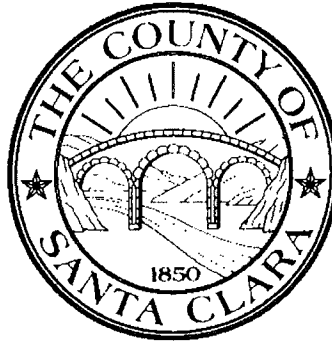


**APPENDIX J**

**NOTICE OF DETERMINATION**



**Regina Alcomendras**  
**Santa Clara County**  
**Clerk-Recorder**  
(408) 299-5688  
<https://www.clerkrecorder.org>

**Receipt: 18-253228**

<b>Product</b>	<b>Name</b>	<b>Extended</b>
CEQA	ENVIRONMENTAL FILING	\$3,218.00
	# Pages	5
	Document #	ENV21926
	Document Info:	CITY OF SAN JOSE
	Filing Type	I
<b>Total</b>		<b>\$3,218.00</b>
Tender (Check)		\$3,218.00
Check #	41508	
Paid By	CUSTOMER	

PLEASE KEEP FOR REFERENCE

1



# 2018 ENVIRONMENTAL FILING FEE CASH RECEIPT

DFW 753.5a (Rev. 10/31/17) Previously DFG 753.5a

RECEIPT NUMBER:  
ENV21926

STATE CLEARINGHOUSE NUMBER (If applicable)

**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.**

LEAD AGENCY CITY OF SAN JOSE	LEAD AGENCY EMAIL	DATE 12/20/2018
COUNTY/STATE AGENCY OF FILING SANTA CLARA	DOCUMENT NUMBER	

PROJECT TITLE  
DOWNTOWN STRATEGY 2040 AND ASSOCIATED GENERAL PLAN AMENDMENTS (FILE NOS. PP15-102, GP17-

PROJECT APPLICANT NAME CITY OF SAN JOSE	PROJECT APPLICANT EMAIL	PHONE NUMBER (408) 535-7872
PROJECT APPLICANT ADDRESS 200 EAST SANTA CLARA STREET , 3RD FLOOR	CITY SAN JOSE	STATE CA
		ZIP CODE 95113

**PROJECT APPLICANT** (Check appropriate box)

- Local Public Agency     
  School District     
  Other Special District     
  State Agency     
  Private Entity

**CHECK APPLICABLE FEES:**

- |  |            |    |                   |
|--|------------|----|-------------------|
| <input checked="" type="checkbox"/> Environmental Impact Report (EIR)  | \$3,168.00 | \$ | <u>\$3,168.00</u> |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)  | \$2,280.75 | \$ | _____             |
| <input type="checkbox"/> Certified Regulatory Program document (CRP)   | \$1,077.00 | \$ | _____             |
| <br>   |            |    |                   |
| <input type="checkbox"/> Exempt from fee   |            |    |                   |
| <input type="checkbox"/> Notice of Exemption (attach)  |            |    |                   |
| <input type="checkbox"/> CDFW No Effect Determination (attach)   |            |    |                   |
| <input type="checkbox"/> Fee previously paid (attach copy of previously issued Environmental Filing Fee Cash Receipt (DFW 753.5a)) |            |    |                   |
| <hr/>  |            |    |                   |
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)                        | \$850.00   | \$ | _____             |
| <input checked="" type="checkbox"/> County documentary handling fee  |            | \$ | <u>\$50.00</u>    |
| <input type="checkbox"/> Other   |            | \$ | _____             |

**PAYMENT METHOD:**

- Cash     
  Credit     
  Check     
  Other

**TOTAL RECEIVED** \$ \$3,218.00

SIGNATURE <i>X Mike Louie</i>	AGENCY OF FILING PRINTED NAME AND TITLE Mike Louie, Deputy County Clerk-Recorder
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**County of Santa Clara**  
 Office of the County Clerk-Recorder  
 Business Division

County Government Center  
 70 West Hedding Street, E. Wing, 1<sup>st</sup> Floor  
 San Jose, California 95110 (408) 299-5688



Santa Clara County - Clerk-Recorder Office  
 State of California

**File Number: ENV21926**

ENVIRONMENTAL FILING

No. of Pages: 5

Total Fees: \$3218.00

File Date: 12/20/2018

Expires: 01/19/2019

**REGINA ALCOMENDRAS, Clerk-Recorder**

By: Mike Louie, Deputy Clerk-Recorder

**CEQA DOCUMENT DECLARATION**

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: City of San Jose
2. PROJECT TITLE: Downtown Strategy 2040 and associated General Plan Amendments (File Nos. PP15-102, GP17-010/GPT17-002)
3. APPLICANT NAME: City of San Jose PHONE: 408-535-7872
4. APPLICANT ADDRESS: Jenny Nusbaum, City of San Jose, 200 East Santa Clara Street, 3rd Floor, San Jose, CA
5. PROJECT APPLICANT IS A:  Local Public Agency  School District  Other Special District  State Agency  Private Entity
6. NOTICE TO BE POSTED FOR 30 DAYS.

