



Planning, Building and Code Enforcement

CHRISTOPHER BURTON, DIRECTOR

December 5, 2025

2334 Lundy Place LLC
19700 S. Vermont Avenue, Suite 101
South Torrance, CA 90502

Dear 2334 Lundy Place LLC:

RE: **Site Development Permit, File No. H24-057 & ER24-254**, located at **2334 Lundy Avenue**
(APN: 244-01-023).

The enclosed is your copy of the Planning Director's action on this Site Development Permit.

This permit may contain one or more conditions, such as revised plans, which must be met within a specific deadline. If conditions are not met the permit will automatically expire. Please read your permit carefully!

The Planning Director's action taken on this permit or any of the conditions of this permit may be appealed by the applicant to the Planning Commission by filing a Notice of Appeal and a \$15,382.00 fee. The appeal must be submitted in person or by e-mail at planningtechs@sanjoseca.gov and presented on the Notice of Appeal form available from this department on or before **5:00 p.m, December 15, 2025**. If you have any questions, please contact the Project Manager, Rina Shah at (408) 535-7835 or by e-mail at rina.shah@sanjoseca.gov.

Sincerely,

Ruth Cueto Garcia,
Deputy

Enclosures

RS:jp



SITE DEVELOPMENT PERMIT

FILE NO.	H24-057 & ER24-254
LOCATION OF PROPERTY	2334 Lundy Avenue (APN: 244-01-023)
ZONING DISTRICT	LI Light Industrial
GENERAL PLAN DESIGNATION	Transit Employment Center
PROPOSED USE	Site Development Permit to allow the construction of an approximately 132,419-square-foot concrete tilt-up industrial building with approximately 10,000 square feet of incidental office area and associated site improvements on an approximately 6.5-gross-acre site. The project includes the demolition of an approximately 130,300-square-foot building and the removal of 152 trees (95 ordinance-size trees and 57 non-ordinance-size trees).
ENVIRONMENTAL STATUS	2334 Lundy Place Project Initial Study/Mitigated Negative Declaration.
OWNER/APPLICANT/ADDRESS	2334 Lundy Place LLC 19700 S. Vermont Avenue, Suite 101 South Torrance, CA 90502

FACTS AND FINDINGS

The Director of Planning, Building, and Code Enforcement finds that the following are the relevant facts and findings regarding this proposed project:

- 1. Project Description.** This Site Development Permit is to allow the construction of an approximately 132,419-square-foot concrete tilt-up industrial building with approximately 10,000 square feet of incidental office area, and associated site improvements on an approximately 6.5 gross-acre site. The project includes the demolition of an approximately 130,300-square-foot building and the removal of 152 trees (95 ordinance-size trees and 57 non-ordinance-size trees). The operation is proposed to be 24/7, with a two-way full-access driveway and a fire access road at the northwest corner from Lundy Avenue and a two-way full-access driveway from Trade Zone Boulevard at the southeast corner of the site. Surface parking is provided at the northeast corner of the site. The project includes the construction of a new 8-foot-high masonry sound wall near the loading dock area.

The Site Development Permit application was submitted on September 27, 2024, before the AB 98 law became effective.

2. Site Description and Surrounding Uses. The project site is located on the northeast corner of Trade Zone Boulevard and Lundy Avenue, at 2334 Lundy Avenue. The surrounding land uses include a labor union office to the north, waste management service and technology buildings across the railroad tracks to the east, a church and manufacturing buildings across Trade Zone Boulevard to the south, and residential townhomes, located in the City of Milpitas, across Lundy Avenue to the west of the project site.

3. General Plan Conformance

The Envision San José 2040 General Plan/Transportation Diagram Land Use designation of the project site is Transit Employment Center. This designation has a FAR of up to 12 or 4 to 25 stories. This designation is applied to areas planned for intensive job growth because of their importance as employment districts to the city and a high degree of access to transit and other facilities and services. To support San Jose's growth as a Regional Employment Center, it is useful to designate such key Employment Centers along the light rail corridor in North San José, in proximity to the BART and light rail facilities in the Berryessa/Milpitas area, and in proximity to light rail in the Old Edenvale area. All of these areas fall within identified Growth Areas and have access to transit and other important infrastructure to support their intensification. Uses allowed in the Industrial Park designation are appropriate in the Transit Employment Center designation, as are supportive commercial uses.

Analysis: The proposed industrial/warehouse building with incidental office use is consistent with the General Plan Land Use designation of Transit Employment Center.

Floor Area Ratio (FAR): The proposed building square footage is approximately 132,419 square feet (3 acres), resulting in a FAR of 0.47, which is below the maximum allowed FAR of 12.0 for the site.

The project conforms to the following General Plan Goal:

- a. Goal LU-6 – Industrial Preservation: Preserve and protect industrial uses to sustain and develop the city's economy and fiscal sustainability.

Analysis: The project will provide an industrial space with incidental office uses and will not facilitate the conversion of industrial land. The subject site is primarily surrounded by a mix of office and industrial uses, and the proposed uses are consistent with the industrial land use designation.

The proposed project is consistent with the following General Plan policies:

- b. Fiscal Sustainability Policy IE-2.7: Encourage business and property development that will provide jobs and generate revenue to support city services and infrastructure.
- c. Broad Economic Prosperity Policy IE-6.2: Attract and retain a diverse mix of businesses and industries that can provide jobs for residents of all skill and education levels to support a thriving community.

Analysis: The project would be consistent with the policies above, as the project is for the construction of a new industrial building. The construction of the new building would implement the development of the industrial site and would expand industrial uses within the city. The building is programmed and designed to attract users such as research and development, manufacturing, assembly uses, and warehousing and distribution uses, thereby providing jobs for residents. The project is expected to employ up to 113 employees.

4. Zoning Code Compliance

The subject site is in the LI Light Industrial Zoning District. The project would include the demolition of the existing building and the construction of an industrial building and associated site improvements.

- a. **Primary Use.** Light Industrial manufacturing & warehouse uses are permitted on-site pursuant to Section 20.50.100, Table 20-110 of the Zoning Code. A Site Development Permit is required pursuant to Section 20.100.610 of the City of San José Municipal Code, as submitted.
- b. **Incidental office use** (Zoning Code Section 20.50.125): The incidental office use occupies a total of no more than fifteen (15) percent or up to 5,000 square feet, whichever is greater, of the site area used for the use.

Analysis: The total site area used by the permitted industrial use is 132,419 square feet. The allowable incidental office use is 15% of the total industrial site area, or approximately 19,862 square feet. The project provides 10,000 square feet of incidental office use and therefore complies with this requirement.

- c. **Setbacks.** The LI Light Industrial Zoning District requires a minimum of 15-foot front setback, and zero-foot side and rear setbacks from respective property lines.

Pursuant to Section 20.50.200, "Front" refers to lot boundaries abutting streets, excluding freeways.

Analysis: Since the subject site is bounded by two public streets, it has two street frontages, and the minimum 15-foot front building setback is applicable from both the property lines abutting Trade Zone Boulevard and Lundy Place. The project conforms to this requirement. No setbacks are required at the remaining property lines.

