

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

**Receipt: 23-29588**

<b>Product</b>	<b>Name</b>	<b>Extended</b>
CEQA	ENVIRONMENTAL FILING	\$3,889.25
	# Pages	4
	Document #	ENV24431
	Document Info:	CITY OF SAN JOSE (ATTN: CASSANDRA VAN DER ZWEEP)
	Filing Type	I
<hr/>		
<b>Total</b>		\$3,889.25
Tender (Check)		\$3,889.25
Check #	1251274	
Paid By	Cassandra van der Zweep	

PLEASE KEEP FOR REFERENCE



State of California - Department of Fish and Wildlife  
**2023 ENVIRONMENTAL DOCUMENT FILING FEE**  
**CASH RECEIPT**  
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

Print



Save

RECEIPT NUMBER:  
 43 — ENV24431 —  
 STATE CLEARINGHOUSE NUMBER (If applicable)

**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.**

LEAD AGENCY CITY OF SAN JOSE (ATTN: CASSANDRA VAN DER	LEAD AGENCY EMAIL	DATE 03/03/2023
COUNTY/STATE AGENCY OF FILING Santa Clara	DOCUMENT NUMBER	

PROJECT TITLE  
 550 E. BROKAW PROJECT

PROJECT APPLICANT NAME BAY WEST DEVELOPMENT, ATTN: BRYON WOLF	PROJECT APPLICANT EMAIL	PHONE NUMBER (408)476-8586
PROJECT APPLICANT ADDRESS 90 RAILWAY AVENUE	CITY CAMPBELL	STATE CA
		ZIP CODE 95008

**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)	\$3,839.25	\$	<u>3,839.25</u>	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,764.00	\$	<u>                    </u>	0.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,305.25	\$	<u>                    </u>	0.00
<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)				
<hr/>				
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	<u>                    </u>	0.00
<input checked="" type="checkbox"/> County documentary handling fee		\$	<u>                    </u>	\$50.00
<input type="checkbox"/> Other		\$	<u>                    </u>	

**PAYMENT METHOD:**

Cash   
  Credit   
  Check   
  Other   
 **TOTAL RECEIVED**   
 \$ 3,889.25   
 0.00

SIGNATURE 	AGENCY OF FILING PRINTED NAME AND TITLE Patricia Camarena, Deputy County Clerk-Recorder
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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, 1<sup>st</sup> Floor  
 San Jose, California 95110 (408) 299-5688

Santa Clara County - Clerk-Recorder Office  
 State of California

**File Number: ENV24431**

ENVIRONMENTAL FILING  
 No. of Pages: 4  
 Total Fees: \$3889.25  
 File Date: 03/03/2023  
 Expires: 04/02/2023

**REGINA ALCOMENDRAS, Clerk-Recorder**  
 By: Patricia Camarena, Deputy Clerk-Recorder

**CEQA DOCUMENT DECLARATION**

**ENVIRONMENTAL FILING FEE RECEIPT**

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: City of San Jose (Attn: Cassandra van der Zweep)
2. PROJECT TITLE: 550 E. Brokaw Project
3. APPLICANT NAME: Bay West Development, Attn: Bryon Wolf PHONE: 408-476-8586
4. APPLICANT ADDRESS: 90 Railway Avenue, Campbell, CA 95008
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**      **NOD for EIR**

**a. PROJECTS THAT ARE SUBJECT TO DFG FEES**

<input checked="" type="checkbox"/> 1. <b><u>ENVIRONMENTAL IMPACT REPORT</u></b> (PUBLIC RESOURCES CODE §21152)	\$ 3,839.25	\$ <u>3,839.25</u>
<input type="checkbox"/> 2. <b><u>NEGATIVE DECLARATION</u></b> (PUBLIC RESOURCES CODE §21080(C))	\$ 2,764.00	\$ <u>0.00</u>
<input type="checkbox"/> 3. <b><u>APPLICATION FEE WATER DIVERSION</u></b> (STATE WATER RESOURCES CONTROL BOARD ONLY)	\$ 850.00	\$ <u>0.00</u>
<input type="checkbox"/> 4. <b><u>PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS</u></b>	\$ 1,305.25	\$ <u>0.00</u>
<input checked="" type="checkbox"/> 5. <b><u>COUNTY ADMINISTRATIVE FEE</u></b> (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 / 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..... \$ 3,889.25

