Appendix A:

NOP and NOP Comments

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SANTA CLARA COUNTY CLERK
CEQA FILING COVER SHEET

THIS SPACE FOR CLERK'S USE ONLY

Complete and attach this form to each CEQA Notice filed with the County Clerk

TYPE OR PRINT CLEARLY

Check Document being Filed:

- ☐ Environmental Impact Report (EIR)
  - ☐ Filing Fee (new project)
  - ☐ Previously Paid F&W **(must attach F&W receipt and project titles must match)**
  - ☐ No Effect Determination **(F&W letter must be attached)**
- ☐ Mitigated Negative Declaration (MND) or Negative Declaration (ND)
  - ☐ Filing Fee (new project)
  - ☐ Previously Paid F&W **(must attach F&W receipt and project titles must match)**
  - ☐ No Effect Determination **(F&W letter must be attached)**
- ☐ Notice of Exemption (NOE)
- ☑ Other (Please fill in type):

Notice of Preparation

1. LEAD AGENCY: City of San Jose
2. LEAD AGENCY EMAIL: charlotte.yuen@sanjoseca.gov
3. PROJECT TITLE: Montague Point Industrial Project
4. APPLICANT NAME: Joe Goggiano PHONE: (408) 290-9805
5. APPLICANT EMAIL: joeg@mccarthy.us
6. APPLICANT ADDRESS: 210 Almendra Avenue, Los Gatos, California, 95030, USA
7. PROJECT APPLICANT IS A: ☐ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☑ Private Entity
8. NOTICE TO BE POSTED FOR 30 DAYS.

Filing fees are due at the time a Notice of Determination/Exemption is filed with our office. For more information on filing fees and No Effect Determinations, please refer to California Code of Regulations, Title 14, section 753.5.

Rev_8/2023

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT MONTAGUE POINT INDUSTRIAL PROJECT

FILE NOS: H25-035 and ER25-206
PROJECT APPLICANT: Joe Goggiano, McCarthy Development LLC
APN: 101-31-001, 101-31-002, 101-31-003, 101-31-004, and 101-31-005

Project Description: The proposed project would result in the demolition of all existing buildings and construction of three new speculative industrial warehouse buildings. Building 1 would be located on the southeast corner of Montague Expressway and Zanker Road, Building 2 would be located centrally on the project site to the right of Building 1, and Building 3 would be located on the western corner of East Plumeria Drive and Montague Expressway intersection. The proposed project would construct a total of approximately 359,501 square feet of warehouse area and approximately 78,000 square feet of office space, for a total of approximately 437,501 square feet. The proposed project buildings would cover approximately 39 percent of the total project site. Additionally, the proposed project would connect to the existing water, wastewater, and stormwater drainage facilities within Junction Avenue.

Location: The approximately 23.75-acre project site consists of five parcels located at 3050 Zanker Road, 2840–2880 Junction Avenue, and 411 East Plumeria Drive in the City of San José. The project site is bounded by Junction Avenue to the south, Zanker Road to the west and southwest, Montague Expressway to the north and east, and East Plumeria Drive to the southeast.

As the Lead Agency, the City of San José will prepare an Environmental Impact Report (EIR) for the Project. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the Project. If you are affiliated with a public agency, this EIR may be used by your agency when considering subsequent approvals related to the Project.

Scoping Meeting: A virtual environmental public scoping meeting for this Project will be held:

*When***:** February 12, 2026 from 6:00 p.m. to 7:30 p.m.
*Where***:** Via Zoom (see instructions below and on www.sanjoseca.gov/activeeirs)

The live meeting will be recorded. You will be muted upon entry to the meeting. Please do not unmute yourself until the presenter has called on you to speak. If you have not participated in a Zoom meeting before, we encourage you to download the Zoom application to your phone, tablet, or computer and feel free to log in early to troubleshoot any technical issues that may arise. Participants who are unable to install Zoom on their computer or mobile device can join a meeting through their computer's web browser. Meeting function may be limited on a web browser. Zoom currently works best with Google Chrome, Apple Safari, Mozilla Firefox, and Chromium Edge.

The following Zoom information can be used to attend the meeting online or via telephone:

Electronic Device Instructions

For participants who would like to join electronically from a PC, Mac, iPad, iPhone or Android device, please click this URL: https://sanjoseca.zoom.us/j/97916783339

Telephone Device Instructions

For one tap mobile please dial:

+14086380968,,97916783339# US (San Jose)

+12133388477,,97916783339# US (Los Angeles)

Or Telephone (For higher quality, dial a number based on your current location):

+1 408 638 0968 US (San Jose)

+1 213 338 8477 US (Los Angeles)

International numbers available: https://sanjoseca.zoom.us/u/aea6pUmmIo

Webinar ID: 9791 678 339

Please ensure your device has audio input and output capabilities. During the session, if you would like to comment, please use the 'raise hand' feature in Zoom conference call to speak. If you are using a telephone, you may click *9 to indicate you wish to speak.

Scoping Period and Public Comment Submittal: Consistent with CEQA, publication of this Notice of Preparation starts a 30-day public scoping period, from February 2, 2026 to March 5, 2026. Written comments on the scope of the SEIR must be received by the City of San José no later than **5:00 p.m. March 5, 2026**. Please submit written comments:

- *By email to:* Charlotte.Yuen@sanjoseca.gov
- *By mail to:*

City of San José, Department of Planning, Building, and Code Enforcement
Attn: Charlotte Yuen, Environmental Project Manager
200 East Santa Clara Street, 3rd Flood Tower, San José, CA 95113-1905

Christopher Burton, Director
Planning, Building, and Code Enforcement

Tina Cay

Deputy

January 30, 2026

Date

Notice of Preparation
of a Draft Environmental Impact Report
for the Proposed Montague Point Industrial Project
February 2026

Introduction

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project that an agency may implement or approve. The EIR process is intended to provide information sufficient to evaluate a project and its potential for significant impacts on the environment; to examine methods of reducing adverse impacts; and to consider alternatives to the project.

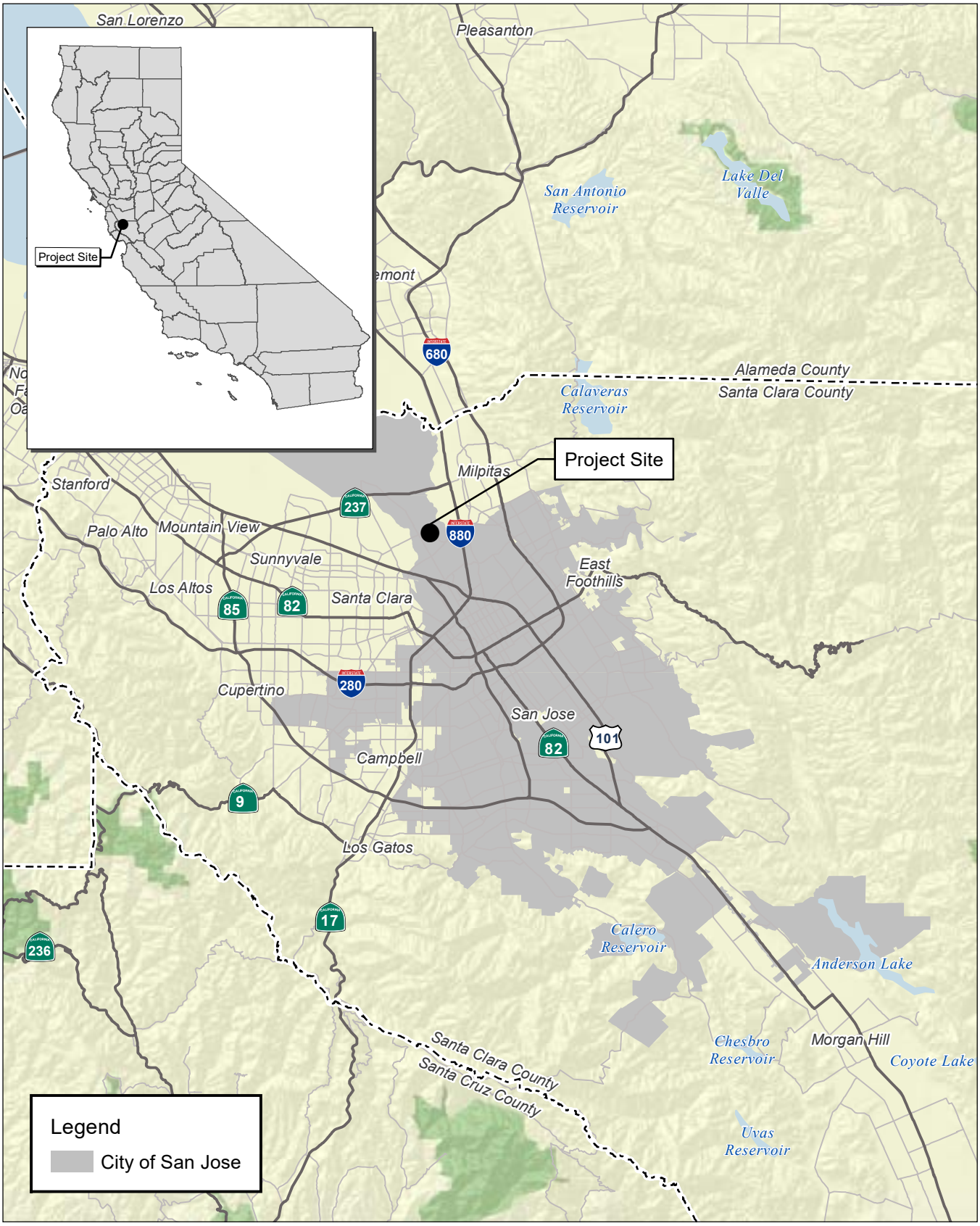
An EIR is prepared when it is determined by the discretionary authority that changes proposed in an approved project will require revisions to the previous EIR because of possible new impacts or an increase in severity of previously identified impacts. As the Lead Agency, the City of San José (City) will prepare a Draft EIR to address the environmental effects of the proposed Montague Point Industrial Project (proposed project).