**7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT**

**a. PROJECTS THAT ARE SUBJECT TO DFG FEES**

- |  |             |                    |
|--|-------------|--------------------|
| <input checked="" type="checkbox"/> 1. <b>ENVIRONMENTAL IMPACT REPORT</b> (PUBLIC RESOURCES CODE §21152)                                   | \$ 3,168.00 | \$ <u>3,168.00</u> |
| <input type="checkbox"/> 2. <b>NEGATIVE DECLARATION</b> (PUBLIC RESOURCES CODE §21080(C))  | \$ 2,280.75 | \$ <u>0.00</u>     |
| <input type="checkbox"/> 3. <b>APPLICATION FEE WATER DIVERSION</b> (STATE WATER RESOURCES CONTROL BOARD ONLY)                              | \$ 850.00   | \$ <u>0.00</u>     |
| <input type="checkbox"/> 4. <b>PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS</b>   | \$ 1,077.00 | \$ <u>0.00</u>     |
| <input checked="" type="checkbox"/> 5. <b>COUNTY ADMINISTRATIVE FEE</b> (REQUIRED FOR a-1 THROUGH a-4 ABOVE)<br>Fish & Game Code §711.4(e) | \$ 50.00    | \$ <u>50.00</u>    |

**b. PROJECTS THAT ARE EXEMPT FROM DFG FEES**

- |   |          |                |
|---|----------|----------------|
| <input type="checkbox"/> 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)  | \$ 50.00 | \$ <u>0.00</u> |
| <input type="checkbox"/> 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) |          |                |
| DOCUMENT TYPE: <input type="checkbox"/> ENVIRONMENTAL IMPACT REPORT <input type="checkbox"/> NEGATIVE DECLARATION   | \$ 50.00 | \$ <u>0.00</u> |

**c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES**

- |  |   |        |                  |
|--|---|--------|------------------|
| <input type="checkbox"/> NOTICE OF PREPARATION | <input type="checkbox"/> NOTICE OF INTENT | NO FEE | \$ <u>NO FEE</u> |
|--|---|--------|------------------|

8. OTHER: \_\_\_\_\_ FEE (IF APPLICABLE): \$ \_\_\_\_\_

9. TOTAL RECEIVED..... \$ 3,218.00

\*NOTE: "**SAME PROJECT**" MEANS **NO** CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE **SUBSEQUENT** FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (**INCLUDING COPIES**) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND TWO (2) COPIES. IF THERE ARE ATTACHMENTS, PLEASE PROVIDE THREE (3) SETS OF ATTACHMENTS FOR SUBMISSION. (**YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.**)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b)); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)

(Fees Effective 01-01-2018)

File Nos. PP15-102, GP17-010 and GPT17-002

County Clerk-Recorder  
County of Santa Clara  
70 W. Hedding Street, San José, CA, 95110

SCH # 2003042127

**NOTICE OF DETERMINATION  
FOR AN ENVIRONMENTAL IMPACT REPORT**

**Project Title:** **The San José Downtown Strategy 2040 Plan (Downtown Strategy 2040).** The Downtown San José project area, approximately three (3) square miles, is urbanized with existing development and infrastructure.

