APPENDIX I

FIRST AMENDMENT TO ENVIRONMENTAL IMPACT REPORT (RESPONSE TO COMMENTS)

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(RESPONSES TO COMMENTS)

BASEBALL STADIUM IN THE DIRIDON/ARENA AREA ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE #2005112126

PROJECT #PP05-214

LSA

January 2007

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(RESPONSES TO COMMENTS)

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STATE CLEARINGHOUSE #2005112126

PROJECT #PP05-214

Submitted to the:

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TABLE OF CONTENTS

I. INTRODUCTION 1
- A. PURPOSE OF THE FIRST AMENDMENT 1
- B. ENVIRONMENTAL REVIEW PROCESS 1
- C. DOCUMENT ORGANIZATION 2

II. LIST OF COMMENTING AGENCIES, ORGANIZATIONS, AND INDIVIDUALS 3
- A. ORGANIZATION OF COMMENT LETTERS AND RESPONSES 3
- B. LIST OF AGENCIES, ORGANIZATIONS AND INDIVIDUALS COMMENTING ON THE DRAFT EIR 3

III. COMMENTS AND RESPONSES 7
- A. STATE AGENCIES 18
- B. LOCAL AND REGIONAL AGENCIES 43
- C. ORGANIZATIONS 78
- D. INDIVIDUALS 154
- E. PUBLIC MEETINGS 228

IV. DRAFT EIR TEXT REVISIONS 349

V. MITIGATION MONITORING AND REPORTING PROGRAM 367

Figures

Figure V.C-3: Existing Transit Service 33

Figure V.F-1: Ordinance Size Trees on the Project Site 73

Figure V.C-3: Existing Transit Service 357

Figure V.F-1: Ordinance Size Trees on the Project Site 361

Tables

Table III-1: Intersection Level of Service Summary Single-Event Scenario, 5-6 P.M. 10
Table III-2: Intersection Level of Service Summary Single-Event Scenario, 6-7 P.M. 10
Table III-3: Intersection Level of Service Summary Simultaneous-Events Scenario 11
Table III-4: Freeway Analysis Summary, 5-6 P.M. 15
Table III-5: Freeway Analysis Summary, 6-7 P.M. 15

Table II-1: Summary of Impacts and Mitigation Measures 350

Table V-1: Mitigation Monitoring and Reporting Program 368

I. INTRODUCTION

A. PURPOSE OF THE FIRST AMENDMENT

This document has been prepared in the form of an amendment to the Draft Environmental Impact Report (Draft EIR) prepared for the Baseball Stadium in the Diridon/Arena Area project (proposed project). The Draft EIR identifies the likely environmental consequences associated with the implementation of the proposed project, and recommends mitigation measures to reduce potentially significant impacts. This First Amendment provides responses to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, in response to these comments or to clarify any errors, omissions, or misinterpretations of material in the Draft EIR. This document, together with the Draft EIR, constitutes the Final EIR for the proposed project.

B. ENVIRONMENTAL REVIEW PROCESS

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft EIR.

The Draft EIR for the proposed project was made available for public review on February 21, 2006, and distributed to local and State responsible and trustee agencies. The public was notified of the availability of the Draft EIR through an advertisement in the *San Jose Mercury News* and through an announcement posted on the City of San Jose website. The Draft EIR was posted electronically on the City's website and a hard copy was available for public review at the City of San Jose Planning Department and at the Dr. Martin Luther King, Jr. Library of the San Jose Library system.

The CEQA-mandated 45-day public comment ended on April 6, 2006. The City extended this review period by an additional 30 days, to May 4, 2006. This City also conducted four public review sessions during the comment period. The public had the opportunity to submit written comments at these meetings. The City received a total of 10 comment letters from State, regional and local agencies during this period. No federal comment letters were received. Thirty-five comment letters were received from community organizations and individuals. Forty-one comment cards were submitted at the four public review sessions.

In the process of drafting responses to comments, additional information on 145 South Montgomery Street, Sunlite Baking Company, was uncovered and an impact to this property previously categorized as less-than-significant was determined to be significant. The EIR was revised only in part and that portion of the EIR was made available for public review on August 28, 2006, and distributed to local and State responsible and trustee agencies. The public was notified of the availability of the recirculation component and it was made available through the same process as the Draft EIR. The CEQA-mandated 45-day public comment ended on October 12, 2006. Two letters were received on the recirculation component. Copies of all written comments received on the Draft EIR during the comment period are contained in Chapter III of this First Amendment.

The Final EIR will be presented to the Planning Commission at a public hearing on February 12, 2007 during which the Commission may certify the Final EIR as a full disclosure of the potential environmental effects of the proposed project.

C. DOCUMENT ORGANIZATION

This First Amendment consists of the following chapters:

- *Chapter I: Introduction*. This chapter discusses the purpose and organization of this First Amendment.
- *Chapter II*: *List of Commenting Agencies and Individuals*. This chapter contains a list of all agencies, organizations, and persons who submitted written comments on the Draft EIR during the public review period.
- *Chapter III*: *Comments and Responses*. This chapter contains reproductions of all comment letters received on the Draft EIR and Recirculated Draft EIR. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the preceding comments.
- *Chapter IV*: *Draft EIR Text Revisions.* Corrections to the Draft EIR necessary in light of the comments received and responses provided, or necessary to clarify any errors, omissions, or misinterpretation, are contained in this chapter. Text in underline represents language that has been added to the EIR; text with ~~strikeout~~ has been deleted from the EIR. Revisions to figures are also provided, where appropriate. As mentioned previously, this document is an amendment to the Draft EIR; the Final EIR consists of this amendment and the February 2006 Draft EIR.
- *Chapter V: Mitigation and Monitoring Program.* This chapter contains a table outlining the process for implementing and monitoring mitigation measures identified in the EIR. The table describes the timing, responsible implementation and review parties, and the criteria for determining mitigation measure implementation.

II. LIST OF COMMENTING AGENCIES, ORGANIZATIONS, AND INDIVIDUALS

This chapter presents a list of each letter received during the public review period and describes the organization of the letters and comments that are included in Chapter III of this document.

A. ORGANIZATION OF COMMENT LETTERS AND RESPONSES

Chapter III includes a reproduction of each letter received on the Draft EIR. The written comments are grouped by the affiliation of the commentor, as follows: State agencies (A); local and regional agencies (B); organizations (C); individuals (D); comment cards submitted at each of the four public meetings (E).

The comment letters are numbered consecutively following the A, B, C, D, and E designation. The letters are annotated in the margin according to the following code:

State Agencies:	A1-#
Local and Regional Agencies:	B1-#
Organizations:	C1-#
Individuals:	D1-#
Public Meetings:	E1-#

The number following the letter refers to the letter number and the number following the hyphen refers to the comment number within that letter.

B. LIST OF AGENCIES, ORGANIZATIONS AND INDIVIDUALS COMMENTING ON THE DRAFT EIR

The following written comment letters were submitted to the City during the public review period.

Comment Letter	Comment Received From	Date of Letter
A. State Agencies		
A1	Department of Transportation Sandy Hesnard, Aviation Environmental Specialist	March 28, 2006
A2	Department of Transportation Timothy Sable, District Branch Chief	April 5, 2006

Comment Letter	Comment Received From	Date of Letter
A3	Department of Transportation Timothy Sable, District Branch Chief	April 6, 2006
A4	Department of California Highway Patrol, San Jose Area M.D. Marlatt, Commander	March 10, 2006
A5	Department of Fish and Game, Central Coast Region Robert W. Floerke, Regional Manager	March 15, 2006
A6	Public Utilities Commission Kevin Boles, Utilities Manager	September 18, 2006
B. Local and Regional Agencies		
B1	Caltrain, Peninsula Corridor Joint Powers Board Marie Pang, Environmental Planner	May 4, 2005
B2a	City of San Jose, San Jose Historic Landmarks Commission Michael Youmans, Chair	May 3, 2006
B2b	City of San Jose, San Jose Historic Landmarks Commission Ed Janke, AIA Chair	October 11, 2006
B3	City of San Jose, Parks and Recreation Commission Helen Chapman, Chair	April 5, 2006
B4	Santa Clara Valley Transportation Authority Carolyn M. Gonot, Chief Development Officer	May 3, 2006
B5	Santa Clara Valley Water District Colleen Haggerty, Associate Civil Engineer, Community Projects Review	May 2, 2006
C. Organizations		
C1	HP Pavilion at San Jose, San Jose Arena Management Jim Goddard, Executive Vice President and General Manager	April 21, 2006
C2	Pacific Gas and Electric Company Bob Donovan, Land Planner	April 5, 2006
C3	Preservation Action Council of San Jose Megan Bellue, Executive Director	May 4, 2006
C4	San Jose Downtown Association Scott Knies, Executive Director	April 21, 2006
C5	SNI PAC Ad Hoc Committee Committee Members	April 12, 2006
C6	Shasta/Hanchett Park Neighborhood Association Joe Bentley, President	May 4, 2006
C7	Sherman Oaks Neighborhood Association Michael LaRocca, President	May 1, 2006
C8	Soccer Silicon Valley Donald Gagliardi, President	March 24, 2006
C9	Willow Glen Neighborhood Association Ed Rast, President	May 3, 2006
D. Individuals		
D1	Michael Beggs	March 13, 2006
D2	Lorie Bird	May 4, 2006
D3	Ruth Cavagnaro-Gilwee	May 4, 2006
D4	Helen Chapman	May 1, 2006
D5	Anthony Dominguez	February 19, 2006
D6	Harvey Darnell	May 4, 2006

Comment Letter	Comment Received From	Date of Letter
D7	Angela Elsey	May 2, 2006
D8	Varda Friedman	March 13, 2006
D9	Sabrina Hall & Kathy Sutherland	May 4, 2006
D10	Trevor Holmes	March 30, 2006
D11	Jody Hucko	May 4, 2006
D12	Barbara Jacobs	March 15, 2006
D13	Maureen Jones	May 4, 2006
D14	Joseph Krale	March 2, 2006
D15	S & B Martin	March 8, 2006
D16	Brian Pirkl	May 4, 2006
D17	Yolanda Reynolds	April 14, 2006
D18	Peter Ross	May 4, 2006
D19	Erich Schmaltz	February 26, 2006
D20	Scott Soper	March 2, 2006
D21	Rebecca Stamm	May 3, 2006
D22	Harry Stewart	May 4, 2006
D23	Tessa Woodmansee	April 13, 2006
D24	Tessa Woodmansee	May 4, 2006
D25	Eloy Wouters	May 4, 2006
D26	Jamie Zucek	May 3, 2006
E. Public Meetings		
E1	Lawrence Ames	
E2	Betty Atkins	
E3	Cynthia Barnes	
E4	Joe Bentley (5)	
E5	Patrick Bernal (2)	
E6	Loenardo Calderon	
E7	Carole Campbell (2)	
E8	Lloyd Danon (2)	
E9	Harvey Darnell (3)	
E10	Jeff Dickard	
E11	Don Gagliardi	
E12	Sabina Hall	
E13	Mary Hernon	
E14	Trevor Holmes (2)	
E15	Carol Irwin (3)	
E16	John Jassen	
E17	Cathy Jones	
E18	Maureen Jones	
E19	Randi Kinman	
E20	Leila Manning	
E21	Betty Moore	

Comment Letter	Comment Received From	Date of Letter
E22	Johnny Moore	
E23	Marc Morris (2)	
E24	Dorothy Morton	
E25	Rhamesis Muncada	
E26	Richard Niesei	
E27	Bill Nicci	
E28	Brian Pirhl	
E29	Adele Poenisch	
E30	Ed Rast (2)	
E31	Edward Reyes	
E32	Joan Samuels (2)	
E33	Claudia Shope (2)	
E34	Kathy Sutherland	
E35	Michael Ward	
E36	William Ward	
E37	Randy Zechman	
E38	Ned Zuparko (2)	
E39	Commentor Unknown #1	
E40	Commentor Unknown #2	
E41	Commentor Unknown #3	

III. COMMENTS AND RESPONSES

Written responses to each comment letter received on the Draft EIR are provided in this chapter. All letters received during the public review period on the Draft EIR are provided in their entirety. Each letter is immediately followed by responses keyed to the specific comments. The letters are grouped by the affiliation of the commenting entity as follows: State agencies (A); local and regional agencies (B); organizations (C); individuals (D); and comment cards submitted at each of the four public meetings (E).

Many of the comments received on the Draft EIR involve variations of several key issues. In order to consolidate responses to questions and comments related to these topics, and to address concerns comprehensively, several Master Responses have been prepared. Master Responses are included below and referenced within the responses to comments as appropriate.

RECIRCULATION MASTER RESPONSE #1

Recirculation of the Draft EIR

Commentors have requested that the City recirculate the Draft EIR stating that the proposed project would result in significant environmental impacts that were not addressed in the Draft EIR. Impacts that commentors note require additional analysis and recirculation of the Draft EIR include historic resources, financing, public safety, transportation, circulation, and parking, noise, recreation, visual character, public services, and alternatives.

CEQA requires recirculation when "significant new information" is added to an EIR after publication of the Draft EIR, but before certification.[1] New information is considered significant under CEQA when: "The EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."[2]

"Significant new information" requiring recirculation includes a disclosure showing:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;

2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;

[1] *CEQA Guidelines* §15088.5; *Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal.*, 6 Cal. 1112 [1993]).

[2] Ibid.

3. A feasible project alternative or mitigation measure, which is considerably different from others previously analyzed, would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it; or

4. The Draft EIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment are precluded.

"Recirculation is not required where the new information added to an EIR merely clarifies or amplifies or makes insignificant modification in an adequate EIR." [3]

In the process of drafting responses to comments on the Draft EIR, additional information about the Sunlite Baking Company building at 145 South Montgomery Street was discovered. Based on this new information, the building now appears eligible for listing in the California and National Register of Historical Resources and to be a historic resource for the purpose of evaluating the environmental impacts of the project under the California Environmental Quality Act. A Revised Cultural Resources Section of the Draft EIR was circulated for public review on August 28, 2006. The public comment period for the Recirculated Draft EIR closed on October 12, 2006.

None of the other comments received in response to the Draft EIR or the Recirculated Draft EIR disclose any new significant information that would require recirculation of the EIR. No new significant or substantially more severe environmental impacts have been identified that would result from the project or from an alternative or a new mitigation measure proposed as part of the project. Moreover, no new feasible mitigation measures or alternatives have been identified which are considerably different from others previously analyzed and would clearly lessen the significant environmental impacts of the project that the City as the applicant has declined to implement. All of the responses to comments provided in this First Amendment to the Draft EIR and Recirculated Draft EIR (Response to Comments document) merely provide information that clarifies and amplifies the evaluations of impacts contained in the Draft EIR as explained in responses to comments provided below. Minor clarifying revisions are contained in Chapter IV, Revisions to the Draft EIR, which do not change any of the EIR impact conclusions.

CONSISTENCY WITH PLANS AND POLICIES MASTER RESPONSE #1

Los Gatos Creek Setback

Commentors have expressed a concern that the proposed 50-foot setback from the Los Gatos Creek top of bank is inadequate and contrary to the Riparian Corridor Policy Study, which provides for a 100-foot setback for development adjacent to the creek.

As described throughout the Draft EIR, realigned Autumn Street north of Park Avenue and the parking garage south of Park Avenue would be set back an average of 50 feet from the top of the Los Gatos Creek bank. The proposed stadium itself would be set back the additional width of Autumn Street, well in excess of 100 feet from Los Gatos Creek. As described on page 59 of the Draft EIR, the Riparian Corridor Policy Study (RCPS) provides a guide to protect biotic resources when development occurs along creek systems. As described on page 61 of the Draft EIR, according to the

[3] Ibid.

RCPS, exceptions to the 100-foot riparian setback area can be considered in limited circumstances as long as basic riparian habitat protection objectives are achieved. Conditions and circumstances on the stadium site that warrant consideration of a setback less than 100 feet include (per the RCPS): 1) the project site is located in Downtown San Jose; and 2) the project proposes redevelopment with uses that are more compatible with the riparian corridor than the existing industrial use (buildings and pavement covering the area up to the edge of the creek bank). In addition, the project is in an urban infill location where properties are already developed with little or no set back. As a result of the project, existing incompatible uses with little or no setback will be removed, an enhanced riparian setback will be provided with appropriate plantings, and the stadium will be set back greater than 100 feet in conformance with the guidelines. It should be noted that the 50 foot setback is consistent with recent approvals by the City Council for the KB Home Del Monte project on Auzerais adjacent to Los Gatos Creek, and for the San Jose Water Company Delmas project site adjacent to both Los Gatos Creek and Guadalupe River.

As described on page 62 of the Draft EIR, the Los Gatos Creek Trail Master Plan was adopted in 1985, and while portions of the trail along Los Gatos Creek have been implemented, the segment of the creek that is adjacent to the proposed project has not. A portion of Reach 5 of the Los Gatos Creek Trail would be located within the stadium project area. The trail project is independent of the stadium project, but would utilize the riparian setback areas resulting from the removal of the commercial buildings and parking lots east of S. Autumn Street and from the development of the Fire Training Facility site with the parking garage and relocated PG&E substation.

MASTER RESPONSE LAND USE #1

Increased Trash

Commentors have expressed a concern that the proposed project would contribute to an increase in trash in the neighborhoods surrounding the project site and along the Los Gatos Creek trail.

The proposed project would include trash receptacles distributed throughout the baseball stadium and along major pedestrian corridors leading to and from the facility (San Carlos Street, Park Avenue, San Fernando Street, Autumn Street, and the Los Gatos Creek trail) to encourage patrons to deposit their trash appropriately. In addition, regularly-scheduled janitorial crews would clean public areas surrounding the baseball stadium and empty these trash cans. Trash in the parking garage would be picked up by a regularly scheduled parking lot sweeping service.

MASTER RESPONSE TRANSPORTATION, CIRCULATION AND PARKING #1

Additional Intersections

Commentors requested greater analysis of potential traffic impacts west and south of the project site, stating that these areas would experience significant traffic impacts that were not analyzed in the Draft EIR.

In response to comments requesting more analysis of potential traffic impacts west and south of the site, the project's Transportation Impact Analysis analyzed an additional 16 intersections to the west and south of the proposed project site. Project scenarios of a stadium event only, for 5-6 p.m. and for

Table III-1: Intersection Level of Service Summary Single-Event Scenario, 5-6 P.M.