The Draft EIR will be prepared and processed in accordance with the California Environmental Quality Act (CEQA), as amended, and the requirements of the City. In accordance with CEQA Guidelines, the Draft EIR will include the following:

- A summary of the proposed project;
- A Project Description, including project objectives;
- A description of the existing environmental setting, environmental impacts, and mitigation measures;
- Alternatives to the project as proposed; and
- Environmental consequences, including (a) any significant environmental effects which cannot be avoided if the proposed project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth-inducing impacts of the proposed project; and (d) cumulative impacts.

Project Site and Location

The approximately 23.75-acre project site consists of five parcels located at 3050 Zanker Road, 2840–2880 Junction Avenue, and 411 East Plumeria Drive (Assessor's Parcel Number [APN] 101-31-001, 101-31-002, 101-31-003, 101-31-004, and 101-31-005) in the City of San José (see Figure 1 and Figure 2). The project site is bounded by Junction Avenue to the south, Zanker Road to the west and southwest, Montague Expressway to the north and east, and East Plumeria Drive to the southeast.



Source: Census Data, The California Spatial Information Library (CaSIL). City of San Jose.

5 2.5 0 5 Miles

Figure 1
Regional Location Map



Source: ESRI World Imagery. Kier & Wright Civil Engineers and Surveyors, Inc., 08/22/2025.

1,000 500 0 1,000 Feet

Figure 2
Local Vicinity Map

Project Site Vicinity

The project site is located in the North San José Policy area, which allowed for 26.7 million square feet of new industrial development and was initially adopted in June 2005 and amended most recently in May 2022. The project site is located in an urban area with a mix of surrounding uses including commercial, office, industrial, and residential.

California State Route (SR) 237 runs in a west–east orientation and is approximately 1.5 miles north of the project site. Interstate 880 (I-880), which runs in a north–south orientation, is approximately 4,670 feet east of the project site. The nearest transit stop is Valley Transportation Authority's 20 Route bus stop, located immediately adjacent to the project site at the corner of East Plumeria Drive and Montague Expressway. This transit line has service from Sunnyvale Transit Center to the Milpitas Bay Area Rapid Transit station, located 3.9 miles northeast of the project site. Additionally, the Montague Expressway transit stop, which serves the Valley Transportation Authority Altamont Corridor Express (ACE) Brown Bus with service to the Great America ACE Amtrak Station, is located approximately 140 feet southwest of the project site.

Existing Conditions

The project site is currently developed with five 2-story office/research and development (R&D) buildings ranging from 74,586 to 101,725 square feet, with a total building square footage of approximately 422,635 square feet. The buildings are approximately 47 feet tall. The existing buildings were developed in the 1980s. Currently, three of the building are vacant (411 East Plumeria Drive, 3050 Zanker Road, and 2860 Junction Avenue) and two are occupied. The existing uses consist of office and R&D related to technical hardware.

Existing vehicular access to the project site is provided by one driveway on Zanker Road, five driveways on Junction Avenue, and one driveway on East Plumeria Drive. A total of approximately 1,449 surface parking spaces are available throughout the project site. The project site has existing landscaping along all site boundaries and within landscape medians of surface parking areas, including approximately 416 trees.

General Plan Land Use and Zoning

Project Site

The Envision San José 2040 General Plan (General Plan) designates the project site as Industrial Park (IP). The IP designation is intended to allow a variety of industrial uses, such as R&D, manufacturing, assembly, testing, and office. IP-designated areas "may contain a very limited number of supportive and compatible commercial uses, when those uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area." The General Plan further indicates that such commercial uses would typically be located within a larger industrial building. One primary difference between this land use category and the "Light Industrial" category is that, through the

Zoning Ordinance, performance and design standards are more stringently applied to Industrial Park uses. The IP designation allows a maximum density floor area ratio (FAR) of 4.0 and heights 2 to 15 stories are permitted. Figure 3 displays the land use designations for the project site and surrounding project area.

The City's zoning classifies the project site as IP. This zoning district is an exclusive designation intended for a wide variety of industrial users, such as R&D, manufacturing, assembly, testing, and offices. A minimum lot area of 10,000 square feet applies in the IP designation. The proposed project would be subject to the North San José Area Design Guidelines. Figure 4 identifies the zoning district for the project site and the surrounding project area.

Surrounding Land Uses and Zoning

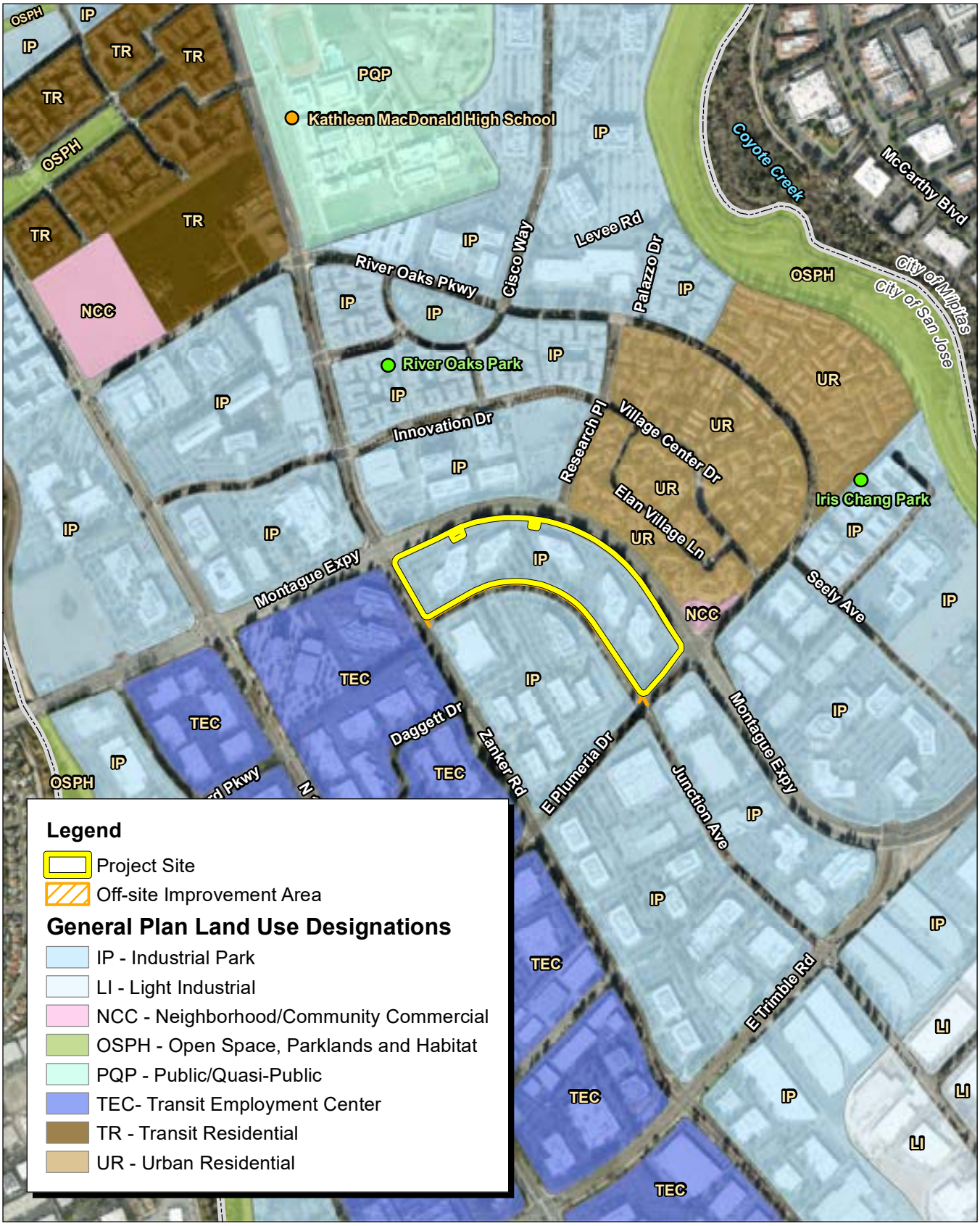
The General Plan 2040 designates areas to the north and southeast of the project site as IP. Areas to the east and northeast are designated as Urban Residential and Neighborhood/Community Commercial and areas to the west and southwest are designated as Transit Employment Center.

Project Description

The proposed project would result in the demolition of all existing buildings and construction of three new speculative industrial warehouse buildings as shown in Figure 5. Specifically, Building 1 would be located on the southeast corner of Montague Expressway and Zanker Road, Building 2 would be located centrally on the project site to the right of Building 1, and Building 3 would be located on the western corner of East Plumeria Drive and Montague Expressway intersection. Table 1 below provides a summary of the proposed specifications for all three buildings.

