8.2 Addressing Encampments and Oversized Vehicles Around Schools. – NOT TO BE HEARD BEFORE 3:30 P.M.

Recommendation:

(a) Accept the report and recommendations addressing encampments and oversized vehicles around schools.

(b) Update the direction from August 9, 2023, Rules and Open Government Committee for a draft ordinance prohibiting encampments and lived-in vehicles within 150 feet of licensed preschools, daycares, and kindergarten through grade 12 schools to instead direct the City Manager or her designee to conduct an engineering assessment identifying safety hazards for pedestrians, bicycles, or vehicles caused by the parking of oversized vehicles on public roadways within 150 feet of impacted kindergarten through grade 12 schools.

(c) Direct the City Manager or her designee to:

(1) Work with the City Attorney's Office to prepare a resolution prohibiting the parking and authorizing the towing of oversized vehicles on public roadways within a certain area surrounding kindergarten through grade 12 schools where an engineering assessment has identified safety hazards for pedestrians, bicycles, or vehicles caused by the parking of oversized vehicles exist;

(2) Work with the City Attorney's Office to review, and if appropriate, prepare a resolution prohibiting the parking and authorizing the towing of vehicles parked within 150 feet of kindergarten through grade 12 schools between the hours of 10:00 p.m. and 6:00 a.m.;

(3) Identify funding within the existing Fiscal Year 2023-2024 budget to conduct a small-scale pilot to establish, enforce, and support the No Oversized Vehicle and/or No Overnight parking-tow away zones at three kindergarten through grade 12 schools most impacted by oversized vehicle parking to inform the consideration of a more substantial investment as part of the Fiscal Year 2024-2025 budget development process; and

(4) In lieu of codifying the Encampment Management Policy that prohibits non-vehicular encampments within 150 feet of a school zone, continue enforcement of the existing Encampment Management Policy.

(d) Consider the recommendations included in this report during the City Council's deliberations and approval of the Mayor's March Budget Message for Fiscal Year 2024-2025, as appropriate, along with other critical community priorities.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Transportation/Police)

NOT TO BE HEARD BEFORE 3:30 P.M.

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: John Ristow
Anthony Mata

SUBJECT: ADDRESSING ENCAMPMENTS AND OVERSIZED VEHICLES AROUND SCHOOLS

DATE: January 16, 2024

Approved Jennifer A. Maguire

Date 1/18/24

RECOMMENDATION

a) Accept the report and recommendations for addressing encampments and oversized vehicles around schools.

b) Update the direction from the August 9, 2023 Rules and Open Government Committee for a draft ordinance prohibiting encampments and lived-in vehicles within 150 feet of licensed preschools, daycares, and kindergarten through grade 12 schools to instead direct the City Manager or her designee to conduct an engineering assessment identifying safety hazards for pedestrians, bicycles, or vehicles caused by the parking of oversized vehicles on public roadways within 150 feet of impacted kindergarten through grade 12 schools.

c) Direct the City Manager or her designee to:
   i. Work with the City Attorney's Office to prepare a resolution prohibiting the parking and authorizing the towing of oversized vehicles on public roadways within a certain area surrounding kindergarten through grade 12 schools where an engineering assessment has identified that safety hazards for pedestrians, bicycles, or vehicles caused by the parking of oversized vehicles exist;
   ii. Work with the City Attorney's Office to review, and if appropriate, prepare a resolution prohibiting the parking and authorizing the towing of vehicles parked within 150 feet of kindergarten through grade 12 schools between the hours of 10:00 p.m. and 6:00 a.m.;
   iii. Identify funding within the existing Fiscal Year 2023-2024 budget to conduct a small-scale pilot to establish, enforce, and support the No Oversized Vehicle and/or No Overnight parking-tow away zones at three kindergarten through grade 12 schools most impacted by oversized vehicle parking to inform the consideration of a more substantial investment as part of the Fiscal Year 2024-2025 budget development process; and

iv. In lieu of codifying the Encampment Management Policy that prohibits non-vehicular encampments within 150 feet of a school zone, continue enforcement of the existing Encampment Management Policy.

d) Consider the recommendations included in this report during the City Council's deliberations and approval of the Mayor's March Budget Message for Fiscal Year 2024-2025, as appropriate, along with other critical community priorities.

SUMMARY AND OUTCOME

Accepting this staff report and its recommendations supports non-vehicular encampment and parking-related strategies that aim to address the safety and school security concerns communicated by the Rules and Open Government Committee (Rules Committee) at its August 9, 2023 meeting. Together, the work formalizes school buffer zones based on traffic engineering criteria, identifies enforcement mechanisms, pilots the approach at three schools in Fiscal Year 2023-2024, and sets the structure for a proposal to be considered in the 2024-2025 budget process, should the City Council give direction for this work as part of its approval of the Mayor's March Budget Message for Fiscal Year 2024-2025.

Staff examined the four policy alternatives to address school safety concerns as detailed in the table below. Due to legal, enforcement, and operational constraints along with the imperative to strike a balance in mitigating impacts on stakeholders, staff acknowledges that none of the presented options constitute an ideal solution that alone fully achieves City Council's directive. However, through the combined potential pilot implementation of options 3 and 4, staff anticipates effectively reducing the impacts of parked vehicles in school buffer zones.

Policy Option	Implementation Difficulty	Recommended Policy Option	Discussion of Policy and Pros/Cons
1: Encampment and Vehicle Dwelling Ordinance	High	No	Page 4
2: Prioritized and Strict Enforcement of Existing Parking Rules and Regulations	Low	No	Page 5
3: No Overnight Parking (10:00 p.m. – 6:00 p.m.) with New Tow Resolution	High	Yes	Page 6
4: No Oversized Vehicle Parking (over six-feet tall and/or seven-feet wide) with New Tow Resolution	Medium	Yes	Page 6

Understanding City Council's direction to begin phasing in implementation of viable and impactful solutions, adopting the recommendations above will allow staff to begin work, first by prioritizing schools most impacted by oversized vehicle parking. In addition, the pilot will allow

staff to monitor and collect data on the approach and associated outcomes. Based on Department of Transportation's (DOT) review in December 2023, the three schools identified as most impacted by oversized vehicles parked for extended periods and therefore recommended for the pilot are:

1) Independence High School (Council Districts 3 and 5), and,
2) Shirakawa Elementary School (Council District 7); and,
3) Challenger School - Berryessa (Council District 3).

It should be noted that the recommendations and planned pilot work overlap and have implications in the City's efforts to address oversized vehicle parking citywide.

BACKGROUND

On August 9, 2023, the Rules Committee directed staff to return to City Council with a draft ordinance prohibiting encampments and lived-in vehicles within 150 feet of licensed preschools, daycares, and kindergarten through grade 12 (K-12) schools. The Rules Committee also directed staff to return with cost estimates for resources to fully enforce the draft ordinance and recommendations to expedite or phase-in enforcement with existing resources[1].

The impetus for the direction from the Rules Committee was residents and school administrators expressing concerns that encampments near schools obstruct public streets and pedestrian pathways utilized by students, parents, and other community members traveling to and from school. A combination of students, parents, and other community members shared examples and pictures of safety concerns and requested the City address the associated impacts.

Parents and guardians must have convenient access for drop-off and pick-up activities near schools, while students require safe walking routes to and from school. Moreover, schools need to manage their operations effectively, especially the safe flow of vehicles and students. The prolonged presence of parked vehicles challenges school operations, safety, and security.

This issue also came to the City Council in 2021, after City Council asked staff to develop approaches as part of the City's Encampment Management Strategy. The resulting guidelines included prohibiting encampments within 150 feet of a school property. The guidelines and practices, however, were not codified through a City ordinance nor did they apply to lived-in vehicles due to the authorities permitted under the California Vehicle Code. The August 9, 2023 Rules Committee direction aimed to further limit the impacts of encampments and oversized vehicles around schools through possible ordinance adoption.

[1] August 9, 2023, Rules and Open Government Committee Meeting, Agenda item C.1, Addressing Encampments and RVs Around Schools: https://sanjose.legistar.com/View.ashx?M=F&ID=12202438&GUID=CCEFBF27-01DB-43C3-BE42-2B1B6EFF1C74

ANALYSIS

City staff explored four policy strategies to address safety concerns impacting pedestrians, bicycles, and vehicles near schools. The strategies consider legal, operational, and program parameters and limitations. In addition, they consider potential program sustainability, enforcement outcomes, and community impacts.

Implementation of parking restrictions can be a tool to regulate impacts caused by parked vehicles. However, it is essential to strike a balance, as excessive restrictions may affect neighboring areas, limiting on-street parking for residents, guests, and school staff/visitors. In addition, while not every parked vehicle threatens schools' orderly and safe operations, enacting and enforcing applicable measures involves significant administrative, legal, and logistical hurdles. The potential costs to develop, manage, and provide services to deliver newly established ordinances or resolutions must be considered in those contexts.

Staff acknowledges that enforcement options contemplated in this work may have unintended consequences in the course of producing the desired outcomes around schools, including the displacement of individuals living in their vehicles. This is further discussed in **Attachment A** – Additional Details Considered During Staff Analysis of Policy Options, along with the supplemental analysis conducted by staff related to *Focusing on K-12 schools and Identified areas of concern and potential pilot areas.*

For scale, there are 279 K-12 schools in San José (**Attachment B** – Map of City of San José School Locations) and over 750 childcare facilities per business tax data. Given the potential personnel, equipment, and related costs of program implementation as well as private property considerations, staff's analysis focused on K-12 schools as the baseline.

Policy Option #1: Encampment and Vehicle Dwelling Ordinance

In accordance with the direction from the Rules Committee, City Attorney's Office staff researched and prepared a draft Encampment and Vehicle Dwelling Ordinance that would expand the City's Encampment Management Policy to include a prohibition of lived-in vehicles within 150 feet of licensed daycare facilities and K-12 schools. However, the proposed ordinance may only be enforced through the issuance of an administrative citation.