Intersection	Count Date	Existing		Background		Project Conditions			
		Avg. Delay	LOS	Avg. Delay	LOS	Avg. Delay	LOS	Crit. V/C Change	Avg. Crit. Delay Change
The Alameda & Hedding Street*	4/26/06	38.3	D	34.1	C	34.5	C	0.031	-0.1
The Alameda &Naglee Ave/Taylor St*	5/2/06	46.0	D	42.7	D	44.3	D	0.043	1.0
The Alameda & Race St*	5/2/06	31.4	C	32.8	C	43.6	D	0.125	15.3
Almaden Ave & Virginia St	5/2/06	14.1	B	10.7	B	10.0	A	0.115	-0.7
Alameden Ave & Willow St	5/2/06	15.1	B	11.8	B	12.1	B	0.115	0.3
Lincoln Ave & Auzerais Ave	5/2/06	20.6	C	23.7	C	23.5	C	0.000	0.0
Meridian Ave & Auzerais Ave	4/26/06	2.0	A	2.1	A	2.1	A	0.000	0.0
Bird Ave & Coe Ave	5/2/06	20.2	C	20.2	C	21.9	C	0.031	3.3
Bird Ave & Virginia St	5/2/06	15.5	B	16.1	B	17.8	B	0.057	16.4
Lincoln Ave & San Carlos St	5/2/06	35.1	D	40.2	D	39.2	D	0.043	-0.8
Meridian Ave & San Carlos St	4/26/06	36.0	D	42.3	D	42.2	D	0.028	0.0
Sunol St & Park Avenue	4/26/06	10.4	B	10.5	B	10.2	B	0.058	0.2
Race St & Park Ave	4/26/06	12.0	B	12.2	B	12.8	B	0.058	1.5
Race St & San Carlos St	4/26/06	25.5	C	30.2	C	29.0	C	0.025	-10.1
Vine St & Virginia St	5/2/06	6.6	A	13.2	B	13.2	B	0.001	0.0
Vine St & Willow St	5/2/06	7.6	A	19.0	B	19.1	B	0.001	0.0

* Denotes CMP intersection.

Source: Hexagon Transportation Consultants, 2006.

Table III-2: Intersection Level of Service Summary Single-Event Scenario, 6-7 P.M.

Intersection	Count Date	Existing		Background		Project Conditions	
		Avg. Delay	LOS	Avg. Delay	LOS	Avg. Delay	LOS
The Alameda & Hedding Street*	4/26/06	34.3	C	29.8	C	31.3	C
The Alameda &Naglee Ave/Taylor St*	5/2/06	42.4	D	37.8	D	39.1	D
The Alameda & Race St*	5/2/06	27.7	C	27.2	C	43.7	D
Almaden Ave & Virginia St	5/2/06	14.4	B	10.9	B	10.9	B
Alameden Ave & Willow St	5/2/06	15/0	B	12.0	B	14.1	B
Lincoln Ave & Auzerais Ave	5/2/06	19.1	B	22.3	C	22.4	C
Meridian Ave & Auzerais Ave	4/26/06	2.1	A	2.2	A	2.1	A
Bird Ave & Coe Ave	5/2/06	19.6	B	19.6	B	22.6	C
Bird Ave & Virginia St	5/2/06	16.5	B	17.3	B	18.5	B
Lincoln Ave & San Carlos St	5/2/06	32.3	C	36.7	D	34.1	C
Meridian Ave & San Carlos St	4/26/06	35.7	D	41.6	D	40.9	D
Sunol St & Park Avenue	4/26/06	9.0	A	9.1	A	8.2	A
Race St & Park Ave	4/26/06	10.7	B	10.8	B	12.4	B
Race St & San Carlos St	4/26/06	25.4	C	30.3	C	27.4	C
Vine St & Virginia St	5/2/06	6.1	A	17.0	B	17.5	B
Vine St & Willow St	5/2/06	7.8	A	17.3	B	17.6	B

* Denotes CMP intersection.

Source: Hexagon Transportation Consultants, 2006.

Table III-3: Intersection Level of Service Summary Simultaneous-Events Scenario

Intersection	Count Date	Existing		Background		Project Conditions	
		Avg. Delay	LOS	Avg. Delay	LOS	Avg. Delay	LOS
The Alameda & Hedding Street*	4/2506	29.7	C	30.7	C	33.3	C
The Alameda &Naglee Ave/Taylor St*	5/25/06	34.1	C	37.3	D	41.1	D
The Alameda & Race St*	4/26/06	29.8	C	30.4	C	47.5	D
Almaden Ave & Virginia St	4/27/06	14.5	B	11.5	B	12.2	B
Alameden Ave & Willow St	4/27/06	14.8	B	12.3	B	15.0	B
Lincoln Ave & Auzerais Ave	4/27/06	22.2	C	23.8	C	22.2	C
Meridian Ave & Auzerais Ave	4/25/06	1.4	A	1.5	A	1.5	A
Bird Ave & Coe Ave	4/27/06	19.6	B	19.6	B	22.8	C
Bird Ave & Virginia St	4/27/06	15.2	B	15.1	B	17.5	B
Lincoln Ave & San Carlos St	4/27/06	34.2	C	34.5	C	33.1	C
Meridian Ave & San Carlos St	4/25/06	40.6	D	41.0	D	40.7	D
Sunol St & Park Avenue	4/25/06	8.7	A	8.7	A	8.5	A
Race St & Park Ave	4/25/06	10.8	B	10.8	B	12.4	B
Race St & San Carlos St	4/27/06	28.6	C	29.1	C	27.0	C
Vine St & Virginia St	4/27/06	11.1	B	10.0	B	10.1	B
Vine St & Willow St	4/27/06	14.0	B	15.1	B	15.2	B

* Denotes CMP intersection.

