  
- 12. The Parcel containing the Incidental Safe Parking use complies with City Council Policy Number 4-3 on Outdoor Lighting for Private Developments, as may be amended from time to time.  
 YES    NO    I DON'T KNOW
  
- 13. A restroom or portable toilet, water, refuse disposal, and sufficient trash and recycling receptacles must be provided for the participants.  
 I AGREE
  
- 14. Incidental Safe Parking uses must periodically update registration, on such forms as may be approved by the Director of the Housing Department.  
 I AGREE
  
- 15. Sites containing Incidental Safe Parking uses shall be inspected for compliance with the Fire Code and Housing Department requirements.  
 I AGREE
  
- 16. The operator agrees to work with any neighbor(s) to address impacts that the use may have on the neighboring community.  
 I AGREE
  
- 17. The Management Plan shall require that a contact number for the operator must be posted in plain view, timely responses to complaints must be made, and a log of complaints, and responses to those complaints be maintained.  
 I AGREE
  
- 18. Any site containing an Incidental Safe Parking use including public access and parking is maintained in a clean and safe condition, and in compliance with the management plan that is completed as part of this registration packet.  
 I AGREE

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## Safe Parking in San José Registration Packet

### MANAGEMENT PLAN

#### I. Introduction

This service management plan sets forth the strategy whereby the participating operator will meet the needs of a vulnerable population of unhoused persons living in their vehicles or recreational vehicles with the objective of providing a designated parking lot with access to restrooms and trash cans.

#### II. Primary Intent: Acknowledgement of Ordinance

The primary intent of the participating host/operator is to provide safe parking in the host/operator's parking lot where vehicles or recreational vehicles may safely park overnight in accordance with the Safe Parking Ordinance (Title 20 of the San José Municipal Code - the Zoning Code - Section 17, Chapter 20.80). By completing this plan, the participating host/operator affirms that they have read the attached Safe Parking Ordinance and had an opportunity to ask City Housing Department staff questions prior to completing this registration packet.

#### III. General Operations

Name of Site: \_\_\_\_\_

Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

Hours: \_\_\_\_\_ P.M. - \_\_\_\_\_ A.M.

Onsite Supervision (explain staff/volunteer hours, numbers and shifts, including fire watch):

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Good Neighbor Plan (explain any outreach to neighborhood, safety plans or regulations, etc.): \_\_\_\_\_

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## Safe Parking in San José Registration Packet

### IV. Safe Parking Operations (check all that apply)

#### Eligibility

- By referral only (by \_\_\_\_\_)
- Drive-ins welcome
- Intake (for example, general personal information, program rules, behavioral expectations, etc.)
- Background check required
- Pets allowed
- Sobriety required
- Vehicles only
- Both vehicles and recreational vehicles
- Recreational vehicles only
- Vehicles must be registered and/or insured
- Vehicles must be operable
- Provide authorized parking pass to participants
- Participants must sleep in vehicles except as listed: \_\_\_\_\_
- Other (specify) \_\_\_\_\_

#### Target Population

- Homeless men
- Homeless women
- Both homeless men and women
- Families with minor children
- Other (specify) \_\_\_\_\_



## Safe Parking in San José Registration Packet

### V. Host Services and Supplies

#### Required Basic Needs

- Restrooms or Portable Toilets
- Trash and Recycling receptacles

#### **Optional Basic Needs** (check all that apply)

- Bedding
- Toiletries
- Showers
- Clothing
- Electricity hook up
- Bio waste disposal (explain) \_\_\_\_\_
- Storage provided for participant's belongings
- Breakfast (purchased or donated)
- Dinner (purchased or donated)
- Hot Meals (purchased or donated)
- Outdoor food preparation allowed by participants (all fires are prohibited)
- Outdoor food preparation allowed by participating operator (all fires are prohibited)
- Other (specify) \_\_\_\_\_