**Project Description:** The project consists of the following:

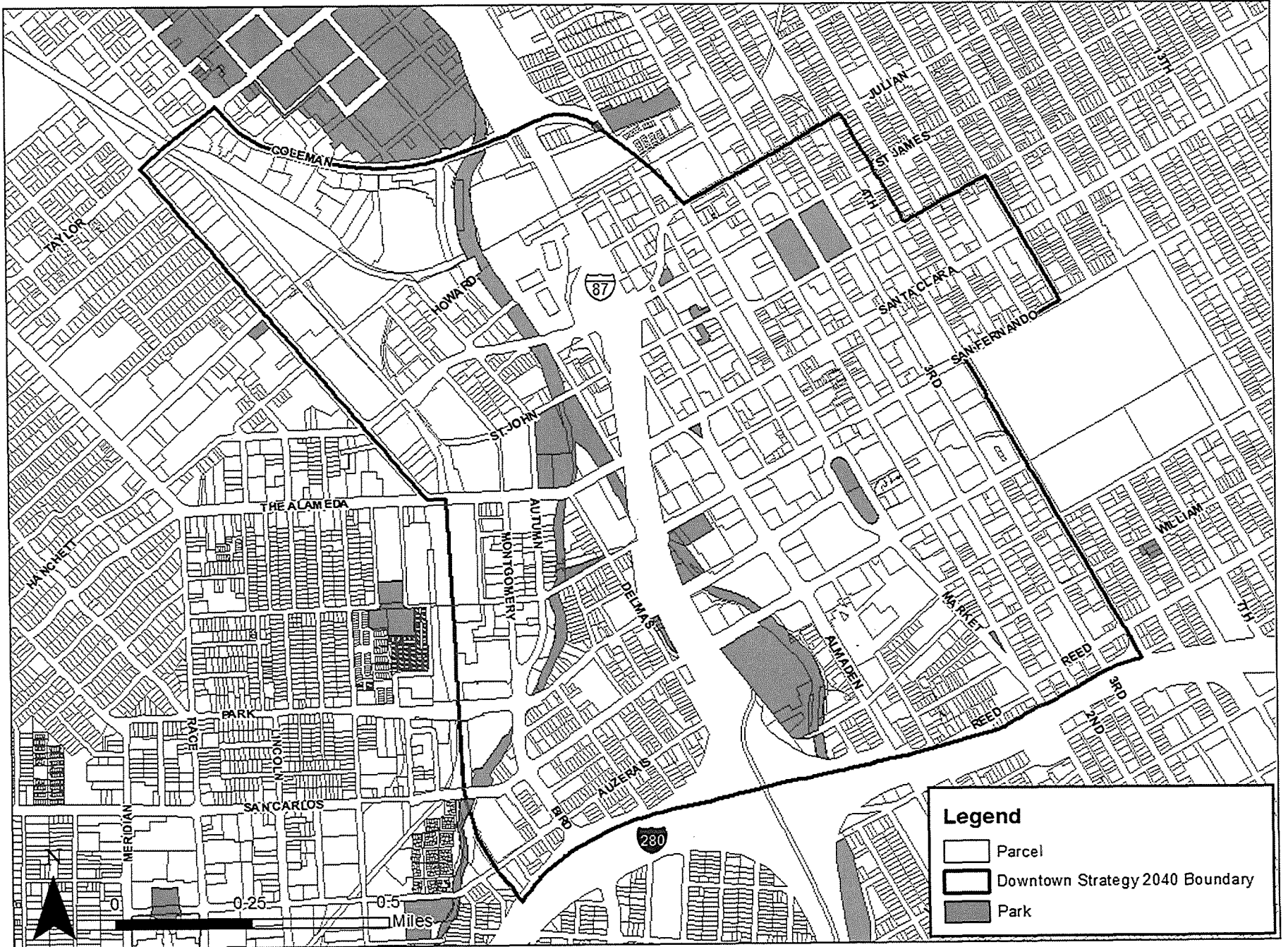
1. Amendments to the Envision San José 2040 General Plan (General Plan) to:
  - a. Amend Appendix 5 (Planned Job Capacity and Housing Growth Areas by Horizon table) of the General Plan to increase the development capacity within the Downtown boundary through the transfer of 4,000 dwelling units and 10,000 jobs (approximately 3 million square feet) from other General Plan Growth Areas to Downtown;
  - b. Establish a new General Plan Land Use/Transportation Diagram Employment Priority Area Overlay to support Downtown San José's growth as a Regional Employment Center that will be applied to all parcels located within the overlay area (within approximately one block of the future central Downtown Bay Area Rapid Transit (BART) Station generally including properties bounded by St. John Street to the north, 4th Street to the east, San Fernando Street to the south, and San Pedro Street to the west);
  - c. Change the General Plan Land Use/Transportation Diagram land use designation from Combined Industrial/Commercial to Downtown on approximately seven (7) acres and Commercial Downtown on approximately three (3) acres on an approximately 10-acre site located at the intersection of Ryland Street and Santa Teresa Street between SR-87 and the Guadalupe River;
  - d. Amend the Planned Growth Areas Diagram to expand the General Plan Downtown Growth Area boundary along the east side of North 4th Street between St. John and Julian Streets and remove the Downtown Transit Employment Center;
  - e. Amend and clarify Vibration Policy EC-2.3 on types of sensitive historic structures, frequency of vibration, and minimum required distances for some types of construction equipment operations; and
  - f. Make General Plan text revisions related to the description of the Downtown Growth Boundary and transitions for projects located adjacent to existing neighborhoods planned for lower intensity development, and other minor technical changes or clarifications.
2. Adopt a resolution to replace the existing San José Downtown Strategy 2000 adopted by the City Council in 2005 with a new Downtown Strategy 2040.