Source: Hexagon Transportation Consultants, 2006.

6-7 p.m. were studied, as was the project scenario of simultaneous events at the HP Pavilion and at the stadium for 6-7 p.m. In order to establish the baseline conditions with an event at the Pavilion, new traffic counts were conducted at the 16 intersections from 5 p.m. to 7 p.m. on April 25, 2006 and April 27, 2006, when the San Jose Sharks had a playoff game. New counts also were conducted for the same time period on a night without a Sharks game. Estimated traffic generated by the proposed stadium was added to the existing volumes in accordance with the procedure and trip distribution pattern shown in the Draft EIR. No significant impacts from the project were found at any intersection studied, under any scenario studied (see the accompanying tables). All intersections would operate at Level of Service D or better.

MASTER RESPONSE TRANSPORTATION, CIRCULATION AND PARKING #2

Daytime Games Parking

Commentors questioned the adequacy of parking available downtown for day games.

A typical major league baseball schedule would include 11 day home games on weekdays. The analysis of weekday game parking uses the same mode split and vehicle occupancy assumptions as for a night game: transit share of 4.5 percent, walk/bicycle share of 3.3 percent, and average vehicle occupancy of 2.3 people per vehicle. These are very conservative assumptions. Given the high cost of parking downtown on weekdays, it is highly likely that more patrons would walk, use transit, or carpool than assumed for the analysis. Nevertheless, using these assumptions, parking demand would

be 15,908 spaces. According to 2005 surveys undertaken by the San Jose Redevelopment Agency, there are about 12,834 vacant spaces in Downtown San Jose on a typical weekday; this is about 3,000 spaces short of the projected demand. Thus, for day games, the City would encourage alternative transportation such as transit or carpooling, bicycling or walking. This has been done effectively for daytime events at the HP Pavilion in the past. Additionally, actual parking demand for weekday games may be less than projected since a portion of potential stadium patrons would be downtown workers already parked and within walking distance of the stadium.

Some comments have questioned the downtown parking situation in the future, suggesting that the current daytime vacancies would disappear. The answer to this question would involve unwarranted speculation about supply, demand, the economy, prices, and timing of development. New parking structures are planned for downtown, and new development also is planned per the Downtown Strategy 2000 Plan.

MASTER RESPONSE TRANSPORTATION, CIRCULATION AND PARKING #3

Scenario Assumption

Commentors were concerned with the traffic scenario assumptions provided in the Draft EIR. While the Draft EIR evaluates simultaneous events at the proposed stadium and HP Pavilion, many commentors requested that the possibility of simultaneous events occurring at the stadium and other events in the Diridon and Downtown areas be considered as the worst case scenario for the traffic analysis. Also, many commentors expressed concern about daytime events at the stadium conflicting with afternoon commute traffic.

A typical major league baseball team schedule consists of about 81 home games. Of these, 55 are on weekdays and 26 are on weekends. Of the 55 weekday home games, only 11 occur during the day. Day games typically start between noon and 1 p.m. and end between 3 p.m. and 4 p.m. While a game ending at 4 p.m. would be getting close to the peak commute time, it still is early, and most day games end earlier than that. Since weekend traffic volumes in the downtown area are very low, and since weekday, day games would occur only 11 times per year and usually end before the commute period, the “typical” worst case condition would be a sold-out night game on a weekday. Vehicles would begin arriving to the stadium during the commute period. Also, when considering night games there is the potential for overlap with a sold out event at the HP Pavilion, particularly a Sharks game. Other potential game start times, such as 4 p.m. or 5 p.m., which perhaps could occur for a televised playoff game, would be so infrequent as to occur less than once per year on average and is therefore not a condition worthy of consideration for preliminary planning purposes.

Also not considered were other events in the downtown area, such as the Grand Prix, Cinco de Mayo, the Opera, the Rep, the Convention Center, the Center for the Performing Arts, festivals, the Home and Garden Show, the Children’s Discovery Museum, the Tech Museum, the Civic Auditorium, Music in the Park, or activities associated with July 4th. These and other events represent discrete single events of limited duration that may or may not coincide with stadium events or Pavilion events. Their occurrence is not regular as in the case of the stadium schedule of night games and does not constitute a typical worst case scenario. The schedule of baseball games is set by Major League Baseball. To the extent possible, the City of San Jose would coordinate the baseball schedule with other special events in the City.