As administrative citations are issued to individuals, several potential challenges arise during the issuance process, including obtaining the name/address/identification of unwilling violators and addressing how to handle potentially aggressive ticketing disputes safely. In addition, the California Vehicle Code does not permit removing vehicles deemed in violation of the vehicle dwelling ordinance.

Pros	Cons
• Establishes written regulations defining encampment activity and vehicle dwelling areas where encampment and vehicle dwelling is prohibited	• Difficulty obtaining name/address/identification of unwilling violators and safely handling aggressive ticketing disputes • California Vehicle Code does not permit removing vehicles deemed in violation of the vehicle dwelling ordinance • Requires additional resources to manage and enforce at scale

Policy Option #2: Prioritized and Strict Enforcement of Existing Parking Rules and Regulations

The City could increase the monitoring and enforcement of its current tow authority for vehicles that violate the "72-Hour Rule." California Vehicle Code Section 22651 (k) and corresponding City of San José Municipal Code Section 11.36.220 allow for the investigation of and enforcement on vehicles parked without movement for 72 hours or greater. Posted signage is not required, and with documented evidence of no movement, enforcement can include citation and/or tow. To obtain the necessary proof of non-movement during a storage-on-street investigation, DOT's Parking and Traffic Control Officers must record the position of tire indicators pre- and post-investigation and determine if a vehicle moved. Officers also note the date and time of the field investigation and typically leave a warning notice for the vehicle owner that explains parking regulations, potential violations, and ways to comply to avoid enforcement consequences.

DOT's Parking and Traffic Control Officers currently utilize these codes in applying the Extended Parking Stay Enforcement Pilot Program as part of the overall approach to addressing vehicle concerns reported through San José 311. The 72-hour rule is not a highly effective option because drivers can comply with storage-on-street restrictions, avoiding enforcement and towing, by moving their vehicles a short distance. City Council and staff already receive periodic complaints about general 72-hour rule enforcement for this reason.

Pros	Cons
• Establishes a mechanism to move vehicles out of designated school buffer zone • Applies to all vehicles parked within the designated school buffer zone • Utilizes existing, clear/easy to understand parking restrictions • Enforcement is not restricted to certain times • Retains adjacent on-street vehicle parking for residents, guests, and school staff/visitors	• Often results in vehicles moving only a short distance or to other nearby areas • Enforcement operations required for San José Police Department (SJPD) and DOT may be challenging if violating vehicles are lived-in/occupied • Towing potentially lived-in vehicles would require individuals to retrieve their vehicles, or risk losing their shelter • Requires additional resources to manage and enforce at scale • Forced circulation of lived-in vehicles will result in impacts to existing BeautifySJ service routes and the Housing Department's supportive service outreach efforts

Policy Option #3: No Overnight Parking (10:00 p.m. – 6:00 p.m.) with New Tow Resolution

California Vehicle Code Section 22651 (k) and corresponding City of San José Municipal Code Section 11.36.230 restrict parking of all vehicles during certain posted times. This parking restriction is used throughout the city to prohibit vehicle parking when identified or impacted areas need to be clear of vehicles. Currently, violations of this municipal code are only enforceable through the issuance of parking citations. However, California Vehicle Code Section 22651 (n) allows agencies to designate existing parking regulations as towable offenses by adopting a local ordinance or resolution.

With the adoption of an ordinance or resolution and the required posting of permanent parking restriction signage, a school buffer zone could be designated to restrict overnight parking. The zone identified by the "No Parking 10 PM – 6 AM Tow Away" signage would then authorize the immediate removal (tow) of any vehicle parked within the posted zone.

Pros	Cons
• Establishes a mechanism to remove any vehicle from signed designated school buffer zones • Utilizes straightforward/easy to understand existing parking restrictions • Easily communicated enforcement area via posted signage • Retains adjacent on-street vehicle parking for residents, guests, and school staff/visitors during daytime hours	• Impacts any vehicles parked within the signed designated school buffer zone during restricted times • Reduces overnight parking availability for adjacent neighborhoods • Overnight enforcement operations for SJPD and DOT may be challenging • Towing potentially lived-in vehicles would require individuals to retrieve their vehicles or risk losing their shelter • Supportive resources and facilities are not offered at the time of enforcement • Requires additional resources to manage and enforce at scale • Forced circulation of lived-in vehicles will result in impacts to existing BeautifySJ service routes and the Housing Department's supportive service outreach efforts

Policy Option #4: No Oversized Vehicle Parking (Over six-feet tall and/or seven-feet wide) with New Tow Resolution

City of San José Municipal Code Section 11.98.060 prohibits the parking of oversized vehicles (six feet tall and/or seven feet wide) within posted zones. Based on an engineering analysis, this parking restriction prohibits oversized vehicle parking in designated areas throughout the City to maintain safety by keeping impacted areas clear of vehicles that may restrict or impede lines-of-sight or that create obstructions or safety hazards for pedestrians, bicycles, and vehicles.

Currently, violations of this San José Municipal Code section are only enforceable through the issuance of parking citations. However, California Vehicle Code 22651 (n) allows agencies to

authorize the removal of vehicles left standing where the local agency has previously prohibited parking by ordinance or resolution. If an engineering analysis substantiates that a hazard to pedestrians, bicycles, or vehicles exists as a result of oversized vehicle parking along a street or street segment, and with the adoption of a resolution and the posting of required permanent parking restriction signage, a school buffer zone could be designated to restrict oversized vehicle parking. The zone identified by the "No Oversized Vehicle Parking Tow Away" signage would then authorize the immediate tow of any vehicle parked within the zone.

Pros	Cons
• Establishes a mechanism to remove oversized vehicles from signed designated school buffer zones • Utilizes straightforward/easy to understand existing parking restrictions • Easily communicated enforcement area via posted signage • Enforcement is not restricted to certain times • Retains adjacent on-street vehicle parking for residents, guests, and school staff/visitors	• Impacts any oversized vehicle parked within the designated zone, which could include large passenger vehicles or trucks • Engineering analysis will determine the size and configuration of impacted areas around schools, which could result in nonuniform-sized school buffer zones across the city • Towing potentially lived-in vehicles would require individuals to retrieve their vehicles or risk losing their shelter • Requires additional resources to manage and enforce at scale • Forced circulation of lived-in vehicles will result in impacts to existing BeautifySJ service routes and the Housing Department's supportive service outreach efforts

Policy Option Recommendation:

After evaluating Policy options 1 and 2, which involved assessing the pros and cons while considering the likelihood of meeting the City Council's objectives, staff does not recommend the implementation of either option.

To work towards achieving the desired outcomes outlined in the August 9, 2023 Rules Committee memorandum, the analysis conducted by staff indicates that the combined application of Policy options 3 and 4 would be the most effective strategy for formalizing buffer zones around schools. The least disruptive approach would be applied first (no oversized vehicle restriction), then imposing restrictions on overnight parking, if needed. With existing funding, staff can initiate an oversized vehicle and/or overnight parking enforcement pilot at three schools. A follow up evaluation of the pilot's effectiveness would be conducted in the coming months, the findings of which can be leveraged to structure a proposal for consideration in the 2024-2025 budget process, should these actions be prioritized for funding with City Council's approval of the Mayor's March Budget Message for Fiscal Year 2024-2025.

Recommendations to expedite school buffer zone implementation and enforcement

Staff recommends initiating a small-scale pilot program to combine application of policy options 3 and 4 noted above at three schools that will be absorbed within existing budgets. Based on Department of Transportation's (DOT) review in December 2023, the three schools identified as most impacted by oversized vehicles parked for extended periods and therefore recommended for the pilot are:

1) Independence High School (Council Districts 3 and 5), and,
2) Shirakawa Elementary School (Council District 7); and,
3) Challenger School - Berryessa (Council District 3).

Work to implement the pilot would include conducting engineering analysis, outreach, installation of signage, enforcement coordination between DOT and SJPD, and coordination with BeautifySJ to address trash/biowaste clean-up. DOT's Parking and Traffic Control Officers enforcement activities would incur overtime and may require coordination with SJPD secondary employment.

Recommendations to addressing non-vehicular encampments

Staff determined that the City Council-adopted Encampment Management Administrative Policy prohibiting non-vehicular encampments is within 150 feet of a school zone. This policy is being enforced through abatement of encampments that are in the 150-foot school set-back zone. Staff proposes to continue its current enforcement and then coordinate, when needed, with DOT and SJPD at designated school buffer zone locations for vehicular enforcement.

EVALUATION AND FOLLOW-UP

Engineering analysis, determination of applicable parking restrictions, and school outreach

Upon City Council direction to implement the recommended pilot program, staff will begin the required engineering analysis including outreach to impacted schools to determine the type of parking restrictions to be installed at the three identified schools. It is estimated that analysis will be concluded in March 2024 with sign installation and pilot enforcement beginning in April 2024.

New Resolution

Following the completion of the engineering assessment, and if the assessment support further regulation, staff will work with the City Attorney's Office to draft a resolution which prohibits oversized vehicle parking in the area surrounding schools and authorizes the towing of violating vehicles. If needed, staff will work with the City Attorney's Office to prepare a resolution prohibiting overnight parking and authorizing the towing of all vehicles parked in violation within 150 feet of a school.

Post pilot operations and ongoing funding

Continued operations post pilot, and if there is a desired expansion of the school buffer zone pilot, will need to be adequately resourced during the 2024-2025 budget process in coordination with a full range of priorities, including the Citywide oversized vehicle recommendations also being considered during the January 30, 2024 City Council meeting. Given timing, the results of the evaluation of the pilot will be provided in a Manager's Budget Addendum issued in the budget process.

