

## CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF DETERMINATION

To: Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044, 1400 Tenth Street, Room 212  
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control  
700 Heinz Avenue  
Berkeley, 94710

**Subject:** FILING OF NOTICE OF DETERMINATION IN COMPLIANCE WITH SECTION 21108 OF THE PUBLIC RESOURCES CODE

**Project Title:** Former Frito Lay Facility Removal Action Workplan

**State Clearinghouse Number:** 2021120434

**Project Location:** 650 North King Road, San Jose, California

**County:** Santa Clara

**Project Applicant:** BTC III San Jose Logistics Center LP

**Project Description:** The Department of Toxic Substances Control (DTSC) approved the Removal Action Workplan (RAW) for the Former Frito Lay Facility (Project Site). The Cleanup document, referred to as a RAW, summarized previous environmental investigations and concluded that the remediation of soil and soil vapor is required to protect human health and the environment. The RAW addressed the impacts of the chemical of concern identified as, lead and arsenic in soil, volatile organic compounds (VOCs), benzene, bromodichloromethane, bromoform, chloroform, methylene chloride, tetrachloroethene (PCE) and trichloroethene (TCE) in soil vapor.

Project activities consist of installing a vapor intrusion mitigation system (VIMS) under the proposed warehouse industrial buildings to address VOCs in soil vapor, excavation and off-site disposal of soil contaminated with lead and arsenic, an Operation, Maintenance and Monitoring Plan (OM&M Plan) and recordation of a Land Use Covenant (LUC) which will prohibit residential or other sensitive land uses, implement an soil management in the event that future Site activities require breaching the building's concrete floor slab, implement OM&M Plan for the VIMS, and require non-interference with VIMS. The estimated volume of contaminated soil expected to be excavated and disposed off-site is approximately 1,500 cubic yards, require approximately 94 trips over 3 weeks. The installation of the VIMS system will be concurrent with the Site redevelopment.

The City of San Jose circulated an Initial Study/Mitigated Negative Declaration (IS /MND) (State Clearinghouse Number 2021120434) for the 650 North King Road Industrial Project, also referenced as the Former Frito Lay Facility. The City of San Jose's project would demolish and remove the four existing building onsite and redevelop the property with a new 225,280 square feet (sf) warehouse industrial building. The maximum height of the building would be 45 feet and 6 inches. The project intends to redevelop the property as a modern industrial facility. While no end users have been identified, the building is programmed and designed to attract users such as logistics, e-commerce, warehouse/distribution, wholesaling, industrial services, and light to medium manufacturing. The development plan proposes approximately 27,000 square feet of manufacturing space and 198,280 square feet of warehouse and mezzanine/office space, for a total of 225,280 square feet.

The IS/MND identified and analyzed the required Site remediation. Refer to Section 3.3 Project Description and Section 4.9 Hazards and Hazardous Materials. The IS/MND concluded mitigation measures were required for Air Quality, Biological Resources and Hazardous and Hazardous Materials. DTSC prepared a Statement of Findings concluding the Lead Agency Final Environmental Document adequately analyzed impacts associated with the Project Site.

The City of San Jose approved the redevelopment project and certified the Initial Study and Mitigated Neg Declaration on February 16, 2022. The Notice of Determination was filed with the Santa Clara County Clerk Recorder's office on February 23, 2022.

As Responsible Agency under the California Environmental Quality Act (CEQA), DTSC approved the above-described project on April 11, 2022 and has made the following determinations:

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of project approval.
4. A Statement of Overriding Considerations was not adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.

The administrative record for this project is available to the public by appointment at the following location:

DTSC File Room  
700 Heinz Avenue  
Berkeley, California 94710  
(510) 540-3800 (call for an appointment)

Additional project information is available on EnviroStor:

[https://www.envirostor.dtsc.ca.gov/public/profile\\_report?global\\_id=60003118](https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=60003118)

Contact Person	Contact Title	Phone Number
Jayantha Randeni	Senior Hazardous Substances Engineer	510-540-3806

Approver's Signature:

*Julie C. Pettijohn*

Date:

April 11, 2022

Approver's Name	Approver's Title	Approver's Phone Number
Julie Pettijohn	Branch Chief	(510) 516-5894

TO BE COMPLETED BY OPR ONLY

Date Received for Filing and Posting at OPR: