

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING AN ADDENDUM TO THE NEGATIVE DECLARATION PREPARED FOR THE INCIDENTAL SAFE PARKING USE AMENDMENTS TO TITLE 20 OF THE SAN JOSE MUNICIPAL CODE AND ADDENDA THERETO, ANALYZING THE ADDITION OF THE 1300 BERRYESSA ROAD SITE FOR INCIDENTAL SAFE PARKING USE IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, on February 26, 2019, the City of San José (City), acting as lead agency under the California Environmental Quality Act (CEQA), prepared and circulated a Negative Declaration for an ordinance amending Title 20 of the San José Municipal Code to add Part 17.5, Incidental Safe Parking Use on Places of Assembly and City Parcels (Planning File No. PP18-092) (Safe Parking Ordinance); and

WHEREAS, the Safe Parking Ordinance created standards for unhoused individuals and families to sleep overnight in their personal vehicles, allowing “safe parking” on existing paved parking areas as an incidental permitted use to an assembly use or on City properties and operating in compliance with the San José Municipal Code; and

WHEREAS, prior to adopting the Safe Parking Ordinance and resolution to approve the Negative Declaration (Resolution No. 78990), an Initial Study and Negative Declaration was completed in compliance with CEQA and circulated for public review, and a determination was made that all identified potentially significant environmental impacts from the Safe Parking Ordinance would be reduced to a less than significant level under the implementation of the City’s Envision San José 2040 General Plan policies and Municipal Code; and

WHEREAS, the City has now prepared an Addendum to the Negative Declaration pursuant to CEQA Guidelines Section 15164 to make minor modifications to the Negative

Declaration and allow an Incidental Safe Parking use at the 1300 Berryessa Road site (the “Addendum”); and

WHEREAS, the Addendum analyzes the proposed modification of adding the Incidental Safe Parking use at the 1300 Berryessa Road site (the “Project”) and demonstrates that all of the potential environmental impacts associated with the proposed modifications would be within the envelope of impacts already evaluated in the Negative Declaration; and

WHEREAS, the Project would operate for 24 hours a day, seven days a week on a single parcel at 1300 Berryessa Road, which would be leased from the Terreno Berryessa LLC for a period of 10 years and may be extended if the need persists and the owner is agreeable to an extension; and

WHEREAS, the Project would be temporary, and all structures brought in for the Project would be portable and removed when the lease period ends; and

WHEREAS, the Project will operate in accordance with the Conduct of use mandated by Section 20.80.1675 of the Municipal Code; and

WHEREAS, implementation of the Project would not result in new significant effects on the environment, nor will the Project result in an increase in the severity of effects identified in the Negative Declaration; and

WHEREAS, the City Council has reviewed and considered the Negative Declaration and the Addendum and intends to take action on the Project in compliance with CEQA; and

WHEREAS, the Negative Declaration and the Addendum for the Project are on file in the Office of the Director of Planning, Building and Code Enforcement, located at 200 East

Santa Clara Street, 3rd Floor Tower, San José California, 95113, and are available for inspection by any interested person at that location and on the Department of Planning, Building and Code Enforcement website (www.sanjoseca.gov/Planning);

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

1. The foregoing recitals, the Negative Declaration, and the Addendum thereto are hereby incorporated by reference as if fully set forth in the body of this Resolution.
2. The City Council hereby makes the following findings: (1) it has independently reviewed and analyzed the Negative Declaration, as modified by the Addendum, as well as other information in the record and has considered the information contained therein, prior to acting upon or approving the Project; (2) the Addendum has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA; and (3) the Addendum represents the independent judgment and analysis of the City of San José, as lead agency for the Project. The City Council designates the Director of Planning, Building and Code Enforcement at the Director's Office at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, as the custodian of documents and records of proceedings on which this decision is based.
3. The City Council hereby finds that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby adopt the Addendum prepared for the Project (Planning File No. ER23-081). The Negative Declaration and the Addendum are: (1) on file in the Office of the Director of Planning, Building and Code Enforcement, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, and on the Department of Planning,

Building and Code Enforcement’s website, and (2) available for inspection by any interested person.

ADOPTED this _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk