

Notice of Determination

To:
Office of Planning and Research
[CEQA Submit](#)

From:
Department of Fish and Wildlife
Bay Delta Region
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Fairfield, CA 94534
Contact: Kristin Garrison
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Lead Agency
City of San Jose
200 E Santa Clara St Tower 3, San Jose, CA
95113
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SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code section 21108

State Clearinghouse Number: 2001062119

Project Title: Communications Hill Stream (Lake or Streambed Alteration Agreement No. EPIMS-SCL-41324-R3)

Project Location (Santa Clara County): The coordinates for the approximate center of the Project are 37.290° N latitude and -121.860° W longitude (NAD 83 or WGS 84). The Assessor's Parcel Number are 45591028, 45591002, 45591003, and 45591003..

Project Description: The Project includes 200-plus residential units and associated roads that will result in complete fill of a pond and unnamed stream channel. The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement EPIMS-SCL-41324-R3, pursuant to Fish and Game Code section 1602, to the project Applicant, KB Home South Bay, Inc.

This is to advise that CDFW, acting as a Responsible Agency, approved the project described above on 6/26/2024 and has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

1. The project will not have a significant effect on the environment. This determination is limited to effects within CDFW's permitting jurisdiction as a Responsible Agency.
2. CDFW considered the environmental impact report prepared by the Lead Agency for this project pursuant to California Code of Regulations section 15096, subdivision (f).
3. Mitigation measures were made a condition of CDFW's approval of the project.
4. A Mitigation Reporting or Monitoring Plan was adopted by CDFW for this project.
5. A Statement of Overriding Considerations was not adopted by CDFW for this project.
6. Findings were made by CDFW pursuant to California Code of Regulations section 15091.

The Final EIR prepared for the project is available to the general public at the office location listed above for the Lead Agency. CDFW's record of project approval as a Responsible Agency is available at CDFW's regional office.

DocuSigned by:
Craig Weightman
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Signature: _____ Date: 6/26/2024

Craig J. Weightman, Environmental Program Manager

Date Received for filing at OPR: _____