\*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 Nos.: **H21-005, T21-005, ER21,018**

- 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 AN ENVIRONMENTAL IMPACT REPORT FOR THE  
550 E. BROKAW PROJECT  
(SCH#2021060414)**

**Lead Agency:** City of San José

**Project Applicant:** Bay West Development, Attn: Bryon Wolf, 90 Railway Avenue,  
Campbell, CA 95008, 408-476-8586

**Project Title:** 550 E. Brokaw Project

**Project Description:** The applicant seeks a site development permit and tentative map for the demolition of an existing approximately 213,626-square foot commercial building and the removal of 274 trees (210 ordinance-size, 64 non-ordinance-size) for the construction of seven office buildings totaling approximately 1,924,110 square feet and two parking structures totaling approximately 1,647,920 square feet. The Vesting Tentative Map (T21-005) would subdivide one lot into four lots on an approximately 19.70-gross acre site.

**Location:** 550 E. Brokaw Road, San José, CA

**Assessor's Parcel Nos:** 237-08-079

**Council District:** 3

The City has performed an environmental review for this project which examines the nature and extent of any adverse effects on the environment that could occur if this project is approved and implemented. Based on the review, the City prepared an Environmental Impact Report (EIR) for this project. The EIR identified that implementation of the project would result in potentially significant environmental effects with regard to construction biological resources, cultural resources, hazardous materials, noise, and tribal cultural resources. The project will have a project and cumulative significant and unavoidable vehicle miles travelled impact. The project is not located on any of the list of hazardous sites under Section 65962.5 of the Government Code.

This is to advise that on February 28, 2023, the City Council of the City of San José took the following actions related to the above-described project:

1. Adoption of a resolution certifying the Environmental Impact Report (EIR) for the 550 E. Brokaw Project, and making certain findings concerning significant impacts, mitigation measures and alternatives, and adopt a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act (CEQA).
2. Adoption of a resolution approving, subject to conditions, a Vesting Tentative Map to subdivide one lot into four lots on an approximately 19.70-gross acre site.
3. Adoption a resolution approving, subject to conditions, a Site Development Permit to allow the demolition of an existing approximately 213,626-square-foot commercial building and the removal of 274 trees (210 ordinance-size and, 64 non-ordinance-size with 508 replacement trees) for the construction of seven office buildings totaling approximately 1,924,110 square feet and two parking structures totaling approximately 1,647,920 square feet on an approximately 19.70-gross acre site.

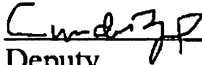
The City Council made the following determinations regarding the above-described project:

1. A Draft EIR was prepared for this project pursuant to and in compliance with the provisions of CEQA.
2. A First Amendment to the Draft EIR was prepared that included responses to comments received during the public comment period.
3. The First Amendment and the Draft EIR together comprise the Final EIR for the project.
4. The Final EIR 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 EIR also concluded that 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 Report Program (MMRP) was prepared and adopted for the project.
7. The Planning Commission of the City of San José reviewed the Final EIR and recommended to the City Council that the FEIR was completed in accordance with the requirements of CEQA, and further recommended the City Council adopt a resolution certifying the Final EIR.
8. The City Council of the City of San José independently reviewed and analyzed the Final EIR and other information in the record and adopted a Statement of Overriding Considerations for those impacts not reduced to less than significant levels.
9. The City Council of the City of San José has certified the 550 E. Brokaw Project Final EIR, in accordance with CEQA, as amended.

The Final EIR and the record of project approval may 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. This notice is in compliance with Sections 21108 and 21152 of the Public Resources Code.

Christopher Burton, Director  
Planning, Building and Code Enforcement

Date: March 3, 2023

  
Deputy

Environmental Project Manager: Cassandra van der Zweep