There is no minimum parking requirement, but if parking spaces are provided, then the front setback for parking and circulation for passenger vehicles is 20 feet, and the front parking setback for trucks is 30 feet.

Analysis: The site plan exhibit demonstrates that the front setbacks for building, parking, and circulation conform to the required minimum setbacks per the zoning district.

Regulation	Requirement	Proposed (in feet)
Front Setback (From Lundy Avenue)	15 feet minimum building setback from the property line	20'-3"
	20 feet minimum parking and circulation setback for passenger vehicles	601'-0" (approximately)
	30 feet minimum setback for trucks and buses	53'-3"
	60 feet for off-street loading docks	166'-1"
Side Setback	0 from the property line	36 feet to 185 feet
Front Setback (from Trade Zone Boulevard)	15 feet minimum building setback from the property line	18'-3"
	15 feet minimum parking and circulation setback for passenger vehicles	44'-6"
	15 feet minimum setback for trucks and buses	370'-0" (approximately)
	15 feet for off-street loading docks	240'-0" (approximately)
Maximum Height	50 feet	41 feet +, -

d. **Height.** The allowable maximum height in this zoning district is 50 feet, and the building elevation exhibits show a proposed height of approximately 41 feet to the roof parapet, conforming to the maximum height requirement.

e. **Parking**

Vehicle parking

There is no minimum vehicle parking requirement per the Parking Ordinance, effective April 10, 2023.

Analysis: The project provides 86 vehicle parking spaces on-site.

Bicycle Parking

The industrial use requires one bicycle parking space per 10 full-time employees.

Analysis: The proposed industrial use may have approximately 113 employees, which would require approximately 12 bike parking spaces. The project provides 21 short-term and 5 long-term spaces, for a total of 26 spaces on-site, in conformance with the bicycle parking space requirement.

Motorcycle Parking

The industrial use requires motorcycle spaces at the rate of 2.5% of the vehicle spaces provided on site.

Analysis: For 86 vehicle parking spaces, two spaces are required. The project provides 3 motorcycle parking spaces on-site, in conformance with the requirement.

Off-Street Loading Spaces:

Pursuant to Section 20.90.410, any building, or part thereof, constructed, erected, or moved within or onto any lot or parcel of land in any district for any use as described in Subsection B of Section 20.90.410., having a floor area of ten thousand square feet or more shall provide at a minimum *one* off-street loading space, plus one additional such loading space for each twenty thousand square feet of floor area.

Analysis: For 132,419 square feet of warehouse space, six truck-loading spaces are required. The project provides 16 dock doors facing the north side of the site.

Pursuant to Section 20.90.420, each off-street loading space required by this part shall be not less than ten feet wide, thirty feet long, and fifteen feet high, exclusive of driveways for ingress and egress and maneuvering areas.

Pursuant to Section 20.90.100, all off-street parking spaces and drive aisles shall conform to the design requirements outlined in Table 20-220.

Analysis: The project conforms to the above loading space and parking space requirements.

f. Transportation Demand Management (TDM)

The development prepared a Transportation Demand Management (TDM) Plan to satisfy the City's mandatory TDM ordinance (Municipal Code Chapter 20.90). The project is required to reach a target of 5 TDM points for the "other" use component. The project will implement pedestrian network improvement (MI-05), which includes the removal of the northwest corner pork-chop island, minor modifications at the southwest and southeast corners for ADA-compliance at the Lundy Avenue/Trade Zone Boulevard intersection, with signal modification work to improve overall pedestrian safety.

Additionally, the project will provide programmatic TDM measures for its employees: pre-tax deductions for transportation expense benefits (TP-11) and ride-share programs (TP-13). The project shall submit a TDM Plan to meet the TDM requirements prior to the Certificate of Occupancy.

With the inclusion of the conditions below, the project will be in conformance with both the City of San Jose Transportation Analysis Policy (Council Policy 5-1) and the Santa Clara County Congestion Management Program.

The project shall implement the following measures for a total of 5 TDM points:

- a. MI05: Provide Pedestrian Network Improvements. – 3 points
 - i. Remove the pork-chop island at the northwest corner and implement minor modifications at the southwest and southeast corners for ADA-compliance at the Lundy Avenue/Trade Zone Boulevard intersection. Some signal modification work may be required.
- b. TP11: Provide Alternative Transportation Benefits. – 1 point
- c. TP13: Provide Ride-Share Programs. – 1 point

g. Performance Standards

	Maximum Noise Level in Decibels at Property Line
Industrial use adjacent to a property used or zoned for residential purposes	55
Industrial use adjacent to a property used or zoned for commercial purposes	60
Industrial use adjacent to a property used or zoned for industrial purposes	70

Pursuant to Section 20.50.300 of the Zoning Code, the maximum allowable noise level (in decibels) for industrial uses adjacent to properties used or zoned for commercial purposes is 60 decibels. The maximum allowed noise level for properties used or zoned for industrial or uses other than commercial/residential purposes is 70 decibels. The maximum allowed noise level for Industrial use adjacent to a property used or zoned for residential purposes is 55 decibels.

Analysis: To determine the operational noise impacts of the proposed use, a Noise Study was prepared by First Carbon Solutions, Inc., dated August 2025. The noise study is linked here: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/negative-declaration-initial-studies/2334-lundy-place-project>.

The noise study measured general operational noise from the site to each property line. Operational noise studied included 24/7 operations of the mechanical equipment, delivery trucks on site, loading/unloading activity, parking operations, and landscape maintenance activities. The noise study notes that the closest sensitive receptors are the townhomes located approximately 248 feet on the northwest side and approximately 231 feet on the southwest side, across from Lundy Avenue, of the project site. Based on the noise study, none of the noise-producing operations evaluated would exceed 55 decibels at the closest residential property lines. Additionally, a 55-foot-long and an 8-foot-high masonry sound wall will be constructed on site near the loading dock area to mitigate any noise generated due to the loading/unloading of trucks.

Therefore, the project conforms with all noise requirements of the Zoning Code, as further detailed in the Noise Study and Initial Study/Mitigated Negative Declaration (IS/MND).

5. Citywide Design Standards and Guidelines Conformance

The project is subject to the Citywide Design Standards and Guidelines, which became effective on March 24, 2021. The project is consistent with the following applicable provisions.

a. Section 3.3.1 Façade Design and Articulation

- i. Standard 1 - Articulate all building façades facing a street or public open space for at least 80 percent of each façade length. Articulate all other building façades for at least 60 percent of each façade length. Façade articulation can be achieved by providing material and wall plane changes or by providing a rhythmic pattern of bays, columns, and other architectural elements to break up the building mass.
- ii. Standard 2 - Building elements such as bays, windows, and balconies that project from façades must have at least two feet of plane change.

