

From: [Hill, Shannon](#)
To: [Downtown West Project](#)
Cc: [Keyon, David](#)
Subject: FW: NOD Posting Request: Downtown West Mixed-Use Plan (Google Project)
Date: Thursday, May 27, 2021 5:26:50 PM
Attachments: [County Cover Sheet_052721.pdf](#)
[NOD_Downtown West Mixed-Use Plan_052621_Signed.pdf](#)
Importance: High

Shannon Hill
Planner, Environmental Review
Planning, Building & Code Enforcement
City of San José | 200 East Santa Clara Street
Shannon.Hill@sanjoseca.gov | (408) 535 - 7872

From: bus-rdc <bus-rdc@rec.sccgov.org>
Sent: Thursday, May 27, 2021 11:59 AM
To: Fader, Elaine <elaine.fader@rec.sccgov.org>
Cc: Hill, Shannon <Shannon.Hill@sanjoseca.gov>; Keyon, David <david.keyon@sanjoseca.gov>
Subject: FW: NOD Posting Request: Downtown West Mixed-Use Plan (Google Project)
Importance: High

[External Email]

Hello Elaine,

Can you please review and process the email request below?

CEQA filings are filed within 24 hours of receipt.

Thank you,
Laura Luna

From: ClerkRecorder <ClerkRecorder@rec.sccgov.org>
Sent: Thursday, May 27, 2021 10:16 AM
To: bus-rdc <bus-rdc@rec.sccgov.org>
Subject: FW: NOD Posting Request: Downtown West Mixed-Use Plan (Google Project)
Importance: High

From: Hill, Shannon <Shannon.Hill@sanjoseca.gov>

Sent: Thursday, May 27, 2021 9:54 AM

To: ClerkRecorder <ClerkRecorder@rec.sccgov.org>

Cc: Keyon, David <david.keyon@sanjoseca.gov>

Subject: [EXTERNAL] NOD Posting Request: Downtown West Mixed-Use Plan (Google Project)

Importance: High

Hello,

Please refer to the attached County cover sheet and NOD for the subject project.

Payment of the fees will be by credit card. Please call the applicant contact, Bhavesh Parikh, at (858) 750-0060. He will provide payment information.

Also, please reply with confirmation of payment, so we can file with the State Clearinghouse as well.

Thanks!

Shannon Hill
Planner, Environmental Review
Planning, Building & Code Enforcement
City of San José | 200 East Santa Clara Street
Shannon.Hill@sanjoseca.gov | (408) 535 - 7872

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

(Fees Effective 01-01-2021)

- 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 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 May 25, 2021, the City Council of the City of San José approved the following actions related to the above-described project:

- Adoption of a Resolution certifying the Downtown West Mixed-Use Plan (Google Project) Environmental Impact Report and making certain findings concerning significant impacts, mitigation measures and alternatives, and adopting a statement of overriding considerations and a mitigation monitoring and reporting program, all in accordance with the California Environmental Quality Act (CEQA), as amended;
- Adoption of a Resolution by 2/3 majority making certain findings required by California Public Utilities Code Section 21676 that Proposed General Plan Amendment File No. GP19-009 and Planned Development Rezoning File No. PDC19-039 are consistent with the purposes set forth in California Public Utilities Code Section 21670 and overruling the Santa Clara County Airport Land Use Commission's (ALUC) determination that the proposed project is inconsistent with the ALUC noise and height policies as defined by the Comprehensive Land Use Plan for the San José International Airport (CLUP);
- Adoption of a Resolution amending the Envision San José 2040 General Plan (File No. GP19-009) to revise the land use designation of the project site, amend General Plan policies LU-6.1 and LU-1.9, and implement other text amendments and amendments to General Plan diagrams related to the Downtown West Mixed-Use Plan;
- Adoption of a Resolution amending the 2014 Diridon Station Area Plan, a component of the Envision San José 2040 General Plan, to revise the land use designation for the project site, expand the Diridon Station Area Plan boundary, and implement other text amendments and amendments to diagrams related to the Downtown West Mixed-Use Plan (File No. GP19-009);
- Adoption of a Resolution approving, subject to conditions, a Planned Development Permit (File No. PD19-029), including the Downtown West Design Standards and Guidelines (DWDSG), the Downtown West Improvement Standards, the Conceptual Infrastructure Plan Sheets, and Conformance Review Implementation Guide, to allow 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, civic 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; 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 on an approximately 78-gross acre site 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;
- Adoption of a Resolution approving, subject to conditions, the Vesting Tentative Map to

subdivide 136 lots into no more than 178 lots and allow a maximum of 5,900 residential condominiums and a maximum of 20 commercial condominiums on an approximately 84-gross acre site (File No. PT20-027);

- Adoption of a Resolution authorizing Major Encroachment Permit for District Systems at various locations within the Downtown West development area;
- Adoption of a Resolution authorizing Major Encroachment Permit for Streetscape Improvements at various locations within the Downtown West development area;
- Adoption of a Resolution approving the Construction Impact Mitigation Plan;
- Adoption of a Resolution amending the Historic Preservation Permit File No. HP16-002 (File No. HP20-002) to revise the terms of the Permit to be consistent with the Downtown West Mixed-Use Project, which includes the San José Water Works City Landmark at 374 West Santa Clara Street;
- Adoption of a Resolution to amend the boundary of the Southern Pacific Depot City Landmark (File No. HL20-004) from a 12.5-gross acre site to an 11.54-gross acre site located at 65 Cahill Street;
- Adoption of a Resolution to amend the boundary of the San José Water Works City Landmark (File No. HL20-005) from a 0.96-gross acre site to a 0.31-gross acre site at 374 West Santa Clara Street;
- Adoption of Resolutions conditionally vacating portions of South Montgomery Street, Otterson Street, Park Avenue, Cinnabar Street with the reservation of public easements over the vacated area; and
- Approve the allocation of Google's early payment of \$7.5 million and the allocation of up to \$22.3 million in Community Benefits funding that will be paid by Google as office buildings are built over time.

In addition, on May 25, 2021, the City Council of San José also introduced and approved first readings of the ordinances listed below. These ordinances are scheduled for a second and final reading by the City Council of San José on June 8, 2021.

- 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 (b) delegating the authority to the City Manager, or designee, to (i) negotiate and execute a Reimbursement Agreement and amendments thereto consistent with 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.

Furthermore, the City Council of the City of San Jose has made the following determinations regarding such project:

1. A Final Environmental Impact Report was prepared for this project and was certified on May 25, 2021 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 EIR with comments and responses and record of project approval are available to the General Public at: <https://www.sanjoseca.gov/your-government/department-directory/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/downtown-west-mixed-use-plan>. 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>.

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.

The above-described project was approved and issued on May 25, 2021.

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

Date: 5/26/21



Deputy

Shannon Hill
Environmental Project Manager