

**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.

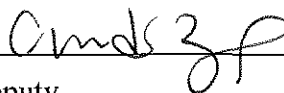
This Addendum will not be circulated for public review, but will be attached to the Incidental Safe Parking ND pursuant of CEQA Guidelines §15164.

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.

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.

**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.

**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.

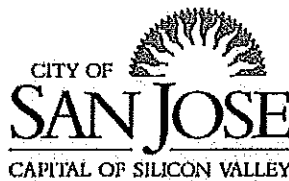
Therefore, the proposed ordinance amendment would not result in any new impacts or substantial increase in the severity of previously identified impacts in that future safe parking facilities would maintain the 65 feet of separation for 2nd story facades and 35 feet of separation for single-story facades 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**

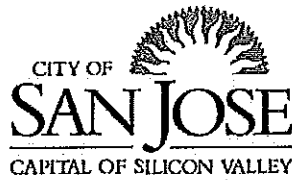
The following includes documents that should be included in the Safe Parking Program Registration Packet. The City has included examples and/or attachments within for your convenience.

- ☐ 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)**

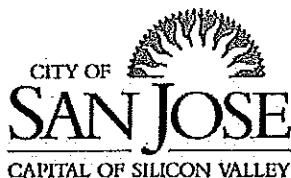
*Participating organizations and businesses will be asked to submit a report summarizing the experience hosting safe parking. The City will request feedback on the following so please keep track of this data.*

- 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 Díez 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 Díez, 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: \_\_\_\_\_

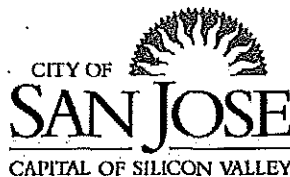
Primary contact phone: \_\_\_\_\_

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

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

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

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

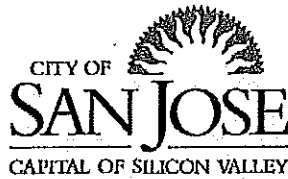


## Safe Parking in San José Registration Packet

### 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.

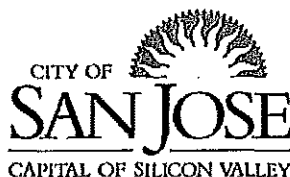
1. The parcel containing the Incidental Safe Parking Area is located within San José's Urban Service Area.  
☐ YES   ☐ NO   ☐ I DON'T KNOW
2. The legal parcel used for Safe Parking is at least 3,000 square feet in size.  
☐ YES   ☐ NO   ☐ I DON'T KNOW
3. There is/will be a designated paved "Safe Parking 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.):

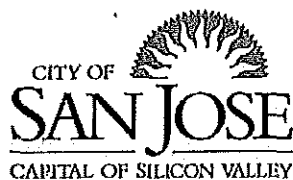
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### Safe Parking in San José Registration Packet

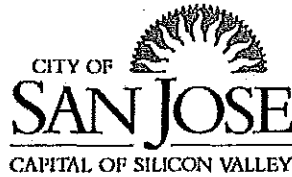
#### IV. Safe Parking Operations (check all that apply)

##### 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

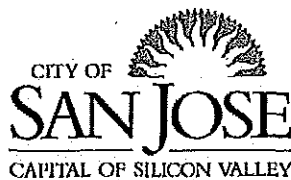
- ☐ Restrooms or Portable Toilets
- ☐ Trash and Recycling receptacles