MASTER RESPONSE TRANSPORTATION, CIRCULATION AND PARKING #4

I-880

Many commentors expressed a concern that the traffic analysis did not adequately consider the impacts to I-880 traffic due to the likelihood that fans from the East Bay would use this route to attend stadium events. Specifically, commentors noted that the likely team to occupy the stadium would be the Oakland A's, which has a significant East Bay fan base.

The distribution of stadium trips was estimated on the basis of fan surveys conducted and traffic counts collected during two San Jose Sharks games in November 2005. The surveys showed that up to 20 percent of the Sharks fans derive from Alameda and Contra Costa Counties, but the traffic counts showed very little apparent usage of I-880. The counts indicated almost all trips coming into downtown San Jose off I-280 and SR 87. This indicates that East Bay fans are tending to use I-680 to I-280. The busiest sections of I-280 were analyzed in the Draft EIR, and significant impacts were noted. Whether the Sharks fan-base is similar to the fan-base for a future major league baseball franchise in this Downtown location is not known. However, it is reasonable to assume a similar distribution, because the Sharks are a San Jose professional sports team, drawing fans from all over the bay area, including the east bay. If and when the City decides to pursue a ballpark at the subject site and a potential team is identified, the City will consider whether the assumptions made in this EIR remain valid or whether supplemental analysis is needed. This supplemental analysis could include, but would not be limited to, a marketing assessment to show the geographic concentrations and limits of the fan base and a traffic assessment particular to that scenario. Depending on the outcome of this supplemental analysis, the City might need to amend or supplement this Stadium EIR with the new information in a new CEQA process to disclose that new information.

MASTER RESPONSE TRANSPORTATION, CIRCULATION AND PARKING #5

Neighborhood Traffic and Parking

Many commentors have questioned the effect of stadium traffic and parking on streets west and south of the project site. Specifically, commentors note that the Draft EIR assumes the use of parking facilities east of the site and beyond the ¾ mile radius assumed in the parking analysis. The commentors also question how traffic and parking could be prevented in the neighborhoods to the west and south, some of which are within the same ¾ mile radius.

Based on surveys and traffic counts during a Sharks game, traffic was not shown to cut through neighborhoods but was predominantly found to flow from freeways to the arterials into the downtown area and its parking. Further studies of traffic in areas to the west, north and south have shown no significant level of service impact due to Sharks games and have estimated no significant impact from the stadium. As described in Master Response #3, there would be a parking deficit of approximately 3,000 spaces. The City will provide information through a variety of means now employed for Sharks games and other HP Pavilion events to patrons to encourage the use of available downtown parking and to discourage, with vigorous enforcement, unpermitted parking in the neighborhoods. The City will encourage alternate transportation such as transit or carpooling, bicycling or walking. This has been done effectively for events at HP Pavilion in the past.

The Draft EIR indicates that a traffic and parking management plan (TPMP) will be prepared which the City would use to control traffic and parking so as to optimize traffic and parking operations during an event. The TPMP would channel patrons to parking facilities to the north and east of the site. This TPMP would include such measures as temporary road closures, additional signage, officer traffic control, signal changes, detour routes, freeway exit identification, drop off and pickup locations, and bus and taxi designated drop-off and pick-up areas. These measures, actively employed, would discourage patron use of neighborhood facilities and encourage use of facilities targeted for use. These efforts would discourage cut-throughs, circling, and illegal parking. This would benefit patrons and neighborhood residents and businesses. The TPMP approach has been used successfully for Pavilion events and the Grand Prix.

The City is prepared to enforce existing parking regulations and to implement permit parking or other parking impacts controls through coordination with neighborhood residents and businesses. The attached figure displays the neighborhoods that currently have permit parking and shows how these would need to increase to encompass the ¾-mile radius circle. The City does not have a record of widespread parking violations during Pavilion events. Residents of areas that currently have permit parking through the City may call for enforcement against violations. Residents who do not currently have permit parking instituted in their neighborhoods may work with the City to obtain this program.

MASTER RESPONSE TRANSPORTATION, CIRCULATION AND PARKING #6

Freeway Traffic 6-7 P.M.

Many commentors noted that freeway operation in the hour before a game (6-7 p.m.) was not analyzed in the Draft EIR.

In response to comments about freeway operations in the one hour before a game, analysis was performed on the study freeway segments for the 6-7 p.m. timeframe. Traffic volumes for the 6-7 p.m. time period were obtained from Caltrans for SR 87 and I-280. Since this time period typically is not studied, the existing levels of service were estimated by assuming the same speeds as for the peak hour. This is a conservative assumption, since the speeds are likely to be higher from 6-7 p.m., but no speed surveys are available. Adding the estimated stadium traffic to the existing counts shows that the same significant impacts would occur on the freeway segments as already identified in the Draft EIR, although conditions would be less congested than during the 5-6 p.m. scenario. The addition of this freeway traffic analysis for the 6-7 p.m. hour does not constitute “new information,” as defined in Master Response #1 previously, that would require the City to recirculate the Draft EIR, in that the same freeway segments are impacted but to a lesser degree than the impacts previously disclosed for 5-6 p.m.