Analysis: The proposed building is approximately 41 feet in overall height and incorporates base, middle, and top features in the building design. The project provides sufficient façade wall articulation on each side. The roof form is articulated with variations in parapet heights and roof lines. The building office entrance walls at the southeast corner facade (facing Trade Zone Boulevard) and northwest corner (facing Lundy Avenue) protrude with a minimum of 2 feet of wall plane changes. The roof parapet incorporates variation in roof height along both façades facing public streets to create a visual focus and interest, in conformance with the Design Guidelines Section above.

b. Section 3.3.2 Roofs and Parapets: Design roofs to be compatible with surroundings and add character to buildings.

- i. Guideline 1. Design articulated roof forms for new developments and building extensions with elements such as parapets, parapet caps, and cornices to create strong edges and reinforce massing and building façade articulation.

Analysis: The roof form is articulated with variations in parapet heights and roof lines. The concrete parapet wall is aligned with the concrete tilt-up panels of the building to be structurally sound and provide strong edges to reinforce the massing of the building façade.

- c. Section 3.3.4 Awnings, Sunshades, and Screens: Reduce heat gain and provide visual interest to buildings with awnings, sunshades, and screens.

- i. Guideline 2. Integrate awnings when used into residential and industrial entrances and commercial frontage design to highlight primary building entrances.

Analysis: The architectural treatment at the building entrance wall (southeast and northwest corner facades) with the use of a combination of materials such as painted concrete tilt-up panels, painted metal panels over metal stud walls, painted metal steel tube canopy, and aluminum storefront framing with tempered glazing creates visual interest and reduces the flatness of the roof line, per the guidelines above.

- d. Section 3.3.7 Materials and Colors: The quality of the materials and color palette helps define a building's character.

- i. Standard 1. In *General Plan growth areas*, ground floor elevation fronting *primary streets* must have high-quality materials and texture for at least 50 percent of the non-glass areas. High-quality materials include (but are not limited to) stone, marble, granite, brick, tile, wood, terracotta, and steel.
- ii. Guideline 2. Use heavier materials such as masonry, concrete, and stucco with darker colors at the base and middle of building façades and progressively lighter materials and colors such as wood, panels, etc. on the middle and top of façades at upper levels.

Analysis: The project wall facades include sufficient articulation with the use of metal panels, metal panel reveals, and wall plane changes at corners with variation in roof parapet heights, as discussed above. The design consists of aluminum storefront framing with tempered glazing and concrete tilt-up panels with a metal tube steel canopy, creating visual interest.

The use of shades of gray with black and naval accent colors, along with variation in height and size of the metal panels and metal reveals, is used to sufficiently articulate the building facades and provide a desirable scale for the building context, in conformance with the Design Guidelines Section above.

- e. Section 2.3.8 Landscaping and Stormwater Management

- i. Standard 1. Select trees that at maturity create a tree canopy cover that shades a minimum of 50 percent of each on-site surface parking area, common open space at the ground floor, and privately owned (and maintained) Public Open Space.

Analysis: Based on the information provided on Landscape Plan Sheet LC-1.1 of the approved plan set, 197 new 24-inch box trees will be planted on-site, and 21 new 24-inch box Street trees will be planted at the City arborist discretion and approximately 58% of the on-site surface parking area will be shaded by the tree canopy at maturity, in conformance with the Design Guideline Section above.

7. Environmental Review

The City of San José, as the lead agency, prepared an Initial Study/Mitigated Negative Declaration (IS/MND) for the 2334 Lundy Avenue Project. The document was circulated for public comment between September 11, 2025, to October 1, 2025.

A total of three comment letters were received from public agencies and private parties. The comments received are summarized below:

- a. Pacific Gas and Electric Company (PG&E) commented on the coordination with the applicant regarding the relocation of PG&E utilities and did not raise any environmental concerns.
- b. Santa Clara Valley Transportation Authority (VTA) requested additional traffic queuing analysis but did not raise any new significant impacts.
- c. Santa Clara Valley Water recommended some minor text changes for accuracy, but did not raise any new significant impacts.

The comments received did not result in any substantial changes to the project description, analyses, and/or impacts that were previously disclosed in the IS/MND. These environmental comments were addressed by staff and the CEQA consultant in a formal Response to Comments document available on the project website and emailed to the commenting parties.

The IS/MND identified potential impacts on Biological Resources, Cultural Resources, Hazards and Hazardous Materials, and Noise and Vibration. The IS/MND concluded, based on substantial evidence in the record, that the project would not result in any significant and unavoidable environmental impacts with the implementation of identified mitigation measures and standard permit conditions. The project includes the adoption of a Mitigation Monitoring and Reporting Program (MMRP) and incorporates standard conditions and best management practices for construction activities to lessen the identified impacts to a less than significant level or otherwise ensure the identified impacts are less than significant. Based on the IS/MND (including the attached technical reports), the City, as lead agency, has concluded that the proposed project would not result in a significant and unavoidable impact and an MND is the appropriate level of CEQA clearance for the project.

The entire IS/MND and other related environmental documents are available on the Planning website at: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/negative-declaration-initial-studies/2334-lundy-place-project>.

8. Site Development Permit Findings. Section 20.100.630 of the San José Municipal Code specifies the required findings for the issuance of a Site Development Permit.

- a. The site development permit, as approved, is consistent with and will further the policies of the general plan and applicable specific plans and area development policies.

Analysis: As discussed above, the project is consistent with the General Plan Land Use Designation of Transit Employment Center and General Plan Goal LU-6 and Sustainability Policies IE-2.7 and IE-6.2, as it would provide industrial land use and will not facilitate the conversion of industrial lands. The building is programmed and designed to attract users such as research and development, light and medium manufacturing and assembly, and warehouse and distribution uses on-site. The project proposes a FAR of approximately 0.47, less than the maximum allowed 12.0 for the site.

- b. The site development permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the project.

Analysis: As discussed above, the project conforms with all required minimum setbacks and maximum height allowed within the LI Light Industrial Zoning District. The project provides the required number of motorcycle and bicycle parking and loading spaces in conformance with Chapter 20.90 of the Zoning Code. The project also complies with the

TDM requirements of Chapter 20.90 of the Zoning Code. Therefore, the project is consistent with all applicable provisions of the San José Municipal Code.

- c. The site development permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency.

Analysis: The project is subject to and is consistent with City Council Policy 6-30: Public Outreach Policy for Pending Land Use and Development Proposals. In conformance with the City's public outreach policy, an on-site sign has been posted at the site since January 29, 2025, to inform the neighborhood of the project. Public Notices of the community meeting and public hearing were distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. The draft permit is also posted on the City's website. Staff have been available to respond to questions from the public. A community meeting was held to discuss the project on April 21, 2025, via Zoom webinar. Approximately 30 members of the public attended the meeting. Staff and the applicant responded to the public's comments and questions. Comments received during the community meeting and project review pertained to traffic, circulation, pollution, noise, and safety. Staff received one letter in opposition and approximately 25 letters in favor of the project after noticing and scheduling the project for the Director's hearing.

- d. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on the site are mutually compatible and aesthetically harmonious.

