



## Memorandum

**TO:** HONORABLE MAYOR AND  
COUNCIL

**FROM:** Rosalynn Hughey

**SUBJECT:** SEE BELOW

**DATE:** January 11, 2018

Approved

Date

1/11/18

**COUNCIL DISTRICT: 3**

**SUBJECT: ADMINISTRATIVE HEARING ON THE APPEAL OF THE DIRECTOR'S APPROVAL OF A VESTING TENTATIVE MAP (FILE NO. T17-026) TO CONSOLIDATE THREE LOTS INTO ONE LOT AND TO RESUBDIVIDE INTO 304 RESIDENTIAL AND COMMON CONDOMINIUM UNITS AND UP TO TEN COMMERCIAL CONDOMINIUM UNITS ON AN APPROXIMATELY 0.77-GROSS ACRE SITE LOCATED ON THE NORTHWEAST CORNER OF BASSETT STREET AND TERRAINE STREET.**

### RECOMMENDATION

- a) Conduct an administrative hearing and consider the Appeal of the Planning Director's approval of a Vesting Tentative Map (File No. T17-026) to consolidate three lots into one lot and to resubdivide into 304 residential and common condominium units and up to ten commercial condominium units.
- b) Adopt a resolution to deny the appeal and approve the Vesting Tentative Map, subject to conditions, finding that:
  - a. The environmental appeal is untimely; and
  - b. Based on the full administrative record, there is no basis to deny the Vesting Tentative Map.

### EXECUTIVE SUMMARY

The proposed Vesting Tentative Map would consolidate three lots into one lot for the development of up to 304 residential units and common space, and up to ten commercial condominiums for ground floor retail of about 9,300 square feet on an approximately 0.77-gross acre site located at 199 Bassett Street (northeast corner of Bassett Street and Terraine Street).

The Vesting Tentative Map is part of a project which includes a Special Use Permit to allow the demolition of two industrial buildings and the construction of a residential building of 18 stories with up to 302 residential units, two common areas, and ten commercial condominiums totaling approximately 9,300 square feet of ground floor commercial use on the 0.77 gross acre site.

On November 22, 2017, Adams Broadwell Joseph & Cardozo appealed the Director's approval of the Vesting Tentative Map on behalf of San Jose Residents for Responsible Development. The appeal claims the City made improper findings under the Subdivision Map Act and the City's Subdivision Ordinance findings, emphasizing inadequate environmental review under the California Environmental Quality Act (CEQA). The appeal included the November 14, 2017 comment letter from the same organization previously provided to the Planning Director. The Initial Study/Addendum (IS/Addendum) along with associated technical reports adequately addressed the conditions for excavation and dewatering, examined air quality emissions pursuant to Bay Area Air Quality Management District (BAAQMD) guidelines, and found no new well or contamination that would result in any new impacts or impacts of substantially greater severity than previously disclosed in various EIRs. Therefore, staff recommends denying the appeal and approving the Vesting Tentative Map. The appeal does not include the Planning Director's approval of the Special Use Permit nor the Planning Director's certification of the IS/Addendum.

## **OUTCOME**

Denial of the appeal and adoption of a resolution approving the Vesting Tentative Map will allow the applicant to pursue the reconfiguration of the project site associated with the development of the project approved under the Special Use Permit (SP17-023).

Approval of the appeal would invalidate the Planning Director's approval of the Vesting Tentative Map. This would prevent the applicant from consolidating three lots into one lot and to resubdivide into 304 residential and common condominium units and up to ten commercial condominium units.

The City Council is the decision-making body for this appeal pursuant to Section 19.12.230 of the San José Municipal Code. The Council's decision is final.

## **BACKGROUND**

### **Project History**

On May 17, 2017, the applicant, Mark Tersini on behalf of KT Urban, Inc., applied for a Special Use Permit (SP17-023) and Vesting Tentative Map (T17-026) to consolidate three lots into one with 304 residential and common space condominium units and up to ten commercial condominium units in order to facilitate the demolition of two existing buildings and construction of 302 residential condominium units (with additional two common units) and up to 9,300 square feet of retail in an 18-story building on a 0.77 gross acre site located at 199 Bassett Street on the north side of Bassett between Terraine Street and North Pedro Street.

The site is currently developed with two one-story industrial/warehouse buildings. Located immediately north of the project site is the Union Pacific Railroad (UPRR) rail line and a four-story apartment complex. The parcels located immediately south of the project site are within the Brandenburg Mixed-Use Project and currently under the early stages of construction for new residential projects.

