

**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

**File Number: ENV24294**

ENVIRONMENTAL FILING

No. of Pages: 4

Total Fees: \$3589.25

File Date: 12/01/2022

Expires: 12/31/2022

**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 Department of Planning, Building, and Code Enforcement (Alln: Kara Hawkins)
2. PROJECT TITLE: Bo Town Mixed-Use Project
3. APPLICANT NAME: Project Bo Town LLC (Attn: Hunter Lien) PHONE: (206) 441-4027
4. APPLICANT ADDRESS: 2107 Elliott Avenue, #303, Seattle, WA 98121
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. ENVIRONMENTAL IMPACT REPORT (PUBLIC RESOURCES CODE §21152)	\$ 3,539.25	\$ 3,539.25
<input type="checkbox"/> 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C))	\$ 2,548.00	\$ 0.00
<input type="checkbox"/> 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONIBOL BOARD ONLY)	\$ 850.00	\$ 0.00
<input type="checkbox"/> 4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS	\$ 1,203.25	\$ 0.00
<input checked="" type="checkbox"/> 5. COUNTY ADMINISTRATIVE FEE (REQUIRED FOR a-1 THROUGH a-4 ABOVE) Fish & Game Code §711.4(e)	\$ 50.00	\$ 50.00

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

<input type="checkbox"/> 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)	\$ 50.00	\$ 0.00
<input type="checkbox"/> 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM TIU: DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, OALCD 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	\$ 0.00

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	\$ NO FEE
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B OTHER: \_\_\_\_\_ FEE (IF APPLICABLE): \$ \_\_\_\_\_

9. TOTAL RECEIVED ..... \$ 3,589.25

\*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 Numbers: H20-038;  
ER20-243

County Clerk-Recorder  
County of Santa Clara  
70 W. Hedding St., San Jose, CA, 95110

Office of Planning and Research  
State of California  
P.O. Box 3044, Sacramento, CA, 95812

**NOTICE OF DETERMINATION  
FOR THE BO TOWN MIXED USE PROJECT  
FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT  
(SCH No. 2003042127)**

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

**Project Applicant:** Project Bo Town, LLC (Attn: Hunter Lien), 2107 Elliott, Suite 303, Seattle, WA 98121, (206)441-4027

**Project Title:** Bo Town Mixed-Use Project

**Project Description:** Site Development Permit to allow the demolition of the existing Bo Town Restaurant building which is eligible as a Candidate City Landmark, an accessory building, and two storage structures for the construction of a 30-story mixed residential and commercial building with a total of approximately 606,526 square feet, including 7,430 gross square feet of ground floor commercial space, 540 residential units with 7,497 square feet of co-working space, 6,141 square feet of residential amenity space, and four levels of below-grade parking on an approximately 0.75-gross acre site; and to allow extended construction hours from 7:00 a.m. to 10:00 p.m. Monday through Saturday for approximately 33 months.

**Location:** South corner of East San Salvador Street and South 2nd Street (409 & 425 South 2nd Street)

**Assessor's Parcel No:** 264-47-019, 020 & 097

**Council District:** 3

The City prepared a Final Supplemental Environmental Impact Report (FSEIR) to the Downtown Strategy 2040 Final Environmental Impact Report (EIR) for this project in

compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The FSEIR evaluated the nature and extent of any adverse effects on the environment that could occur if the project is approved and implemented. The evaluation determined that the project would have significant impacts on air quality, biological resources, cultural resources, hazards and hazardous materials, and noise.

This is to advise that on **November 30, 2022**, the City Council of San Jose approved the following actions related to the above-described project:

- 1) Adopt a resolution certifying the Bo Town Mixed Use Project Final Supplemental Environmental Impact Report (SCH No. 2003042127) to the Downtown Strategy 2040 Environmental Impact Report (Resolution No. 78942), and making certain findings concerning significant impacts, mitigation measures, alternatives, Statement of Overriding Considerations, and adopting a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA) **Approved the Site Development Permit.**
- 2) Adopt a resolution approving, subject to conditions, a Site Development Permit, to allow the demolition of the existing Bo Town Restaurant building, and three accessory buildings totaling approximately 5,283 square feet, and the removal of one ordinance-size tree and one non-ordinance-size tree for the construction of a 30-story mixed residential and commercial building with a total of approximately 606,526 square feet, including 7,430 gross square feet of ground floor commercial space, 540 residential units with 7,497 square feet of co-working space, 6,141 square feet of residential amenity space, and four levels of below-grade parking, with extended construction hours from 7 a.m. to 10 p.m., Monday to Saturday over a period of approximately 33 months on an approximately 0.75-gross acre site.

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

- 1) A Draft SEIR was prepared for this project pursuant to and in compliance with the provisions of CEQA.
- 2) A First Amendment to the Draft SEIR was prepared that included responses to comments received during the public comment period.
- 3) The First Amendment and the Draft SEIR together comprise the Final SEIR for the project.
- 4) The Final SEIR concluded that implementation of the project could result in certain significant effects on the environment and identified mitigation measures that would reduce each of those significant effects to a less than significant level.
- 5) The Final SEIR also concluded that some significant effects of the project would not be reduced to less than significant levels despite the application of mitigation measures.
- 6) A Mitigation Monitoring and Reporting Program (MMRP) was prepared and adopted for this project.
- 7) The Planning Commission of the City of San Jose reviewed the Final SEIR and recommended to the City Council that the FSEIR was completed in accordance with the

requirements of CEQA, and further recommended the City adopt a resolution certifying the Final SEIR.