Analysis: The project includes the construction of a new one-story tilt-up industrial building on the existing 6.5-gross-acre site. The building is oriented towards both Trade Zone Boulevard and Lundy Avenue. A two-way access vehicle driveway is provided from Trade Zone Boulevard and a Fire access driveway from Lundy Avenue, which would allow for all necessary functions on-site, including vehicular, truck, and pedestrian circulation. The building is similar in height, scale, and orientation to the surrounding industrial buildings in the immediate vicinity. Adequate space is provided for loading and circulation for the light manufacturing, warehouse, and office uses on-site. The truck dock is located at the northwest of the site. The parking for visitors and employees is located on the east side of the building on-site. The project separates the employee parking and truck loading area to provide harmonious uses within the project site. Employee entrances are provided along the building periphery, with direct access from the parking lot, and all uses on site are mutually compatible.

- e. The orientation, location, and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.

Analysis: The subject site is located in a primarily industrial area and is oriented towards both Trade Zone Boulevard and Lundy Avenue. The site is bounded by similar one- and two-story industrial and R&D office uses. The residential uses are to the northwest of the project site, across from Lundy Avenue, located in the City of Milpitas. The project conforms to all the required height, setbacks, parking, loading, and landscaping requirements. As discussed above, the project conforms with the Citywide Design Guidelines regarding materials, colors, and variations in wall planes and roof heights. Additionally, the perimeter of the site is fully landscaped to beautify the site and

provide shading both on and off-site, to be aesthetically harmonious with adjacent development or the character of the neighborhood.

- f. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.

Analysis: The project will include stormwater management infrastructure to address drainage, erosion, and runoff in accordance with all applicable laws and regulations. Standard Environmental Permit Conditions are included with this permit to reduce or eliminate any construction-related impacts on surrounding properties, including conditions related to air quality, hazards and hazardous materials, hydrology and water quality, and noise. Construction hours are limited to between 7:00 a.m. to 7:00 p.m., Monday through Friday, within 500 feet of residential uses.

The closest residential uses are located at a distance of approximately 248 feet on the northwest side and approximately 231 feet on the southwest side, across from Lundy Avenue. An 8'-0" high by 55-foot long sound wall will be constructed to mitigate any noise due to the 24/7 operation of the loading dock area. The noise would be sufficiently mitigated with the sound wall, and no further noise mitigation was required per the noise study report, dated August 2025, by a qualified noise consultant.

Additionally, as conditioned in this permit, the project is required to appoint a Construction Disturbance Coordinator to address any construction-related complaints. All construction activity would be temporary and would be limited to the construction hours stated above for the site improvements and the construction of the industrial building and related improvements. Additionally, this project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29), which requires the implementation of Best Management Practices (BMPs) that include site design measures, source controls, and numerically sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges, per Public Works Final Memo dated 9/2/25. Therefore, the project would not result in significant noise, vibration, dust, drainage, erosion, stormwater runoff, or odor impacts.

- g. Landscaping, irrigation systems, walls, fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility, and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.

Analysis: All new landscaping is provided in conformance with applicable Citywide Design Standards. The project site includes adequate space for all necessary site functions, including truck and vehicular access, while also providing adequate space for landscaping, trash pick-up operations, and any necessary utilities. The project includes the construction of an eight-foot-high sound mitigation wall at the northwest end of the site, near the loading dock area. All parking is screened from the street by the building or new landscaping. The project also includes the construction of a fully enclosed trash enclosure in conformance with the City's Solid Waste Enclosure Area Guidelines for New Construction and Redevelopment Projects.

- h. Traffic access, pedestrian access, and parking are adequate.

Analysis: The subject property is directly accessible to vehicles via driveways from Trade Zone Boulevard and Lundy Avenue. The subject property is directly accessible to employees from the parking lot. The project provides all required motorcycle, and bicycle parking in accordance with Chapter 20.90 of the Zoning Code. The parking and drive aisles meet all design requirements of Chapter 20.90 of the Zoning Code.

The project site is served by two Frequent VTA Bus Routes (Routes 60 and 77) and ACE Shuttle 831, with the closest stop located at the intersection of Lundy Avenue/Trade Zone Boulevard. The VTA Light Rail Transit (LRT) Orange Line is less than ½-mile from the project site via Cropley Station along N. Capitol Avenue. Furthermore, the Milpitas Transit Center is located ½-mile north of the project site, which serves BART and additional VTA bus routes.

Regional access to the site is provided via I-680 and I-880. Vehicular access to the project will be provided via one full-access driveway along Trade Zone Boulevard and one driveway along Lundy Place intended for truck access.

A Local Transportation Analysis (LTA) was performed for this project based on a net new 90 AM and 79 PM peak hour trips and conditions such as removal of the pork-chop island at the northwest corner and implementation of street improvements and minor signal modifications at the southwest and southeast corners for ADA-compliance at the Lundy Avenue/Trade Zone Boulevard intersection, per the final Public Works and Traffic Memo dated September 2nd, 2025.

- 9. Demolition Permit Findings.** With respect to the demolition of the existing building, the Director of Planning, Building, and Code Enforcement has considered the following:

The failure to approve the permit would result in the creation of continued existence of a nuisance, blight or dangerous condition.

- a. The failure to approve the permit would jeopardize public health, safety or welfare;
- b. The approval of the permit should facilitate a project that is compatible with the surrounding neighborhood.
- c. The approval of the demolition of the building would maintain the supply of existing housing stock in the City;
- d. Both inventoried and non-inventoried buildings, sites, and districts of historical significance will not be negatively impacted
- e. Rehabilitation or reuse of the existing building would not be feasible; and
- f. The demolition, removal or relocation of the Building without an approved replacement Building should not have an adverse impact on the surrounding neighborhood.

Analysis: The existing building, built in 1985, is not a historic resource, as it is less than 50 years old. The demolition will not reduce the housing stock, and adaptive reuse of the structure is not feasible. The proposed project will result in the replacement of the structure with a new one-story industrial building of modern design style and construction to facilitate a project compatible with the surrounding neighborhood. As analyzed in this permit, the

demolition of the building and replacement with industrial uses within a fully enclosed building would not have any adverse impacts on the surrounding neighborhood.

10. Tree Removal Findings

Chapter 13.32 of the San José Municipal Code establishes required findings that must be made for issuance of a Live Tree Removal Permit for ordinance-size trees. The ordinance-size tree removal meets the following required findings:

- a. That the condition of the tree with respect to disease, danger of falling, proximity to an existing or proposed structure, and/or interference with utility services, is such that preservation of the public health or safety requires its removal.

Analysis: As identified in the Landscape Plans on Sheet LC1.2, 95 native and non-native ordinance-size trees, 38 inches or more in circumference, and 57 non-ordinance-sized trees, approximately 19 inches or less in circumference, for a total of 152 trees, located within the proposed circulation area, landscaping areas, and building footprint for the new project, are proposed for removal. The location of the trees throughout the site unreasonably restricts the development of the parcel, in that the trees will be within the building footprint of the proposed building construction and site improvements, and the development of the site is not feasible without the removal of the trees.