Unresolved considerations to be evaluated during the budget process

There are other considerations that will require further study and analysis upon implementation. Another aspect is a fuller understanding of how many unhoused residents will be impacted by the loss of the limited protection from the elements that a vehicle provides. Staff does not know how many vehicle dwellers can simply move their properly functioning vehicles out of potential school buffer zones versus how many live in inoperable vehicles that must be impounded if parked within the school zone. This has implications for the impacted resident's well-being and City resources. These issues and others will likely need to be addressed during the budget process as part of the Manager's Budget Addendum or once the implementation begins on a larger scale. In addition, staff will continue to reconcile how this approach fits into the more extensive Citywide recommendations the City Council considers.

COST SUMMARY/IMPLICATIONS

The cost of the three-school pilot program that will occur over several months is approximately $75,000, or $25,000 per school, which can be absorbed within existing departmental budgets through the re-prioritization of existing resources. Rough cost estimates for materials, staff, and contract services include:

- $25,000 Engineering assessment and signage installation (up to 65 signs);
- $25,000 BeautifySJ Trash/Biowaste Cleanup;
- $15,000 Enforcement – DOT Parking and Traffic Council Officers (275 hours overtime); and,
- $10,000 Enforcement – SJPD (overtime and/or secondary employment).

Should the City Council direct the initiation of the pilot and prioritize the expansion of this program to more schools within San José, costs are expected to significantly increase. As a result, the City Council will need to identify this program for funding during its consideration and approval of the Mayor's March Budget Message for Fiscal Year 2024-2025. Given that the pilot would not begin until early spring, it is likely that – if prioritized for funding in the March Budget Message – the Administration will not have a specific proposal to recommend by the release of the 2024-2025 Proposed Operating Budget on May 1, 2024. As a result, the Proposed Budget may instead carry an estimated amount of placeholder funding that could be more specifically allocated as part of a Manager's Budget Addendum that will describe the initial results of the pilot and programming recommendations for 2024-2025.

COORDINATION

The following City departments and offices contributed to the preparation of this report: City Attorney's Office; City Manager's Budget Office; Housing Department; and Parks, Recreation, and Neighborhood Services Department.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the January 30, 2024 City Council meeting.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

CEQA

Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/
JOHN RISTOW
Director, Department of Transportation

/s/
ANTHONY MATA
Chief, Police Department

For questions, please contact Heather Hoshii, Deputy Director of Transportation, at *heather.hoshii@sanjoseca.gov*.

ATTACHMENTS:
- **A -** Additional Details Considered During Staff Analysis of Policy Options
- **B -** Map of City of San José School Locations

ATTACHMENT A

Additional Details Considered During Staff Analysis of Policy Options

Focusing on K-12 schools

The City maintains data that identifies the locations of K-12 schools and licensed childcare facilities. The number of schools is known because schools are rarely opened or shut down. Licensed childcare facilities are more complicated because the State of California licenses them and they can be opened in commercial or residential areas, including single-family homes within neighborhoods.

In the case of childcare facilities, the potential installation of proposed parking restrictions would negatively impact the public street frontage of neighborhoods and reduce parking availability. Further, because facility licenses may be approved or revoked more frequently than for a K-12 school, the administrative burden and cost to the City of accurately maintaining which areas are subject to such a prohibition could be substantial. Staff will identify an appropriate mechanism for phasing in the recommended model for K-12 schools in the upcoming budget process, but see no feasible approach for applying the model to licensed childcare facilities at this time.

Identified areas of concern and potential pilot areas

There are 279 K-12 schools (See Exhibit B – K-12 Schools Located Within San José) and over 750 licensed childcare facilities were identified within San José, totaling over 1,000 potential school buffer locations. Approximately 54% of licensed childcare facilities in San José are home-based and located within residential areas. To better understand the depth and breadth of impact felt in these areas by oversized and lived-in vehicles, Department of Transportation staff conducted a citywide count in April 2023.

Staff identified over 850 potential lived-in vehicles parked on City streets during this time. Of the identified lived-in vehicles, 65 (7.5%) were located within 150 feet of a K-12 school. A total of 20 schools citywide were impacted by the 65 potential lived-in vehicles. In December 2023, a follow-up count of the previously identified impacted schools, indicated that a reduced number of schools (12 schools) continued to be affected by fewer than 46 potentially lived-in vehicles. The reduction in lived-in vehicles identified near schools symbolizes the ever-changing status and movement of the lived-in vehicle population citywide. Due to the ongoing movement of vehicles along with the extensive list of identified possible locations (1,000+), coupled with diverse types and compositions of streets as well as the varying parking demands in the areas of interest, the focus of staff shifted towards pinpointing potential parking restriction implementation options specifically at K-12 school sites.

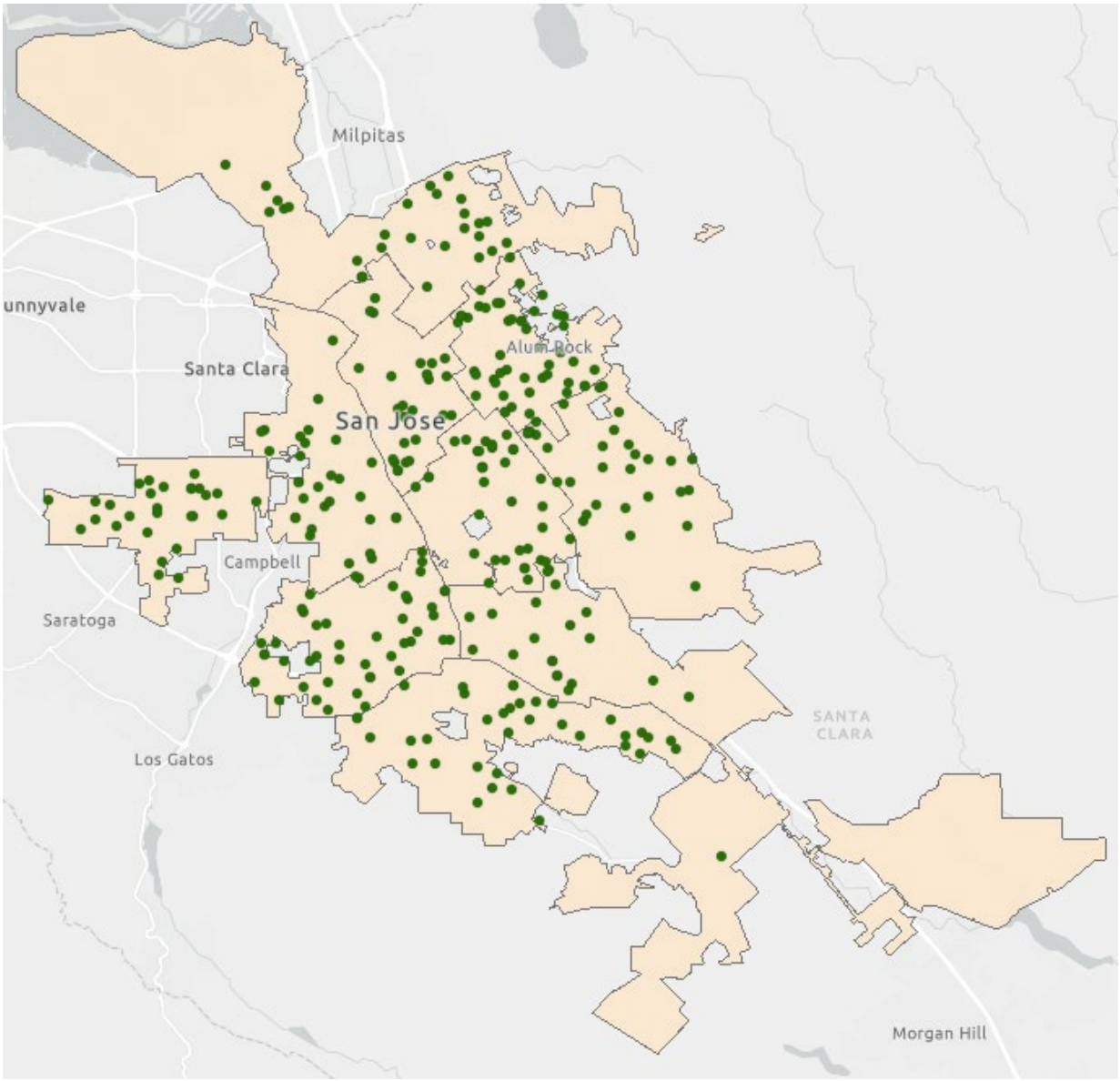
Displacement as an unintended potential consequence

If the City Council approves any of the recommendations put forth by staff, people who live in vehicles in proper working condition may be able to simply move. However, people living in unlawfully parked inoperable vehicles may not be able to move their vehicles. While a person living in a vehicle is defined as unsheltered and homeless, removing them from a vehicle and towing that vehicle would decrease their protection from the elements and add to the proportion of people living outside. This could result in some people being displaced to the street or other locations not meant for human habitation. City staff identified preliminary costs to provide shelter or interim housing for a range of time periods to people who may be displaced. The per

person amount is likely substantial. The exact costs would need to be refined during the budget process and include costs to administer any such programmatic relief. Further, even with the allocation of funding, there are limitations in available supply as both shelters and interim housing sites have substantial waitlists.