**Project Location:** The Downtown area is generally bounded by Taylor Street to the north, San José State University and City Hall to the east, Interstate 280 to the south, and the Diridon Station Area to the west. State Route 87 runs in a north/south direction and generally divides Downtown. Los Gatos Creek flows into the Guadalupe River at the confluence of Santa Clara Street on the west side of State Route 87. APNs: Numerous. **Council Districts:** 3 and 6

**Lead Agency and Applicant:** City of San José

**Date and Description of Project Approval:** On December 18, 2018, the City Council of the City of San José approved the following actions related to the above-described project:

1. Adopt a resolution certifying the Environmental Impact Report (EIR) for the Downtown Strategy 2040, including the Second Amendment as recommended by the Planning Commission, and making certain findings concerning significant impacts, avoidance measures, mitigation measures, alternatives, and adopting a Statement of Overriding Considerations, all in accordance with the California Environmental, Quality Act, as amended; and
2. Adopt a resolution amending the Envision San José 2040 General Plan (General Plan) to:
  - a. Amend Appendix 5 (Planned Job Capacity and Housing Growth Areas by Horizon table) of the General Plan to increase the development capacity within the Downtown boundary through the transfer of 4,000 dwelling units and 10,000 jobs (approximately 3 million square feet) from other General Plan Growth Areas to Downtown;
  - b. Establish a new General Plan Land Use/Transportation Diagram Employment Priority Area Overlay to support Downtown San José's growth as a Regional Employment Center that will be applied to all parcels located within the overlay area (within approximately one block of the future central Downtown Bay Area Rapid Transit (BART) Station generally including properties bounded by St. John Street to the north, 4th Street to the east, San Fernando Street to the south, and San Pedro Street to the west);
  - c. Change the General Plan Land Use/Transportation Diagram land use designation from Combined Industrial/Commercial on approximately 10 acres to Downtown on approximately seven (7) acres and to Commercial Downtown on approximately three (3) acres on an approximately 10-acre site located at the intersection of Ryland Street and Santa Teresa Street between SR-87 and the Guadalupe River;
  - d. Amend the Planned Growth Areas Diagram to expand the General Plan Downtown Growth Area boundary along the east side of North 4th Street between St. John and Julian Streets and remove the Downtown Transit Employment Center;
  - e. Amend and clarify Vibration Policy EC-2.3 on types of sensitive historic structures, frequency of vibration, and minimum required distances for some types of construction equipment operations; and
  - f. pMake General Plan text revisions related to the description of the Downtown Growth Boundary and transitions for projects located adjacent to existing neighborhoods planned for lower intensity development, and other minor technical changes or clarifications.
3. Adopt a resolution to replace the existing San José Downtown Strategy 2000 adopted by the City Council in 2005 with a new Downtown Strategy 2040.



**Determination of Significant Effect(s) on the Environment:** Pursuant to the provisions of CEQA, a Final Environmental Impact Report (FEIR) was prepared for this project and certified by the City Council of the City of San José on December 18, 2018, and the City Council made the following determinations regarding the above-described project and took the following actions related thereto:

Pursuant to Section 21.07.080 of the San José Municipal Code, a resolution was adopted affirming: (i) City Council Resolution No. 78942 certifying the Downtown Strategy 2040 Final Environmental Impact Report adopted on December 18, 2018; and (ii) General Plan Amendment File No. GP17-010 and General Plan Text Amendment File No. GPT17-002 (Resolution No. 78943) and (iii) City Council Resolution No. 78944 approving the Downtown Strategy 2040 File No. PP15-102.

1. The project will have significant unavoidable impacts on the environment relating to air quality and cumulative air quality, cultural resources and cumulative cultural resources, greenhouse gas emissions and cumulative greenhouse gas emissions, noise and cumulative noise, cumulative population and housing, and growth-inducing impacts. There are approximately 103 properties within the Downtown Area that are listed as closed Leaking Underground Storage Tank (LUST) cases, five properties listed as open LUST cases, eight Department of Toxic Substances Control cleanup sites, one military cleanup site, 14 open cleanup program site cases, and 12 closed cleanup program site cases.
2. **Avoidance measures** in the FEIR were included in the project.
3. **Findings** were made pursuant to the provisions of CEQA.
4. **A Statement of Overriding Considerations was adopted for this project.**

**Address of Record:** The EIR and record of project approval may be examined at the City of San José, Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower, San José CA 95113-1905. This notice is in compliance with Sections 21108 and 21152 of the Public Resources Code.

Rosalynn Hughey, Director  
Planning, Building and Code Enforcement

Date: 12/18/18

Deputy