Table 1: Proposed Building Specification Summary

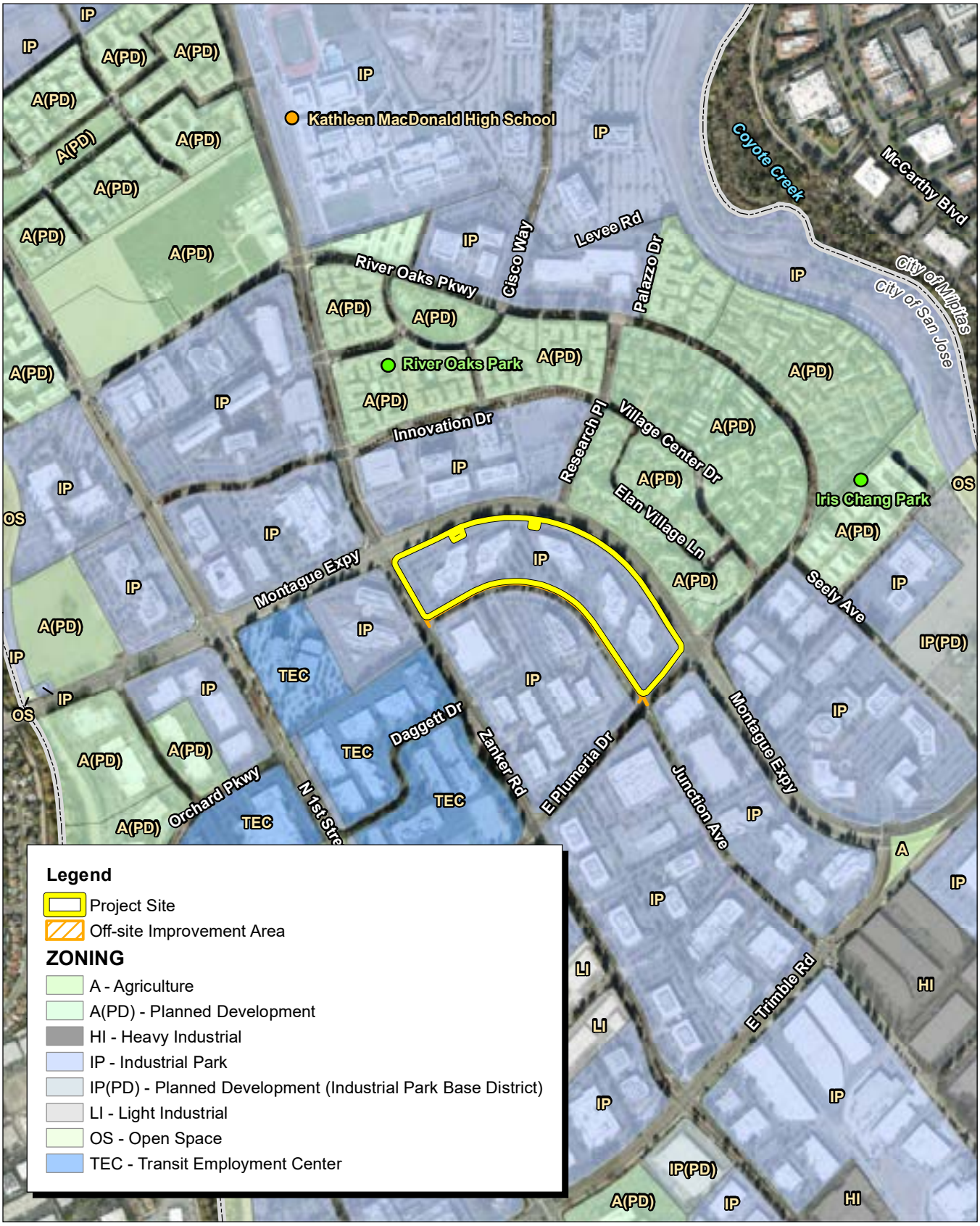
Specifications	Building 1	Building 2	Building 3
Total Square Footage	142,112 square feet	132,744 square feet	162,745 square feet
Office Square Footage	26,000 square feet	26,000 square feet	26,000 feet
Maximum Height	47 feet	47 feet	47 feet
Dock Doors	11	11	11
At-grade Doors	2	2	2
Orientation of Loading Docks	North (facing Montague Expressway)	North (facing Montague Expressway)	Southwest (facing Junction Avenue)
Source: Lowney Architecture, Kier & Wright Civil Engineers and Surveyors, Inc., HMH Engineers. September 22, 2025.			



Source: ESRI World Imagery. Kier & Wright Civil Engineers and Surveyors, Inc., 08/22/2025. San Jose 2040 General Plan.

1,000 500 0 1,000 Feet

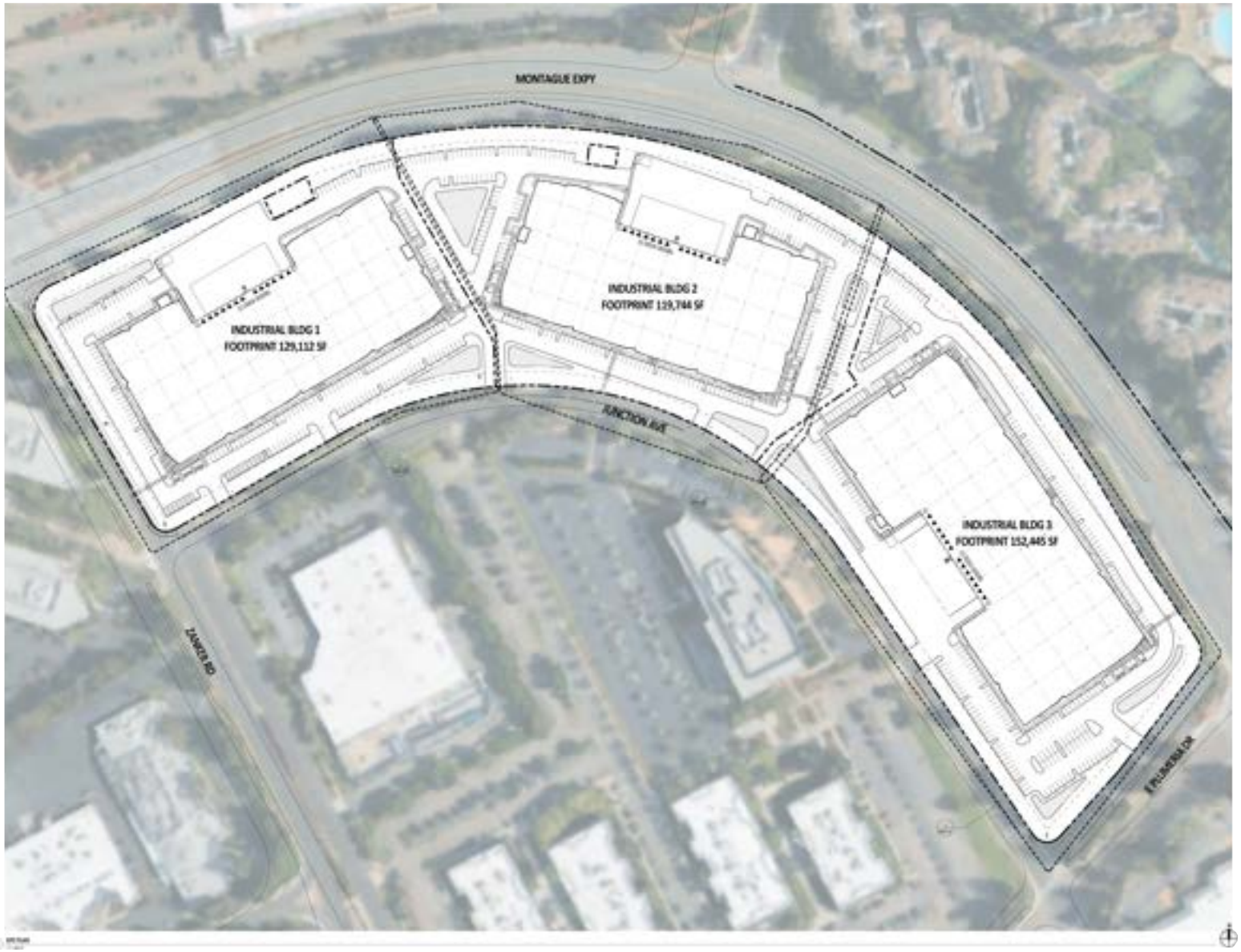
Figure 3
Land Use Designations Map



Source: ESRI World Imagery. Kier & Wright Civil Engineers and Surveyors, Inc., 08/22/2025. City of San Jose Zoning Districts.

1,000 500 0 1,000 Feet

Figure 4
Zoning Districts Map



Source: Lowney Architecture, Kier & Wright Civil Engineers and Surveyors, Inc., HMH Engineers, 09/22/2025.

Figure 5
Overall Site Plan

The proposed project would construct a total of approximately 359,501 square feet of warehouse area and approximately 78,000 square feet of office space, for a total of approximately 437,501 square feet. The proposed project buildings would cover approximately 39 percent of the total project site. Additionally, the proposed project would connect to the existing water, wastewater, and stormwater drainage facilities within Junction Avenue.

Access, Circulation, and Parking

Access to the project site would be provided via one driveway on East Plumeria Drive and six driveways along Junction Avenue. Hauler trucks associated with proposed project operations would utilize two of the six driveways along Junction Avenue to access the loading docks for each building. The proposed project would include approximately 670 total parking spaces. Table 2 below provides a summary of the proposed parking spaces.

Table 2: Proposed Building Specification Summary.

Parking	Building 1	Building 2	Building 3
Total Parking Spaces	230	192	248
Accessible Parking Spaces	8	8	7
Electric Vehicle Charging Station Spaces	46	4	50
Source: Lowney Architecture, Kier & Wright Civil Engineers and Surveyors, Inc., HMH Engineers, September 22, 2025.			

Concrete sidewalks would be constructed along the façade of each building and associated pedestrian crosswalk striping would be applied throughout the project site to indicate pedestrian path of travel. Existing pedestrian access to the project site via sidewalks and crosswalks would be maintained along Montague Expressway, Zanker Road, and Junction Avenue. The proposed project would include construction of Class IV bicycle lanes along the project site frontage on Junction Avenue and Zanker Road.