ATTACHMENT B

Map of City of San José School Locations



Additional school data available at: https://gisdata-csj.opendata.arcgis.com/datasets/4d806410932b4fdd962fd7522640ca45/explore?filters=eyJTVEFUVVMiOlsiT3BlbiJdLCJTQ0hPT0xUWVBFIjpbIkVsZW1lbnRhcnkiLCJNaWRkbGUiLCJIaWdoIl19&location=37.310300%2C-121.901006%2C11.18

COUNCIL AGENDA: 1/30/2024

ITEM: 8.2

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: CITY COUNCIL

FROM: Mayor Matt Mahan
Councilmember Sergio Jimenez
Councilmember David Cohen
Councilmember Peter Ortiz
Councilmember Bien Doan

SUBJECT: **ADDRESSING ENCAMPMENTS AND OVERSIZED VEHICLES AROUND SCHOOLS**

DATE: January 26, 2024

APPROVED:

RECOMMENDATIONS

Accept staff recommendations with the follow amendments and additions:

1. Amend recommendation (c) (i) to read:
    a. Work with the City Attorney's Office to prepare an ordinance giving maximum flexibility to add other locations through Council resolution which prohibits the parking and authorizes the towing of oversized vehicles on public roadways within any area where an engineering assessment has identified that safety hazards for pedestrians, bicycles, or vehicles caused by the parking of oversized vehicles exist.
2. Amend recommendation (c) (ii) to read:
    a. Work with the City Attorney's Office to prepare an ordinance giving maximum flexibility to add other locations through Council resolution, which prohibits the parking and authorizes the towing of vehicles parked within any area that prohibits parking between the hours of 10:00 p.m. and 6:00 a.m.
3. Direct the City Manager to work with the City Attorney's Office to research and return with a recommendation on whether to prepare an ordinance consistent with Mountain View's ordinance related to the parking of vehicles that discharge domestic sewage on the public right-of-way.
4. Reject staff recommendation (c) (iv) and instead direct staff to draft an ordinance prohibiting encampments within at least 150 feet of K-12 schools.

5. Direct the City Manager's Intergovernmental Relations team to pursue legislative updates to the California Vehicle Code (CVC) to expand tow authorities during the next legislative session.
6. Direct staff to follow best practices during enforcement of the new parking ordinances, such as offering outreach, connections to supportive services, and other appropriate assistance for individuals who are physically incapable of moving their vehicle, seeking recovery of a stolen vehicle, or inhabiting a vehicle near their child's school.

BACKGROUND

Across the city, particularly near schools, we see the immediate effects of unmanaged oversized vehicles. Many of our students, parents, and school administrators have shared their concerns over the lack of regulation of oversized vehicles, which often pose safety risks, obstruct routes to schools, and impact quality of life. The influx of safety concerns impacting our schools and neighborhoods proves that our current enforcement measures are insufficient. Clear guidelines must be established for parking of oversized vehicles near schools, not only to mitigate congestion, but to also enhance safety of our students and families getting to and from school activities.

We appreciate and agree with staff's recommendations to start with enforcement around our three most impacted schools, especially given our limited resources. However, through multiple conversations with the City Attorney's Office and the Department of Transportation, we learned that although the City posts signage to facilitate street sweeping and prohibit overnight and oversized parking in many locations, existing City ordinances only allow enforcement through administrative citations. This often confuses residents, who regularly express frustration when violations of posted parking restrictions don't result in a tow.

Given the dynamic challenge of regulating oversized vehicles and enacting tow authority for enforcement, we should use this opportunity to draft clear ordinances that extend beyond our schools and preserve flexibility to address parking violations in other locations. Enacting piecemealed ordinances in the future to address each additional high-risk location hampers our ability to swiftly address safety concerns percolating across the city. Instead, staff should establish the legal groundwork now to manage oversized vehicles where an engineering assessment concludes that enforcement is needed to mitigate safety hazards. In cases where the engineering assessment finds no risk to public safety, we direct staff to draft an additional ordinance for overnight parking that provides the same tow authority.

Relatedly, we recognize the opportunity to improve overall public health and safety threatened by biowaste, hazardous materials, and at times illegal activity seen near unmanaged vehicles parked on city streets. We've seen success in prohibiting this type of activity in the City of Mountain View and encourage our City Attorney to identify whether we can enact similar ordinances to respond to these urgent public health needs. We further address these issues by

urging the City's Intergovernmental Relations team to champion legislative updates within the CVC to expand tow authorities for the immediate removal of vehicles obstructing bike lanes, crosswalks, disabled ramps, and pedestrian walkways, or committing regulatory violations that affect the health and safety of the waterways and community.

In setting this legal groundwork, we acknowledge that enacting new ordinances will not quickly lead to enforcement of unregulated oversized vehicles across the city. This instead acts as a starting point, offering a mechanism to expand citywide if and when resources become available to enforce or offer alternative parking options. Of course, any new ordinances drafted to regulate oversized vehicles and overnight parking will involve best practices for outreach before enforcement, such as notifying residents of new parking restrictions, entering unhoused residents into the Homeless Management Information System (HMIS) to ensure continued assistance of care, and coordinating with Santa Clara County's Office of Supportive Housing to provide BeautifySJ with access to HMIS in order to continue trash collection and bio-waste removal.

Finally, we should codify the school setback of 150 feet that is currently reflected in our encampment management strategy. As we stated in our August 8, 2023 memo, we should pursue consistency in developing and applying policies to ensure our youth aren't impacted by tent encampments around their schools where they deserve to feel safe to learn and grow.

Maintaining nimbleness and flexibility ensures a reactive and responsive approach to the greatest needs of our city. Our recommendations prioritize addressing immediate safety concerns around our schools while also establishing a cohesive and effective framework to extend oversized and overnight vehicle regulation to other areas of the City, should the Council elect to expand enforcement in the future.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.30

COUNCIL AGENDA 1/30/2024
ITEM 8.2

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE CITY COUNCIL

FROM: Councilmember Arjun Batra

SUBJECT: ADDRESSING ENCAMPMENTS AND OVERSIZED VEHICLES AROUND SCHOOLS

DATE: January 29, 2024

APPROVED: Arjun Dev Batra

RECOMMENDATION:

Approve recommendations 3, 4, 5 and 6 of the memorandum filed by the Mayor and Councilmembers Jimenez, Cohen, Ortiz, and Doan with the following modification,

> Direct staff to draft a single ordinance, one that addresses encampments, and the parking and towing of oversized and lived-in vehicles within 150 feet of K-12 schools, licensed pre-schools that offer kindergarten instruction, and facilities that provide educational services to people with developmental disabilities, such as HOPE Services.

BACKGROUND:

The direction from the August 9th Rules Committee was straightforward: "draft an ordinance prohibiting encampments and lived-in vehicles within 150 feet of licensed preschools, daycares, and kindergarten through grade 12 schools." What we have before us does nothing of the sort.

- It does not call for the drafting of an ordinance but instead a resolution.
- Licensed preschools and daycares have been omitted from protection.
- Encampments are not included.
- Oversized vehicles will be prohibited **only after** an "engineering assessment" has occurred.
- The 150-foot prohibition would only take place during non-school hours (10 pm to 6 am); and
- It does not call for application citywide, but only at three schools.

Considering the limitations of the staff proposal, it would be more prudent to maintain the enforcement of the existing Encampment Management Policy while an ordinance is being drafted. The crucial element here is "enforcement." Allowing city departments to carry out their duties and enforce state and local laws pertinent to the concerns at hand might yield more success than introducing another bureaucratic layer that could inadvertently contribute to the segregation of the unhoused through in informal practices.

It is crucial to highlight that educational services vary significantly. While I acknowledge the necessity for this ordinance to encompass K-12 schools, it should also extend to certain pre-schools – particularly those that offer kindergarten instruction. Moreover, the new ordinance should consider educational services tailored for individuals with disabilities. In my district, HOPE Services offers a diverse range of services to thousands of people with developmental disabilities. Ensuring their protection from potential disruptions becomes a vital component in guaranteeing that individuals with disabilities can derive maximum benefit from these essential services.



City of San José

Addressing Oversized Vehicles Citywide and Encampments Around Schools

City Council items 8.1 and 8.2

John Ristow, Director, Department of Transportation

Heather Hoshii, Deputy Director, Department of Transportation

Jaime Jimenez, Deputy Chief of Police

Rob Lloyd, Deputy City Manager

Omar Passons, Deputy City Manager

January 30, 2024

Oversized Vehicles: Two Issues Addressed in Today's Item

1. Regulating Oversized Vehicles Citywide

2. Addressing Encampments and Oversized Vehicles Around Schools



Focus: Impacts of Oversized Vehicles



Potential obstructions posing safety hazards for pedestrians, bicycles, and vehicles



Health, safety, and environmental impacts when oversized vehicles are lived-in, including dumping of biowaste into streets and storm drains



Oversized vehicles and encampments near schools may obstruct public streets and pedestrian pathways utilized by students, parents, and other community members.

Background:

The congregation of oversized vehicles on city streets frequently results in conditions that affect safety, security and pose environmental and health hazards.

1. Regulating Oversized Vehicles Citywide

2. Addressing Encampments and Oversized Vehicles Around Schools

2021:

Through the adoption of the Encampment Management Policy Council prohibited encampments within 150 feet of a school property.

May 16, 2023:

Staff directed to return with an ordinance to address the parking of all boats, unoccupied trailers, and other accessories on streets.

