

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

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

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

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

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

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

**Assessor’s Parcel Number:** 706-03-013

**Council District:** 10

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

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

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

**ANALYSIS**

***Background***

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

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

### ***Proposed Project***

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

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

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

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

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

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

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

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

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

***Environmental Analysis***

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

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

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

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

**Air Quality**

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

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

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

## **Noise**

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

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

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

### ***Section 20.80.1675***

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

### ***Section 20.80.1680***

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

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

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

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

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

### **Public Services**

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

**Transportation/Traffic**

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

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

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

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

Christopher Burton, Director  
Planning, Building and Code Enforcement

9/12/22

Date



Deputy