

**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

**CEQA DOCUMENT DECLARATION**

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: \_\_\_\_\_
2. PROJECT TITLE: \_\_\_\_\_
3. APPLICANT NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_
4. APPLICANT ADDRESS: \_\_\_\_\_
5. PROJECT APPLICANT IS A:      Local Public Agency      School District      Other Special District      State Agency      Private Entity
6. NOTICE TO BE POSTED FOR \_\_\_\_\_ DAYS.
7. **CLASSIFICATION OF ENVIRONMENTAL DOCUMENT**

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

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

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

- |  |                             |                      |
|--|-----------------------------|----------------------|
| 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)  | \$                          | \$ _____             |
| 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:   | ENVIRONMENTAL IMPACT REPORT | NEGATIVE DECLARATION |
|  | \$                          | \$ _____             |

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

- |                       |                  |        |          |        |
|-----------------------|------------------|--------|----------|--------|
| NOTICE OF PREPARATION | NOTICE OF INTENT | NO FEE | \$ _____ | NO FEE |
|-----------------------|------------------|--------|----------|--------|

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

9. TOTAL RECEIVED..... \$ \_\_\_\_\_

\*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)

**File Number:** H21-047

- 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  
FOR A MITIGATED NEGATIVE DECLARATION  
(5977 SILVER CREEK VALLEY ROAD WAREHOUSE PROJECT)**

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

**Project Applicant:** Duke Realty (Attn: Jason Bernstein), 1904 Franklin Street, 8<sup>th</sup> Floor,  
Oakland, CA 94612, (415) 298-3325.

**Project Title:** 5977 Silver Creek Valley Road Warehouse

**Project Description:** The applicant proposes to develop the vacant site located at 5977 and 6001 Silver Creek Valley Road in San José with industrial uses consistent with the General Plan and zoning district regulations. The applicant proposes an approximately 281,873 square foot industrial warehouse building, which includes up to 10,000 square feet of office space (including mezzanine), outdoor employee amenity area, up to 40 loading dock doors, up to 54 truck trailer stalls and space for up to 4,000 amps of expandable power. The proposed building would be approximately 50 feet high and could be split into 100,000 square foot interior areas to provide flexibility of uses for multiple industrial occupants. The facility would have space for up to 195 on site workers. The project site would be accessible via two driveways on Silver Creek Valley Road and two driveways on Fontanos Way. These access points would lead into a surface lot with 210 parking spaces. The project would connect to existing utilities located in Silver Creek Valley Road and Fontanos Way.

**Location:** 5977 – 6001 Silver Creek Valley Road

**Assessor's Parcel No:** 679-02-011 & 679-02-012

**Council District:** 2

The City has performed environmental review on this project. Environmental review examines the nature and extent of any adverse effects on the environment that could occur if a project is approved and implemented. Based on the review, the City has prepared a Mitigated Negative Declaration for

this project. A Mitigated Negative Declaration is a statement by the City that the project will not have a significant effect on the environment if protective measures (mitigation measures) are included in the project.

This is to advise that the Director of Planning, Building, and Code Enforcement of the City of San José approved the above-described project on **September 7, 2022** and made the following determinations regarding such project:

1. An Initial Study and Mitigated Negative Declaration referenced above was prepared and completed for this project pursuant to and in compliance with the provisions of CEQA.
2. The Director of Planning, Building, and Code Enforcement has independently reviewed and analyzed the Initial Study and Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project.
3. The Initial Study and Mitigated Negative Declaration represents the independent judgment and analysis of the City of San José, as lead agency for the Project.
4. This project will not have a significant impact on the environment.
5. Mitigation measures were made a condition of approval of the project.
6. A Mitigation Monitoring and Reporting Program was adopted for this project.
7. Findings were made and adopted for this project pursuant to the provisions of CEQA.

The Initial Study, Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and the 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 Section 21108 and 21152 of the Public Resources Code.

Christopher Burton, Director  
Planning, Building and Code Enforcement

Date: September 7, 2022

\_\_\_\_\_  
Deputy

Environmental Project Manager: Cort Hitchens