



Regina Alcomendras
Santa Clara County
Clerk-Recorder
(408) 299-5688

<https://www.clerkrecorder.org>

Receipt: 22-215419

REPRINT REPRINT*** REPRINT***

Product	Name	Extended
CEQA	ENVIRONMENTAL FILING	\$3,589.25
	#Pages	4
	Document#	ENV24330
	Document Info:	CITY OF SAN JOSE DEPARTMENT OF PLANNING, BUILDING, AND CODE ENFORCEMENT
	Filing Type	I
Total		\$3,589.25
Tender (Check)		\$3,589.25
Check#	1155147	
Paid By	WESTBANK CORP	

REPRINT REPRINT*** REPRINT***
PLEASE KEEP FOR REFERENCE

12/15/22 3:09 PM rnguyen



State of California - Department of Fish and Wildlife
2022 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.Sa (REV. 01/01/22) Previously DFG 753.Sa

RECEIPT NUMBER: ENV24330
STATE CLEARINGHOUSE NUMBER <i>(If applicable)</i>

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF SAN JOSE DEPARTMENT OF PLANNING, COUNTY/STATE AGENCY OF FILING SANTA CLARA	LEAD AGENCY EMAIL	DATE 12/15/2022
PROJECT TITLE FOUNTAIN ALLEY MIXED-USE PROJECT		DOCUMENT NUMBER

PROJECT APPLICANT NAME PROJECT FOUNTAIN ALLEY, LLC (ATTN: HUNTER)	PROJECT APPLICANT EMAIL	PHONE NUMBER 206) 441-4027
PROJECT APPLICANT ADDRESS 2107 ELLIOTT AVENUE, #303	CITY SEATTLE	STATE WA
		ZIP CODE 8121

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"/> Mitigated/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 from 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)			
<input type="checkbox"/> Water Right Application or Petition Fee (state Water Resources Control Board only)	\$850.00	\$	_____
County documentary handling fee		\$	<u>50.00</u>
<input type="checkbox"/> other		\$	_____

PAYMENT METHOD:

Cash
 Credit
 Check
 other
 TOTAL RECEIVED
 \$ 3,589.25

SIGNATURE <i>X R. f-Jr.-</i>	AGENCY OF FILING PRINTED NAME AND TITLE Ronald Nguyen, Deputy County Clerk-Recorder
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Santa Clara County Recorder - Official Records

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

**Vita)Chek Receipt - Phone Order (Card Keyed-In)
Cardholder Copy**

Order Date/Time: 12/15/2022 03:02 PM PST
Confirmation Number: 154284463
Payment Applied towards: Clerk Payment
Card Holder: WESTBANK CORP

Trnnsaction Type: Purchase
Approval Code: 0000J
Transaction Ref#: J51556557
Payment Method: MC(9248)

Bill To

WESTBANK CORP
2107 ELLIOTT AVENUE
Seattle, WA 98121
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

Refund Jjolic: Plat- cont.u:t lln- :a cni') lised on thl' rccpirt lo rccqest a re-fund.

County of Santa Clara
Office of the County Clerk-Recorder
Business Division



County Government Center
70 West Hettling Street, E. Wing, J" Floor
San Jose, California 95110 (408) 299-5688

File Number: ENV24330

ENVIRONMENTAL FILING

No. of Pages: 4

Total Fees: \$3589.25

File Date: 12/15/2022

Expires: 01/14/2023

REGINA ALCOMENDRAS, Clerk-Recorder

By: Ronald Nguyen, 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 (Attn: Kara Hawkins)
2. PROJECT TITLE: Fountain Alley Mixed-Use Project
3. APPLICANT NAME: Project Fountain Alley, LLC (Attn: Hunter Lien) PHONE: (206) 441-4027
4. APPLICANT ADDRESS: 2107 Elliott Avenue, #303, Seallie, 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	\$ <u>3,539.25</u>
<input type="checkbox"/> 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C))	\$ 2,548.00	\$ <u>0.00</u>
<input type="checkbox"/> 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL BOARD ONLY)	\$ 850.00	\$ <u>0.00</u>
<input type="checkbox"/> 4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS	\$ 1,203.25	\$ <u>0.00</u>
<input checked="" type="checkbox"/> 5. COUNTY ADMINISTRATIVE FEE (REQUIRED FOR a-1 THROUGH a-4 ABOVE) Fish & Game Code §711.4(e)	\$ 50.00	\$ <u>50.00</u>

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

<input type="checkbox"/> 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)	\$ 50.00	\$ <u>0.00</u>
<input type="checkbox"/> 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 I 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	\$ <u>0.00</u>

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	\$ <u>NO FEE</u>
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8. 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: H20-037; ER20-242

- [8] 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 FOUNTAIN ALLEY 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 Fountain Alley, LLC (Attn: Hunter Lien), 2107 Elliott, Suite 303, Seattle, WA 98121, (206)441-4027

Project Title: Fountain Alley Mixed-Use Project

Project Description: Site Development Permit to allow the construction of a 21-story mixed residential and commercial building with a total of approximately 721,286 square feet, including 30,790 gross square feet of commercial/retail space on the ground floor and second floor, 194 residential units, 368,093 square feet of office space, and one level of below-grade loading area and three levels of below grade parking, with extended construction hours from 7 AM to 10 PM, Monday to Friday, and 7 AM to 7 PM on Saturdays over a period of approximately 34 months on an approximately 1.25-gross acre site.

Location: 35 S. 2nd St., approximately 360 feet northerly of E San Fernando St.

Assessor's Parcel No: 467-22-121

Council District: 3

The City prepared a Final Supplemental Environmental Impact Report (FSEIR) to the Downtown Strategy 2040 Final Environmental Impact Report (FEIR) 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 **December 13, 2022**, the city of San Jose City Council approved the following actions related to the above-described project:

- 1) Adopt a resolution certifying the Fountain Alley Mixed Use Project Supplemental Environmental Impact Report 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).
- 2) Adopt a resolution approving, subject to conditions, a Site Development Permit, to allow the removal of two ordinance-size trees and 10 non-ordinance-size trees, and the construction of a 21-story mixed residential and commercial building with a total of approximately 721,286 square feet, including 30,790 gross square feet of commercial/retail space on the ground floor and second floor, 194 residential units, 368,093 square feet of office space, and one level of below-grade loading area and three levels of below grade parking, with extended construction hours from 7 AM to 10 PM, Monday to Friday, and 7 AM to 7 PM on Saturdays over a period of approximately 34 months on an approximately 1.25-gross acre site.

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

- 1) A Draft SEJR was prepared for this project pursuant to and in compliance with the provisions of CEQA.
- 2) A First Amendment to the Draft SEJR 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 SEJR 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 SEJR 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 SEJR and other information in the record and adopted a Statement of Overriding Considerations for significant and unavoidable impacts to the environment.

- 9) The City Council of the City of San Jose has certified the Fountain Alley 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, 3rd 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: December 14, 2022

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T. Ira Gagliardi
12/14/2022
10:40:00

Deputy

Environmental Project Manager: Kara Hawkins