

From: [Phan, Johnny](#)
To: [Downtown West Project](#)
Subject: FW: Certification
Date: Wednesday, June 9, 2021 3:25:25 PM
Attachments: [2nd NOD- Downtown West Draft Certification of Administrative Record-c.docx](#)

From: Imwalle, Miles <mimwalle@coblentzlaw.com>
Sent: Tuesday, June 8, 2021 5:33 PM
To: Phan, Johnny <Johnny.Phan@sanjoseca.gov>
Subject: Certification

[External Email]

Johnny,

For your independent review and consideration, attached are some recommended changes to the admin record certification document to reflect the scope of the record that is being certified. Please let me know if you have any questions/comments.

Miles

Miles Imwalle
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SECOND CERTIFICATION OF ADMINISTRATIVE RECORD OF PROCEEDINGS

(Public Resources Code, §§ 21186 (as in effect on January 1, 2020), 21167.6)

I, Rosalynn Hughey, declare as follows:

1. I am the Deputy City Manager of the City of San José, the lead agency for the Downtown West Mixed-Use Plan Project (Downtown West Project). I am authorized to certify the administrative record of proceedings for the Downtown West Project.

2. The administrative record has been prepared concurrently with the administrative process for the Downtown West Project consistent with the California Environmental Quality Act (CEQA) and as mandated by Public Resources Code section 21186, and posted at downtownwestadminrecord.com.

3. On May 25, 2021, the San José City Council adopted Resolution Number 80018 a ~~resolution~~ certifying the Environmental Impact Report ~~No. [REDACTED]~~ and adopting CEQA Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for the Downtown West Project. A Notice of Determination (NOD) was ~~posted~~ filed on May 28~~6~~, 2021. The City of San Jose certified the administrative record of proceedings for the Downtown West Project on May 29, 2021.

4. On June 8, 2021, the City Council of the City of San Jose approved (1) an Ordinance amending Title 20 to add Section 20.70.700; (2) an Ordinance rezoning approximately 80-acres for the Downtown West Project; and (3) an Ordinance approving the Development Agreement for the Downtown West Project (the "Additional Approvals"). The Notice of Determination No. 2 for the Additional Approvals was posted on [REDACTED].

4.5. Public Resources Code section 21186(h) requires that the lead agency certify the final record of proceedings within five days after approval of the project.

5.6. The administrative record of proceedings includes all relevant non-privileged documents required by Public Resources Code section 21167.6, subdivision (e), that relate to these proceedings, and that were directly or indirectly considered by the San José City Council when approving the Downtown West Project and the Additional Approvals. Copies of all the documents contained in the administrative record of proceedings and available in a downloadable format at downtownwestadminrecord.com, an Internet Website maintained by the City of San José and its consultants, are true, correct, and complete reproductions of various original documents in the possession of the City of San José pertaining to the Downtown West Project and the Additional Approvals.

6.7. I hereby certify the administrative record of proceedings for the ~~Downtown West Project~~ Additional Approvals as consisting of the documents available in a downloadable format at downtownwestadminrecord.com.

I certify that the foregoing is true and correct:

Executed on May , 2021

Deputy City Manager
City of San José