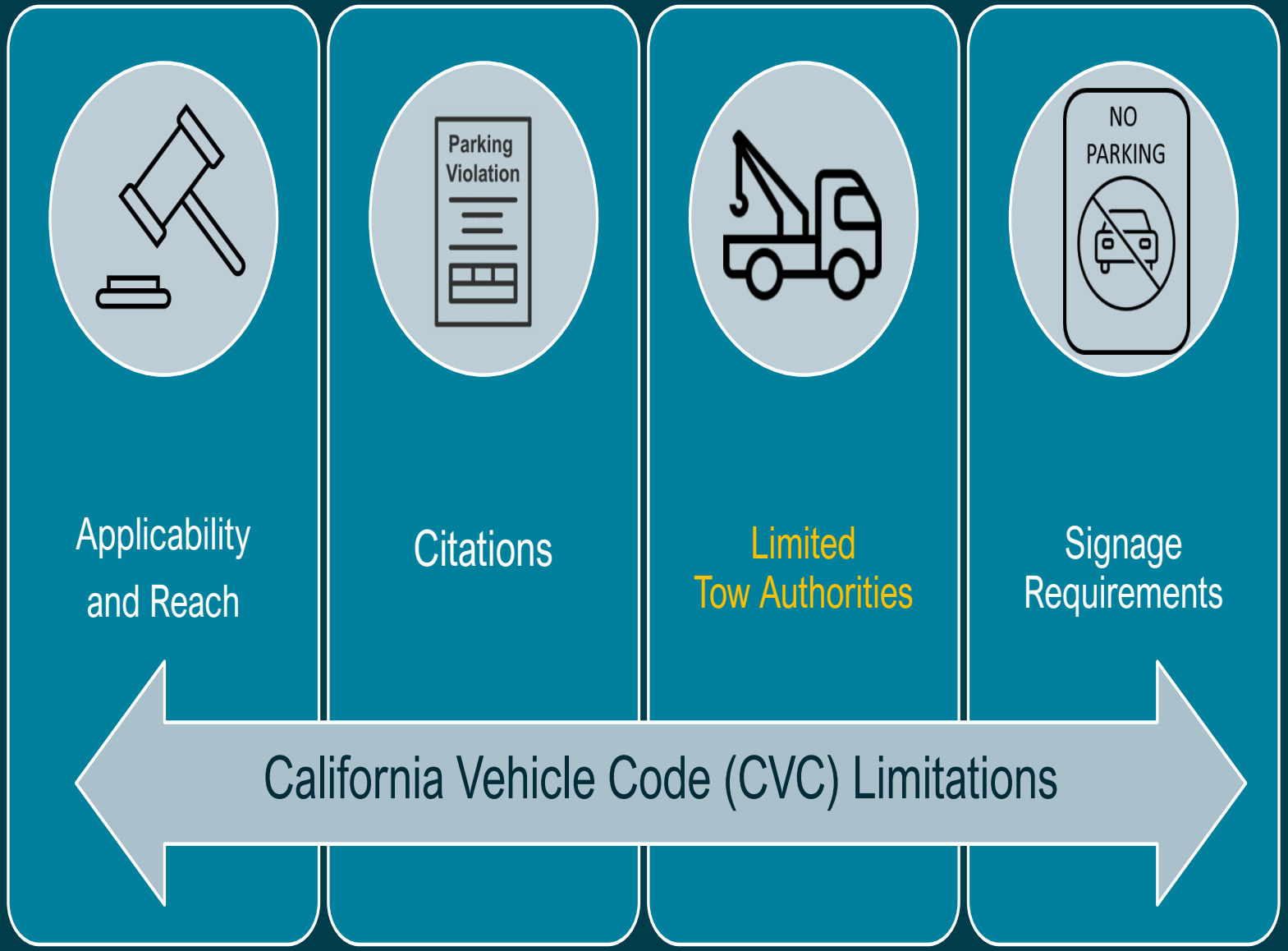
September 13, 2023:

Staff directed to return to Council with a report that addresses the issue of oversized vehicles on a citywide basis.

August 9, 2023:

Rules Committee directed staff to prepare a draft ordinance prohibiting encampments and lived-in vehicles within 150 feet of licensed preschools, daycares, and K-12 schools along with a cost estimate.

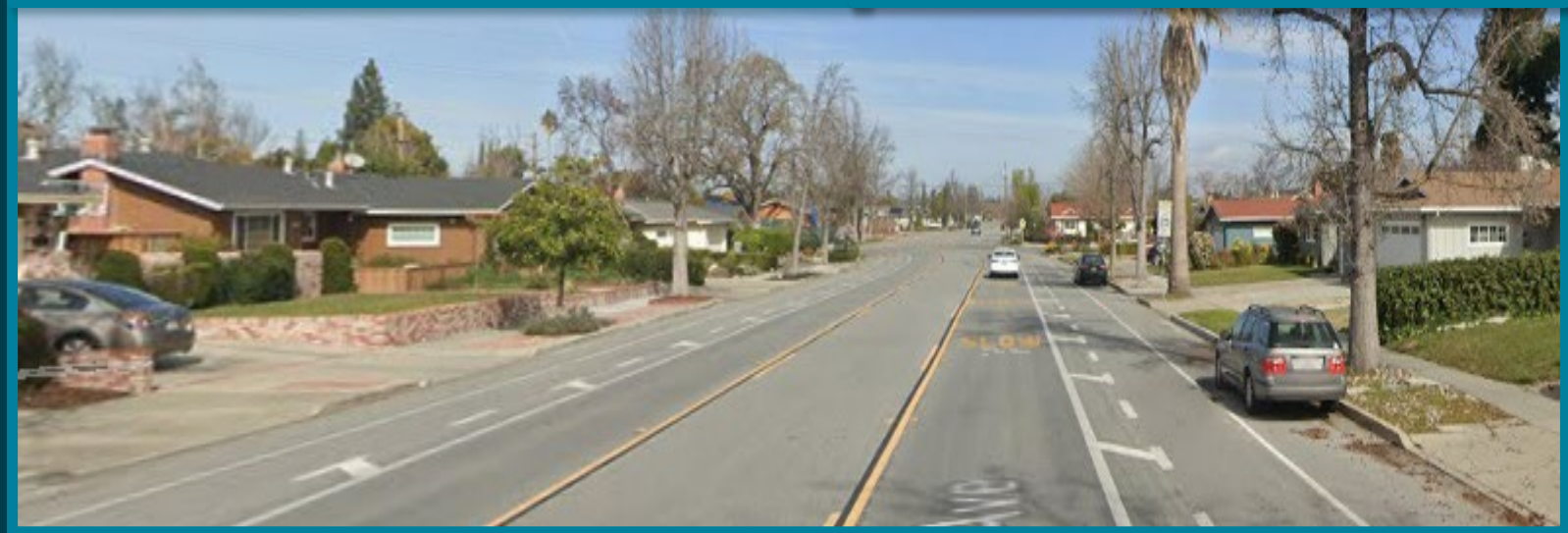
California Vehicle Code (CVC) Limitations



Regulating Oversized Vehicles Citywide: Path Towards Improved Management at System Level







Approach to Regulating Oversized Vehicles Citywide:

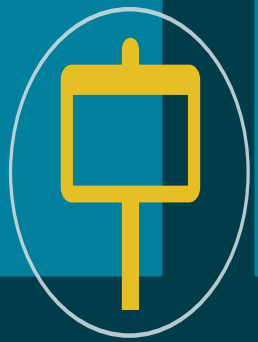
Enforcement

- Establish a temporary tow-away zone pilot program and remove vehicles from areas impacted by the congregating of multiple oversized vehicles to facilitate enhanced street sweeping/cleaning, which enables the City to address environmental risks and hazards.



Designated On-Street Oversized Vehicle Parking

- Establish a no-fee on-street parking permit pilot program for oversized vehicles in coordination with Council offices.



Increasing Off-Street Oversized Vehicle Parking Capacity

- Evaluate a private property permit program to generate additional off-street options for oversized and lived-in vehicles.
- Explore no-cost acquisition and/or agreed use of federal property for off-street parking options under Title V of the McKinney Homeless Assistance Act (McKinney/Vento).



Approach to Regulating Oversized Vehicles Citywide – Enforcement

- Establish temporary tow-away zone pilot program and remove vehicles from areas impacted by the congregating of multiple oversized vehicles to facilitate enhanced street sweeping/cleaning, which enables the City to address environmental risks and hazards.

Enforcement



850 likely lived-in vehicles on City of San José streets

1,496 people could be potentially impacted by new enforcement strategies[1]

- Recommendation: Conduct a multi-departmental pilot to establish and enforce temporary enhanced street cleaning zones in ten (10) areas experiencing significant impacts resulting from the congregation of oversized vehicles
- Enforcement framework best served with increases in allowable on-street or off-street locations

1. The Continuum of Care utilizes a multiplier of 1.76 to estimate the number of people living in each oversized vehicle

Approach To Regulating Oversized Vehicles Citywide – Designated On-Street Parking

- Establish a no-fee on-street parking permit pilot program for oversized vehicles in coordination with Council offices.

Designated On-Street Oversized Vehicle Parking



A) Designated on-street parking for oversized vehicles

B) Citywide oversized vehicle restrictions

- Recommendation: Establish a no-fee on-street parking permit pilot program for oversized vehicles in coordination with Council offices.
- Permittee code of conduct establishing "good neighbor rules" and require proper disposal of biowaste
- Provides more stability and reduces the forced circulation of vehicles
- Effectively provide hygiene and outreach services

Approach to Regulating Oversized Vehicles Citywide – Increasing Off-Street Capacity

- Evaluate a private property permit program to generate additional off-street options for oversized and lived-in vehicles.
- Explore no-cost acquisition and/or agreed use of federal property for off-street parking options under Title V of the McKinney Homeless Assistance Act (McKinney/Vento).

Increasing Off-Street Oversized Vehicle Parking Capacity



- Recommendation: Continuing to evaluate all policy and practical considerations of a similar type of program
- Benchmarking: City of Oakland's private property permit for lived-in vehicle off-street parking
- Discussions with the United States Interagency Council on Homelessness
- Engaging regional partners to expand options for oversized and lived-in vehicles, supportive services, and permanent affordable housing

Approach to Regulating Oversized Vehicles Citywide – Supplemental Approaches



Oversized Vehicle Purchase Program

Conceptual purchase program aimed at reducing the number of oversized vehicles on city streets through proactive purchase or limiting their return through purchase during the lien sale process following tow.



Legislative Updates to California Vehicle Code

Pursue legislative updates to the California Vehicle Code to enhance tow authorities available to cities and update the code to align with the current challenges associated with oversized and lived-in vehicles impacting public rights-of-way.

