

MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

PROJECT NAME: 1300 Berryessa Road Supportive Parking Project

PROJECT FILE NUMBER: ER23-081

PROJECT DESCRIPTION: The City proposes to lease the project site for a period of up to 10 years. The project would include improvements to the project site to allow for operation of a 24/7 site for people who live in their cars and RVs to park. The site would operate for a period of up to 10 years or less based on demand. The site is an enclosed internal parcel surrounded by existing industrial uses. The site improvements may include up to approximately 131,000 square feet of existing paved and gravel areas to be demolished, graded, repaved, and striped to allow for up to 176 parking spaces (including 85 lived-in RV parking spaces, 41 unoccupied RV parking spaces, 46 standard car parking spaces, and 4 Americans with Disabilities Act car parking spaces). Four new temporary structures and three storage units would be installed on temporary footings. The structures would house administrative/recreation space, laundry facilities, office space for case managers and restrooms/showers for participants. The structures would have a maximum height of 13-16 feet. Two shade structures would be installed on-site. These shade structures would have a maximum height of 10-16 feet. Underground utilities would be installed within the site to bring in water, power, and sanitary sewer. All aboveground structures would be temporary and would be removed at the end of the lease period, or operation of the project, and the site would be returned to its vacant state.

PROJECT LOCATION: 1300 Berryessa Road, San José

ASSESSORS PARCEL NO.: 254-13-090

COUNCIL DISTRICT: 3

APPLICANT CONTACT INFORMATION: City of San José Housing Department, 200 East Santa Clara Street, San José, CA 95113, Attention: Ragan Henninger, Deputy Director

FINDING

The Director of Planning, Building and Code Enforcement finds the project described above would not have a significant effect on the environment if certain mitigation measures are incorporated into the project. The attached Draft Initial Study identifies one or more potentially significant effects on the environment for which the City, before public release of this Mitigated Negative Declaration (MND), has agreed to actions that will clearly mitigate the potentially significant effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- A. **AESTHETICS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- B. **AGRICULTURE AND FORESTRY RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- C. **AIR QUALITY** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- D. **BIOLOGICAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- E. **CULTURAL RESOURCES**

Impact CUL-1: Ground disturbing activities associated with project implementation may result in impacts to unrecorded subsurface tribal cultural resources.

Mitigation Measure: Implementation of the mitigation measures below would reduce potential impacts to previously undiscovered tribal cultural resources to a less than significant level.

MM CUL-1.1: Prior to the start of any demolition or grading activities, the Project Proponent shall submit evidence to the Director of Planning, Building and Code Enforcement or the Director's designee that an Archaeological Monitoring Contractor Awareness Training was held prior to ground disturbance. The training shall be facilitated by the project archaeologist in coordination with a Native American representative from a California Native American tribe who has consulted on the project, is registered with the Native American Heritage Commission (NAHC) for the City of San José, and who is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.

MM CUL-1.2: Prior to initiation of any ground disturbing activities, the Project Proponent shall engage a qualified archaeological monitor and a Native American tribal monitor who is registered with the NAHC for the City of San José and who is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 2108.0.3 and that has consulted on the project. The archaeological and tribal monitors shall be present at the project site during all grading and ground disturbing activities.

In addition to the project specific mitigation measures described above, consistent with City policies, the proposed project would be required to implement the Standard Project Conditions listed below to further minimize impacts to undiscovered subsurface cultural resources.

- F. **ENERGY** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- G. **GEOLOGY AND SOILS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- H. **GREENHOUSE GAS EMISSIONS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

I. HAZARDS AND HAZARDOUS MATERIALS.

Impact HAZ-1: Activities associated with implementation of the project could expose construction workers to arsenic, cobalt, and nickel contaminated soils.

Mitigation Measure: The following mitigation measure would be implemented to reduce the risk of exposure to arsenic, cobalt and nickel to less than significant levels.

MM HAZ-1.1: Prior to the start of any demolition or grading activities, the Project Proponent shall retain a qualified environmental consultant to prepare a Site Management Plan (SMP) that identifies remedial measures and/or soil management practices to ensure construction worker safety during project implementation. The plan shall be provided to the Director of Planning, Building and Code Enforcement or the Director’s designee, and the City’s Environmental Compliance Officer in the City of San José Environmental Services Department.

J. HYDROLOGY AND WATER QUALITY – The project would not have a significant impact on this resource, therefore no mitigation is required.

K. LAND USE AND PLANNING – The project would not have a significant impact on this resource, therefore no mitigation is required.

L. MINERAL RESOURCES – The project would not have a significant impact on this resource, therefore no mitigation is required.

M. NOISE – The project would not have a significant impact on this resource, therefore no mitigation is required.

N. POPULATION AND HOUSING – The project would not have a significant impact on this resource, therefore no mitigation is required.

O. PUBLIC SERVICES – The project would not have a significant impact on this resource, therefore no mitigation is required.

P. RECREATION – The project would not have a significant impact on this resource, therefore no mitigation is required.

Q. TRANSPORTATION – The project would not have a significant impact on this resource, therefore no mitigation is required.

R. TRIBAL CULTURAL RESOURCES

Impact CUL-1: Ground disturbing activities associated with project implementation may result in impacts to unrecorded subsurface tribal cultural resources.

Mitigation Measures: Mitigation Measures MM CUL-1.1 and MM CUL-1.2 outlined in Section E. Cultural Resources above, would be implemented to reduce the potential impacts to tribal cultural resources to less than significant levels.

S. UTILITIES AND SERVICE SYSTEMS – The project would not have a significant impact on this resource, therefore no mitigation is required.

T. **WILDFIRE** – The project would not have a significant impact on this resource, therefore no mitigation is required.

U. **MANDATORY FINDINGS OF SIGNIFICANCE**

Cumulative impacts would be less than significant. The proposed Project would implement the identified mitigation measures and would have either have no impacts or less-than-significant impacts on cultural/tribal cultural resources and hazards and hazardous materials. Therefore, the proposed Project would not contribute to any cumulative impact for these resources. The Project would not cause changes in the environment that have any potential to cause substantial adverse direct or indirect effects on human beings.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Tuesday December 11, 2023** any person may:

1. Review the Mitigated Negative Declaration (MND) as an informational document only; or
2. Submit written comments regarding the information and analysis in the Draft Initial Study. Before the MND is adopted, Planning Division staff will prepare written responses to any comments, and revise the Draft Initial Study, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final Initial Study/MND.

Christopher Burton, Director
Planning, Building and Code Enforcement



11/16/23

Date

Deputy

Reema Mahamood
Environmental Project Manager

Circulation period: November 21, 2023 through December 11, 2023