- 8) The City Council of the City of San Jose independently reviewed and analyzed the Final SEIR and other information in the record and adopted a Statement of Over-riding Considerations for significant and unavoidable impacts to the environment.
- 9) The City Council of the City of San Jose has certified the Bo Town Mixed-Use Project Final SEIR, in accordance with CEQA, as amended.

The Environmental Impact Report, Mitigation Monitoring and Reporting Program and the record of project approval may be examined at the City of San Jose, Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower, San Jose 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: November 30, 2022

Tina Garg Original prepared by Tina Gilg  
Date: 11/30/22 1:50 PM

Deputy

Environmental Project Manager: Kara Hawkins



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

Receipt: 22-208408

Product	Name	Extended
CEQA	ENVIRONMENTAL FILING	\$3,589.25
#Pages		4
Document#		ENV24294
Document Info:	CITY OF SAN JOSE DEPARTMENT OF PLANNING, BUILDING, AND CODE ENFORCEMENT (ATTN: KARA HAWKINS)	
Filing Type		I
<b>Total</b>		<b>\$3,589.25</b>
Tender (Check)		\$3,589.25
Check#	1155295	
Paid By	Judy Leung	

PLEASE KEEP FOR REFERENCE



2022 ENVIRONMENTAL DOCUMENT FILING FEE

CASH RECEIPT

DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

RECEIPT NUMBER:  
ENV24294

STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF SAN JOSE DEPARTMENT OF PLANNING, COUNTY/STATE AGENCY OF FILING <b>SANTA CLARA</b>	LEAD AGENCY EMAIL	DATE 12/10/2022
PROJECT TITLE BO TOWN MIXED-USE PROJECT		DOCUMENT NUMBER

PROJECT APPLICANT NAME PROJECT BO TOWN LLC (ATTN: HUNTER LIEN)	PROJECT APPLICANT EMAIL	PHONE NUMBER (206) 441-4027
PROJECT APPLICANT ADDRESS 2107 ELLIOTT AVENUE, #303	CITY SEATTLE	STATE WA
		ZIP CODE 98121

**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)	\$3,539.25	\$ <u>3,539.25</u>
<input type="checkbox"/> Mitigate/Negative Declaration (MND)(ND)	\$2,548.00	\$ _____
<input type="checkbox"/> Certified Regulatory Program (CRP) document- payment due directly to CDFW	\$1,203.25	\$ _____
<input type="checkbox"/> Exempt frxn fee		
<input type="checkbox"/> Notice of Exemption (attach)		
<input type="checkbox"/> CDFW No Effect Determination (attach)		
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)		
<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**    \$ 3,589.25

SIGNATURE 	AGENCY OF FILING PRINTED NAME AND TITLE <b>Mike Louie, Deputy County Clerk-Recorder</b>
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Santa Clara County Recorder - Official "Records

70 West Hedding St.  
San Jose, CA 95110  
408-299-5688

<b>Source:</b>	Phone Order (Card Keyed-In)	<b>Authorization:</b>	Paid in Full
<b>Order Daterfime:</b>	12/1/2022 11:14 AM PST	<b>Agency Amount:</b>	\$3589.25
<b>Order Number:</b>	153612432	<b>Other Agency Amount:</b>	\$0.00
<b>Operator:</b>	MikeL	<b>Shipping Amount:</b>	\$0.00
<b>Location Code:</b>	*****615	<b>L N Service Fee:</b>	\$2.50
		<b>Total Amount(USD):</b>	\$3591.75

Payment Information.

<b>Transaction Type:</b>	Purchase	<b>Expiration</b>	###/###
<b>Card Holder:</b>	Judy Leung	<b>Transaction Ref#:</b>	150794311
<b>Payment Method:</b>	Credit Card (MASTERCARD *****9248)	<b>CVV2 Response:</b>	
<b>Approval Code:</b>	04100J	<b>Auth Txn Id#:</b>	MCBQMIZOWI201
<b>AVS Response:</b>		<b>Val Code:</b>	

Merchant Copy

<b>Agency Amount</b>	<b>Product</b>	<b>Product Detail</b>
\$3589.25	Clerk Payment	

Santa Clara County Recorder - Official Records

70 West Hedding St., San Jose, CA 95110  
408-299-5688

VitalChek Receipt - Phone Order (Card Keyed-In)  
Cardholder Copy

<b>Order Date/Time:</b>	12/1/2022 11:14 AMPST	<b>Transaction Type:</b>	Purchase
<b>Confirmation Number:</b>	153612432	<b>Approval Code:</b>	04100J
<b>Payment Applied towards:</b>	Clerk Payment	<b>Transaction Ref#:</b>	150794311
<b>Card Holder:</b>	Judy Leung	<b>Payment Method:</b>	MC(9248)

**Bill To**

Judy Leung  
United States of America

Authorization:	Paid in Full
Agency Amount:	\$3589.25
Other Agency Amount:	\$0.00
LN Service Fee:	\$2.50
Total Amount(USD):	\$3591.75

Return Policy: Please contact the Agency listed on the receipt to request a refund.