Approach to Regulating Oversized Vehicles Citywide – Potential Consequences

- With approximately 850 lived-in vehicles on City streets, as many as 1,500 residents could be impacted
- Towing potentially lived-in vehicles would require individuals to retrieve their vehicles or risk losing their shelter
- Costs to oversized vehicle residents associated with enforcement actions (citations/towing)
- Increased circulation of lived-in vehicles will impact BeautifySJ service routes and effectiveness of Housing's supportive outreach services



Photo credit: Lloyd Alaban

Oversized Vehicles: Two Issues Addressed in Today's Item

1. Regulating Oversized Vehicles Citywide

2. Addressing Encampments and Oversized Vehicles Around Schools



Approach to Oversized Vehicles Around Schools – Policy Options



Effectiveness	LOW	LOW	HIGH	MED
Recommended Policy Option	NO	NO	YES	YES

Approach to Oversized Vehicles Around Schools – Recommendations

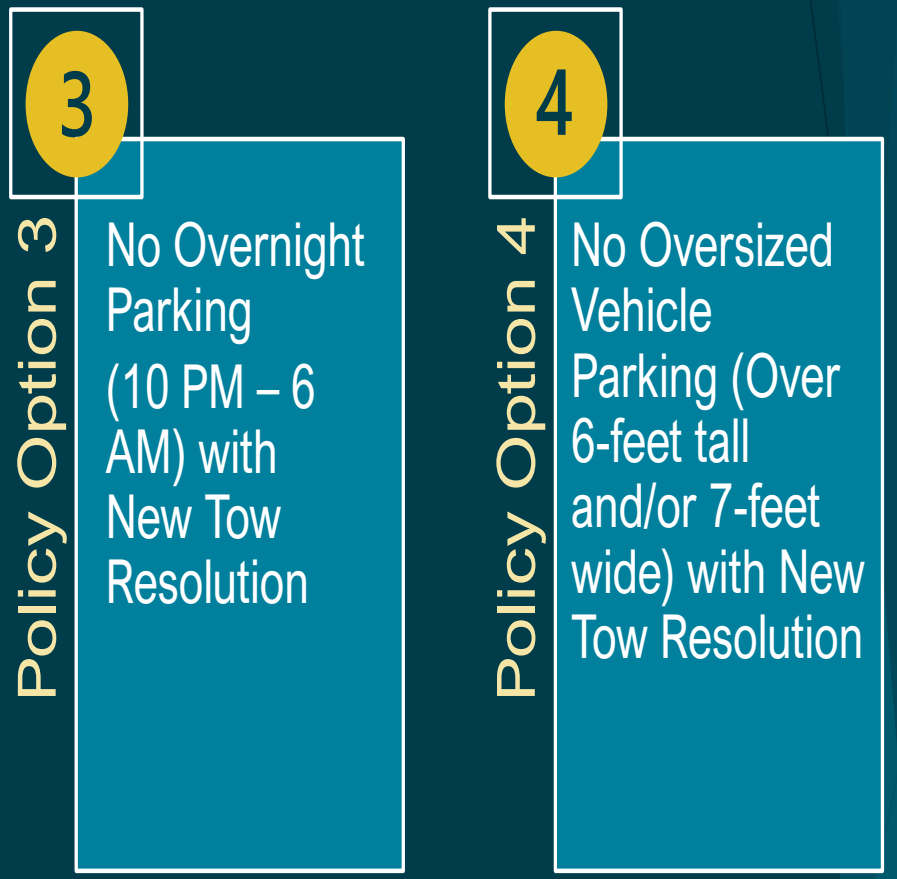
Seeking to balance the legal, enforcement, and operational constraints while mitigating impacts on stakeholders will require a combination of policy options to achieve Council's desired outcomes.

Pilot Implementation of Options 3 and 4:

Staff recommends initiating a small-scale pilot program at three schools, absorbed within existing budgets.

Schools identified as most impacted by oversized vehicles parked for extended periods:

1) Independence High School (CD 3 and CD 5), and
2) Shirakawa Elementary (CD 7), and
3) Challenger School Berryessa (CD 3)



Approach to Regulating Oversized Vehicles Citywide - Budgetary Considerations

Program costs to be considered in the upcoming FY 2024-2025 City Operating Budget process.

Regulating Oversized Vehicles **Citywide**

- Piloting temporary tow-away zones facilitating enhanced street cleaning at 10 sites impacted by the congregation of oversized vehicles (FY 24-25)
  Estimated Cost: $500K

- Piloting no fee on-street permit parking areas for oversized vehicles in 3-5 areas (FY 24-25)
  Estimated Cost: $2.5M

Expansion of Pilot Programs Citywide:

- Temporary tow-away zones facilitating enhanced street cleaning and no fee on-street permit parking areas for oversized vehicles
  Estimated Cost: $10-12M

Regulating Oversized Vehicles Around **Schools**

- Piloting installation and enforcement of "No Oversized Vehicle" and/or "No Overnight" Parking tow-away zones at 3 schools (FY 23-24)
  Estimated Cost: $25K per school

* To be absorbed within existing departmental budgets by reprioritizing existing resources

Summary of Recommendations

Item 8.1 – Citywide Oversized Vehicles

Subject to subsequent budget direction, approve the staff report to proceed with:

- Piloting Temporary Tow-Away Zones with Enhanced Street Cleaning in Impacted Areas
- Piloting No Fee On-Street Permit Parking for Oversized Vehicles
- Proceed With Identifying Opportunities for Additional Off-Street Parking
  - Private Property Permit Program
  - No-Cost Acquisition of Federal Property

Item 8.2 – Addressing Oversized Vehicles Around Schools

- Prepare a Resolution Prohibiting Parking and Authorizing the Towing of Oversized Vehicles, Based on an Engineering Assessment, within a certain area surrounding K-12 Schools
- Prepare a Resolution Prohibiting Parking and Authorizing the Towing of Vehicles between 10 PM and 6 AM within a certain area surrounding K-12 Schools
- Identify funding within existing FY 23-24 Budget to Pilot Temporary Tow-Away Zones with Enhanced Street Cleaning at Three Schools
- Continue enforcing existing Encampment Management Policy



City of San José

Addressing Oversized Vehicles Citywide and Encampments Around Schools

City Council items 8.1 and 8.2

John Ristow, Director, Department of Transportation

Heather Hoshii, Deputy Director, Department of Transportation

Jaime Jimenez, Deputy Chief of Police

Rob Lloyd, Deputy City Manager

Omar Passons, Deputy City Manager

January 30, 2024

Addressing Oversized Vehicles Citywide and Encampments Around Schools

City Council items 8.1 and 8.2

Questions & Feedback

John Ristow, Director, Department of Transportation

Heather Hoshii, Deputy Director, Department of Transportation

Jaime Jimenez, Deputy Chief of Police

Rob Lloyd, Deputy City Manager

Omar Passons, Deputy City Manager

Benchmarking:

City of Santa Cruz

- 2021: Established Oversized Vehicle Ordinance restricting oversized vehicle parking 12am-5am on all City streets
- Established parking across five City-owned off-street parking lots for parking up to 30 days during overnight hours
- Established one long-term parking site which allows 24/7 parking for up to six months and includes supportive services
- Resident/Guests/Contractor permits available allowing short-term parking
- Signage posted at key entrance points to city
- December 2023: Enforcement begins, with violations resulting in one warning followed by $50 citation (no towing)

City of Mountain View

- 2020: Established Narrow Streets and Bike Lane ordinances restricting oversized vehicle parking
  - Narrow Streets: ≤ 40ft wide
  - Bike Lane: any street with bike lane
- 2021: Signage placed on all impacted city streets identified as Narrow or with a Bike Lane (90% of city streets qualified for restriction)
- 3 miles of streets identified which allow for oversized vehicle parking, must adhere to existing restrictions including 72-hour
- October 2022: Enforcement began, violations may result in warning, citation, and/or towing

FW: Oppose RV and Encampment Ban - Item 8.2 January 30, 2024

City Clerk <city.clerk@sanjoseca.gov>

Mon 1/29/2024 12:02 PM

To:Agendadesk <Agendadesk@sanjoseca.gov>

From: Sandy Perry [redacted]
Sent: Monday, January 29, 2024 11:26 AM
To: The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>
Subject: Oppose RV and Encampment Ban - Item 8.2 January 30, 2024

[External Email]

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OPPOSE MAYOR'S ENCAMPMENT AND RV BAN

We the undersigned organizations ***OPPOSE*** Mayor Matt Mahan's proposed ban on encampments and RV parking by unhoused people within 150 feet of over 1000 separate locations all across the City of San Jose.

Without a path to permanent housing, RV and encampment bans only lead to sweeps, vehicle tows, loss of personal property, and oppression. They move unhoused people from place to place without solving the problem of where they should go.

RV and encampment bans are a form of collective punishment for unhoused people based solely on their unhoused status, regardless of their innocence of any wrongdoing. It will disproportionately target people of color, who make up the majority of the unhoused, and especially harm the many women, children, and families that are themselves unhoused.

RV and encampment bans give strength to the false national narrative that deliberately equates crime with homelessness and homelessness with crime.

As originally proposed, the RV and encampment bans would be extremely expensive, involving signage and enforcement at hundreds of sites, according to city staff, whereas the Mayor's August memorandum only cites problems at ***four*** locations

Finally, RV and encampment bans would do nothing to solve many of the very problems the Mayor claims to want to address.

Children deserve to be protected from crime, drugs, harassment, and bullying on their way to and from schools. However, the best way to do so is by organizing “walking school buses” and other best practices of the national Safe Routes to School movement. Students can gather at specific locations with adult volunteers or part-time workers, to walk or bike safely to school together.

Furthermore, after hours burglaries, thefts, break-ins, and property damage are unlikely to be deterred by a 150-foot RV and encampment ban. Most property crimes are not caused by unhoused people at all, and a buffer zone will do little to prevent them compared to overnight onsite security at schools where this is a problem.

Apparently, staff is now recommending scaling back the Mayor’s original proposal, but we oppose ***any*** diversion of public resources to enforcement of RV and encampment bans. Continually forcing unhoused people to move from one location to another does nothing to benefit public safety. Please oppose this unjust, expensive, and ineffective proposal.

