



Planning, Building and
Code Enforcement

PLANNING DIVISION 05/20/2024 SUBJECT TO CHANGE

APPEAL OF PERMIT APPLICATION

The San José City Council or Planning Commission may hear appeals to the issuance of a development permit, variance, or exception. Not all permit processes allow for an appeal. Please refer to Table 20-260 of Municipal Code [20.100.220](#) for a complete list of the types of permit that may be appealed and the related hearing body.

The decision made by the hearing body is final and shall be effective immediately.

This application form must be completed as instructed below to facilitate the appeal.

WHO MAY APPEAL

The applicant, or any property owner or tenant of a property within 1,000 feet of the subject site, may file the appeal. The appellant must sign this application or if signed by the appellant's lawful power of attorney, you must submit written evidence to that person's authority.

Exception for Tree Removal Permits - For a Tree Removal Permit, only property owners or occupants of the subject site or of properties immediately adjacent or across the street from the subject site may appeal.

Exception for Tentative Maps - Any person may file.

DEADLINE

File this completed application **on or no later than 10 calendar days** after a copy of the permit decision by the Planning Commission or Director of Planning has been mailed to the project applicant. Permit decisions are typically made on Wednesdays with the issued permit mailed two days later on a Friday. Therefore, the 10-day deadline is commonly the second Monday following the hearing (by 5:00 p.m.).

Exception for Tentative Maps - The appeal must be filed within 10 calendar days of the permit approval.

FEES & PROCESS

The application filing fee must be paid by the deadline as previously explained. Find the current fee for a Permit Appeal on the Table of Applications at www.sanjoseca.gov/PlanningApplications. For Tree Removal Permits, a Public Noticing fee will also be charged.

HOW TO SUBMIT - 2 OPTIONS

- **In-Person (no appointment required):** Before the filing deadline stated above, come to the Planning Offices, third floor of City Hall (200 E. Santa Clara Street, San José) to submit the application. You may pay the appeal fee in-person or staff may email you an invoice which must be paid within 14 calendar days of the invoice date for the appeal to be valid.
- **Email:** Before the filing deadline stated above, email the completed application and any attachments to PlanningTechs@sanjoseca.gov. If the appeal is timely and complete, staff will send you an invoice for the appeal fee, which must be paid within 14 calendar days of the invoice date for the appeal to be valid.

WHAT TO SUBMIT

- This application form, completed and signed.
- Assessor's parcel map showing the subject site outlined.

City staff will set a public hearing date with the Planning Commission or City Council as appropriate. The appeal item will be placed on the agenda. Staff will also prepare a recommendation of action to the Planning Commission or City Council.

FOR QUESTIONS

Speak with a City Planner at 408-535-3555; see phone service hours at www.sanjoseca.gov/Planning.

Para información en español, comuníquese con un Planificador de la ciudad al **408-793-4100**.

Để được hỗ trợ, nói chuyện với Người lập kế hoạch thành phố tại **408-793-4174**.

continued >

Please download and save this computer-fillable form to your computer. Follow instructions for [Digital Forms](#).

1. The undersigned respectfully requests an appeal to the permit issued for the property located at:

PROPERTY ADDRESS: 2063 Tarob ct, Milpitas, CA , 95035

PROPERTY OWNER NAME: Abhinab Mohanty & Minal V Laad

PROPERTY OWNER MAILING ADDRESS: 2063 Tarob ct, Milpitas, CA, 95035

2. REASON/S FOR APPEAL: If more space is needed, attach a separate sheet.

This letter formally appeals the approval of Site Development Permit H24-057 and the associated Mitigated Negative Declaration (MND) ER24-245 for the proposed 24/7 warehouse/logistics facility at 2334 Lundy Avenue. After reviewing all publicly available documents, we conclude that the approval process suffered from procedural defects and that the MND fails to disclose, analyze, or mitigate significant environmental impacts. Under CEQA, a full Environmental Impact Report (EIR) is required.

