

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

County Government Center
 70 West Hedding Street, E. Wing, 1st Floor
 San Jose, California 95110 (408) 299-5665



Santa Clara County Clerk – Recorder’s Office
State of California



Document No.: 16847
 Number of Pages: 2
 Filed and Posted On: 6/21/2011
 Through: 7/21/2011
 CRO Order Number: 423013
 Fee Total: 2,094.00

REGINA ALCOMENDRAS, County Clerk – Recorder
 by **Veronica Aguirre, Deputy Clerk – Recorder,**

CEQA DOCUMENT DECLARATION

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: City of San Jose
2. PROJECT TITLE: SP09-057 Dry-Fermentation Anaerobic Digestion Facility Project
3. APPLICANT NAME: Zero Waste Energy Development, Inc. PHONE: 408-283-4825
4. APPLICANT ADDRESS: 1500 Berger Drive, San Jose, CA 95112
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)	\$ 2,839.25	\$ 0.00
<input checked="" type="checkbox"/> 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C))	\$ 2,044.00	\$ 2,044.00
<input type="checkbox"/> 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL BOARD ONLY)	\$ 965.50	\$ 0.00
<input type="checkbox"/> 4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS	\$ 949.50	\$ 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	\$ 0.00 50.-

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

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

8. OTHER: _____ FEE (IF APPLICABLE): \$ _____

9. TOTAL RECEIVED..... \$ 2,094.00

*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 THREE COPIES. (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)

City File No. SP09-057

County Clerk
County of Santa Clara

Office of Planning and Research
State of California

SCH No.

**NOTICE OF DETERMINATION
FOR MITIGATED NEGATIVE DECLARATION**

Project Title, Location and Description:

SP09-057, Dry-Fermentation Anaerobic Digestion Facility Project- the project being considered is located at 2110 Los Esteros Road, north of Zanker Road in the City of San Jose.

Project Description: Adopt a resolution to authorize the City Manager to negotiate and execute a ground lease in the form proposed, with Zero Waste Energy Development Company for the construction and operation of a 270,00 ton/year dry-fermentation anaerobic digestion facility on Water Pollution Control Plant land, for a 30 year term, subject to base rent equivalent to \$850,000 per year on Phase I, and ongoing rent payments of \$4.35 per organic ton processed in Phases II and III, subject to annual adjustment directly tied to Consumer Price Index increases on a 41 gross acre site.

This is to advise you that City Council of the City of San Jose approved the above-described project and made the following determinations regarding such project:

1. The project will not have significant effects on the environment.
2. The Mitigated Negative Declaration was prepared pursuant to the provisions of CEQA.
3. Mitigation measures were made a part of the project.
4. A Mitigation Monitoring and Reporting Program was adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.

The Mitigated Negative Declaration and 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, San José CA 95113-1905. This notice is in compliance with Section 21108 and 21152 of the Public Resources Code.

The above-described project was approved and issued on the 6/21/2011.

Joseph Horwedel, Director
Planning, Building and Code Enforcement


Deputy
6/21/11

RSEMENT

100040146

Regina Alcomendras
Santa Clara Co.
Clerk-Recorder

06/21/11 16:18:46

Receipt # 2049667
Wrkstn ID C62A

File#: 16847

6/21/2011

Public

Fees \$2,094.00

** TOTAL 2,094.00

Check 2,094.00

SEMENT

100040146

PLEASE KEEP