Abode Services

African Diaspora Network

Agape Silicon Valley

Black Leadership Kitchen Cabinet (BLKC)

Catholic Charities of Santa Clara County

CHAM Deliverance Ministry

Community Solutions

Growth Development Alliance

Junior League of San Jose

Karat School Project (KSP)

La Raza Roundtable

Law Foundation of Silicon Valley

Lighthouse Food Rescue and Distribution

Mountain View Tenants Coalition

Neighborhood Hands

Next Door Solutions to Domestic Violence

Peninsula Family Service

Razing the Bar

Sacred Heart Community Service

San Jose Silicon Valley NAACP

San Jose State University Human Rights Institute

Santa Clara County Union of the Homeless

Si Se Puede Collective

Silicon Valley Bicycle Coalition

Silicon Valley Debug

South Bay Community Land Trust

South Bay Progressive Alliance

South County Compassion Center

St Joseph's Family Center

Unhoused Response Group

West Valley Community Services

Winter Faith Collaborative

Youth Liberation Movement

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FW: Council Agenda 1-30-2024 File 24-68291

City Clerk <city.clerk@sanjoseca.gov>
Tue 1/30/2024 7:56 AM
To:Agendadesk <Agendadesk@sanjoseca.gov>

From: Patty McNeil [redacted]
Sent: Monday, January 29, 2024 8:55 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Council Agenda 1-30-2024 File 24-68291

[External Email]

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Item: 8.2
ADDRESSING ENCAMPMENTS AND OVERSIZED VEHICLES
AROUND SCHOOLS

Honorable Mayor and
City Council

The report and recommendations being considered before you are a great first step for the children and their parents in San Jose. One item not being considered are those students and parents who walk to school. Children walking to and from school, with or without parents need to be kept safe before and beyond the 150 foot perimeter. In our neighborhood along Umbarger Road between McLaughlin and Tuers we currently have 7 RV's with piles of garbage bags and Red Bio-Waste Bags piled up. The Bio-Waste Bags line boxes and/or buckets under the RV Holding Tanks where raw sewage flows from the toilets in the RV's. Parents worry about their children's health and safety riding their bikes or walking to school. Many parents won't let their children enjoy the Park along Umbarger Road because of safety and health concerns with these encampments.
I would encourage you to approve the recommendations, but don't let it stop here. Yes it's a good start, but it is woefully inadequate in the long term.
I appreciate your consideration and your public service.
Patty McNeil
[redacted]
San Jose 95121

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FW: 8.2 Addressing Encampments and Oversized Vehicles Around Schools

City Clerk <city.clerk@sanjoseca.gov>
Tue 1/30/2024 7:56 AM
To:Agendadesk <Agendadesk@sanjoseca.gov>

From: Alie Victorine <[redacted]
Sent: Monday, January 29, 2024 8:29 PM
To: District7 <District7@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>
Subject: 8.2 Addressing Encampments and Oversized Vehicles Around Schools

[External Email]

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Honorable Mayor and City Council Members,

I support the recommendation 8.2 put forth by city staff to address the concerns of encampments and oversized vehicles near schools. It is obvious that this is not an easy problem to solve, especially when we are dealing with the shelters of unhoused persons, and I appreciate staff's attention to the inherent problems of towing someone's only shelter.
By prioritizing three schools that are most affected by the problem, staff can monitor and problem-solve for unintended consequences that might occur with a new ordinance. By moving slower and at a smaller-scale potential problems can be addressed.

But my sincere hope is that with this pilot project, a way forward can be found to make our neighborhoods safer, healthier, and cleaner by restricting RV encampments not only near schools, but also near parks, trails, and next to residences. As a volunteer leader in D-7, I have done my best to help residents who struggle with illegally parked over-sized vehicles in our neighborhoods whose inhabitants have caused damages to homes by fire, fear due to suspected criminals and drug activity, blight and garbage, and who have released bio-hazards onto residential streets.

All of these things are happening near the three schools targeted for the project. I hope that 8.2 can be a model solution for addressing these issues.

Sincerely,
Alie Victorine
D-7 resident
Member of Seven Trees Neighborhood Association
D7 Leadership Group

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FW: Opposition to Proposed RV Ban

City Clerk <city.clerk@sanjoseca.gov>
Tue 1/30/2024 7:56 AM
To:Agendadesk <Agendadesk@sanjoseca.gov>

I'm using Adobe Acrobat.
Here's the San Jose Proposed RV Ban.pdf for you to review.

From: Tristia Bauman <Tristia.Bauman[redacted]
Sent: Monday, January 29, 2024 9:53 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Opposition to Proposed RV Ban

[External Email]

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Hello,

Please find attached the Law Foundation of Silicon Valley's public comment opposing the proposals to ban and regulate parking of oversized vehicles (Agenda Items 8.1 and 8.2).

Sincerely,

Tristia Bauman | Directing Attorney- Housing
Pronouns: she/her/hers
tristia.bauman [redacted]

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Law Foundation
OF SILICON VALLEY

Advancing Justice
Housing | Health | Children & Youth

January 29, 2024

Sent via email

Re: Public comment opposing proposed regulations of Oversized Vehicles (Agenda Items 8.1 and 8.2)

Dear Mayor Mahan and City Councilmembers,

We write to **OPPOSE** the Recommendation Regulating Oversized Vehicles Citywide and the Recommendations Addressing Encampments and Oversized Vehicles Around Schools (referred to collectively hereafter as "Proposed RV Ban.") While we support expanding adequate locations where unhoused people living in vehicles may lawfully and stably park, we believe the Proposed RV Ban risks violating the legal rights of San Jose residents who live in their vehicles for lack of better options.

Background

The Law Foundation of Silicon Valley ("Law Foundation") is the largest free legal services provider in Santa Clara County, and we have represented low-income residents for 50 years. A vast majority of clients served by our Housing department are extremely low-income renters from communities of color. We represent tenants in eviction proceedings and have witnessed a dramatic spike in eviction lawsuits, now filed at a rate 35% higher than pre-pandemic levels. In most cases, San Jose residents face eviction for non-payment of rent as a direct result of the housing affordability crisis that plagues our area. Evictions quickly lead to homelessness and, indeed, family homelessness has increased 36.5% in Santa Clara County since 2022. Following an eviction from housing, some people will move into their vehicles as a shelter of last resort.

The Law Foundation represents individuals who live in their vehicles for shelter. Most relevant to the proposals we oppose herein, we represented people living in vehicles in a challenge to two Mountain View ordinances that restricted parking of oversized vehicles. *Navarro v. City of Mountain View*. That lawsuit resulted in a class settlement which, among other relief, established minimum notice standards before an oversized vehicle could be towed and impounded. We also represent a class of vehicle residents in San Diego in a challenge to two ordinances that restrict use of a vehicle for shelter and parking oversized vehicles overnight within the City. *Bloom v. City of San Diego*. The City Council approved class settlement, which is pending preliminary approval by the U.S. District Court for the Southern District of California. That settlement, in addition to providing substantial injunctive relief to the plaintiffs' class, is estimated to cost the City of San Diego over $3 million dollars in damages and attorney fees.

Discussion

It is undisputed that the City of San Jose ("City") lacks sufficient affordable and available housing for unhoused people, and even temporary shelters have long waiting lists. Consequently, an estimated minimum of 1,498 City residents live in oversized vehicles because they lack practical alternatives. Outreach to these residents and entry of their data into the Homeless Management Information System, unless paired with bona fide offers of housing or dignified shelter, will not alter this landscape. The fact remains: vehicles can be the best – or only – form of shelter available to people priced out of the housing market.

Yet, the City proposes to target these shelters of last resort for towing and impoundment. The Proposed RV Ban would authorize a progressive series of parking bans throughout the City which, in turn, would authorize the City to immediately tow and impound oversized vehicles. Stated another way, the Proposed RV Ban purports to authorize the City to immediately seize and permanently deprive unhoused people of their transportation, shelter, and personal property on the basis of a parking violation. This raises serious legal concerns.

A vehicle is property within the meaning of the Fourth Amendment to the U.S. Constitution and Article I, Section 13 of the California Constitution. The towing and impoundment of a vehicle is a seizure. *Miranda v. City of Cornelius*, 429 F.3d 858, 862 (9th Cir. 2005). Vehicle residents are protected from unreasonable seizures of their property, even when that property is stored in public areas. See *Lavan v. City of Los Angeles*, 693 F.3d 1022 (9th Cir. 2012)(upholding a preliminary injunction that prohibited Los Angeles from summarily destroying homeless individuals' publicly stored personal property.) Warrantless seizures of vehicles are per se unreasonable subject only to a few specifically established and well delineated exceptions. *See Coalition on Homelessness v. City and County of San Francisco*, 93 Cal. App. 5th 928, 311 Cal. Rptr. 3d 431 (July 21, 2023)(holding that local interests in deterring parking violations and unpaid parking fines did not justify warrantless tows of legally parked vehicles.) The Proposed RV Ban risks violating vehicle residents' right to be free from unreasonable seizures.

In addition, governments cannot deprive a person of a protected property interest without due process of law, and courts apply a balancing test to determine what process is due. *Mitchell v. Los Angeles*, 2016 U.S. Dist. LEXIS 197949 (9th Cir. 2016). Courts have recognized that the government's seizure of a person's vehicle causes significant hardship. *Scofield v. City of Hillsborough*, 862 F.2d 759, 762 (9th Cir. 1988) ("The uninterrupted use of one's vehicle is a significant and substantial private interest. As we noted…, '[a] person's ability to make a living and his access to both the necessities and amenities of life may depend upon the availability of an automobile when needed.') The interest in uninterrupted use of one's vehicle is especially high when that vehicle is a person's only available shelter.