The tree replacement ratio for the removal of 152 trees will require planting of 481 new 15-gallon trees or 241 new 24-inch box trees on site.

The tree mitigation requirement has been calculated per the Table below:

DBH of trees to be removed	Number of trees to be removed	Tree Replacement Ratio *	Number of required Replacement trees/species
12” or more (38” in circumference or more)	15 (native) 80 (non-native)	5:1 4:1	75 15-gal trees 320 15-gal trees
6”-12” (19”-37” in circumference or more)	0 (native) 29 (non-native)	3:1 2:1	0 15-gal trees 58 15-gal trees
<6” (<19” in circumference)	28 (non-native)	1:1	28 15-gal tree
Total	152 trees		481 15 gal or 241 24-inch box trees

Table: Tree Mitigation Requirements

The project proposes to plant 197 new 24-inch box replacement trees on site, which equates to 394 15-gallon trees and does not meet the tree replacement planting requirement of 481 new 15-gallon trees. The off-site tree replacement in-lieu fee for 87 15-gallon trees not planted on site, at \$1,000 per tree, results in a total of \$87,000, which is made a condition of approval of this permit and shall be paid before the issuance of a Building Permit. The project will also plant 21 Street trees, which will be planted in consultation with the City Arborist and are not counted towards the total count for the on-site tree planting.

Proof of tree replacement planting is required. The applicant shall provide appropriate evidence, such as but not limited to photographs and/or receipts, of the replacement trees, to verify compliance with the tree mitigation requirements. Such evidence shall be labelled H24-057 and uploaded to the link here:

<https://www.sanjoseca.gov/home/showpublisheddocument/88853/638088605255430000>, and is a condition of approval No.26 of this permit.

In accordance with the findings set forth above, a **Site Development Permit** for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all of the said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement of the applicant to be bound by, to comply with, and do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such permit.
2. **Permit Expiration.** This Permit shall automatically expire two (2) years from and after the date of issuance hereof by the Director, if within such time period, the proposed use of the site or the construction of buildings (if a Building Permit is required) has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Director. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this Permit shall be deemed acceptance of all conditions specified in this Permit and the Permittee's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described in the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any

such change in occupancy must comply with all other applicable local and state laws.

4. **Sewage Treatment Demand.** Pursuant to Chapter 15.12 of Title 15 of the San José Municipal Code, acceptance of this Permit by Permittee shall constitute acknowledgement of receipt of notice by Permittee that (1) no vested right to a Building Permit shall accrue as the result of the granting of this Permit when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José - Santa Clara Regional Wastewater Facility- represented by approved land uses in the area served by said Facility will cause the total sewage treatment demand to meet or exceed the capacity of San José - Santa Clara Regional Wastewater Facility to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region; (2) substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority; (3) issuance of a Building Permit to implement this Permit may be suspended, conditioned or denied where the City Manager makes a determination that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region.
5. **Conformance to Plans.** The development of the site and all associated development and improvements shall conform to the approved Site Development Permit plans entitled, "2334 Lundy Place, San Jose, CA 95131" dated revised on June 3, 2025, on file with the Department of Planning, Building and Code Enforcement ("Approved Plans"), and to the San José Building Code (San José Municipal Code, Title 24), with the exception of any subsequently approved changes.
6. **Demolition.** A demolition permit may be issued for the Project File No. H24-057 only upon the submittal of a complete Public Works Grading Permit application or the submittal of a complete Building Permit application for new construction. All relevant CEQA Mitigation measures as identified in the MMRP that expressly require compliance to be satisfied prior to the issuance of the demolition permit.
7. **Nuisance.** This use shall be operated in a manner that does not create a public or private nuisance as defined under applicable laws and regulations. Any such nuisance must be abated promptly upon notice by the City.
8. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
9. **Compliance with Local, State, and Federal Laws.** The subject use shall be conducted in full compliance with all local, state, and federal laws.
10. **Discretionary Review.** The City maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San José Municipal Code.
11. **Noise Control.** Sound generated by the subject use(s) that occurs within the industrial building shall be contained within the building, and the building shall be adequately insulated to prevent excessive sound from emanating outside in accordance with applicable laws and regulations; provided, however, the foregoing shall not apply to project activities, such as those associated with truck/passenger vehicles and loading/unloading, which occur outside of the building. Adequate HVAC (air conditioning) shall be provided to allow all doors and

windows on the subject site to remain closed during the operation and activities of the site. Per the Zoning Code, the maximum noise levels emanating from the interior of any of the facilities shall not exceed 55 decibels (dBA) at the adjacent residential property line, 60 decibels (dBA) at commercial property lines, and 70 decibels (dBA) at all other non-residential property lines. Outdoor noise levels shall conform to the applicable Performance Standards of the Zoning Code, as may be amended.

12. **Refuse.** All trash and refuse storage areas shall be effectively screened, to the extent feasible, from public view and covered and maintained in an orderly state to prevent water from entering the trash or refuse containers. Trash areas shall be maintained in a manner to discourage illegal dumping.
13. **Outdoor Storage.** No outdoor storage structures are allowed or permitted unless designated on the Approved Plan Set.
14. **Anti-Graffiti.** All graffiti shall be removed from buildings and wall surfaces, including job sites for projects under construction, within 48 hours of defacement.
15. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris.
16. **No Sign Approval.** Any signage shown on the Approved Plan Set is conceptual only. No signs are approved at this time. Any signs shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment.
17. **Building and Property Maintenance.** The property shall be maintained in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting, and landscaping.
18. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night.
19. **Required Vehicular, Motorcycle, and Bicycle Parking.** This project shall conform to the vehicular, motorcycle, and bicycle parking requirements of the Zoning Ordinance, as amended. Any changes to the required vehicular, motorcycle, or bicycle parking require the issuance of a Permit Adjustment or Amendment to the satisfaction of the Director of Planning.
20. **Colors and Materials.** All building colors, materials, and architectural features are to be those specified on the Approved Plan Set.
21. **Tree Removals.** 95 ordinance-sized trees and 57 non-ordinance-sized trees, for a total of 152 trees, are approved for removal with this permit. The project requires the planting of 481 new 15-gallon trees and proposes to plant 197 24-inch box trees (equivalent to 394 15-gallon trees) as shown in the approved Landscape Plan, along with the payment of the applicable off-site mitigation in lieu fee of \$87,000, to meet the on-site tree planting requirement. The additional 21 street trees shall be planted upon consultation with the City Arborist by contacting: (408) 794-1901 or treesandsidewalks@sanjoseca.gov.
22. **Timing of Tree Removals.** Trees that are proposed for removal to accommodate new development shall not be removed until the related complete Public Works Grading Permit Application or Building Permit Application has been filed.