The project site is located within the boundaries of the 11.11 acre Brandenburg Mixed-Use Project site, an area anticipated to be developed with approximately 60,000 square feet of commercial uses and up to 1,500 residential units. The Brandenburg Final Environmental Impact Report (FEIR) (adopted on June 15, 2004, Resolution No. 72170) is an environmental document that analyzed the overall development proposed for the 11.11-acre Brandenburg site. Of the proposed 16 lots on the site, 14 were assumed to be developed with both residential and commercial space. Prior to the approval of the Special Use Permit (SP17-023), only approximately 907<sup>1</sup> of the 1,500 residential units and 1,400 square feet of the 60,000 square feet of commercial have been approved since the Brandenburg FEIR was certified in 2004. The site had a remaining 593 residential units and 58,600 commercial square feet capacity under the Brandenburg FEIR. With the approval of the Special Use Permit and Vesting Tentative Map for this project, the remaining capacity under the Brandenburg FEIR is approximately 291 residential units and 48,460 commercial square feet.

### **Public Comments and Approval of Project at the Planning Director's Hearing**

At the Planning Director's Hearing on November 15, 2017, the Planning Official, on behalf of the Planning Director, approved the Special Use Permit and Vesting Tentative Map for the project. Prior to approval of the project, the Planning Official considered the IS/Addendum to the Brandenburg Mixed Use Project/North San Pedro Housing Sites EIR (Brandenburg FEIR), the Downtown Strategy 2000 Final Environmental Impact Report (Downtown Strategy FEIR), the Envision San José 2040 General Plan Final EIR (General Plan FEIR), the Supplemental Program EIR entitled Envision San José 2040 General Plan Supplemental EIR (General Plan SFEIR), and Addenda thereto, and determined the IS/Addendum was completed in compliance under CEQA. Further, the Planning Official determined the IS/Addendum was the appropriate environmental clearance for the project and based on the administrative record an Environmental Impact Report (EIR) was not required.

At the November 15, 2017 hearing, an individual representing the San Jose Residents for Responsible Development spoke against the Special Use Permit and expressed concerns about the adequacy of environmental review under CEQA. The speaker did not specifically comment on the Vesting Tentative Map. The speaker's concerns focused on the adequacy of the IS/Addendum, including soil contamination, groundwater impacts from dewatering, and air quality impacts from construction and operation. The speaker indicated that an EIR is required due to new information not previously analyzed in the IS/Addendum. These concerns were echoed in a November 14, 2017 comment letter from Adams Broadwell Joseph & Cardozo,

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<sup>1</sup> Originally was approved for 934 units total. However, an amendment (AD17-490) was approved in May 2017 to reduce the unit for one project from 408 to 381 residential units.

representing San Jose Residents for Responsible Development, submitted to the City the day before the Planning Director's Hearing. Staff responded to these claims orally at the hearing, stating that dewatering was discussed in the IS/Addendum, air quality emissions were properly evaluated, the well highlighted in the comment letter is not on the project site, no new contamination was found to affect the project site, and that comments provided do not raise any new issues that are not already evaluated; nor do they identify any new impacts, or impacts of substantially greater severity than identified in previously adopted EIRs.

### **Appeal of the Vesting Tentative Map**

On November 22, 2017, an appeal of the Planning Director's approval of the Vesting Tentative Map was filed by Alisha C. Pember of Adams Broadwell Joseph & Cardozo representing San Jose Residents for Responsible Development (Attachment A). A copy of the Public Hearing Notice for the Vesting Tentative Map appeal is attached (Attachment B). The environmental clearance for the proposed project (the IS/Addendum) was not appealed. However, the appeal filed reiterates previously stated concerns about the project's environmental review and includes the same comment letter submitted on November 14, 2017, which calls for the preparation of a new EIR for the project.

It should be noted that pursuant to San Jose Municipal Code Section 21.04.140, a person wishing to file an appeal of an environmental clearance determination must do so within three business days following the action on the environmental clearance. The City did not receive any appeal of the environmental clearance of the project within three business days. The City provides ten days under Section 19.12.230 of the Municipal Code to appeal the tentative map and the City received the tentative map appeal from Adams Broadwell within the ten days, with only environmental concerns.

The appeal before the City Council is untimely since the appellant failed to file the "environmental appeal" within three business days. For purposes of providing information and for the administrative record, this memorandum and a formal response to the November 14, 2017 letter (Attachment D) respond to these untimely claims.

