

City Council Hearing

August 13, 2024



*Planning, Building and
Code Enforcement*

Item 10.2

Public Hearing on the Environmental Appeal of the Planning Director's Reliance on the 865 Embedded Way Industrial Project Initial Study supporting a Mitigated Negative Declaration (Site Development Permit No. H20-022 and ER22-113).

Presenter: Christopher Burton, PBCE Director

Project Location

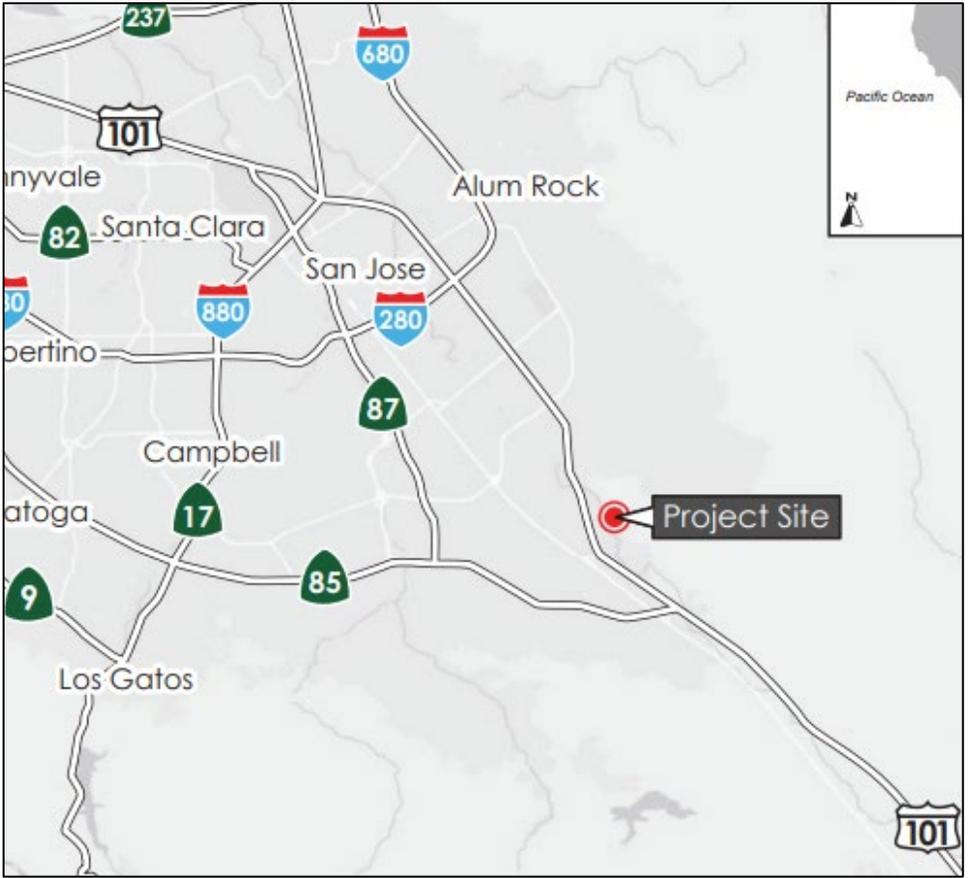


Figure 1. Regional Map



Figure 2. Aerial Map and Surrounding Land Uses

Project Components



Figure 3. Project Rendering

Proposal: Site Development Permit (File No. H22-022)

- Construct a one-story, 121,400 square foot, industrial/manufacturing warehouse and a surface parking lot on a vacant 10.17-acre project site
- Remove two ordinance-size and nine non-ordinance-size trees on-site

Environmental Review Background

CEQA: Initial Study Supporting a Mitigated Negative Declaration (MND)

- The Initial Study identified significant impacts to Biological Resources, Cultural Resources, Hazards & Hazardous Materials, and Transportation
- Impacts can be reduced to a less than significant level with mitigation

Public Circulation of the MND: December 21, 2023 to January 10, 2024

- The MND was posted to the Environmental Review website on December 21, 2023
- Newsflash and email notices of the posting were sent out to interested parties on same day
- Four comment letters were received from public agencies, labor unions, organizations, and private parties during the MND circulation period

Environmental Review Background

Public Hearing

- PBCE Director's Hearing held on May 1, 2024
- The Director adopted the 865 Embedded Way MND and approved the Site Development Permit (H22-022)
- One member of the public representing Adams Broadwell Joseph and Cardozo, on behalf of Silicon Valley Residents for Responsible Development, spoke on the record

Environmental Appeal

- Staff received two (2) timely appeals of the environmental determination from:
 - Mitchell M. Tsai Law Firm representing the Carpenters Local Union 405
 - Adams, Broadwell, Joseph and Cardozo representing Silicon Valley Residents for Responsible Development

Environmental Appeal

Mitchell M. Tsai Law Firm's reasons for the environmental appeal:

- Additional biological surveys are needed
- Reliance on the City's Greenhouse Gas Reduction Strategy is insufficient
- Soil contamination could pose a risk to construction workers and future employees
- The MND does not analyze the project's construction and operational noise impacts
- The project would result in a significant and unavoidable impact to VMT and increase road hazards

Adams Broadwell Joseph & Cardozo's reasons for the environmental appeal:

- The project description is misleading
- Construction and operational air quality impacts were improperly evaluated
- The transportation impacts of the project were not evaluated with the updated VMT Evaluation Tool

Environmental Appeal – City Response

As presented in the Council Memo and supporting responses, the appellants did not raise new issues about the project's environmental impacts or provide information indicating the project would result in new environmental impacts or impacts substantially greater in severity than disclosed in the MND

- The MND evaluated two foreseeable uses (warehouse and R&D) of the project, which are land uses consistent with the existing Industrial Park General Plan land use designation and IP Industrial Park Zoning District of the project site
- The Air Quality, Biological Resources, Greenhouse Gas, Hazards and Hazardous Materials, Noise, and Transportation sections relied on adequate technical studies to disclose potential impacts resulting from the project's construction and operation
- The analysis and conclusions made in the MND are accurate and supported by facts and evidence

Staff Recommendation

Adopt a resolution denying the environmental appeal and upholding the Planning Director's reliance on the 865 Embedded Way Industrial Project MND and associated Mitigation Monitoring and Reporting Program and approve Site Development Permit H22-022

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