#### 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

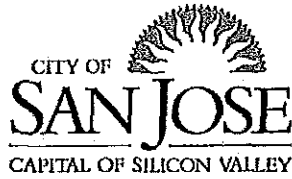
☐ Security cameras in place

☐ 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

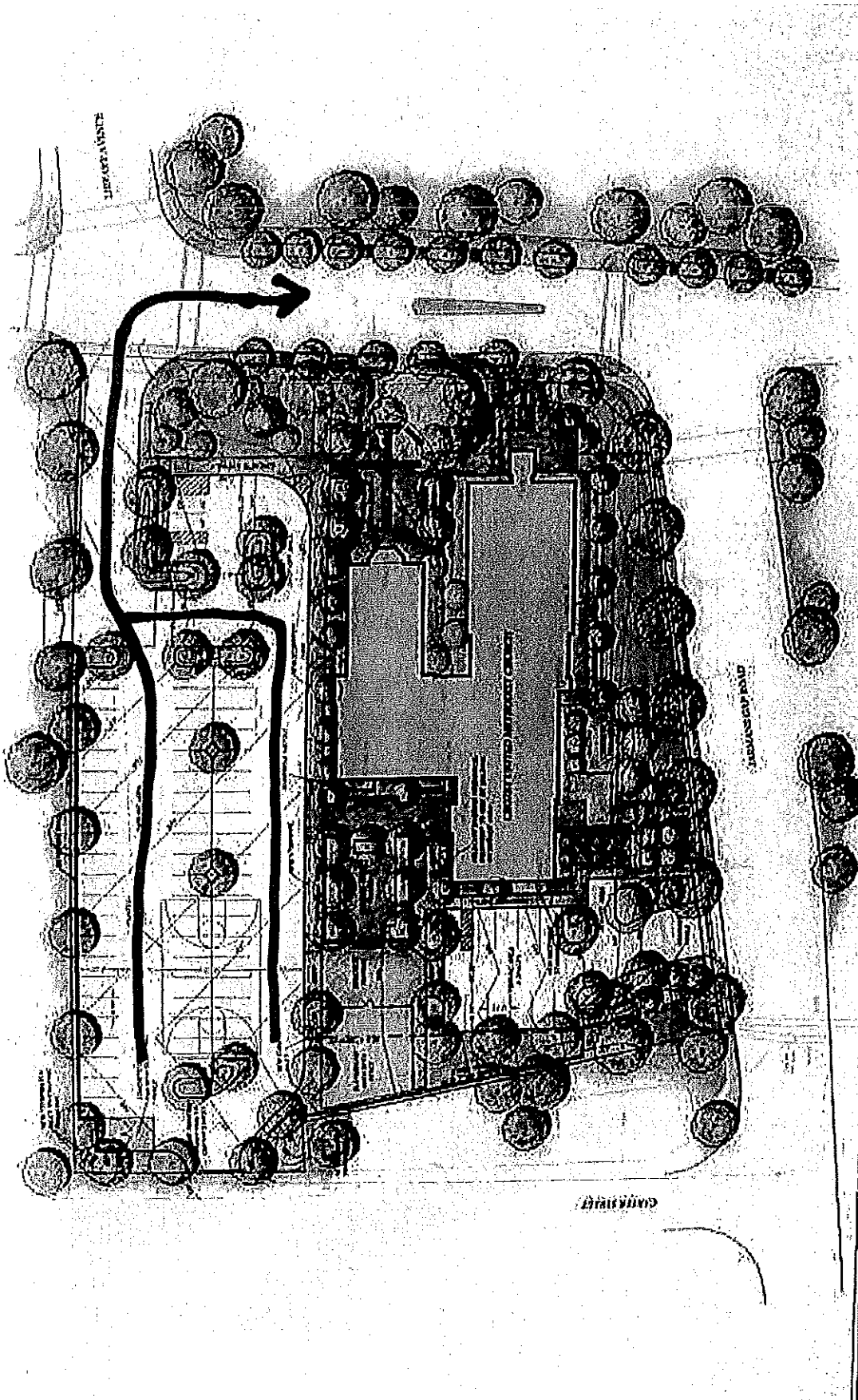
LOCATION OF DEVICE

**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.**

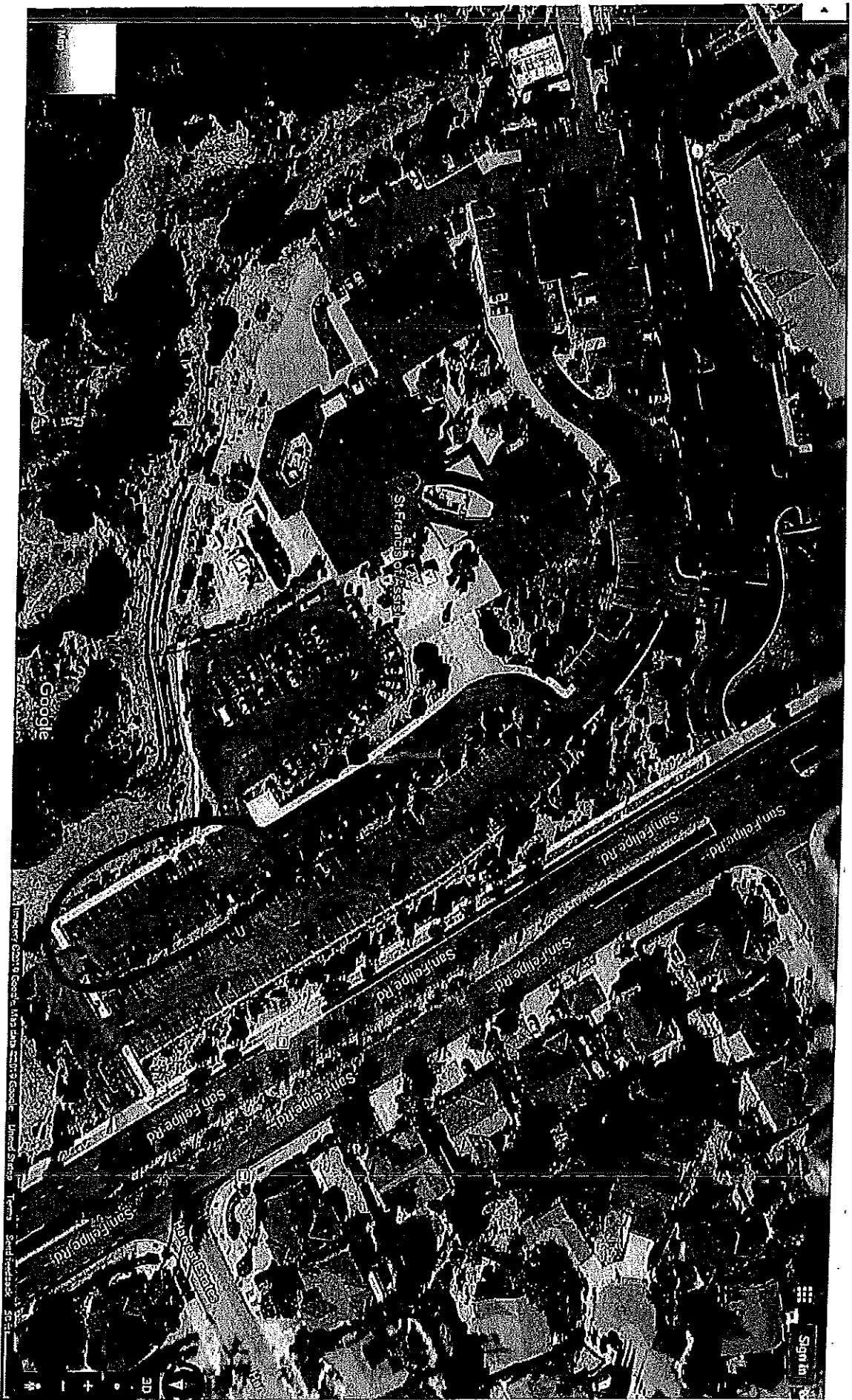
SIGNATURE

DATE



# 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					