### **ANALYSIS**

The Director of Planning of the City of San José Department of Planning, Building and Code Enforcement (Planning Director) approved the Vesting Tentative Map on November 15, 2017, at the Planning Director's Hearing. The Planning Director made all required findings pursuant to the Subdivision Map Act (California Government Code Section 66474), to support the approval of the Vesting Tentative Map, as none of the circumstances requiring denial of the map could be made (Attachment C). As explained in the approved Vesting Tentative Map, the Planning Director found none of the circumstances outlined below existed and therefore approved the Vesting Tentative Map.

- a. That the proposed map is not consistent with applicable General and Specific Plans as specified in Section 65451.
- b. That the design or improvement of the proposed subdivision is not consistent with applicable General and Specific Plans.
- c. That the site is not physically suitable for the type of development.
- d. That the site is not physically suitable for the proposed density of development.
- e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

The appeal raises issues with sufficiency of Finding “e” above, alleging the proposed project will cause “substantial environmental damage.” As discussed above, the appellant’s environmental concerns should have been raised as an environmental appeal within three business days of the environmental clearance determination. The appellant failed to timely submit an environment appeal under Section 21.04.140 and therefore, submitted a Vesting Tentative Map appeal emphasizing environmental concerns. The appeal is misplaced as it focuses on finding “e” above which does not directly relate to CEQA. Although the appeal is untimely, this memorandum summarizes the specific comments raised by the appellant in their appeal to provide information to the Council and public and to provide a full administrative record. A detailed response to the November 14, 2017 comment letter is attached to the memorandum in Attachment D.

An IS/Addendum was prepared for the full project. Pursuant to the CEQA Guidelines Section 15164(d), an addendum need not be circulated for public review, but can be included in or attached to the final EIR or adopted negative declaration. As courtesy to the public, the IS/Addendum and associated technical reports were posted on the City’s website (<http://sanjoseca.gov/index.aspx?NID=5713>) and interested parties were notified via email on October 11, 2017 (more than 30 days before the Planning Director’s Hearing).

### **Response to Vesting Tentative Map Appeal**

The appellant claims the Vesting Tentative Map cannot be approved because the Vesting Tentative Map would be “...inconsistent with the required findings under the Subdivision Map Act and the City’s Subdivision Ordinance Findings...” Specifically, the appellant claims the Vesting Tentative Map meets one of the findings justifying denial pursuant to the Subdivision Map Act, as the project is “...likely to cause substantial environmental damage” and result in serious public health problems due to inadequate analysis and mitigation for the project’s groundwater, soils, and air quality impacts.

The overall comment in this appeal and in the November 14, 2017 letter emphasized that additional analysis is needed and the project requires an EIR based on the reasons below.

1. **Addendum is inadequate:** The appellant claims the IS/Addendum is not adequate as the IS/Addendum provides “new substantive analysis for a large development project which was not specifically analyzed in the other EIRs.”

**Staff's Response:**

The Brandenburg FEIR (adopted Council Resolution No. 72170 on June 15, 2004) is an environmental document that analyzed the development of approximately 60,000 square feet of commercial space and 1,500 residential units on multiple parcels and site located in a total of 11.11-acre Brandenburg site bounded by the Union Pacific Rail Road (UPRR) Line to the north, Market Street to the east, St. James Street to the south, and State Route (SR) 87 to the west. Of the proposed 16 lots within the 11.11-acre, 14 were assumed to be developed with both residential and commercial space. Prior to the approval of the Special Use Permit (SP17-023) for the proposed development, the remaining capacity under the Brandenburg FEIR is approximately 593 residential units and 58,600 commercial square feet.

The proposed project is located within the 11.11-acre Brandenburg Mixed-Use Project site. The residential units and retail square feet proposed was within the remaining capacity in the Brandenburg FEIR area.<sup>2</sup> The development of this area, including development on the project site, was evaluated in the Brandenburg FEIR, an environmental document that analyzed the overall development and identified mitigation measures to reduce project-specific impacts to a less-than-significant level. The area evaluated in the Brandenburg EIR is a subset of the overall development anticipated in the Downtown Strategy FEIR and the later Envision San José 2040 General Plan FEIR and SEIR. In other words, there have been at least three (3) EIRs covering the project site.

