

**File Number:** CP21-015

- 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 A MITIGATED NEGATIVE DECLARATION  
(Silver Creek and Capitol Chick-fil-A Project)**

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

**Project Applicant:** Chick-fil-A, Inc. (Attn: Keith Gilbert), 15200 Buffington Road, Atlanta, GA, 30349-2998. (562)505-5540

**Project Title:** Silver Creek and Capitol Project Chick-fil-A

**Location:** 3000-3100 block of Silver Creek Road, an out parcel of 3155 Silver Creek Valley, San José

**Assessor's Parcel No:** 670-15-018 and -023

**Council District:** 7

**Project Description:** Conditional Use Permit to demolish an existing retail building and construct a new Chick-fil-A restaurant with a dual drive-thru lane and associated surface parking. The proposed Chick-fil-A restaurant would be situated on an approximate 0.74-gross acre site. The restaurant would be a 3,565-square-foot, one-story building with 38 interior dining seats and 28 outdoor dining seats. The dual lane drive-thru would have a 21-vehicle stacking que capacity.

The City has performed environmental review on this project. Environmental review examines the nature and extent of any adverse effects on the environment that could occur if a project is approved and implemented. Based on the review, the City has prepared a Mitigated Negative Declaration for this project. A Mitigated Negative Declaration is a statement by the City that the project will not have a significant effect on the environment if protective measures (mitigation measures) are included in the project.

This is to advise that the City of San José Planning Commission approved the above-described project on **December 7, 2022** and made the following determinations regarding such project:

1. An Initial Study and Mitigated Negative Declaration referenced above was prepared and completed for this project pursuant to and in compliance with the provisions of CEQA.
2. The City of San José Planning Commission has independently reviewed and analyzed the Initial Study and Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project.
3. The Initial Study and Mitigated Negative Declaration represents the independent judgment and analysis of the City of San José, as lead agency for the Project.
4. This project will not have a significant impact on the environment.
5. Mitigation measures were made a condition of approval of the project.
6. A Mitigation Monitoring and Reporting Program was adopted for this project.
7. Findings were made and adopted for this project pursuant to the provisions of CEQA.

The Initial Study, Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program 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, 3<sup>rd</sup> Floor Tower, San José 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: 12/9/22



Deputy

Environmental Project Manager: Kara Hawkins



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

Receipt: 22-213532

Product	Name	Extended
CEQA	ENVIRONMENTAL FILING	\$2,598.00
# Pages		3
Document #		ENV24322
Document Info:	CITY OF SAN JOSE DEPARTMENT OF PLANNING, BUILDING, AND CODE ENFORCEMENT (ATTN: KARA HAWKINS)	
Filing Type		N
<b>Total</b>		<b>\$2,598.00</b>
Tender (Check)		\$2,598.00
Check #	1155133 - VITALCHEK	
Paid By	ED HALE	

PLEASE KEEP FOR REFERENCE



State of California - Department of Fish and Wildlife  
**2022 ENVIRONMENTAL DOCUMENT FILING FEE**  
**CASH RECEIPT**  
 DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

RECEIPT NUMBER: ENV24322
STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF SAN JOSE DEPARTMENT OF PLANNING,	LEAD AGENCY EMAIL	DATE 12/12/2022
COUNTY/STATE AGENCY OF FILING SANTA CLARA	DOCUMENT NUMBER	

PROJECT TITLE  
SILVER CREEK & CAPITOL CHICK-FIL-A PROJECT (CP21-015)

PROJECT APPLICANT NAME CHICK-FIL-A, INC. (ATTN: KEITH GILBERT)	PROJECT APPLICANT EMAIL	PHONE NUMBER 562) 505-5540
PROJECT APPLICANT ADDRESS 5200 BUFFINGTON ROAD	CITY ATLANTA	STATE GA
		ZIP CODE 30349

PROJECT APPLICANT (Check appropriate box)

Local Public Agency    
  School District    
  Other Special District    
  State Agency    
  Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,539.25	\$ _____
<input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,548.00	\$ <u>2,548.00</u>
<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	\$ _____
<input checked="" type="checkbox"/> County documentary handling fee		\$ <u>50.00</u>
<input type="checkbox"/> Other		\$ _____

PAYMENT METHOD:

Cash    
  Credit    
  Check    
  Other

TOTAL RECEIVED \$ 2,598.00

SIGNATURE X	AGENCY OF FILING PRINTED NAME AND TITLE Elaine Fader, 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

**File Number: ENV24322**

ENVIRONMENTAL FILING

No. of Pages: 3

Total Fees: \$2598.00

File Date: 12/12/2022

Expires: 01/11/2023

**REGINA ALCOMENDRAS, Clerk-Recorder**  
By: Elaine Fader, 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: Silver Creek & Capitol Chick-fil-A Project (CP21-015)
3. APPLICANT NAME: Chick-fil-A, Inc. (Attn: Keith Gilbert) PHONE: 562-505-5540
4. APPLICANT ADDRESS: 5200 Buffington Road, Atlanta, Georgia 30349-2998
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 type="checkbox"/> 1. ENVIRONMENTAL IMPACT REPORT (PUBLIC RESOURCES CODE §21152)	\$ 3,539.25	\$ 0.00
<input checked="" type="checkbox"/> 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C))	\$ 2,548.00	\$ 2,548.00
<input type="checkbox"/> 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL 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 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	\$ 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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8. OTHER: \_\_\_\_\_ FEE (IF APPLICABLE): \$ \_\_\_\_\_

9. TOTAL RECEIVED..... \$ 2,598.00

\*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)