

- County Clerk-Recorder  
County of Santa Clara  
110 West Tasman Drive, San Jose, CA 95134
  
- Office of Planning and Research  
State of California  
P.O. Box 3044, Sacramento, CA, 95812

**NOTICE OF DETERMINATION  
FOR A MITIGATED NEGATIVE DECLARATION  
(865 Embedded Way Industrial Project)**

**Lead Agency:** City of San José, Department of Planning, Building and Code Enforcement

**Project Applicant:** Oppidan Investment Company (Attn: Ian Halker), 1100 Lincoln Avenue, Suite 382, San Jose, CA 95125; (612) 803-8377

**Project Title:** 865 Embedded Way Industrial Project, File Nos. H22-022, ER22-113

**Project Description:** The project consists of a Site Development Permit (File No. H22-022) to allow the construction of a one-story 121,400 square foot industrial/manufacturing warehouse on a vacant 10.17-acre project site. The project would include a connection to an existing 26-foot-wide drive aisle that extends from the eastern Embedded Way driveway through the adjacent eastern industrial property (875 Embedded Way) and currently terminates at the southeastern boundary of the project site. A total of 300 parking spaces would be provided in the surface parking lot surrounding the proposed building. The project would include the removal of 11 trees on-site, 2 of which are ordinance-size.

**Location:** The project site is located at 865 Embedded Way in San José, California.

**Assessor's Parcel No:** 679-01-020

**Council District:** 2

The City has performed environmental review on this project. Environmental review examines the nature and extent of any adverse effects on the environment that could occur if a project is approved and implemented. Based on the review, the City has prepared a Mitigated Negative Declaration for this project. A Mitigated Negative Declaration is a statement by the City that the project will not have a significant effect on the environment if protective measures (mitigation measures) are included in the project.

This is to advise that the Director of Planning, Building, and Code Enforcement of the City of San José approved the above-described project on **May 1, 2024**, and made the following determinations regarding the Project:

1. An Initial Study/Mitigated Negative Declaration was prepared and completed for this project pursuant to and in compliance with the provisions of CEQA.
2. The Director of Planning, Building, and Code Enforcement has independently reviewed and analyzed the Initial Study/Mitigated Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project.
3. The Initial Study/Mitigated Declaration represents the independent judgment and analysis of the City of San José, as lead agency for the Project.
4. The Project would not have a significant impact on the environment.
5. Mitigation measures were made a condition of the approval of the Project.
6. A Mitigation Monitoring and Reporting Program was adopted for this Project.
7. Findings were made and adopted for this Project pursuant to the provisions of CEQA.

The Initial Study, Mitigated Declaration, Mitigation Monitoring and Reporting Program (MMRP), and record of Project approval may be examined at the City of San José, Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower, San José CA 95113-1905.

This notice is in compliance with Section 21152 of the Public Resources Code.

Christopher Burton, Director  
Planning, Building and Code Enforcement

Date: 5/2/24

  
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Deputy

Environmental Project Manager: Nhu Nguyen