The IS/Addendum has been prepared to evaluate the proposed project in terms of the overall development envisioned in the Brandenburg Mixed-Use Project/North San Pedro Housing Sites project, Downtown Strategy plan and the General Plan. In accordance with CEQA, this IS/Addendum would utilize the Brandenburg FEIR, the Downtown Strategy FEIR, and the General Plan FEIR, and addenda thereto. The Vesting Tentative Map proposes consolidation of three lots into one lot for the development of 304 residential and common units and up to ten commercial condominium units on the site, which is within the development capacity of 1,500 residential units identified and analyzed in the Brandenburg EIR.

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<sup>2</sup> Note that the IS/Addendum analyzed for more retail square footage than the approved Special Use Permit. The IS/Addendum analyzed for 10,146 square feet while the Special Use Permit approved for 9,300 square feet.

The IS/Addendum evaluates the project-specific impacts and identifies mitigation measures and conditions that will be implemented to ensure the project does not result in any new impacts or impacts of substantially greater severity than previously disclosed in the EIRs. For these reasons, the City determined that an addendum is the appropriate level of environmental review for the project and no new EIR is warranted.

2. **Dewatering:** The appellant claims the November 14, 2017 letter provides substantive new information about project impacts to groundwater from dewatering, which requires preparation of a subsequent EIR. Specifically, the appellant contends that the Brandenburg EIR only analyzed excavation of up to 25 feet whereas the current project's excavation would reach a depth of 41 feet.

**Staff's Response:** The purpose of the Initial Study/Addendum is to identify and evaluate the project-specific impacts of the currently proposed project. The fact that the project would include excavation to a depth of 41 feet, rather than the 25 feet previously evaluated, would not, by itself, constitute a new significant impact or impact of substantially greater severity. The approach to dewatering of sites excavating to depths of 41 feet are similar to those with excavations of 25 feet.

As referenced in *Section 4.8.3.2 of the IS/Addendum*, the applicant will also be required to obtain a permit with the Regional Water Quality Control Board (RWQCB) to discharge dewatering effluent into the storm system. If any pollutants are detected above the discharge limits in the groundwater prior to dewatering, the applicant will be required to treat the water prior to discharge following the Water Board's permit process. Therefore, the project continues to have oversight during the dewatering activities and dewatering during construction is not anticipated to create a significant hazard to the public or the environment. In addition, the associated Special Use Permit includes permit conditions and mitigation measures to ensure project conformance to City policies during construction activities. For these reasons, the City determined that an addendum is the appropriate level of environmental review for the project and no new EIR is warranted.

3. **Undisclosed Soil and Groundwater Contamination:** The appellant claims the project site "may have potentially contaminated groundwater, making the impact a new or more severe significant impact" based on a previously study from an adjacent site and this potential groundwater contamination could further "...cause an unanalyzed significant impact on surface water bodies, public utilities, and the public..." by the depth of dewatering required.

- a. **Staff's Response:** The elevated benzene levels mentioned in the appeal and associated attachments are located approximately 45 feet south of the project site, which is farther from the project site than closer two monitoring wells which have no detectable benzene levels and suggested that contamination is not migrating onto the project site itself. Subsequent groundwater testing of

six monitoring wells located on the project site did not have groundwater results above laboratory detection limits for the concerned pollutants. Standard permit conditions are conditions of approval in the Special Use Permit and would ensure dewatering of the site does not result in any new or more severe impact than identified for the previously approved EIRs. For these reasons, the City determined that an addendum is the appropriate level of environmental review for the project and no new EIR is warranted. Refer to Comment and Response 6, 15, and 16 of Attachment D for specific details in response to this claim.

**4. New Identified Well:** The appellant claims the IS/Addendums fails to disclose and evaluate a well on site.

- a. **Staff's Response:** The well in question is located off-site to the northeast of the project site. As shown in the figure below, the project site is indicated in red oval and the well is to the northeast located on parcel 259-51-006. The off-site well mentioned in the comment would not result in any new impacts or impacts of substantially greater severity than previously identified in the Brandenburg, Downtown Strategy, or General Plan EIRs. For these reasons, the City determined that an addendum is the appropriate level of environmental review for the project and no new EIR is warranted. Refer to Comment and Response 7 and 17 of Attachment D for specific details in response to this claim.



Figure 1. Identified Well, Attachment A, page 24 of the PDF.