Landscaping

The proposed project would require the removal of approximately 222 trees. Development of the proposed project would include approximately 230,000 square feet of landscaping throughout the project site, including in surface parking areas and around the perimeter of buildings. The landscaping plan includes 205 24-inch box trees. Additional landscaping throughout the site would include grasses, shrubs, and ground cover. The proposed landscape plan would include very low to moderate water use plant species. Drip irrigation would be installed for landscaping maintenance

Sustainability Features

The proposed project would include Electric Vehicle Charging Station spaces throughout the project site. The proposed project would also include heat-reflecting roof material, water efficient landscaping, and low

volatile organic compound-emitting sealants, adhesives, coating, floorings, and wood materials. Additional sustainability measure includes a solar "ready" roof to accommodate future solar arrays on the roof, as desired by future tenant(s).

Construction

Construction of the proposed project is anticipated to start in in July 2026 and be completed by January 2028, lasting approximately 18 months. Construction activities are expected to take place Monday through Friday between the hours of 7:00 a.m. and 7:00 p.m. and potentially on Saturdays from 7:00 a.m. to 7:00 p.m.

Operation

While no specific end-user has been identified, the proposed project would be constructed to allow for operation of advanced manufacturing, R&D, technology, some warehouse, and office uses. Hours of operation for the proposed project are generally anticipated to occur between 7:00 a.m. and 7:00 p.m.

Anticipated Project Approvals

The proposed project is anticipated to require the following discretionary approvals from the City:

- Site Development Permit
- Tree Removal Permit
- Grading Permit

Subsequent ministerial actions would be required for the implementation of the proposed project, including issuance of building and occupancy permits and other Public Works Department clearances.

In addition, the proposed project may require approvals and/or permits from the following responsible and trustee agencies:

- Bay Area Air Quality Management District (Bay Area Air District)
- San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB)

Potential Environmental Impacts of the Proposed Project

The Draft EIR will focus on potentially significant environmental impacts associated with the proposed project. Based on the proposed project understanding, the following environmental resources would be scoped out from a detailed analysis in the Draft EIR and addressed in the Effects Found not to be Significant section.

Topical Sections to be Included in the Effects Found not to be Significant Section of the Draft EIR

Aesthetics

The General Plan identifies significant visual resources throughout the planning area that are key to the City's visual character. The key scenic resources described in the General Plan include the hills and ridgelines of the Diablo Range and the Santa Cruz Mountains. Within the City, however, there are no designated State Scenic Highways. The project site is also not located in the vicinity of any of the General Plan-designation scenic resources and is currently heavily developed. In addition, the proposed project will follow General Plan Policies to ensure impacts to scenic resources are less than significant. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

Agricultural and Forestry Resources

According to the California Department of Conservation, the project site is designated as "Urban and Built Up" and does not contain and is not adjacent to lands classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.[1] The project site is located within an urban environment and no existing agriculture or forestry land use activities occur within the project site boundaries. The project site is not subject to a Williamson Act contract.[2] The project site's General Plan land use designation is IP and zoning is IP. As such, the proposed project would not result in significant effects related to agriculture and forestry resources. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

Mineral Resources

The General Plan identifies Communications Hill as the only known area in the City to contain mineral deposits of regional significance as a source of construction aggregate materials; this area is approximately 11 miles southeast of the project site. No activities related to mineral resources occur within the project site and no portion of the project site is designated as relevant for mineral resources by the City or the State.[3] As such, the proposed project would not result in impacts related to mineral resources. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

Wildfire

The project site is not located in a Fire Hazard Severity Zone (FHSZ) and is designated as a Local Responsibility Area (LRA).[4] The project site is located approximately 3.5 miles southwest of land identified

[1] California Department of Conservation. California Important Farmland Finder. Website: https://maps.conservation.ca.gov/dlrp/ciff/. Accessed September 19, 2025.

[2] California Department of Conservation. Williamson Act Enrollment Finder. Website: https://maps.conservation.ca.gov/dlrp/WilliamsonAct/App/index.html. Accessed September 19, 2025.

[3] California Department of Conservation. California Geological Survey. Website: https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc. Accessed September 16, 2025.

[4] California Department of Forestry and Fire Protection (CAL FIRE). FHSZ Viewer. Website: https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones. Accessed September 16, 2025.

as a Moderate FHSZ within a State Responsibility Area (SRA). The project site is surrounded by urbanized uses and is currently connected to existing infrastructure. Furthermore, as part of the proposed project, landscaping and vegetation would be managed as to not provide fuel for a fire. As such, the proposed project would not result in significant impacts related to wildfire. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

Topical Sections to be Included in the Draft EIR

The following environmental resources would be discussed in detail in the Draft EIR.

Air Quality

The Draft EIR will address regional air quality conditions in the Bay Area and discuss the proposed project's construction and operational impacts to local and regional air quality in accordance with the Bay Area Air Quality Management District CEQA Guidelines and thresholds. An Air Quality (including a Health Risk Assessment [HRA]), Greenhouse Gas (GHG) Emissions, and Energy Analysis Memorandum will be prepared and appended to the Draft EIR that evaluates the proposed project's potential effects. The findings of this report will be discussed in the Draft EIR.

Biological Resources

The project site is fully developed with urban uses and is located within a highly urbanized area of the City. However, the project site contains mature trees and landscape vegetation. Accordingly, the Draft EIR will address the loss of trees from project implementation. Additionally, the Draft EIR will identify and discuss the proposed project's biological resources impacts during construction and operation. A Biological Resources Assessment Memorandum will be prepared for the proposed project and will be appended to the Draft EIR. The findings of the Biological Resources Assessment Memorandum will be discussed in the Draft EIR.

Cultural Resources and Tribal Cultural Resources

The Draft EIR will include an evaluation for historic architectural resources on the project site and analyze whether the project would have a significant impact on historic resources. Additionally, the Draft EIR will evaluate the potential for impacts to cultural (including archaeological) and Tribal Cultural Resources (TCRs) on the project site. A Phase 1 Cultural Resources Assessment (Phase I CRA) will be prepared for the proposed project. The findings of the Phase I CRA will be discussed in the Draft EIR. If cultural, historic, or Tribal resources are found to be significant, mitigation measures will be identified.

Energy

The Draft EIR will address construction and operational energy demand associated with implementation of the proposed project. An Air Quality, GHG Emissions, and Energy Analysis Memorandum will be prepared that evaluates and confirms the proposed project's potential effects. The findings of the Energy Analysis will be addressed in the Draft EIR, including an increase in on-site energy usage and any proposed design measures to reduce energy consumption. Mitigation measures, if found to be required, will also be discussed.

Geology and Soils

The proposed project site is located within the seismically active San Francisco Bay Area, and the project site is located in a State of California seismic hazard zone specific to liquefaction.[5] Ground disturbance would occur due to demolition and construction activities associated with the proposed project. The Draft EIR will discuss any possible geological impacts associated with existing soils, groundwater conditions on the project site, and seismic activity. Mitigation measures, if found to be required, will be discussed.

Greenhouse Gas Emissions

The Draft EIR will address the proposed project's contribution to regional and global GHG emissions based on established thresholds and policies adopted by the City for reducing GHG emissions. An Air Quality, GHG Emissions, and Energy Analysis Memorandum will be prepared and appended to the Draft EIR that evaluates and confirms the proposed project's potential effects.

Hazards and Hazardous Materials

A Phase I Environmental Site Assessment (Phase I ESA) was conducted by AEI Consultants in 2025 and will be appended to the Draft EIR.[6] The findings and recommendations of the Phase I ESA will be discussed in the Draft EIR. Further, the Draft EIR will address the potential for hazardous materials impacts to result from construction and operation of the proposed project.

Hydrology and Water Quality

Based on Flood Insurance Rate Maps from the Federal Emergency Management Agency (FEMA), the project site is located within Zone X, which is an area with 0.2 percent annual chance of flood hazard.[7] Additionally, given that the project site is over 1 acre, coverage under the Construction General Permit from the National Pollutant Discharge Elimination System (NPDES) will likely be required. The Draft EIR will address the proposed project's impact to the storm drainage system, and potential impacts related to flooding and stormwater quality, consistent with the requirements of the RWQCB.

Land Use and Planning

The Draft EIR will summarize the existing land use for the proposed project and determine the potential environmental effects of the proposed project related to land use and planning. The project site's Envision 2040 General Plan land use is IP and the City's zoning also classifies the project site as IP. The proposed project would be consistent with the existing land use and zoning; therefore, impacts are expected to be less than significant. However, this topic will be addressed in the Draft EIR to ensure full discussion and clarification is provided to decision-makers and the public.

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[5] California Department of Conservation. Earthquake Zones of Required Investigation. Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed September 23, 2025.

[6] URS Corporation. Phase 1 Environmental Site Assessment. November 14, 2014.

[7] Federal Emergency Management Agency. FEMA Flood Map Services Center. Website: https://msc.fema.gov/portal/search?AddressQuery=3050%20zanker%20road%20san%20jose%20ca. Accessed September 23, 2025.

Noise

The Draft EIR will discuss noise and vibration that would result from the construction and operation of the proposed project (including noise from project-generated traffic) and its impact on nearby sensitive receptors. Noise levels will be evaluated for consistency with applicable standards and guidelines from the City of San José Municipal Code and General Plan. The findings of the Noise Memorandum will be discussed in the Draft EIR. A Noise Memorandum will be prepared and appended to the Draft EIR that evaluates and confirms the proposed project's potential effects.