#### **Optional Other Services** (check all that apply)

- Conduct VI-SPDAT/use Homeless Management Information System
- Case management/resources/referrals/support by volunteers
- Case management/resources/referrals/support by paid trained professionals
- Healthcare



## Safe Parking in San José Registration Packet

- Auto repair aid
- Driver license aid
- Other (specify) \_\_\_\_\_

### VI. Property Management

#### Required Services

- Posted hotline number or e-mail for neighboring residents to report concerns
- Safe parking area coned off or otherwise marked
- Fire watch implemented by volunteers or security and log maintained
- Emergency exit and evacuation plan in place
- All fire extinguishers updated and in working order
- Emergency exit plan reviewed nightly with participants

#### **Optional Services** (Check all that apply)

- Notified adjacent residences and businesses
- Maintain complaint and response log
- Paid janitorial/maintenance services
- Volunteer janitorial/maintenance services
- Paid hygiene items (toilet paper, etc.)
- Donated hygiene items (toilet paper, etc.)
- Paid security
- Volunteer security
- Security cameras in place
- Safe parking signage on site
- Regular site patrols
- Storage for program supplies



**Safe Parking in San José Registration Packet**

- Electricity hook -up
- Designated smoking area identified
- Other (specify) \_\_\_\_\_

**VII. Other:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# EMERGENCY DISASTER PLAN

## INSTRUCTIONS:

Post a copy in a prominent location in facility, near telephone.

NAME OF SITE	OWNER / ADMINISTRATOR OF SITE		
SITE ADDRESS (NUMBER, STREET, CITY, STATE, ZIP CODE)	TELEPHONE NUMBER (    )		

### I. ASSIGNMENTS DURING AN EMERGENCY (USE REVERSE SIDE IF ADDITIONAL SPACE IS REQUIRED)

NAME(S)	TITLE	ASSIGNMENT
1.		DIRECT EVACUATION AND PERSON COUNT
2.		HANDLE FIRST AID
3.		TELEPHONE EMERGENCY NUMBERS

### II. EMERGENCY NAMES AND TELEPHONE NUMBERS (IN ADDITION TO 9-1-1)

POLICE OR SHERIFF	OFFICE OF EMERGENCY SERVICES
RED CROSS	POISON CONTROL
HOSPITAL(S)	OTHER AGENCY/PERSON

### III. FACILITY EXIT LOCATIONS (USING A COPY OF THE FACILITY SKETCH INDICATE EXITS BY NUMBER)

1.	2.
3.	4.

