

## Legislation Details (With Text)

**File #:** 23-198      **Version:** 1

**Type:** Land Use Regular Agenda      **Status:** Agenda Ready

**File created:** 1/31/2023      **In control:** City Council

**On agenda:** 2/14/2023      **Final action:**

**Title:** H21-048/ER21-276 & T21-043 - Administrative Hearing on the Environmental Appeal for the Apollo Residential Project. - RENOTICED

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/14/2023	1	City Council		

### **H21-048/ER21-276 & T21-043 - Administrative Hearing on the Environmental Appeal for the Apollo Residential Project. - RENOTICED**

(a) Conduct an Administrative Hearing to consider the environmental appeal of the Planning Director's reliance on the Apollo Residential Project Addendum to the Downtown Strategy 2040 Final Environmental Impact Report in accordance with the California Environmental Quality Act (CEQA) for a Site Development Permit and Vesting Tentative Map (File Nos. H21-048 and T21-043), to allow the demolition of the existing buildings on-site (totaling approximately 15,908 square feet) and construct a 20-story residential tower with up to 471 units and 7,661 square feet of ground floor retail, on an approximately 1.1-acre site.

(b) Adopt a resolution denying the environmental appeal and upholding the Planning Director's reliance on the Apollo Residential Project Addendum to the Downtown Strategy 2040 Final Environmental Impact Report in accordance with the California Environmental Quality Act, as amended, and finding that:

- (1) The City Council has independently reviewed and analyzed the Addendum for the Apollo Residential Project, and related administrative record related to Site Development Permit No. H21-048; and
- (2) The Addendum for the Apollo Residential Project was prepared and completed in full compliance with the CEQA of 1970, as amended, together with State and local implementation guidelines; and
- (3) Reliance on the Addendum for the Apollo Residential Project reflects the independent judgment and analysis of the City of San José, as lead agency for the Project; and
- (4) Preparation of a new, subsequent, or supplemental environmental document is not required because the appeal does not raise any new significant impacts that have not already been analyzed or addressed in the Apollo Residential Project Addendum and none of the following events occurred as outlined in Section 21166 of Public Resources Code (PRC): (i) substantial changes are proposed in the project which will require major revisions of the environmental report; (ii) substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or (iii) new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available. Further, a new, subsequent, or supplemental environmental impact report is not required because no impacts outside the scope of the Downtown Strategy 2040 EIR were identified in Section 15168 of the CEQA Guidelines.

CEQA: Apollo Residential Project Addendum to the Downtown Strategy 2040 Final Environmental Impact Report. Council District 6. (Planning, Building and Code Enforcement)

**RENOTICED TO 2/28/2023**