Population and Housing

There are no existing residential units on the project site. The proposed project would not construct any residential uses and would not result in direct population growth. However, the proposed project would include the creation of new jobs on the project site that would have the potential to indirectly affect population growth. As such, the Draft EIR will address any possible impacts related to population growth.

Public Services

The Draft EIR will address the availability of public facilities and services within the project area. The proposed project would not construct any residential uses and would not result in direct population growth. However, the proposed project would include the creation of new jobs on the project site that would have the potential to indirectly affect population growth and, in turn, increase the demand for public services. Thus, the Draft EIR will address any possible impacts related to the demand for public services.

Recreation

No residential uses nor development of recreation facilities would be included as part of the proposed project. However, the proposed project would include the creation of new jobs on the project site that would have the potential to indirectly affect population growth and, in turn, increase demand for recreational facilities. Thus, this topic will be discussed in the Draft EIR.

Transportation

The Draft EIR will evaluate the proposed project's transportation impacts pursuant to Senate Bill (SB) 743 and the City's Transportation Analysis Policy (Council Policy 5-1). A Transportation Analysis will be prepared to analyze the proposed project's impacts on the circulation system, including all modes of transit, Vehicle Miles Traveled (VMT), roadway safety hazards, and emergency access. The Draft EIR will also include an informational Local Transportation Analysis to evaluate the proposed site access/circulation and intersections in the project area to identify any necessary improvements. The Transportation Analysis will be appended to the Draft EIR.

Utilities and Service Systems

The proposed project site would include connections to existing utility infrastructure from the surrounding urban areas. Water would be provided by the San José Municipal Water System, wastewater would be managed by the City's Environmental Servies Department, stormwater would be managed by the City's Public Works Department, solid waste services would be provided by Republic Services, recycling

services would be provided by California Waste Solutions, and electricity would be provided by Pacific Gas and Electric Company (PG&E). The proposed project would not include construction of a utility facility. However, the proposed project would include the creation of new structures and jobs on the project site that would have the potential to increase demand related to utilities and service systems. As such, this topic will be discussed in the Draft EIR.

Alternatives to the Proposed Project

The Draft EIR will examine alternatives to the proposed project, including a "No Project" alternative and one or more alternative development scenarios. Other alternatives that may be discussed could include reduced development alternatives (e.g., a smaller project), alternative land uses, and/or alternative locations. Alternatives discussed will be chosen based on their ability to reduce or avoid identified significant impacts of the proposed project while achieving most of the identified basic objectives of the proposed project.

Cumulative Impacts

The Draft EIR will include a discussion of Cumulative Impacts in each topical section that will address the proposed project's potential to substantially contribute to a cumulative impact when considered with other past, present, and reasonably foreseeable future projects in the City. Mitigation measures will be identified to reduce and/or avoid significant impacts, as appropriate.

Other CEQA Topics

In conformance with the CEQA Guidelines, the Draft EIR will also discuss all other sections required by the Public Resources Code and the State CEQA Guidelines, including: (1) consistency with local and regional plans and policies, (2) growth-inducing impacts, (3) significant irreversible environmental changes, (4) references and organizations/persons consulted, and (5) Draft EIR authors. Relevant technical reports will be provided as appendices to the Draft EIR.

Environmental Review

Purpose

In accordance with CEQA Guidelines (14 California Code of Regulations [CCR] § 15082), the City has prepared this Notice of Preparation (NOP) to inform agencies and interested parties that an EIR will be prepared for the proposed project. The purpose of an NOP is to provide sufficient information about the proposed project to allow agencies and interested parties the opportunity to provide a meaningful response related to the scope and content of the EIR, including mitigation measures that should be considered and alternatives that should be addressed (CEQA Guidelines § 15082(b)).

Environmental Review Process

Following completion of the 30-day NOP public review period, the City will incorporate relevant information into the Draft EIR, including results of public scoping and technical studies. Subsequently, the

Draft EIR will be circulated for public review and comment for a minimum of a 45-day public review period.

The City requests that any potential Responsible or Trustee Agency responding to this notice do so in a manner consistent with CEQA Guidelines Section 15082(b). All parties that have submitted their names and email or mailing addresses will be notified throughout the CEQA review process.

A copy of the NOP (in full color) as well as all project information can be found on the project website at https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents and on file at the City of San José, Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, Third Floor Tower, San José, CA 95113.

If you wish to be placed on the email distribution list or need additional information, please contact:

Charlotte Yuen, Planner
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City of San José
Charlotte.Yuen@sanjoseca.gov.

NATIVE AMERICAN HERITAGE COMMISSION

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February 5, 2026

Charlotte Yuen
City of San José
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San José CA 95113

Re: 2026020144 Montague Point Industrial Project, Santa Clara County

To Whom It May Concern:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- **a.** A brief description of the project.
- **b.** The lead agency contact information.
- **c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- **d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- **a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- **a.** Alternatives to the project.
- **b.** Recommended mitigation measures.
- **c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- **a.** Type of environmental review necessary.
- **b.** Significance of the tribal cultural resources.
- **c.** Significance of the project's impacts on tribal cultural resources.
- **d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- **a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
- **b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or

b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

a. Avoidance and preservation of the resources in place, including, but not limited to:

i. Planning and construction to avoid the resources and protect the cultural and natural context.

ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

i. Protecting the cultural character and integrity of the resource.

ii. Protecting the traditional use of the resource.

iii. Protecting the confidentiality of the resource.

c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).

e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).

f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.

b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
    a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
    b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
    a. If part or all of the APE has been previously surveyed for cultural resources.
    b. If any known cultural resources have already been recorded on or adjacent to the APE.
    c. If the probability is low, moderate, or high that cultural resources are located in the APE.
    d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
    a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
    b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
    a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
    b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
    a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
    b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
    c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Mathew.Lin@NAHC.ca.gov.

Sincerely,

Mathew Lin

Mathew Lin
Cultural Resources Analyst

cc: State Clearinghouse

ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE

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February 23, 2026

Charlotte Yuen, Planner
City of San Jose
200 E Santa Clara St.
San Jose, CA 95113

RE: Montague Point Industrial Project, SCH #2026020144

Dear Ms. Yuen:

Thank you for the opportunity to provide comments on the Notice of Preparation for the Montague Point Industrial project. While the logistics industry is an important component of our modern economy, warehouses can bring various environmental impacts to the communities where they are located. For example, diesel trucks visiting warehouses emit nitrogen oxide (NO_x)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particular matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.[1] Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.[2] The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate can contribute to traffic jams, deterioration of road surfaces, traffic accidents, and unsafe conditions for pedestrians and bicyclists. Depending on the circumstances of an individual project, warehouses may also have other environmental impacts.

To help lead agencies avoid, analyze, and mitigate warehouses' environmental impacts, the Attorney General Office's Bureau of Environmental Justice has published a document containing best practices and mitigation measures for warehouse projects. We have attached a

[1] California Air Resources Board, Nitrogen Dioxide & Health, https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health (NOx); California Air Resources Board, Summary: Diesel Particular Matter Health Impacts, https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts; Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf (DPM).

[2] Noise Sources and Their Effects, https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

copy of this document to this letter, and it is also available online.[3] We encourage you to consider the information in this document as you prepare the draft environmental impact report for this project.

Priority should be placed on avoiding land use conflicts between warehouses and sensitive receptors and on mitigating the impacts of any unavoidable land use conflicts. However, even projects located far from sensitive receptors may contribute to harmful regional air pollution, so you should consider measures to reduce emissions associated with the project to help the State meet its air quality goals. A distant warehouse may also impact sensitive receptors if trucks must pass near sensitive receptors to visit the warehouse.

The Bureau will continue to monitor proposed warehouse projects for compliance with the California Environmental Quality Act and other laws. We are available to discuss as you prepare the draft environmental impact report and consider how to guide warehouse development in your jurisdiction. Please do not hesitate to contact the Environmental Justice Bureau at ej@doj.ca.gov if you have any questions.

Sincerely,

CHRISTIE VOSBURG
Supervising Deputy Attorney General

For ROB BONTA
Attorney General

[3] https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf.

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ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE

Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act

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In carrying out its duty to enforce laws across California, the California Attorney General's Bureau of Environmental Justice (Bureau)[1] regularly reviews proposed warehouse projects for compliance with the California Environmental Quality Act (CEQA) and other laws. When necessary, the Bureau submits comment letters to lead agencies regarding warehouse projects, and in rare cases the Bureau has filed litigation to enforce CEQA.[2] This document builds upon the Bureau's work on warehouse projects, collecting information gained from the Bureau's review of hundreds of warehouse projects across the state.[3] It is meant to help lead agencies pursue CEQA compliance and promote environmentally-just development as they confront warehouse project proposals.[4] While CEQA analysis is necessarily project-specific, this document provides information on feasible best practices and mitigation measures, nearly all of which have been adapted from actual warehouse projects in California.