### IV. UTILITY SHUT-OFF LOCATIONS (INDICATE LOCATION(S) ON THE FACILITY SKETCH [LIC 999])

ELECTRICITY
WATER
GAS

### V. FIRST AID KIT (LOCATION)

### VI. EQUIPMENT

SMOKE DETECTOR LOCATION

FIRE EXTINGUISHER LOCATION

TYPE OF FIRE ALARM SOUNDING DEVICE IF PRESENT

---

LOCATION OF DEVICE

---

**VII. AFFIRMATION STATEMENT**

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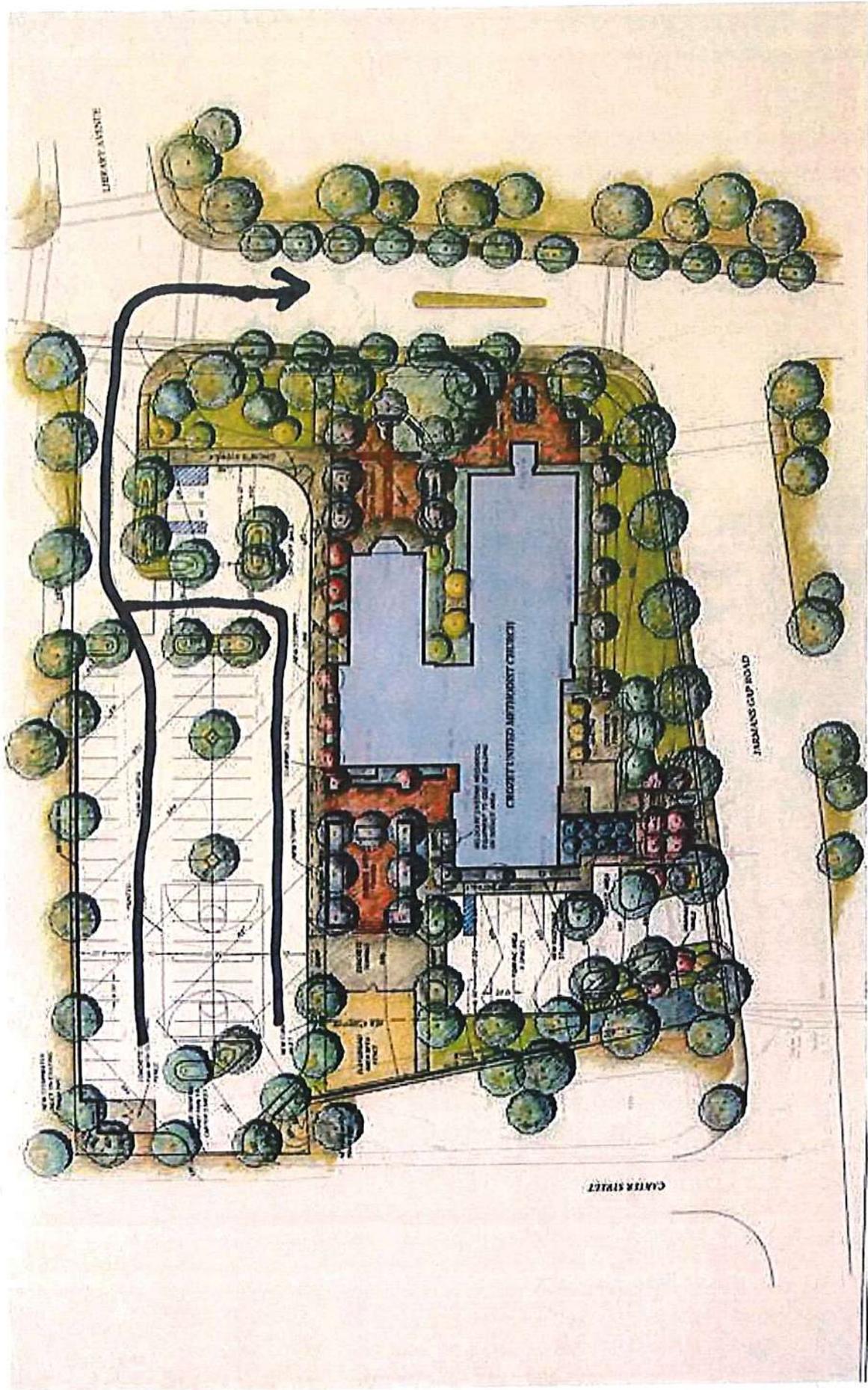
**AS OWNER / ADMINISTRATOR OF THIS FACILITY, I ASSUME RESPONSIBILITY FOR THIS PLAN FOR PROVIDING EMERGENCY SERVICES AS INDICATED BELOW. I SHALL INSTRUCT ALL CLIENTS, ANY STAFF AND/OR VOLUNTEERS AS NEEDED IN THEIR DUTIES AND RESPONSIBILITIES UNDER THIS PLAN.**