5. **Mitigation Measures:** The appellant claims the mitigation measures of using Tier 4 level equipment identified in the IS/Addendum are infeasible and unenforceable. In addition, the appellant recommended several additional mitigation measures and conditions to mitigate for the potential air quality impact.

a. **Staff's Response:** The Environmental Protection Agency (EPA) has adopted multiple tiers of emissions standards to reduce the emissions of off-road diesel engines by integrating engine and fuel controls. Tier 4 standards are currently the most stringent for emission reduction to particulate matters and nitrogen oxide. As required by CEQA (Guidelines Section 15097), a Mitigation Monitoring or Reporting Program (MMRP) was completed for the project as part of the Addendum and this requirement is included in the MMRP, which has been reviewed and signed by the project applicant (Attachment D-3). The MMRP includes the impacts of the project, mitigation for those impacts, the relative responsibilities of various City departments for various aspects of the monitoring and reporting, and general standards for determining project compliance with the mitigation measures or revision. In addition, these mitigation measures are part of the Special Use Permit. Prior to obtaining grading permits, the project applicant shall undergo a MMRP Compliance review to ensure the mitigation measures are met. For these reasons, the City determined that an addendum is the appropriate level of environmental review for the project and no new EIR is warranted. Refer to Comment and Response 9, 21, 22 of the Attachment D for more details.

6. **Undisclosed Air Quality Impacts:** The appellant claims that the project did not fully analyze and disclose air quality impacts. Based on the appellant's calculations, the cancer risks as a result of the construction and operation of the project could result in new significant air quality impacts that were not identified in the previous EIRs. Specifically, the appellant claims that the IS/Addendum incorrectly calculated risk of diesels particulate matter (DPM) emissions, because it failed to evaluate project operational emissions. In addition, the appellant provided their version of a preliminary health risk screening assessment for both the project's construction and operational emission which resulted in significant impacts.

a. **Staff's Response:** The IS/Addendum includes air pollutant emissions assessment associated with construction and operation of the project for criteria pollutants such as reactive organic gases, nitrogen oxide, and particulate matters. The results show all criteria pollutants would not exceed significant thresholds for both operation and construction.

The IS/Addendum also evaluated the potential construction health risk impacts to nearby sensitive receptors and the community risk impacts of existing toxic air contaminant (TAC) sources upon future project residences. The results show that the construction health risk impacts would be below significant thresholds.

Diesel exhaust is the predominant TACs in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). Operation of the project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels, because the project is primarily a residential development, with ground floor retail space. The small amount of retail proposed by the project would not be associated with a high volume of heavy-duty truck traffic. There is nothing unique about the project that would suggest an unusually high volume of diesel truck deliveries or diesel use. For these reasons, operational TAC impacts from the project (i.e., mobile emissions from project vehicular trips) would not be substantial and would not result in a significant impact with respect to community health risk.

The screening level analyses that were used by appellant are generally conservative, are based on default assumptions, and do not represent the refined project-specific analysis completed for the project. The project-specific analysis that was completed in the IS/Addendum and associated technical air quality report for the full project are considered a more accurate evaluation of the project's community health risk and no new impact would result from the project.

No additional mitigation is required other than what was included in the proposed project. For these reasons, the City determined that an addendum is the appropriate level of environmental review for the project and no new EIR is warranted. Refer to Comment and Response 8, 10, 18, 20, and 22 of the Attachment D for more details.

7. **Additional Mitigation Measures for Construction and Operational Impacts:** The appellant recommends additional mitigation measures to reduce construction impacts based on the health risk calculations attached to the November 14, 2017 comment letter. These measures include implementation of Diesel Control Measures, replacement of older construction equipment, utilization of hybrid or electric equipment, vehicle-mile-traveled reduction strategies and more.

- a. **Staff's Response:** An air quality assessment was completed as part of the IS/Addendum for the project and includes a community risk assessment based on project-specific analysis. Based on the conclusion of this assessment, mitigation measures and conditions were identified in the IS/Addendum that would be implemented as part of the project and therefore, the project would not result in new or more significant impact than those previously identified in the approved EIRs and addenda.

In addition, the proposed project would not generate significant operational DPM emissions. The project site is an infill site within the downtown core in walking distance to multiple modes of transit, as well as jobs and services. The project would meet the City's green building standards and includes bicycle parking. Furthermore, the City is in the process of reconstructing the transportation network within the Brandenburg area, which includes

realignment of the roadways and improved sidewalks. For these reasons, no additional VMT reduction measures or other mitigation measures would be required as part of this project. The City determined that an addendum is the appropriate level of environmental review for the project and no new EIR is warranted. Refer to Response 11, 18, 19, 20, and 22, 25 to 27 of the Attachment D for more details.