I. Background

In recent years, the proliferation of e-commerce and rising consumer expectations of rapid shipping have contributed to a boom in warehouse development.[5] California, with its ports, population centers, and transportation network, has found itself at the center of this trend. In 2020, the Ports of Los Angeles, Long Beach, and Oakland collectively accounted for over 34% of all United States international container trade.[6] The Ports of Los Angeles and Long Beach alone generate about 35,000 container truck trips every day.[7] Accordingly, the South Coast Air Basin now contains approximately 3,000 warehouses of over 100,000 square feet each, with a total warehouse capacity of approximately 700 million square feet, an increase of 20 percent over the last five years.[8] This trend has only accelerated, with e-commerce growing to

[1] https://oag.ca.gov/environment/justice.
[2] https://oag.ca.gov/environment/ceqa; *People of the State of California v. City of Fontana* (Super. Ct. San Bernardino County, No. CIVSB2121829); *South Central Neighbors United et al. v. City of Fresno et al.* (Super. Ct. Fresno County, No. 18CECG00690).
[3] This September 2022 version revises and replaces the prior March 2021 version of this document.
[4] Anyone reviewing this document to determine CEQA compliance responsibilities should consult their own attorney for legal advice.
[5] As used in this document, "warehouse" or "logistics facility" is defined as a facility consisting of one or more buildings that stores cargo, goods, or products on a short- or long-term basis for later distribution to businesses and/or retail customers.
[6] Data from the Bureau of Transportation Statistics, Container TEUs (Twenty-foot Equivalent Units) (2020), https://data.bts.gov/stories/s/Container-TEU/x3fb-aeda/ (Ports of Los Angeles, Long Beach, and Oakland combined for 14.157 million TEUs, 34% of 41.24 million TEUs total nationwide) (last accessed September 18, 2022).
[7] U.S. Dept. of Transportation, Federal Highway Administration, *FHWA Operations Support – Port Peak Pricing Program Evaluation* (2020), available at https://ops.fhwa.dot.gov/publications/fhwahop09014/sect2.htm (last accessed September 18, 2022).
[8] South Coast Air Qual. Mgmt. Dist., *Final Socioeconomic Assessment for Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305*, at 7-8, 41 (May 2021).

13% of all retail sales and 2021 being a second consecutive record year for new warehouse space leased.[9] The latest data and forecasts predict that the next wave of warehouse development will be in the Central Valley.[10]

When done properly, these activities can contribute to the economy and consumer welfare. However, imprudent warehouse development can harm local communities and the environment. Among other pollutants, diesel trucks visiting warehouses emit nitrogen oxide (NO_x)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particular matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.[11] Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.[12] The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate contribute to traffic jams, deterioration of road surfaces, and traffic accidents.

These environmental impacts also tend to be concentrated in neighborhoods already suffering from disproportionate health impacts and systemic vulnerability. For example, a comprehensive study by the South Coast Air Quality Management District found that communities located near large warehouses scored far higher on California's environmental justice screening tool, which measures overall pollution and demographic vulnerability.[13] That

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[9] U.S. Census Bureau News, Quarterly Retail E-Commerce Sales 4th Quarter 2021 (February 22, 2022), https://www.census.gov/retail/mrts/www/data/pdf/ec_current.pdf (last accessed September 18, 2022); CBRE Research, *2022 North America Industrial Big Box Report: Review and Outlook*, at 2-3 (March 2022), *available at* https://www.cbre.com/insights/reports/2022-north-america-industrial-big-box#download-report (last accessed September 18, 2022).

[10] CBRE Research, *supra note* 9, at 4, 36; New York Times, *Warehouses Are Headed to the Central Valley, Too* (Jul. 22, 2020), *available* at https://www.nytimes.com/2020/07/22/us/coronavirus-ca-warehouse-workers.html.

[11] California Air Resources Board, Nitrogen Dioxide & Health, https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health (last accessed September 18, 2022) (NOx); California Air Resources Board, Summary: Diesel Particular Matter Health Impacts, https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts (last accessed September 18, 2022); Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf (last accessed September 18, 2022) (DPM).

[12] Noise Sources and Their Effects, https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm (last accessed September 18, 2022) (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

[13] South Coast Air Quality Management District, "Final Socioeconomic Assessment for Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305" (May 2021), at 4-5.

study concluded that, compared to the South Coast Air Basin averages, communities in the South Coast Air Basin near large warehouses had a substantially higher proportion of people of color; were exposed to more diesel particulate matter; had higher rates of asthma, cardiovascular disease, and low birth weights; and had higher poverty and unemployment rates.[14] Each area has its own unique history, but many of these impacts and vulnerabilities reflect historic redlining practices in these communities, which devalued land and concentrated poverty, racial outgroups, and pollution into designated areas.[15]

II. Proactive Planning: General Plans, Local Ordinances, and Good Neighbor Policies

To systematically guide warehouse development, we encourage local governing bodies to proactively plan for logistics projects in their jurisdictions. Proactive planning allows jurisdictions to prevent land use conflicts before they materialize and direct sustainable development. Benefits also include providing a predictable business environment, protecting residents from environmental harm, and setting consistent expectations jurisdiction-wide.

Proactive planning can take many forms. Land use designation and zoning decisions should channel development into appropriate areas. For example, establishing industrial districts near major highway and rail corridors but away from sensitive receptors[16] can help attract investment while avoiding conflicts between warehouse facilities and residential communities. Transition zones with lighter industrial and commercial land uses may also help minimize conflicts between residential and industrial uses.

In addition, general plan policies, local ordinances, and good neighbor policies should set minimum standards for logistics projects. General plan policies can be incorporated into existing economic development, land use, circulation, or other related general plan elements. Many jurisdictions alternatively choose to consolidate policies in a separate environmental justice element. Adopting general plan policies to guide warehouse development may also help

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[14] *Id*. at 5-7.

[15] Beginning in the 1930s, federal housing policy directed investment away from Black, immigrant, and working-class communities by color-coding neighborhoods according to the purported "riskiness" of loaning to their residents. In California cities where such "redlining" maps were drawn, nearly all of the communities where warehouses are now concentrated were formerly coded "red," signifying the least desirable areas where investment was to be avoided. *See* University of Richmond Digital Scholarship Lab, Mapping Inequality, https://dsl.richmond.edu/panorama/redlining/#loc=12/33.748/-118.272&city=los-angeles-ca (Los Angeles), https://dsl.richmond.edu/panorama/redlining/#loc=13/32.685/-117.132&city=san-diego-ca (San Diego), https://dsl.richmond.edu/panorama/redlining/#loc=11/37.81/-122.38&city=oakland-ca (Oakland), https://dsl.richmond.edu/panorama/redlining/#loc=13/37.956/-121.326&city=stockton-ca (Stockton), https://dsl.richmond.edu/panorama/redlining/#loc=12/36.751/-119.86&city=fresno-ca (Fresno) (all last accessed September 18, 2022).

[16] In this document, "sensitive receptors" refers to residences, schools, public recreation facilities, health care facilities, places of worship, daycare facilities, community centers, or incarceration facilities.

jurisdictions comply with their obligations under SB 1000, which requires local government general plans to identify objectives and policies to reduce health risks in disadvantaged communities, promote civil engagement in the public decision making process, and prioritize improvements and programs that address the needs of disadvantaged communities.[17]

Local ordinances and good neighbor policies that set development standards for all warehouses in the jurisdiction are a critical and increasingly common tool that serve several goals. When well-designed, these ordinances direct investment to local improvements, provide predictability for developers, conserve government resources by streamlining project review processes, and reduce the environmental impacts of industrial development. While many jurisdictions have adopted warehouse-specific development standards, an ordinance in the City of Fontana provides an example to review and build upon.[18] Good neighbor policies in Riverside County and by the Western Riverside Council of Government include additional measures worth consideration.[19]

The Bureau encourages jurisdictions to adopt their own local ordinances that combine the strongest policies from those models with measures discussed in the remainder of this document.

III. Community Engagement

Early and consistent community engagement is central to establishing good relationships between communities, lead agencies, and warehouse developers and tenants. Robust community engagement can give lead agencies access to community residents' on-the-ground knowledge and information about their concerns, build community support for projects, and develop creative solutions to ensure new logistics facilities are mutually beneficial. Examples of best practices for community engagement include:

- Holding a series of community meetings at times and locations convenient to members of the affected community and incorporating suggestions into the project design.
- Posting information in hard copy in public gathering spaces and on a website about the project. The information should include a complete, accurate project description, maps and drawings of the project design, and information about how the public can provide input and be involved in the project approval process. The

[17] For more information about SB 1000, *see* https://oag.ca.gov/environment/sb1000.
[18] https://oag.ca.gov/system/files/attachments/press-docs/Final%20Signed%20Fontana%20Ordinance.pdf (last accessed September 18, 2022).
[19] For example, the Riverside County policy requires community benefits agreements and supplemental funding contributions toward additional pollution offsets, and the Western Riverside Council of Governments policy sets a minimum buffer zone of 300 meters between warehouses and sensitive receptors. https://www.rivcocob.org/wp-content/uploads/2020/01/Good-Neighbor-Policy-F-3-Final-Adopted.pdf (last accessed September 18, 2022) (Riverside County); http://www.wrcog.cog.ca.us/DocumentCenter/View/318/Good-Neighbor-Guidelines-for-Siting-Warehouse-Distribution-Facilities-PDF?bidId= (last accessed September 18, 2022) (Western Riverside Council of Governments).

information should be in a format that is easy to navigate and understand for members of the affected community.

- Providing notice by mail to residents and schools within a certain radius of the project and along transportation corridors to be used by vehicles visiting the project, and by posting a prominent sign on the project site. The notice should include a brief project description and directions for accessing complete information about the project and for providing input on the project.
- Providing translation or interpretation in residents' native language, where appropriate.
- For public meetings broadcast online or otherwise held remotely, providing for access and public comment by telephone and supplying instructions for access and public comment with ample lead time prior to the meeting.
- Partnering with local community-based organizations to solicit feedback, leverage local networks, co-host meetings, and build support.
- Considering adoption of a community benefits agreement, negotiated with input from affected residents and businesses, by which the developer provides benefits to the affected community.
- Creating a community advisory board made up of local residents to review and provide feedback on project proposals in early planning stages.
- Identifying a person to act as a community liaison concerning on-site construction activity and operations, and providing contact information for the community liaison to the surrounding community.
- Requiring signage in public view at warehouse facilities with contact information for a local designated representative for the facility operator who can receive community complaints, and requiring any complaints to be answered by the facility operator within 48 hours of receipt.

