

- ☒ County Clerk-Recorder
County of Santa Clara
70 W. Hedding St., San José, CA, 95110
- ☒ Office of Planning and Research
State of California
P.O. Box 3044, Sacramento, CA, 95812

**NOTICE OF DETERMINATION NO. 2 FOR PROJECT ANALYZED
IN AN ENVIRONMENTAL IMPACT REPORT (SCH #2019080493)
(Section 21152 of the Public Resources Code)**

Lead Agency: City of San José, Department of Planning, Building and Code Enforcement

Project Applicant: Google, LLC (Attn: Alexa Arena), 1600 Amphitheatre Parkway, Mountain View, California, 94043, (650) 253-9481

Project Title: Downtown West Mixed-Use Plan (Google Project)

Project Description: The proposed Downtown West Mixed-Use Plan (Project) includes: certification of the Downtown West Mixed-Use Plan Environmental Impact Report, an Overruling of the Santa Clara County Airport Land Use Commission's (ALUC) determination of project inconsistency with ALUC noise and height policies, a General Plan Amendment, Diridon Station Area Plan (DSAP) Amendment, Planned Development Rezoning, Planned Development Permit, amendments to the historic landmark boundaries of the Southern Pacific Depot and San José Water Company, Historic Preservation Permit Amendment for the San José Water Company, a Vesting Tentative Map, a Development Agreement, and other permits and approvals to facilitate the development of a maximum of 5,900 residential units; a maximum of 7,300,000 gross square feet (gsf) of office space; a maximum of 500,000 gsf of active uses such as retail, cultural, arts, etc.; a maximum of 300 hotel rooms; a maximum of 800 limited-term corporate accommodations; two event and conference centers with a total maximum of 100,000 gsf; a maximum of two central utility plants totaling approximately 130,000 gsf; logistics/warehouse(s) totaling approximately 100,000 gsf; approximately 15 acres of open space; and infrastructure, transportation, and public realm improvements, all on approximately 80 acres.

Location: The Project site is located in the City of San José (Santa Clara County) and is generally bounded by Lenzen Avenue and the Union Pacific Railroad tracks to the north; North Montgomery Street, Los Gatos Creek, the Guadalupe River, South Almaden Street, and Royal Avenue to the east; Auzerais Avenue to the south; and Diridon Station, the Caltrain rail corridor, and Cahill Street to the west. The project also includes the area bounded by Los Gatos Creek to the west, San Fernando Street to the south, the Guadalupe River to the east, and Santa Clara Street to the north.

Council Districts: 3 and 6

This is to advise that on June 8, 2021, the City Council of the City of San José approved the following actions related to the above-described Project:

- Approval of an Ordinance amending Title 20 to add Section 20.70.700 to clarify that Project-specific ordinances for the Downtown West Mixed-Use Plan shall govern development within the Downtown West Planned Development Zoning District and supersede any conflicting provisions in Title 20;
- Approval of an Ordinance rezoning an approximately 80-gross acre site on certain real properties extending approximately one mile from north to south, and generally bounded by: Lenzen Avenue and the Union Pacific Railroad tracks to the north; North Montgomery Street, Los Gatos Creek, the Guadalupe River, State Route 87, Barack Obama Boulevard, and Royal Avenue to the east; Auzerais Avenue to the south; and the Caltrain rail corridor and Cahill Street to the west from the HI Heavy Industrial, LI Light Industrial, A(PD) Planned Development, PQP Public/Quasi-Public, Commercial Neighborhood, DC Downtown Primary Commercial, CG Commercial General, CIC Combined Industrial/Commercial to the DC(PD) Planned Development Zoning District, to allow developing up to 5,900 residential units; up to 7,300,000 gross square feet (GSF) of office space; up to 500,000 GSF of active uses such as retail, cultural, arts, civic etc.; up to 300 hotel rooms; up to 800 limited-term corporate accommodations; up to two event and conference centers totaling up to 100,000 GSF; up to two central utility plants totaling approximately 130,000 GSF; logistic/warehouse(s) totaling approximately 100,000 GSF; and approximately 15 acres of open space (File No. PDC19-039); and
- Approval of an Ordinance approving a Development Agreement between the City of San José and Google, LLC for the Downtown West Mixed-Use Plan and delegating the authority to the City Manager, or designee, to (i) negotiate and execute a Reimbursement Agreement and amendments thereto consistent with the reimbursement agreement term sheet attached as Schedule A to the Development Agreement; and (ii) negotiate and execute Transfer Agreements related to the affordable housing sites described in Exhibit D of the Development Agreement.

This Notice of Determination No. 2 pertains only to the approvals listed above. A Notice of Determination for other Project approvals that were granted on May 25, 2021, including the General Plan Amendment, DSAP Amendment, Planned Development Permit, and Vesting Tentative Map, was filed on May 28, 2021. Pursuant to Section 21166 of the Public Resources Code and Section 15162 of the CEQA Guidelines, since the Final Environmental Impact Report was certified on May 25, 2021, none of the circumstances requiring a subsequent or supplemental EIR have occurred and accordingly no further CEQA review is required.

Furthermore, the City Council of the City of San Jose made the following determinations regarding the Project on May 25, 2021:

1. A Final Environmental Impact Report was prepared for this project and was certified pursuant to the provisions of CEQA.
2. The project, in its approved form, will have significant effects on the environment relating to air quality, cultural resources (historic), land use (exposure to airport noise), noise, and population and housing (cumulative impact only).

3. Mitigation measures were made a condition of approval of the project.
4. A Mitigation Monitoring and Reporting Program was adopted for this project.
5. A Statement of Overriding Considerations was adopted for this project.
6. Findings were made pursuant to the provisions of CEQA, including Section 15091 of the CEQA Guidelines.

Pursuant to Executive Order N-80-20, signed on September 23, 2020, in light of the COVID-19 pandemic, certain requirements for filing, noticing, and posting of CEQA documents with county clerk offices have been conditionally suspended and alternate requirements must be taken in lieu of those requirements. This notice is in compliance with Section 15094 of the CEQA Guidelines and certifies that the Final Environmental Impact Report (EIR) with comments and responses and record of project approval are available to the General Public at: www.sanjoseca.gov/your-government/department-directory/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/downtown-west-mixed-use-plan/-fsiteid-1. The final EIR with comments and responses and record of project approval may also be examined at the City of San José, Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, 3rd Floor Tower, San José CA 95113-1905 when City Hall is open to the public. In addition, as a certified Assembly Bill (AB) 900 project¹, the Administrative Record can be viewed at <https://downtownwestadminrecord.com>.

David Keyon for
Chu Chang, Acting Director
Planning, Building and Code Enforcement


Deputy

Date: 6/9/21

Shannon Hill
Environmental Project Manager

¹ In summer 2019, the project applicant, Google LLC, filed an application for the Governor's certification of the project under the Jobs and Economic Improvement through Leadership Act of 2011 (Assembly Bill [AB] 900 as amended by Senate Bill 734 and AB 246). The application was subject to public review from September 3, 2019, through October 3, 2019. On December 30, 2019, Governor Gavin Newsom certified the project.