3. PERSON FILING APPEAL

RELATIONSHIP TO SUBJECT SITE CHECK ALL THAT APPLY: Property Owner Adjacent Property Owner Tenant on Site
 Property Owner/Tenant Within 1,000 feet Tentative Map Appeal (anyone may appeal)

PRINT NAME: Abhinab Mohanty

MAILING ADDRESS: [REDACTED]

EMAIL: [REDACTED]

PHONE: [REDACTED]



12/08/2025

● SIGNATURE OF PERSON FILING THE APPEAL

DATE: [MM/DD/YYYY]

**For electronic submittal or virtual appointments, a [Digital ID Signature](#) is required.
 For in-person appointments, an original ink signature is required.**

4. CONTACT PERSON IF DIFFERENT FROM PERSON FILING APPEAL

PRINT NAME:

MAILING ADDRESS:

EMAIL:

PHONE:

OFFICE USE ONLY		
FILE NUMBER:		
INTAKE DATE:	BY:	PAID: \$
COMMENTS:		



Planning, Building and Code Enforcement

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Để được hỗ trợ, nói chuyện với Người lập kế hoạch thành phố tại **408-793-4174**.

continued >

Please download and save this computer-fillable form to your computer. Follow instructions for [Digital Forms](#).

1. The undersigned respectfully requests an appeal to the permit issued for the property located at:

PROPERTY ADDRESS: 2334 Lundy Place

PROPERTY OWNER NAME: FirstCarbon Solutions

PROPERTY OWNER MAILING ADDRESS: 2999 Oak Road, Suite 250 Walnut Creek, CA 94597

2. REASON/S FOR APPEAL: If more space is needed, attach a separate sheet.
Please see attached appeal letter following this form and attached in the email.

3. PERSON FILING APPEAL

RELATIONSHIP TO SUBJECT SITE CHECK ALL THAT APPLY: Property Owner Adjacent Property Owner Tenant on Site
 Property Owner/Tenant Within 1,000 feet Tentative Map Appeal (anyone may appeal)

PRINT NAME: ZHUANGZHUANG ZHANG

MAILING ADDRESS: [REDACTED]

EMAIL: [REDACTED]

PHONE: [REDACTED]



12/05/2025

• SIGNATURE OF PERSON FILING THE APPEAL

DATE: [MM/DD/YYYY]

**For electronic submittal or virtual appointments, a [Digital ID Signature](#) is required.
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PRINT NAME:

MAILING ADDRESS:

EMAIL:

PHONE:

OFFICE USE ONLY		
FILE NUMBER:		
INTAKE DATE:	BY:	PAID: \$
COMMENTS:		

APPEAL OF SITE DEVELOPMENT PERMIT H24-057 AND MITIGATED NEGATIVE DECLARATION ER24-245

Project: 2334 Lundy Avenue, San José, CA 95131

Appellant: Zhuangzhuang Zhang

Date: 12/05/2025

To: City of San José – Planning Commission / City Council
Department of Planning, Building, and Code Enforcement

I. INTRODUCTION

This letter formally appeals the approval of Site Development Permit H24-057 and the associated Mitigated Negative Declaration (MND) ER24-245 for the proposed 24/7 warehouse/logistics facility at 2334 Lundy Avenue. After reviewing all publicly available documents, we conclude that the approval process suffered from procedural defects and that the MND fails to disclose, analyze, or mitigate significant environmental impacts. Under CEQA, a full Environmental Impact Report (EIR) is required.

II. PROCEDURAL DEFECTS INVALIDATE THE APPROVAL

1. Inadequate Notice to Affected Residents, Schools, and the KB Homes Community

The MND identifies Northwood Elementary School and Brooktree Elementary School as sensitive receptors, yet neither appears to have been notified. No public comments were received from parents or residents. Only three comments were submitted before the hearing, all from business-park stakeholders rather than the affected residential population.

Critically, the **KB Homes residential community**, located directly across a two-lane street from the project site and positioned to experience the **first and greatest impacts** from nighttime noise, diesel truck traffic, and light pollution, **was not notified of the project, its MND, or the public hearing**. Our community is the closest residential neighborhood to this development—far closer than the schools listed in the MND—yet no notices were mailed, posted, or delivered in any form.

The lack of notice to the nearest and most directly impacted homes violates the fundamental CEQA requirement of meaningful public participation. A project of this scale and intensity cannot proceed when the community most affected was never informed.