The Proposed RV Ban fails to adequately balance the interests of vehicle residents with legitimate public safety interests. Indeed, the recommendations set forth by Mayor Mahan and four councilmembers call for expanding local authority to tow and impound oversized vehicles regardless of whether an engineering assessment finds any public safety risk, and without any

procedural safeguards for people who live in those vehicles. Moreover, the Proposed RV Ban describes a plan to lobby for changes to the California Vehicle Code to allow for the immediate towing and removal of vehicles in a wide variety of non-emergency situations. Thus, the Proposed RV Ban risks violating vehicle resident's due process rights.

While we oppose the Proposed RV Ban, we support efforts to expand lawful, stable, and adequate parking locations for vehicle residents. Implementation of a no-fee on-street parking permit pilot program for oversized vehicles is a step in the right direction. We believe that the permit program should be low-barrier and easy to access, and that fair rules should be established for granting, denying, or rescinding permits.

We also support efforts to expand public and private parking lot options. We believe that these parking options should be safe, stable, and allow people to live healthy lives with dignity.

We urge you to oppose the Proposed RV Ban.

Sincerely,

Tristia Bauman
Directing Attorney of Housing
Law Foundation of Silicon Valley

FW: Items 8.1 and 8.2 Jan. 30, 2024

City Clerk <city.clerk@sanjoseca.gov>
Tue 1/30/2024 8:01 AM
To:Agendadesk <Agendadesk@sanjoseca.gov>

From: Trudy [redacted]
Sent: Tuesday, January 30, 2024 7:57 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Items 8.1 and 8.2 Jan. 30, 2024

[External Email]

You don't often get email from [redacted] Learn why this is important

I write in support of accepting items 8.1 and 8.2 regarding how to address parking regulations for oversized vehicles.

Respectfully,

Trudy Ellerbeck
[redacted]

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FW: Council Agenda item 8.2 - 1-30-24 Addressing Encampments and Oversized vehicles around schools

City Clerk <city.clerk@sanjoseca.gov>
Tue 1/30/2024 9:11 AM
To:Agendadesk <Agendadesk@sanjoseca.gov>

From: Janet Holt <[redacted]
Sent: Tuesday, January 30, 2024 9:00 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Council Agenda item 8.2 - 1-30-24 Addressing Encampments and Oversized vehicles around schools

[External Email]

You don't often get email from [redacted] Learn why this is important

Dear City Clerk of San Jose

I am writing to support the recommendation prohibiting parking of occupied oversized vehicles on public roadways and homeless encampments within a buffer zone around schools. Adopting this ordinance will help reduce safety concerns.

Thank you,
Janet Holt

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FW: Letter of Support for Council 1.3.24 - Agenda Item - 8.2

City Clerk <city.clerk@sanjoseca.gov>
Tue 1/30/2024 9:54 AM
To:Agendadesk <Agendadesk@sanjoseca.gov>

I'm using Adobe Acrobat.
Here's the Letter of Support FMSD.pdf for you to review.

From: Cathe Mati <[redacted]
Sent: Tuesday, January 30, 2024 9:31 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Letter of Support for Council 1.3.24 - Agenda Item - 8.2

[External Email]

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Hello,

Please see the attached Letter of Support from Superintendent Cruz.

Thank you,

Cathe Mati
Executive Assistant to Superintendent Juan Cruz
Franklin-McKinley School District
[redacted]

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Franklin-McKinley School District

PREPARING ALL CHILDREN AS GLOBAL LEARNERS

January 30th, 2024

Honorable Mayor and City Council
City of San José
200 East Santa Clara Street
San Jose, CA 95113

RE: Council Meeting 1-30-24 | Item 8.2: Addressing Encampments and Oversized Vehicles Around Schools.

Honorable Mayor Mahan and Councilmembers,

As local elected officials, school administrators, and educators in San José, we respectfully request the City Council to take into consideration the safety of our students and pass an ordinance to establish safe passage to and around K-12 schools.

Collectively, we've taken in serious concerns from attendees of our institutions, citing concerns of public safety. It is crucial to prioritize the well-being of our students by providing them access to a clean and secure learning environment.

Given the challenging circumstances our youth already face, the city must step in and ensure that the entire student population of San José receives the support and resources necessary to achieve their full potential.

We sincerely hope you consider the proposal and work to ensure that our students are granted a learning environment. Thank you.

Sincerely,

[redacted]

Juan Cruz, Superintendent

Board of Education

Milan Balinton Marc Cooper Rudy Rodriguez George Sanchez Steven Sanchez

645 Wool Creek Drive, San Jose, CA 95112 408-283-6000 www.FMSD.org

FW: Letter of support for Council 1.30.24 - Agenda Item - 8.2.

City Clerk <city.clerk@sanjoseca.gov>
Tue 1/30/2024 10:05 AM
To:Agendadesk <Agendadesk@sanjoseca.gov>

I'm using Adobe Acrobat.
Here's the Item 8.2 - Letter of Support for Student Safety - 1.30.24.pdf for you to review.
Here's the 2024.01.30 Letter of Support from Glenn to the City of San Jose.pdf for you to review.

From: Moreno, Brisa <Brisa.Moreno@sanjoseca.gov>
Sent: Tuesday, January 30, 2024 10:00 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Madero, Angel <Angel.Madero@sanjoseca.gov>
Subject: Letter of support for Council 1.30.24 - Agenda Item - 8.2.

Hello City Clerk,

Please find attached the following letter of support regarding student safety from local elected officials, school administrators, and educators in San José as it pertains to Agenda Item 8.2 for today's Council meeting.

Kindly,

Brisa Rojas

Deputy Chief of Staff /
Director of Public Policy

Office of Councilmember Peter Ortiz

City of San José | District 5

(408)535-4946
brisa.moreno@sanjoseca.gov
200 E. Santa Clara Street, 18th Floor, San José, CA. 95113

January 30th, 2024

Honorable Mayor and City Council
City of San José
200 East Santa Clara Street
San Jose, CA 95113

RE: Council Meeting 1-30-24 | Item 8.2: Addressing Encampments and Oversized Vehicles Around Schools.

Honorable Mayor Mahan and Councilmembers,

As local elected officials, school administrators, and educators in San José, we respectfully request the City Council to take into consideration the safety of our students and pass an ordinance to establish safe passage to and around K-12 schools.

Collectively, we've taken in serious concerns from attendees of our institutions, citing concerns of public safety. It is crucial to prioritize the well-being of our students by providing them access to a clean and secure learning environment.

Given the challenging circumstances our youth already face, the city must step in and ensure that the entire student population of San José receives the support and resources necessary to achieve their full potential.

We sincerely hope you consider the proposal and work to ensure that our students are granted a learning environment. Thank you.

Sincerely,

Hilaria Bauer, PhD, ARUSD Superintendent

Corina Herrera-Loera, ARUSD Board President

Andres Quintero, ARUSD Board Vice-President

Linda Chavez, ARUSD Board Member

Minh Pham, ARUSD Board Member

Elida MacArthur, Ed.D, MPESD Superintendent

Bryan Do, Board Vice-President ESUHSD

Melissa Got-Lopez, MPESD Governing Board Trustee

Lorena Chavez, ESUHSD Board Trustee

Maria Fuentes, San Jose Evergreen Community College District Trustee

Hilary Harmssen, Chief External Impact Officer, KIPP Public Schools Northern California

FW: Letter of support for Council 1.30.24 - Agenda Item - 8.2

City Clerk <city.clerk@sanjoseca.gov>
Tue 1/30/2024 9:47 AM
To:Agendadesk <Agendadesk@sanjoseca.gov>

I'm using Adobe Acrobat.
Here's the 2024.01.30 Letter of Support from Glenn Vander Zee to the City of San Jose.pdf for you to review.

From: Diaz Luna, Sergio <[redacted]
Sent: Tuesday, January 30, 2024 9:39 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Letter of support for Council 1.30.24 - Agenda Item - 8.2

[External Email]

You don't often get email from [redacted] Learn why this is important

Good morning,

Attached is a letter of support for Agenda Item 8.2 on today's agenda.

Thank you!

--
Sergio Diaz Luna
Director of Communications and Community Engagement
East Side Union High School District
[redacted]
Pronouns: he/him y él

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Preparing every student to thrive in a global society.

January 30th, 2024
Honorable San José City Council
City of San José
200 East Santa Clara Street
San Jose, CA 95113
RE: Council Meeting 1-30-24 | Item 8.2: Addressing Encampments and Oversized Vehicles Around Schools.

Honorable Councilmembers,

At East Side Union High School District, the safety and wellness of our students is our priority. We strive for equitable communities where:

- ALL students are welcomed as they are
- Strengths and areas of growth for all students are known and supported
- Adults positively respond to the social-emotional, wellness, and academic needs of every student
- Students achieve full participation in their classrooms, schools, and, ultimately, full participation in San José and Silicon Valley.

For us, this means fostering school environments where students feel welcome, safe, and ready to learn. Whether a student is inside the classroom or outside of our school walls, they deserve a sense of belonging and safety. The proposed buffer zone to limit the parking of oversized vehicles near schools is one step that will add a layer of safety for all students. We are hoping that these changes will help students feel safer but also continue to make all students feel welcome on our campuses.

We keep our compassion for students in mind. Compassion for students who have struggled with feeling unsafe due to encampments near schools. And also compassion for our nearly 1,000 district students who themselves have lived the reality of homelessness. On campus we offer dedicated support for homeless students and are fully prepared to work one-on-one with all students and families who may be impacted by any future changes. As a district, we've advocated for extra precautions when working with homeless students and families living near schools. This will help them continue to feel welcome to their school.

We'd like to thank the members of the committee who have listened to our concerns and have brought forth recommendations that are compassionate to our students and their families. In the latest memo, the recommendations ask staff to take extra precautions whenever they find a district family living in the buffer zone through outreach, connection to support services, and other assistance.

Sincerely,

[redacted]

Glenn Vander Zee
Superintendent

830 N. Capitol Ave | San Jose, CA 95133 | T 408.347.5000 | F 408.347.5015 | esuhsd.org