IV. Warehouse Siting and Design Considerations

The most important consideration when planning a logistics facility is its location. Warehouses located in residential neighborhoods or near sensitive receptors expose community residents and those using or visiting sensitive receptor sites to the air pollution, noise, traffic, and other environmental impacts they generate. Therefore, placing facilities away from sensitive receptors significantly reduces their environmental and quality of life harms on local communities. The suggested best practices for siting and design of warehouse facilities does not relieve lead agencies' responsibility under CEQA to conduct a project-specific analysis of the project's impacts and evaluation of feasible mitigation measures and alternatives; lead agencies' incorporation of the best practices must be part of the impact, mitigation and alternatives analyses to meet the requirements of CEQA. Examples of best practices when siting and designing warehouse facilities include:

- Per California Air Resources Board (CARB) guidance, siting warehouse facilities so that their property lines are at least 1,000 feet from the property lines of the nearest sensitive receptors.[20]
- Providing adequate amounts of on-site parking to prevent trucks and other vehicles from parking or idling on public streets and to reduce demand for off-site truck yards.
- Establishing setbacks from the property line of the nearest sensitive receptor to warehouse dock doors, loading areas, and truck drive aisles, and locating warehouse dock doors, loading areas, and truck drive aisles on the opposite side of the building from the nearest sensitive receptors—e.g., placing dock doors on the north side of the facility if sensitive receptors are near the south side of the facility.
- Placing facility entry and exit points from the public street away from sensitive receptors—e.g., placing these points on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.
- Ensuring heavy duty trucks abide by the on-site circulation plans by constructing physical barriers to block those trucks from using areas of the project site restricted to light duty vehicles or emergency vehicles only.
- Preventing truck queuing spillover onto surrounding streets by positioning entry gates after a minimum of 140 feet of space for queuing, and increasing the distance by 70 feet for every 20 loading docks beyond 50 docks.
- Locating facility entry and exit points on streets of higher commercial classification that are designed to accommodate heavy duty truck usage.
- Screening the warehouse site perimeter and onsite areas with significant truck traffic (e.g., dock doors and drive aisles) by creating physical, structural, and/or vegetative buffers that prevent or substantially reduce pollutant and noise dispersion from the facility to sensitive receptors.
- Planting exclusively 36-inch box evergreen trees to ensure faster maturity and four-season foliage.
- Requiring all property owners and successors in interest to maintain onsite trees and vegetation for the duration of ownership, including replacing any dead or unhealthy trees and vegetation.
- Posting signs clearly showing the designated entry and exit points from the public street for trucks and service vehicles.
- Including signs and drive aisle pavement markings that clearly identify onsite circulation patterns to minimize unnecessary onsite vehicle travel.
- Posting signs indicating that all parking and maintenance of trucks must be conducted within designated on-site areas and not within the surrounding community or public streets.

[20] CARB, Air Quality and Land Use Handbook: A Community Health Perspective (April 2005), at ES-1. CARB staff has released draft updates to this siting and design guidance which suggests a greater distance may be warranted in some scenarios. CARB, Concept Paper for the Freight Handbook (December 2019), *available at* https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf (last accessed September 18, 2022).

V. Air Quality and Greenhouse Gas Emissions Analysis and Mitigation

Emissions of air pollutants and greenhouse gases are often among the most substantial environmental impacts from new warehouse facilities. CEQA compliance demands a proper accounting of the full air quality and greenhouse gas impacts of logistics facilities and adoption of all feasible mitigation of significant impacts. Although efforts by CARB and other authorities to regulate the heavy-duty truck and off-road diesel fleets have made excellent progress in reducing the air quality impacts of logistics facilities, the opportunity remains for local jurisdictions to further mitigate these impacts at the project level. Lead agencies and developers should also consider designing projects with their long-term viability in mind. Constructing the necessary infrastructure to prepare for the zero-emission future of goods movement not only reduces a facility's emissions and local impact now, but it can also save money as demand for zero-emission infrastructure grows. In planning new logistics facilities, the Bureau strongly encourages developers to consider the local, statewide, and global impacts of their projects' emissions.

Examples of best practices when studying air quality and greenhouse gas impacts include:

- Fully analyzing all reasonably foreseeable project impacts, including cumulative impacts. In general, new warehouse developments are not ministerial under CEQA because they involve public officials' personal judgment as to the wisdom or manner of carrying out the project, even when warehouses are permitted by a site's applicable zoning and/or general plan land use designation.[21]
- When analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project's individual impacts alone do not exceed the applicable significance thresholds.
- Preparing a quantitative air quality study in accordance with local air district guidelines.
- Preparing a quantitative health risk assessment in accordance with California Office of Environmental Health Hazard Assessment and local air district guidelines.
- Refraining from labeling compliance with CARB or air district regulations as a mitigation measure—compliance with applicable regulations is required regardless of CEQA.
- Disclosing air pollution from the entire expected length of truck trips. CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin, local jurisdiction, or other truncated endpoint. All air pollution associated with the project must be considered, regardless of where those impacts occur.

[21] CEQA Guidelines § 15369.

- Accounting for all reasonably foreseeable greenhouse gas emissions from the project, without discounting projected emissions based on participation in California's Cap-and-Trade Program.

Examples of measures to mitigate air quality and greenhouse gas impacts from construction are below. To ensure mitigation measures are enforceable and effective, they should be imposed as permit conditions on the project where applicable.

- Requiring off-road construction equipment to be hybrid electric-diesel or zero-emission, where available, and all diesel-fueled off-road construction equipment to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.
- Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.
- Using electric-powered hand tools, forklifts, and pressure washers, and providing electrical hook ups to the power grid rather than use of diesel-fueled generators to supply their power.
- Designating an area in the construction site where electric-powered construction vehicles and equipment can charge.
- Limiting the amount of daily grading disturbance area.
- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- Forbidding idling of heavy equipment for more than three minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- Providing information on transit and ridesharing programs and services to construction employees.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.

Examples of measures to mitigate air quality and greenhouse gas impacts from operation include:

- Requiring all heavy-duty vehicles engaged in drayage[22] to or from the project site to be zero-emission beginning in 2030.

[22] "Drayage" refers generally to transport of cargo to or from a seaport or intermodal railyard.

- Requiring all on-site motorized operational equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging or fueling stations provided.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Forbidding trucks from idling for more than three minutes and requiring operators to turn off engines when not in use.
- Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the local air district, and the building manager.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers.
- Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.
- Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.
- Running conduit to designated locations for future electric truck charging stations.
- Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.
- Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.
- Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10% of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance)
- Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of

trucks.

- Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- Designing to LEED green building certification standards.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.
- Posting signs at every truck exit driveway providing directional information to the truck route.
- Improving and maintaining vegetation and tree canopy for residents in and around the project area.
- Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers.
- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

VI. Noise Impacts Analysis and Mitigation

The noise associated with logistics facilities can be among their most intrusive impacts to nearby sensitive receptors. Various sources, such as unloading activity, diesel truck movement, and rooftop air conditioning units, can contribute substantial noise pollution. These impacts are exacerbated by logistics facilities' typical 24-hour, seven-days-per-week operation. Construction noise is often even greater than operational noise, so if a project site is near sensitive receptors, developers and lead agencies should adopt measures to reduce the noise generated by both construction and operation activities.

Examples of best practices when studying noise impacts include:

- Preparing a noise impact analysis that considers all reasonably foreseeable project noise impacts, including to nearby sensitive receptors. All reasonably foreseeable project noise impacts encompasses noise from both construction and operations, including stationary, on-site, and off-site noise sources.
- Adopting a lower significance threshold for incremental noise increases when baseline noise already exceeds total noise significance thresholds, to account for the cumulative impact of additional noise and the fact that, as noise moves up the decibel scale, each decibel increase is a progressively greater increase in sound

pressure than the last. For example, 70 dBA is ten times more sound pressure than 60 dBA.

- Disclosing and considering the significance of short-term noise levels associated with all aspects of project operation (i.e. both on-site noise generation and off-site truck noise). Considering only average noise levels may mask noise impacts sensitive receptors would consider significant—for example, the repeated but short-lived passing of individual trucks or loading activities at night.

Examples of measures to mitigate noise impacts include:

- Constructing physical, structural, or vegetative noise barriers on and/or off the project site.
- Planning and enforcing truck routes that avoid passing sensitive receptors.
- Locating or parking all stationary construction equipment as far from sensitive receptors as possible, and directing emitted noise away from sensitive receptors.
- Verifying that construction equipment has properly operating and maintained mufflers.
- Requiring all combustion-powered construction equipment to be surrounded by a noise protection barrier
- Limiting operation hours to daytime hours on weekdays.
- Paving roads where truck traffic is anticipated with low noise asphalt.
- Orienting any public address systems onsite away from sensitive receptors and setting system volume at a level not readily audible past the property line.

VII. Traffic Impacts Analysis and Mitigation

Warehouse facilities inevitably bring truck and passenger car traffic. Truck traffic can present substantial safety issues. Collisions with heavy-duty trucks are especially dangerous for passenger cars, motorcycles, bicycles, and pedestrians. These concerns can be even greater if truck traffic passes through residential areas, school zones, or other places where pedestrians are common and extra caution is warranted.

