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September 13, 2017

Toni Taber
City Clerk
City of San José
200 E. Santa Clara St.
San José, CA 95113

Re: Appeals from the Environmental Determinations made by the City Council for the
Stevens Creek, Santana Row, and Winchester Boulevard Urban Village Plans

Dear Ms. Taber:

On August 11, 2017, the City of Santa Clara (Santa Clara) filed administrative appeals from the City of San Jose City Council's August 8, 2017 actions approving the Winchester and Santana Row/Valley Fair Urban Village Plans (GP17-0008; Item 10.4 on the August 8, 2017 San Jose City Council Agenda) and the Stevens Creek Urban Village Plan (GP17-0009; Item 10.5 on the August 8, 2017 San Jose City Council Agenda) (collectively the "Tri-Village Plans") based on "Determinations of Consistency" with the Envision San José 2040 General Plan Environmental Impact Report, Supplemental Environmental Impact Report to the Envision San José 2040 General Plan EIR, and the November 1, 2016 Addendum.

As explained in Santa Clara's cover letter submitted with its administrative appeals, San Mateo County Superior Court Judge, Honorable Marie S. Weiner recently held that a petitioner is not legally required to seek reconsideration of a CEQA determination made by the San Jose City Council pursuant to San Jose Municipal Code section 21.07.080 prior to filing a CEQA challenge in court. San Jose has not amended its Municipal Code since Judge Weiner's ruling was issued. Because the appeal and reconsideration procedures are still set forth in San Jose's Municipal Code, and in an effort to render litigation unnecessary by providing the San Jose City Council with an opportunity to correct its violation of CEQA, Santa Clara has exercised its discretion to pursue an administrative appeal pursuant to San Jose Municipal Code section 21.07.080. (See San Jose Municipal Code, § 21.07.080(E)(10) ["If the city council finds that the environmental clearance determination does not comport with CEQA and this title, it may require the director to re-examine and process such environmental clearance determination and shall not take any approval actions on the related project"].)

In the event that San Jose does not remedy its violation of CEQA by deferring final action on the Tri-Village Plans until after an environmental impact report (EIR) is prepared, Santa Clara reserves its right to file an action or proceeding to attack, review, set aside, void, or annul San Jose's approval of the Tri-Village Plans within 30 days of San Jose filing a notice of determination ("NOD") after final resolution of Santa Clara's administrative appeal, or within 180 days of San Jose's decision on the administrative appeal, whichever is earlier. (Pub. Resources Code, § 21167.)

Santa Clara looks forward to receiving a notice for the appeal hearing before the San Jose City Council.

Sincerely,

A black rectangular redaction box covering the signature of Tina A. Thomas.

Tina A. Thomas

cc: Richard Doyle, San Jose City Attorney
Brian Doyle, Santa Clara City Attorney