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July 9, 2013

City of San Jose
Planning, Building and Code Enforcement
City Hall, Development Services Center
200 East Santa Clara Street
San Jose, CA 95113-1905

**Re: Appeal of Planning Director's July 3, 2013 Environmental
Determination for the One South Market project (File T3-025)**

On behalf of the **Santa Clara & San Benito Building & Construction Trades Council**, its affiliated local unions, and their members and their families and other individuals who live and/or work in the City of San Jose and Santa Clara County ("SCBCT"), we are writing to appeal the City Planning Director's July 3, 2013 environmental determination for the One South Market project proposed by Essex OSM Reit, LLC ("Project"). On July 3rd, the Planning Director approved a Vesting Tentative Map in reliance on an Initial Study/Mitigated Negative Declaration for the Project ("IS/MND").

Pursuant to City of San Jose procedures and Municipal Code Chapters 21.04 and 21.06, we have attached a Notice of Environmental Appeal Form and a payment of \$100 to cover the fee of the appeal. We have also attached SCBCT's comments submitted to the Planning Director on June 25, 2013. As shown by the June 25th comment letter, the issues raised in this appeal were raised in writing prior to the Planning Director's public hearing on July 3rd. SCBCT's representative, Bill Guthrie, also raised these issues orally at the public hearing.

Comment sections D and E, on pages 4 through 8 of the attached comment letter, highlight the grounds for this appeal, including the Planning Director's failure to: (1) comply with the IS/MND by requiring a transportation demand management program ("TDM") as a condition of approval; (2) consider specific transit incentives as components of the TDM, including the provision of transit

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passes to Project occupants, and unbundled parking requirements; and (3) conduct supplemental environmental review to ensure that the Project fully complies with applicable regulatory requirements and mitigation, including the Regional Water Quality Control Board's General Permit for Construction Activities, and the City's Post-Construction Urban Runoff Policy 6-29.

SCBCT also intends to file a separate appeal of all issues raised in its June 25th comment letter, within the 10-day appeal period for Tentative Map approvals provided under the Municipal Code and the Subdivision Map Act. For the sake of efficiency, and pursuant to Municipal Code section 21.04.140E(9), SCBCT respectfully requests that the City Council be scheduled to hear both Project appeals at the same time.

Thank you for your attention to this important matter.

Sincerely,



Daniel L. Cardozo
Ellen L. Trescott

ELT:ljl