Examples of measures to mitigate traffic impacts include:

- Designing, clearly marking, and enforcing truck routes that keep trucks out of residential neighborhoods and away from other sensitive receptors.
- Installing signs in residential areas noting that truck and employee parking is prohibited.
- Requiring preparation and approval of a truck routing plan describing the facility's hours of operation, types of items to be stored, and truck routing to and from the facility to designated truck routes that avoids passing sensitive receptors. The plan should include measures for preventing truck queuing, circling, stopping, and parking on public streets, such as signage, pavement markings, and queuing analysis and enforcement. The plan should hold facility operators responsible for violations of the truck routing plan, and a revised plan should be required from any new tenant that occupies the property before a business license

is issued. The approving agency should retain discretion to determine if changes to the plan are necessary, including any additional measures to alleviate truck routing and parking issues that may arise during the life of the facility.
- Constructing new or improved transit stops, sidewalks, bicycle lanes, and crosswalks, with special attention to ensuring safe routes to schools.
- Consulting with the local public transit agency and securing increased public transit service to the project area.
- Designating areas for employee pickup and drop-off.
- Implementing traffic control and safety measures, such as speed bumps, speed limits, or new traffic signs or signals.
- Placing facility entry and exit points on major streets that do not have adjacent sensitive receptors.
- Restricting the turns trucks can make entering and exiting the facility to route trucks away from sensitive receptors.
- Constructing roadway improvements to improve traffic flow.
- Preparing a construction traffic control plan prior to grading, detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and designing the plan to minimize impacts to roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic.

VIII. Other Significant Environmental Impacts Analysis and Mitigation

Warehouse projects may result in significant environmental impacts to other resources, such as to aesthetics, cultural resources, energy, geology, or hazardous materials. All significant adverse environmental impacts must be evaluated, disclosed and mitigated to the extent feasible under CEQA. Examples of best practices and mitigation measures to reduce environmental impacts that do not fall under any of the above categories include:

- Appointing a compliance officer who is responsible for implementing all mitigation measures, and providing contact information for the compliance officer to the lead agency, to be updated annually.
- Creating a fund to mitigate impacts on affected residents, schools, places of worship, and other community institutions by retrofitting their property. For example, retaining a contractor to retrofit/install HVAC and/or air filtration systems, doors, dual-paned windows, and sound- and vibration-deadening insulation and curtains.
- Sweeping surrounding streets on a daily basis during construction to remove any construction-related debris and dirt.
- Directing all lighting at the facility into the interior of the site.
- Using full cut-off light shields and/or anti-glare lighting.
- Requiring submission of a property maintenance program for agency review and approval providing for the regular maintenance of all building structures, landscaping, and paved surfaces.
- Using cool pavement to reduce heat island effects.

- Planting trees in parking areas to provide at least 35% shade cover of parking areas within fifteen years to reduce heat island impacts.
- Using light colored roofing materials with a solar reflective index of 78 or greater.
- Including on-site amenities, such as a truck operator lounge with restrooms, vending machines, and air conditioning, to reduce the need for truck operators to idle or travel offsite.
- Designing skylights to provide natural light to interior worker areas.
- Installing climate control and air filtration in the warehouse facility to promote worker well-being.

IX. Conclusion

California's world-class economy, ports, and transportation network position it at the center of the e-commerce and logistics industry boom. At the same time, California is a global leader in environmental protection and environmentally just development. The guidance in this document furthers these dual strengths, ensuring that all can access the benefits of economic development. The Bureau will continue to monitor proposed projects for compliance with CEQA and other laws. Lead agencies, developers, community advocates, and other interested parties should feel free to reach out to us as they consider how to guide warehouse development in their area.

Please do not hesitate to contact the Environmental Justice Bureau at ej@doj.ca.gov if you have any questions.

County of Santa Clara
Roads and Airports Department

101 Skyport Drive
San Jose, California 95110-1302
1-408-573-2400

February 26, 2025

VIA EMAIL (Charlotte.Yuen@sanjoseca.gov)

City of San Jose
200 E. Santa Clara St.
San Jose, CA 95113
Attn: Charlotte Yuen

SUBJECT: Roads and Airports Department Comments on the Montague Point Industrial Project Notice of Preparation of an Environmental Impact Report.

The County of Santa Clara Roads and Airports Department (the "Department") appreciates the opportunity to review and comment on the Montague Point Industrial Project. On behalf of the Department, we submit the following comments:

- Montague Expressway is identified in the County's Active Transportation Plan for a future Class 1 shared-use path. The Draft EIR should evaluate how the project frontage would accommodate this facility, including right-of-way needs, frontage improvements, and compatibility with future implementation.
- The Local Transportation Analysis should include the following intersections along Montague Expressway:
    - Montague Expressway & Mission College Blvd/Thomas Rd
    - Montague Expressway & Agnew Rd/De La Cruz Blvd
    - Montague Expressway & Lick Mill Blvd
    - Montague Expressway & First St
    - Montague Expressway & Zanker Rd
    - Montague Expressway & River Oaks Pkwy/Plumeria Dr
    - Montague Expressway & Trimble Rd
    - Montague Expressway & McCarthy Blvd/O'Toole Ave

  These intersections should be evaluated to capture project traffic distribution and operational impacts. The transportation analysis should follow the latest VTA Congestion Management Program (CMP) Traffic Operations Analysis (TOA) and Traffic Impact Analysis (TIA) Guidelines.

Thank you again for your continued outreach and coordination with the Department. If you have any questions or concerns about these comments, please feel free to contact me at ben.aghegnehu@rda.sccgov.org

Thank you

Board of Supervisors: Sylvia Arenas, Betty Duong, Otto Lee, Susan Ellenberg, Margaret Abe-Koga
County Executive: James R. Williams

Daniel Vermeulen

To: Yuen, Charlotte
Subject: RE: NOTICE OF CEQA POSTING: Notice of Preparation of an Environmental Impact Report for Montague Point Industrial Project

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From: Jaeho Hahn <JHahn@valleywater.org>
Sent: Monday, March 2, 2026 3:45 PM
To: Yuen, Charlotte <Charlotte.Yuen@sanjoseca.gov>
Cc: Garg, Tina <Tina.Garg@sanjoseca.gov>; Colleen Haggerty <chaggerty@valleywater.org>
Subject: RE: NOTICE OF CEQA POSTING: Notice of Preparation of an Environmental Impact Report for Montague Point Industrial Project

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You don't often get email from jhahn@valleywater.org. Learn why this is important

Dear Charlotte,

The Santa Clara Valley Water District (Valley Water) has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the proposed Montague Point Industrial Project, which was received by Valley Water on February 2, 2026.
Based on our review of the NOP, we have the following comments:

1. Valley Water does not have any facilities or land rights within the proposed project limits; therefore, in accordance with Valley Water's *Water Resources Protection Ordinance*, a Valley Water encroachment permit is not required for this project.

2. According to Valley Water's records, there are no wells within the project property. While Valley Water has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water's records. If previously unknown wells are found on the project property during development, they must be properly destroyed under permit form Valley Water or registered with Valley Water and protected from damage. For more information, please call Valley Water's Well Ordinance Program Hotline at (408) 630-2660.

Please reference Valley Water file number 35633 in future correspondence regarding this project. If you have any questions regarding Valley Water's comments, you may contact me at (408) 630-3119 or jhahn@valleywater.org.

JAEHO HAHN, P.E.
Pronouns: he/him/his
Associate Engineer
Community Projects Review Unit
JHahn@valleywater.org
Tel (408) 630-3119 | Work Cell (408) 604-5837
CPRU Hotline Tel. (408) 630-2650
CPRU Hotline e-mail: CPRU@valleywater.org

SANTA CLARA VALLEY WATER DISTRICT
5750 Almaden Expressway, San Jose CA 95118
www.valleywater.org

Clean Water · Healthy Environment · Flood Protection

From: Yuen, Charlotte <Charlotte.Yuen@sanjoseca.gov>
Sent: Monday, February 2, 2026 5:21 PM
Cc: Garg, Tina <Tina.Garg@sanjoseca.gov>
Subject: NOTICE OF CEQA POSTING: Notice of Preparation of an Environmental Impact Report for Montague Point Industrial Project

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

FILE NOs: H25-035 and ER25-206

PROJECT DESCRIPTION
The proposed project would result in the demolition of all existing buildings and construction of three new speculative industrial warehouse buildings. Building 1 would be located on the southeast corner of Montague Expressway and Zanker Road, Building 2 would be located centrally on the project site to the right of Building 1, and Building 3 would be located on the western corner of East Plumeria Drive and Montague Expressway intersection. The proposed project would construct a total of approximately 359,501 square feet of warehouse area and approximately 78,000 square feet of office space, for a total of approximately 437,501 square feet. The proposed project buildings would cover approximately 39 percent of the total project site. Additionally, the proposed project would connect to the existing water, wastewater, and stormwater drainage facilities within Junction Avenue.

LOCATION
The approximately 23.75-acre project site consists of five parcels located at 3050 Zanker Road, 2840–2880 Junction Avenue, and 411 East Plumeria Drive in the City of San José. The project site is bounded by Junction Avenue to the south, Zanker Road to the west and southwest, Montague Expressway to the north and east, and East Plumeria Drive to the southeast.

ASSESSOR'S PARCEL NUMBER
101-31-001, 101-31-002, 101-31-003, 101-31-004, and 101-31-005

CIRCULATION
Scoping Period: February 2, 2026 to March 5, 2026
The public is welcome to review and comment on the Notice of Preparation. Public comments must be submitted to the Environmental Project Manager no later than 5:00 p.m. on March 5, 2026.

SCOPING MEETING
A joint community and environmental public scoping meeting will be held on February 12, 2026 at 6:00PM on Zoom. Please see the Notice of Preparation on the project website for details.

PROJECT WEBSITE

Montague Point Industrial Project | City of San Jose (sanjoseca.gov)

ENVIRONMENTAL PROJECT MANAGER
Charlotte Yuen
408-535-5658
Charlotte.Yuen@sanjoseca.gov

Charlotte Yuen
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