

File No: H20-026, ER22-113

- 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 (PBCE)

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 on **August 13, 2024**, the City Council of San José denied the appeal of the environmental determination for the above-described project, upheld and approved the PBCE

Director's reliance on the 865 Embedded Way Industrial Project Mitigated Negative Declaration, and made the following determinations regarding the project:

1. The City Council has independently reviewed and analyzed the Initial Study supporting a Mitigated Negative Declaration for the 865 Embedded Way Industrial Project, and related administrative record related to Site Development Permit No. H22-022; and
2. The Mitigated Negative Declaration for the 865 Embedded Way Industrial Project was prepared and completed in full compliance with the California Environmental Quality Act of 1970 (CEQA), as amended, together with State and local implementation guidelines; and
3. Reliance on the Mitigated Negative Declaration for the 865 Embedded Way Industrial Project reflects the independent judgment and analysis of the City of San José, as the lead agency for the Project; and
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 Negative Declaration, Mitigation Monitoring and Reporting Program, 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, 3rd 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: 8/14/24



Deputy

Environmental Project Manager: Nhu Nguyen