2. Hearing Deficiencies and Failure to Consider Resident Objections

At the hearing, numerous supporters appeared unrelated to the surrounding community, while the objections of directly affected residents were dismissed without substantive discussion. The immediate approval suggests the hearing functioned as a procedural formality rather than a genuine CEQA review.

3. Missing and Incomplete Administrative Record

Critical environmental documents, including Appendix A (Air Quality, GHG, and Energy Supporting Information) and the Transportation Analysis, were inaccessible during the

public review period. Without these materials, the public could not meaningfully evaluate the project. The lack of hearing materials or recordings on the City's project website further demonstrates that the administrative record is incomplete.

III. THE MND IS LEGALLY INADEQUATE AND AN EIR IS REQUIRED

1. Significant Noise Impacts

San José's Municipal Code limits industrial noise to 55 dBA at residential property lines. A 24/7 logistics facility with 16 loading docks, truck arrivals, backup alarms, coupling noise, and idling cannot realistically comply. The single proposed mitigation—an 8-foot sound wall—is inadequate for elevated sources and multi-story homes in the KB Homes community directly across the street. **Nighttime noise is linked to cardiovascular disease, sleep disruption, anxiety, and impaired learning. These are significant impacts under CEQA and require EIR-level analysis.**

2. Significant Air Quality and Health Impacts on Children

Continuous diesel truck operations will emit Diesel Particulate Matter (a carcinogen), NOx, and PM2.5 pollution. Two elementary schools lie within 0.5 to 1 mile, and the KB Homes community is directly adjacent. Children are highly vulnerable to diesel pollution. The MND's "less-than-significant" conclusion contradicts extensive scientific evidence. Without the missing Appendix A, these claims cannot be evaluated.

3. Significant Light Pollution and Sleep Disruption

A fully illuminated 24/7 truck court, parking lot, and building will produce light trespass and sky glow affecting all residences facing the site, including the KB Homes community. Light pollution is linked to circadian disruption, sleep disorders, and mental health impacts. The MND minimizes these effects.

4. Significant Transportation and Safety Impacts

Because the Transportation Analysis was unavailable, the public could not evaluate impacts. The project can operate either as a traditional warehouse or as a last-mile delivery hub, with vans and trucks circulating through nearby residential streets. This creates significant conflicts with schoolchildren, pedestrians, and cyclists on Lundy Avenue's protected bike lane. None of these risks are assessed.

5. General Plan Policy Conflict

The Transit Employment Center (TEC) designation prioritizes high-density employment and R&D uses. A low-employment, truck-intensive 24/7 warehouse is fundamentally incompatible with this designation. Policy conflicts are themselves significant impacts requiring an EIR.

IV. SUBSTANTIAL EVIDENCE TRIGGERS THE NEED FOR AN EIR

CEQA requires an EIR when substantial evidence suggests a project may cause significant environmental impacts. Noise, air pollution, light pollution, traffic safety, land use conflicts, and the lack of adequate mitigation each independently satisfy this requirement. The MND cannot be legally adopted.

V. REQUESTED RELIEF

We respectfully request that the City of San José:

1. Grant this appeal and rescind approval of Site Development Permit H24-057.
2. Set aside the Mitigated Negative Declaration ER24-245.
3. Prepare a full Environmental Impact Report evaluating:
 - Nighttime noise impacts on multi-story homes
 - Diesel exhaust impacts on two elementary schools and adjacent residences
 - Light pollution and sleep disruption
 - Last-mile delivery traffic and school safety risks
 - Cumulative health impacts
 - A “No 24/7 Operations” alternative
 - A “No Logistics / R&D Only” alternative consistent with TEC policies
 - A “Zero-Emission Truck Fleet” alternative
4. Release all missing technical documents and re-open public review.
5. Re-notice all affected residents, including the KB Homes community, and restart the CEQA comment period.

VI. CONCLUSION

The project would introduce a 24/7 diesel truck facility directly across from a residential community and near two elementary schools. Significant impacts are unavoidable, and the public was deprived of meaningful participation due to the lack of notice and missing documents. Under CEQA, a full Environmental Impact Report is legally required. We respectfully request that the City uphold this appeal and require proper environmental review.

Sincerely,
Zhuangzhuang Zhang