23. **Tree Protection Standards.** The Permittee shall maintain the trees and other vegetation shown to be retained in this project and as noted on the Approved Plan Set. Maintenance shall include pruning and watering as necessary and protection from construction damage. Prior to the removal of any tree on the site, all trees to be preserved shall be permanently identified by metal numbered tags. Prior to issuance of the Grading Permit or removal of any tree, all trees to be saved shall be protected by chain link fencing or other fencing type approved by the Director of Planning, Building, and Code Enforcement. Said fencing shall be installed at the dripline of the tree in all cases and shall remain during construction. No storage of construction materials, landscape materials, vehicles, or construction activities shall occur within the fenced tree protection area. Any root pruning required for construction purposes shall receive prior review and approval and shall be supervised by the consulting licensed arborist. Fencing and signage shall be maintained by the Permittee to prevent disturbances during the full length of the construction period that could potentially disrupt the habitat or trees.
24. **Tree Removal In-Lieu Fee.** Prior to the removal of trees without on-site replacement trees, the permittee shall pay the invoice for tree replacement in lieu fees per Municipal Code Section 13.32 for 87 15-gallon replacement trees for a total of **\$87,000**. The fee shall be paid prior to Building Permit issuance or Grading Permit issuance, whichever comes first, according to the current adopted fee schedule of \$1,000 for each 15-gallon replacement tree.
25. **Tree Replacement Enforcement.** Failure to plant trees in conformance with the Approved Plan set may be subject to in lieu fees for trees not planted.
26. **Verification of Planting of Replacement Tree(s).** After payment of the in-lieu fee and/or the planting of required replacement trees on-site, the permittee shall provide appropriate evidence, such as but not limited to photographs and/or receipts, to the Planning Project Manager to verify compliance with the tree replacement mitigation requirements. Such evidence shall be uploaded to www.sjpermits.org using these instructions:
- How to set up an account: <https://www.sanjoseca.gov/business/development-services-permit-center/online-permits-at-sjpermits-org> and
 - How to upload: <https://www.sanjoseca.gov/home/showpublisheddocument/88853/638088605255430000>
 - Such evidence shall also be emailed to the Planning Project Manager and labeled File No. H24-057.
27. **Replacement Tree Failure.** On-site replacement trees that fail within three years after planting shall be promptly replaced per Section 13.32.110.E of the San Jose Municipal Code.
28. **Landscaping.** Planting and irrigation are to be provided by the Permittee, as indicated, on the final Approved Plans.
29. **Irrigation Standards.** Irrigation shall be installed in accordance with Part 3 of Chapter 15.11 of Title 15 of the San José Municipal Code, Water Efficient Landscape Standards for New and Rehabilitated Landscaping, the City of San José Landscape and Irrigation Guidelines and the Zonal Irrigation Plan in the Approved Plans. The design of the system shall be approved and stamped by a California Registered Landscape Architect.

30. **Certification.** Pursuant to San José Municipal Code, Section 15.11.1050 certificates of substantial completion for landscape and irrigation installation shall be completed by a licensed or certified professional and included on the Landscape Sheets in the plan set submitted to the Department of Planning, Building, and Code Enforcement prior to approval of the final inspection of the project.
31. **Reclaimed Water.** The project shall conform to Chapters 15.10 and 15.11 of the San José Municipal Code for the use of reclaimed water and shall include an irrigation system designed to allow for the current and future use of reclaimed water for all landscaping.
32. **Lighting.** All new on-site, exterior, unroofed lighting shall conform to the City's Outdoor Lighting Policy and shall use fully cut-off and fully shielded LED fixtures as shown in the Approved Plan Set. Lighting shall be designed, controlled, and maintained so that all on-site lighting adheres to all applicable standards and requirements, and no light source is visible from outside of the property. All proposed on-site lighting changes shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment.
33. **Conformance to Transportation Demand Management Plan.** The project shall conform to the approved Transportation Demand Management (TDM) Plan entitled "2334 Lundy Place" and dated "March 6, 2025," on file with the Department of Planning, Building and Code Enforcement ("Approved TDM Plan"), with the exception of any subsequently approved modifications. Modifications to the Approved TDM Plan can be made as provided by Section 20.90.912 of the Municipal Code, as may be amended.
34. **Transportation Demand Management Plan requirements.** This project requires a Transportation Demand Management (TDM) plan for the lifetime of the project, which shall mean until such time as the project is demolished, or such time as the project is added to or replaced with a new project that is subject to the requirements of Section 20.90, Part 9, as may be amended.
 - a. **Covenant and Agreement.** The project shall execute and record a Covenant and Agreement that runs with the land, that an approved TDM Plan and the TDM Strategies contained therein will be maintained throughout the lifetime of the project. A TDM Plan may be modified at the request of the project owner/operator and further at the discretion of the TDM Coordinator pursuant to Section 20.90.910.C, as may be amended. No Building Permit for new construction shall be issued to a Project without an approved TDM Plan and recorded Covenant and Agreement.
 - b. **Strategy Implementation.** The project shall implement the TDM Strategies in the project's approved TDM Plan throughout the lifetime of the Project.
 - c. **Compliance Documentation.** The project shall submit TDM Plan Compliance Documentation pursuant to Section 20.90.910.A.1.b, as may be amended, for all projects and, pursuant to Section 20.90.910.A.1.c, as may be amended, for Level 2 Projects, to the TDM Coordinator not more than one year after receiving its Certificate of Occupancy. The project shall henceforth submit TDM Plan Compliance Documentation in compliance with Section 20.90.910.A.1, as may be amended, to the TDM Coordinator.
35. **TDM Compliance and Enforcement.** The TDM Coordinator shall be responsible for enforcing continual compliance with the requirements of the TDM Program.

- a. **Compliance with TDM Program.** No building, grading, demolition, foundation, use of land, or change of use permit, nor Certificate of Occupancy, shall be issued for any building or site that contains a Project that is not in compliance with the requirements of the TDM Program.
 - b. **City Access.** The project shall allow City staff reasonable access during business hours to relevant portions of the property to conduct site visits, inspect physical improvements, collect empirical data, and/or facilitate phone and/or digital surveys with tenants, employees, and visitors for the purpose of confirming compliance with the TDM Plan. City staff shall provide advance notice to the project owner/operator of the access request.
36. **No Generators Approved.** This Permit does not include the approval of any stand-by/backup electrical power generation facility. The Permittee shall secure appropriate permits for any future stand-by/backup generators in conformance with the regulations of Title 20 of the Municipal Code.
37. **Construction Disturbance Coordinator.** Rules and regulations pertaining to all construction activities and limitations identified in this Permit, along with the name and telephone number of a Permittee-appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site.
38. **Green Building Requirements.** This development is subject to the City's Green Building Ordinance for Private Sector New Construction as set forth in Municipal Code Section 17.84. Prior to the issuance of any shell permits or complete building permits for the construction of buildings approved through the scope of this Permit, the Permittee shall pay a Green Building Refundable Deposit. To receive a refund of the deposit, the project must achieve the minimum requirements as set forth in Municipal Code Section 17.84. The request for the refund of the Green Building Deposit together with evidence demonstrating the achievement of the green building standards indicated in Municipal Code Section 17.84 shall be submitted within a year after the building permit expires or becomes final unless a request for an extension is submitted to the Director of Planning, Building, and Code Enforcement in accordance with Section 17.84.305D of the Municipal Code.
39. **Dry Storage Only.** Approved operations under this permit include dry storage only, with no option for the conversion to cold storage in the future. If conversion of cold storage is proposed in the future, additional environmental review is required.
40. **Building Division Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
- a. *Construction Plans.* This permit file number, H24-057, shall be printed on all construction plans submitted to the Building Division.
 - b. *Americans with Disabilities Act.* The Permittee shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
 - c. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance begins with the initial plan check submittal to the Building Division. Prior to any building permit issuance, building permit plans shall conform to the approved Planning development permits and applicable conditions.