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SIGNATURE

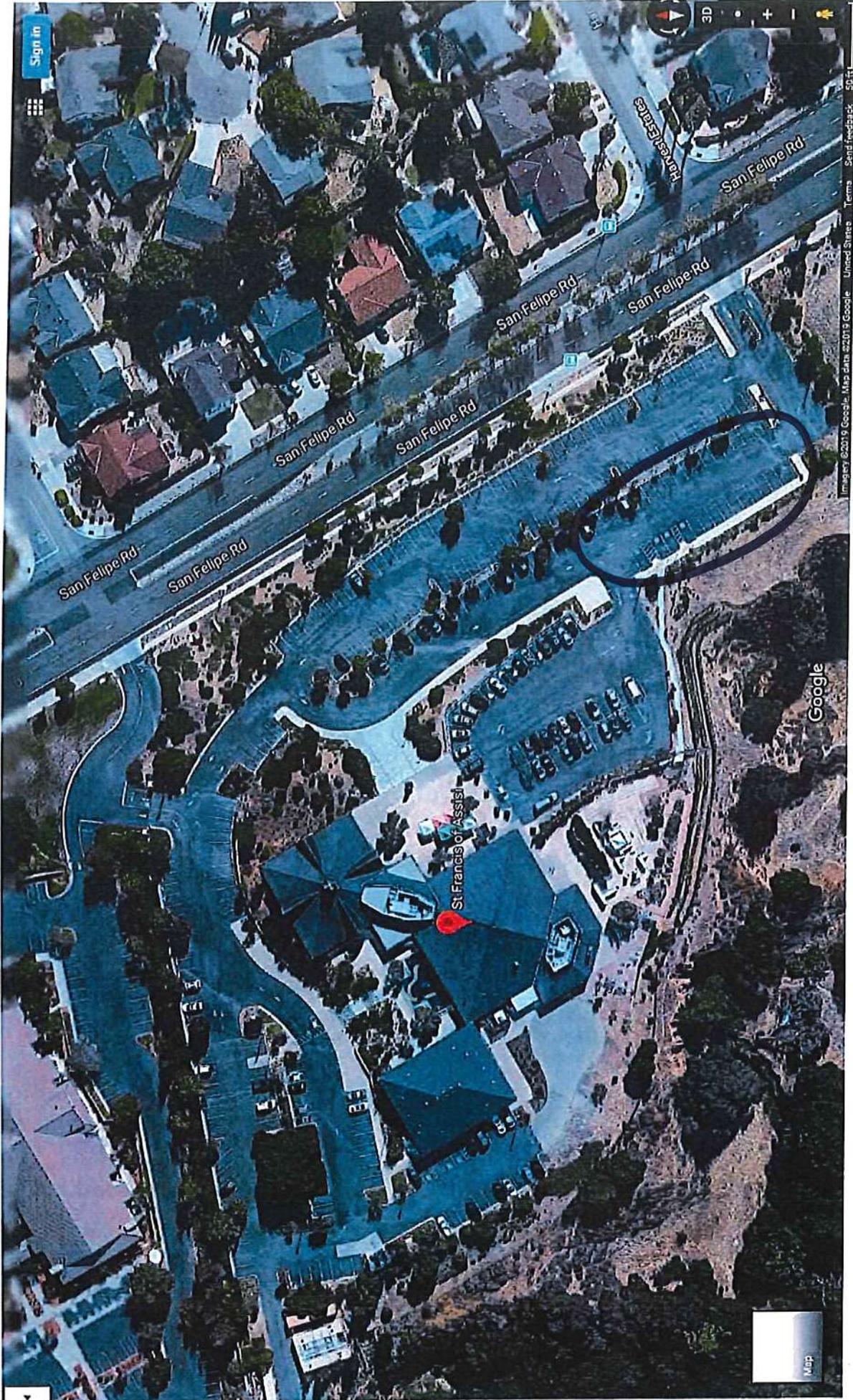
DATE

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# Evacuation Plan

# Site Plan





**Safe Parking in San José Registration Packet**

**FIRE WATCH LOG**

Site Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Date: \_\_\_\_\_

HOUR	Adjacent Building(s)	Parking Lot Perimeter	Vehicles Exterior	Restroom(s)	Remarks
8:00pm					
9:00pm					
10:00pm					
11:00pm					
12:00pm					
1:00am					
2:00am					
3:00am					
4:00am					
5:00am					
6:00am					
7:00am					