### **Conclusion**

The comments provided by the appellant do not raise any new issues that are not already evaluated in the Addendum and previously approved EIRs; nor do they identify any new impacts, or impacts of substantially greater severity than identified in previously adopted program and project specific-level EIRs. The Initial Study/Addendum evaluates the project-specific impacts of the project and identifies mitigation measures and Standard Permit Conditions, consistent with previously approved EIRs, that will be implemented to ensure the project does not result in any new impacts or impacts of substantially greater severity than previously disclosed EIRs. Therefore, the IS/Addendum is the appropriate level of environmental review for the project and no new EIR is warranted.

In conclusion, the appeal is untimely since the environmental concerns were not raised within three (3) business days from the Planning Director's approval of the Vesting Tentative Map on November 15, 2017. Further, staff has responded to each of the issues raised by the appellant. There is substantial evidence to support the approval of the Vesting Tentative Map.

### **EVALUATION AND FOLLOW UP**

If the Council denies the appeal and upholds the Planning Director's approval of the Vesting Tentative Map and Initial Study/Addendum, the applicant can proceed with consolidating the three lots into one and resubdividing them for condominium purposes as analyzed above.

If the Council approves the appeal, the applicant may not proceed with the consolidation of the parcel and subdivision as described above. The applicant would need to file and obtain approval of a Lot Line Adjustment to combine the three parcels prior to building permit issuance, as the approved 18-story building cannot be constructed atop property lines. The applicant could also file a new Vesting Tentative Map proposing the same project description as the subject appealed project.

### **POLICY ALTERNATIVES**

The Council can:

- a. Deny the appeal and approve the Vesting Tentative Map, subject to conditions, as recommend by staff; or
- b. Grant the appeal and deny the Vesting Tentative Map; or
- c. Deny the appeal, approve the Vesting Tentative Map, subject to additional or revised conditions.

Staff recommends that the City Council deny the appeal and uphold the Planning Director's approval of the Vesting Tentative Map and reliance on an Initial Study/Addendum.

### **PUBLIC OUTREACH**

Pursuant to the requirements in State Law and Title 19 of the San José Municipal Code, a hearing notice for the City Council public hearing was mailed to the owners and tenants of all properties located within 1,000 feet of the project site, and a copy of this City Council Memorandum was mailed to adjacent property owners, the appellants, and applicant.

### **COORDINATION**

The preparation of this memorandum was coordinated with the City Attorney's Office.

### **COMMISSION RECOMMENDATION/INPUT**

No commission recommendation or input is associated with this action

### **FISCAL/POLICY ALIGNMENT**

This project is consistent with applicable Subdivision Ordinance provisions and General Plan goals and policies.

### **CEQA**

Addendum to "The Brandenburg Mixed Use Project/North San Pedro Housing Sites EIR," (Brandenburg FEIR) adopted by City Council Resolution No. 72170 on June 15, 2004; "The Downtown Strategy 2000 Final Environmental Impact Report," (Downtown Strategy FEIR) adopted by City Council Resolution No. 72767 on June 21, 2005; "Envision San José 2040

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General Plan Final EIR," (General Plan FEIR) adopted by City Council Resolution No. 76041 on November 1, 2011; Supplemental Program EIR entitled, "Envision San José 2040 General Plan Supplemental EIR,"(General Plan SFEIR) adopted by City Council Resolution No. 77617 on December 15, 2015, and Addenda thereto.

The approved environmental documents are available here:

<http://sanjoseca.gov/index.aspx?NID=5713>

/s/

ROSALYNN HUGHEY, INTERIM DIRECTOR  
Planning, Building and Code Enforcement

For questions please contact Steve McHarris, Planning Official, at (408) 535-7819.

**Attachments:**

Attachment A: Letter of Appeal from Adams Broadwell Joseph & Cardozo representing San Jose Residents for Responsible Development, dated November 22, 2017, and Comment Letter from Adams Broadwell Joseph & Cardozo dated November 14, 2017.

Attachment B: Notice of Vesting Tentative Map Appeal, dated December 19, 2017.

Attachment C: Draft Vesting Tentative Map and Planning Directors Hearing Minutes, dated November 15, 2017.

Attachment D: Responses to Adams Broadwell Appeal Comments, Dated January 10, 2018.

Attachment D-1: Groundwater Investigation Results for 170 Bassett/355 North San Pedro (Figure 4)

Attachment D-2: Additional Environmental Site Characterization Report, May 12, 2017.

Attachment D-3: Mitigation Monitoring and Reporting Program (MMRP)

Attachment E: Initial Study/Addendum and Appendices