

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

24/7 SAFE PARKING OPERATION AT 1300 BERRYESSA ROAD

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, and Addendum thereto, for 24/7 Safe Parking Operation at the Santa Teresa Station Site adopted by City Council Resolution No. 80756 on November 8, 2022.

ER23-081: 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 at 1300 Berryessa Road.

Location: 1300 Berryessa Road, San José, approximately 625 feet northeast of Commercial Street.

Assessor’s Parcel Number: 254-13-090

Council District: 3

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.

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.

In 2022, to address this urgent need the City approved a pilot program to allow 24 hours a day seven days a week (24/7) operation of a safe parking site at the Santa Teresa Station site.

Proposed Project

The City is proposing a 24/7 Safe Parking site for cars and RVs on an enclosed approximately 6.325-acre site located at 1300 Berryessa Road. The site would be leased for a period of 10 years. 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 site is irregularly shaped with a single entry from Berryessa Road. The site is mostly undeveloped. There are some small structures and swales on the site that may be demolished, or if not demolished, they will be fenced off. The site has areas that are paved and some areas that are unpaved. The entire site will be paved under the project. Trenching for utilities would occur within the site to provide night lighting for the site and for utility connections.

There would be at least one security person on site every day who could control ingress and 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 property registered with the operator.

The project site is expected to have about 80 RV parking spaces, 35 car parking spaces and 2 ADA parking spaces. Depending upon the need, the exact number of parking spaces and the mix may change. The car parking spaces include parking for staff. The cars and RVs would be separated to allow reasonable space (approximately 10 feet between RVs) to allow for privacy and movement around vehicles. Areas of the project site would be set aside for smoking, for a dog run, for a raised bed community garden, and a shaded seating area.

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. The City would provide trash collection services. A temporary 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 also arrange for a mobile shower and laundry service to regularly visit the site.

The operator would provide case managers to work with the homeless individuals to provide guidance and assistance with job placement and transitional or permanent housing. The exact number of case managers will depend upon the number of individuals at the site. Case managers would typically be on site from 9:00 a.m. to 5:30 p.m.

The operator would also provide 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 always present on site (one dayshift, one mid-shift, and one swing-shift).

Participants in the program are typically anticipated to transition into permanent housing within three to six months. Depending upon the individual circumstances, some participants may take longer to transition out of the program. As space allows and as participants transition out of the program, new participants would be brought into the program at the project site.

Environmental Analysis

This Addendum to the adopted Negative Declaration analyzes the impacts of the 24/7 operation of safe parking site at 1300 Berryessa Road.

Because this safe parking site would be temporary with minimal ground disturbance and no permanent buildings, would be located within the City’s urban boundary on a flat paved site, would be provided with amenities such as portable toilets and trash receptacles, and would be maintained and regularly cleaned by the project operator, the proposed project would have the same impact as for the previously analyzed project and Addendum 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
Air Quality	Less than Significant Impact	Less than Significant 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
Hydrology and Water Quality	Less than Significant Impact	Less than Significant Impact
Mineral Resources	No Impact	No Impact
Noise	Less than Significant Impact	Less than Significant Impact
Population and Housing	Less than Significant Impact	Less than Significant Impact
Public Services	Less than Significant Impact	Less than Significant Impact
Recreation	Less than Significant Impact	Less than Significant Impact
Transportation	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 public services. These resource areas are discussed below.

Land Use

The project site has a Heavy Industrial land use designation and is in a Heavy Industrial Zoning District. Because the proposed project would not construct any permanent structures, the parcel would not change its land use designation and would be available for Heavy Industrial uses once the project ends. The project would not divide an established community, nor would it cause a significant

environmental impact because of a conflict with a land use plan, policy, or regulation, adopted for the purpose of avoiding or mitigating an impact. The proposed safe parking project at the site would be less impactful than a typical heavy industrial use. The impact would be less than significant.

Hazards and Hazardous Materials

CODA Consulting Group conducted a Phase I Environmental Site Assessment (ESA)¹ for the site in October 2021. The findings of the Phase I ESA determined that the site and surrounding land uses did not have any recognized environmental conditions or controlled recognized environmental conditions. Although the project site did have three underground storage tanks that have since been removed, they were found to be liquid-tight, and no contamination related to the tanks were identified. Both the Santa Clara Valley Water District and the Regional Water Quality Control Board provided case closure letters in 1991. The site will be paved over for the project, and no contamination from soil or ground water would occur. There would be no impact from hazards and hazardous materials.

Based on the above, 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, and the Addendum for the 24/7 Safe Parking Operation at the Santa Teresa Station Site 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 addended to the Incidental Safe Parking Use Municipal Code Amendments Negative Declaration and Addendum, pursuant to CEQA Guidelines §15164(c).

Christopher Burton, Director
Planning, Building and Code Enforcement

4/28/23

Date



Deputy

¹ CODA Consulting Group, Report of Phase I Environmental Site Assessment and Additional Services prepared for Terreno Realty Corporation, *7 Acres of Land, 1300 Berryessa Road, San Jose, CA 95133*, October 12, 2021.