- d. *Project Addressing Plan.* Prior to issuance of a Building Permit, the following requirements shall be met to the satisfaction of the Chief Building Official: The project Permittee shall submit an addressing plan for approval for the subject development (residential, mixed-use, complex commercial, or industrial).
 - e. *Other.* Such other requirements as may be specified by the Chief Building Official.
41. **Bureau of Fire Department Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the project must comply with the 2019 California Fire Code, or as may be amended or updated by the city.
42. **Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following: <http://www.sanjoseca.gov/devresources>.
- a. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
 - b. **Transportation:**
 - i. A Local Transportation Analysis has been performed for this project based on a net new 90 AM peak hour trips and a net new 79 PM peak hour trips. See separate Traffic Memo dated 09/02/25 for additional information. The following conditions shall be implemented:
 - ii. Provide one (1) full-access 40-foot driveway along Trade Zone Boulevard and one (1) 40-foot driveway along Lundy Place.
 - iii. Implement a red curb equal to at least one vehicle length on both sides of the Lundy Place driveway to ensure adequate sight distance.
 - iv. Provide a monetary contribution for an in-lieu fee of \$144 per linear foot to construct the Class IV protected bike lanes along the project frontage on Trade Zone Boulevard per the San Jose Better Bike Plan 2025.
 - v. Provide a voluntary monetary contribution for an in-lieu \$30k contribution toward the pedestrian detection system at the Trade Zone Blvd / Lundy Ave intersection.
 - vi. Provide Pedestrian Network Improvements, which consist of the removal of the pork-chop island at the northwest corner and implement minor modifications at the southwest and southeast corners for ADA-compliance at the Lundy Avenue/Trade Zone Boulevard intersection as shown in the Approved Plans. Some signal modification work may be required.
 - c. **Grading/Geology:**
 - i. A grading permit is required prior to the issuance of a Public Works Clearance.

- ii. All on-site storm drainage conveyance facilities and earth retaining structures 4 foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the latest California Plumbing Code as adopted under the City of San Jose Municipal Code Section 24.04.100 or submit a stamped and signed engineered design alternative for Public Works discretionary approval and must be designed to convey a 10-year storm event.
 - iii. If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
 - iv. Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
 - v. The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The report should also include, but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.
- d. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.
- i. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance with City Policy 6-29.
 - ii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
 - iii. Construct a canopy or similar permanent cover that spans the length of each loading dock and extends a minimum of 6' beyond the building facade.
 - iv. A post construction Final Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the installation of the BMPs and stating that all post construction storm water pollution control BMPs have been installed as indicated in the Approved Plans and all significant changes have been reviewed and approved in advance by the Department of Public Works.

- e. **Stormwater Peak Flow Control Measures:** The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).
- f. **Flood Zone AO, Depth 1':**
- i. Elevate the lowest floor to 2 feet or more above existing Highest Adjacent Grade (HAG). Preliminary plan set shows HAG at 52.4' and Finished Floor at 54.5', which satisfies the requirement.
 - ii. Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated 2' or more above the base flood elevation or protected from flood damage.
 - iii. Construction materials used below the base flood elevation (depth of flooding plus one foot) must be resistant to flood damage.
 - iv. An Elevation Certificate ((FEMA Form FF-206-FY22-152) for each proposed structure, based on construction drawings, is required prior to issuance of a grading or building permit. Consequently, an Elevation Certificate for each built structure, based on finished construction is required prior to issuance of an occupancy permit.
- g. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable prior to issuance of the building permit for the vertical construction of the industrial building.
- h. **Undergrounding:**
- i. The In-Lieu Undergrounding Fee shall be paid to the City for all frontage(s) adjacent to Lundy Ave. prior to issuance of a Public Works Clearance. One hundred percent (100%) of the base fee in place at the time of payment will be due. Currently, the 2025 base fee is \$622 per linear foot of frontage and is subject to change every January 31st based on the Engineering News Record's City Average Cost Index for the previous year. The project will be required to pay the current rate in effect at the time the Public Works Clearance is issued.
 - ii. Rather than payment of the In-Lieu Undergrounding Fee, the Director of Public Works may, at his discretion, allow the developer to perform the actual required undergrounding of all new off-site utility facilities fronting the project adjacent to Lundy Road. Developer shall submit copies of executed utility agreements (if any) to Public Works prior to the issuance of a Public Works Clearance.
- i. **Street Improvements:**
- i. Construct a 15' detached sidewalk with park-strip (0.5' curb, 4.5' parkstrip, 10' ped. path) along the Trade Zone Blvd project frontage per CSJ Complete Street Guidelines. Show an approximate 3' public street easement required to complete the proposed sidewalk width.
 - ii. Construct a 10' detached sidewalk with park-strip (0.5' curb, 4.5' parkstrip, 5' ped. path) along Lundy Ave project frontage per CSJ Complete Street Guidelines.
 - iii. Construct a full-access 40' wide modified driveway along Trade Zone Blvd. project frontage.

- iv. Construct a 40' wide modified driveway along Lundy Place project frontage.
 - v. Implement a red curb equal to at least one vehicle length on both sides of the Lundy Place driveway to ensure adequate sight distance.
 - vi. Install 3" comm conduit along Trade Zone Blvd frontage.
 - vii. Construct a signal modification at Trade Zone Blvd/Lundy Ave intersection to remove the existing pork-chop island at the project corner (northeast corner).
 - viii. Remove the pork-chop island at the northwest corner and implement street improvements and minor signal modifications at the southwest and southeast corners for ADA-compliance at the Lundy Avenue/Trade Zone Boulevard intersection.
 - ix. Provide a voluntary monetary contribution for an in-lieu fee to the Class IV protected bike lane along the Trade Zone Blvd project frontage per the CSJ Better Bike Plan 2025 (\$144 per LF).
 - x. Provide a voluntary monetary contribution for an in-lieu \$30k contribution toward the pedestrian detection system at the Trade Zone Blvd / Lundy Ave intersection.
 - xi. Developer shall be responsible for adjusting existing utility boxes/vaults to grade, locating, and protecting the existing communication conduits (fiber optic and copper) along the project frontage.
 - xii. Dedication and improvement of the above-referenced public streets to the satisfaction of the Director of Public Works.
- j. **Electrical:** Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
- k. **Street Trees:**
- i. The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees (21 total trees) within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in the park strip. Obtain a DOT street tree planting permit for any proposed street tree plantings. The location of Street trees shown on this permit are conceptual only.
 - ii. Replace any missing street trees in empty tree wells or park strips along project frontages and match existing trees per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Obtain a DOT street tree planting permit for any proposed street tree plantings.
 - iii. Show all existing trees by species and diameter that are to be retained or removed. Obtain a street tree removal permit for any street trees that are over 6 feet in height that are proposed to be removed.
- l. **Referrals:**
- i. This project should be referred to the City of Milpitas for any potential encroachment permits for work that may occur within the Milpitas Right-of-Way.

- ii. This project is located next to the VTA-owned BART corridor. Coordination is requested in the event that safety measures are required for construction adjacent to the BART rail.

43. **Conformance to MMRP.** This project shall conform to all applicable requirements of the Mitigation Monitoring and Reporting Program for this development.

44. **Standard Environmental Permit Conditions.**

- a. Air Quality: The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:
 - i. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
 - ii. Cover all haul trucks transporting soil, sand, or other loose material off-site.
 - iii. Remove all visible mud or dirt tracks out onto adjacent public roads at least once per day using wet power vacuum street sweepers. The use of dry power sweeping is prohibited.
 - iv. Limit all vehicle speeds on unpaved roads to 15 mph.
 - v. Pave all new roadways, driveways, and sidewalks as soon as possible.
 - vi. Lay building pads as soon as possible after grading unless seeding or soil binders are used.
 - vii. Suspend all excavation, grading, and/or demolition activities when average wind speeds exceed 20 mph.
 - viii. Wash off all trucks and equipment, including their tires, prior to leaving the site.
 - ix. Treat unpaved roads providing access to sites located 100 feet or further from a paved road with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
 - x. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 2 minutes (A 5-minute limit is required by the state airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at all access points to the site.
 - xi. Maintain and properly tune all construction equipment in accordance with the manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
 - xii. Post a publicly visible sign with the name and phone number of an on-site construction coordinator to contact regarding dust complaints. The on-site construction coordinator shall respond and take corrective action within 48 hours. The sign shall also provide the City's Code Enforcement Complaints email and number and the Air District's General Air Pollution Complaints number to ensure compliance with applicable regulations.

a. Santa Clara Valley Habitat Plan.

The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant would be required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Director of Planning, Building, and Code Enforcement (PBCE) or the Director's designee for approval and payment of the nitrogen deposition fee prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at www.scv-habitatplan.org.

b. Tree Replacement. Trees removed for the project shall be replaced at ratios required by the City. The removal of a total of 152 trees (95 ordinance-sized trees and 57 non-ordinance-sized trees) would require planting of 481 new 15-gallon replacement trees or 241 new 24-inch box replacement trees at a tree planting ratio per the table below. The project shall plant 197 new 24-inch box replacement trees on site, which equates to **394** 15-gallon trees, and shall also pay the off-site tree replacement in-lieu fee for **87** 15-gallon trees not planted on site, at \$1,000 per tree, results in a total of **\$87,000**. The project shall also plant 21 Street trees, which will be planted in consultation with the City Arborist and are not counted towards the total count for the on-site tree planting. Satisfaction of the foregoing shall constitute full compliance with the City's tree planting requirements.

c. An off-site tree replacement in lieu fee, at \$1,000 per tree, will be incurred if the required replacement trees are not planted on-site. The project proposes to plant 197 24-inch bx trees as shown in the approved Landscape Plan, and will pay **\$87,000** in lieu fees.

Tree Replacement Ratios				
Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more	5:1	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon

x:x = tree replacement to tree loss ratio
 Note: Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial, and Industrial properties, a permit is required for the removal of trees of any size.
 A 38-inch tree equals 12.1 inches in diameter.
 A 24-inch box tree = two 15-gallon trees
 Single Family and Two-dwelling properties may be mitigated at a 1:1 ratio.

d. Cultural Resources

i. **Subsurface Cultural Resources.** If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, and the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified. In the case of any such find, the Director of Planning and a qualified archaeologist (in consultation with a Native American Tribal representative registered with the Native American Heritage Commission to the extent available) for the City of San José, and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall examine the find. The archaeologist, in consultation with the Tribal representative, shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits for new construction. Recommendations could include the collection, recording, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the Director of PBCE or the Director's designee, the City's Historic Preservation Officer, and the Northwest Information Center (if applicable). Project personnel shall not collect or move any such cultural materials.

ii. Human Remains

If any human remains are found during any field investigations, grading, or other construction activities, all provisions of CEQA Guidelines Section 15064.5, California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance within 100 feet of the find until compliance with the following requirements occurs. The project applicant shall immediately notify the Director of Planning, Building, and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will determine whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). To the extent the MLD is identified by the NAHC and thereafter responds, the MLD will be allowed to inspect the remains and make a recommendation on the treatment of the remains and associated artifacts within 24 hours after being given access to the site. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- i. The NAHC is unable to identify an MLD, or the MLD failed to make a recommendation within 24 hours after being notified by the NAHC
- ii. The MLD identified fails to make a recommendation; or

iii. The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

e. Geology and Soils

- i. To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques as required under applicable laws and regulations. Building design and construction at the site shall be completed in conformance with the recommendations of the approved geotechnical investigation. The report shall be reviewed and approved by the City of San José Department of Public Works as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site to the extent feasible, and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.
- ii. All excavation and grading work shall either (a) be scheduled in dry weather months, or (b) construction sites shall be weatherized if excavation and grading work is to take place outside of dry weather months. Weatherized shall mean that Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- iii. Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
- iv. The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

f. **Construction-related water quality.**

- i. Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- ii. Earthmoving or other dust-producing activities shall be temporarily suspended during periods of high winds.
- iii. All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- iv. Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- v. All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.

- vi. All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
 - vii. Vegetation in disturbed areas shall be replanted as quickly as possible.
 - viii. All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
 - ix. The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.
- g. **Construction-Related Noise.** Noise minimization measures include, but are not limited to, the following:
- i. Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
 - ii. Construct solid plywood fences around ground-level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
 - iii. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
 - iv. Prohibit unnecessary idling of internal combustion engines.
 - v. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as feasible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment to the extent feasible when located near adjoining sensitive land uses.
 - vi. Utilize “quiet” air compressors and other stationary noise sources where technology exists.
 - vii. Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
 - viii. Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.
 - ix. If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
 - x. Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem to the extent feasible. Conspicuously

post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

- xi. Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building, and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

11. Revocation, Suspension, Modification. This Site Development Permit may be revoked, suspended, or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof, or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:

- a. A violation of any conditions of the Site Development was not abated, corrected, or rectified within the time specified on the notice of violation; or
- b. a violation of any City ordinance or State law was not abated, corrected, or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance as defined under applicable laws and regulations.

APPROVED and issued on **December 3, 2025**.

CHRISTOPHER BURTON, Director
Planning, Building, and Code Enforcement



Ruth Cueto
Deputy