SR 87 southbound between Coleman Avenue and Julian Street
SR 87 southbound between Julian Street and I-280
I-280 eastbound between Bird Avenue and SR 87

Table III-4: Freeway Analysis Summary, 5-6 P.M.

			Existing + Project Trips						Project Trips	
			Mixed Flow						Mixed Flow	
Freeway	Location	Dir	Lanes	Speed	Volume	Density	LOS	Total Volume	Volume	% Capacity
SR 87	Julian St to Coleman Ave	NB	2	67	2,283	17.0	B	3	3	0.07
		SB	2	18	3,697	102.7	**F**	497	497	**11.30**
	I-280 to Julian St	NB	2	67	2,477	18.5	C	597	597	13.57
		SB	2	9	2,474	137.4	**F**	314	314	**7.14**
	Alma Ave to I-280	NB	2	65	4,627	35.6	D	597	597	13.57
		SB	2	16	2,983	93.2	F	3	3	0.07
I-280	Meridian Ave to Bird Ave	EB	4	26	8,573	82.4	**F**	1,193	1,193	**12.97**
		WB	4	36	8,067	56.0	E	7	7	0.08
	Bird Ave to SR 87	EB	4	23	8,092	88.0	**F**	1,102	1,102	**11.98**
		WB	3	66	4,816	24.3	C	66	66	0.96
	SR 87 to 10th St	EB	3	67	4,245	21.1	C	625	625	9.06
		WB	3	67	3,554	17.7	B	744	744	10.78
	10th St to McLaughlin Ave.	EB	4	45	8,645	48.0	E	5	5	0.05
		WB	4	66	8,335	31.6	D	945	945	10.27

Bold indicates a significant adverse impact.

Source: Santa Clara VTA Congestion Management Program 2004 Monitoring and conformance Report.

Table III-5: Freeway Analysis Summary, 6-7 P.M.

			Existing + Project Trips						Project Trips	
			Mixed Flow						Mixed Flow	
Freeway	Location	Dir	Lanes	Speed	Volume	Density	LOS	Total Volume	Volume	% Capacity
SR 87	Julian St to Coleman Ave	NB	2	67	2,074	15.3	B	22	22	0.50
		SB	2	18	4,196	88.0	**F**	1,028	1,028	**23.36**
	I-280 to Julian St	NB	2	67	2,926	12.6	B	1,234	1,234	28.05
		SB	2	9	2,787	118.8	**F**	649	649	**14.75**
	Alma Ave to I-280	NB	2	65	4,861	27.9	D	1,234	1,234	28.05
		SB	2	16	2,976	92.2	F	26	26	0.59
I-280	Meridian Ave to Bird Ave	EB	4	26	8,371	56.8	**E**	2,467	2,467	**26.82**
		WB	4	36	6,743	46.5	E	53	53	0.58
	Bird Ave to SR 87	EB	4	23	7,886	60.8	**F**	2,294	2,294	**24.93**
		WB	3	66	4,079	19.9	C	136	136	1.97
	SR 87 to 10th St	EB	3	67	4,199	14.4	B	1,303	1,303	18.88
		WB	3	67	3,877	11.6	B	1,545	1,545	22.39
	10th St to McLaughlin Ave.	EB	4	45	6,954	389.4	D	42	42	0.46
		WB	4	66	8,087	23.2	C	1,953	1,953	21.23

Bold indicates a significant adverse impact.

Source: Santa Clara VTA Congestion Management Program 2004 Monitoring and conformance Report.

MASTER RESPONSE CULTURAL RESOURCES #1

Stephen's Meat Sign

Commentors questioned the Draft EIR conclusion that the Stephen's Meats Pig Sign, located at 510 Montgomery Street, was not a significant historic resource and therefore no mitigation was required for its removal from the project site.

The preservation and incorporation of the Stephen's Meats Pig Sign within the stadium is not warranted as a mitigation measure because the Stephen's Meats buildings are not eligible for listing in the San Jose Historic Resources Inventory as a Candidate City Landmark nor in the California Register. Experience with the California Office of Historic Preservation (by architectural historians working on this EIR) suggests that architectural elements of buildings are not separately eligible for listing, when the overall building is not eligible for listing.

Since the buildings and architectural elements, such as the sign are not eligible for listing, their removal is a less than significant impact under CEQA. CEQA states that mitigation measures are not required for less than significant impacts (CCR Title 14(3) § 15126.4(a)(3)). Although the Stephen's Meats Pig Sign is not a contributing element of a City Landmark or California Register property and therefore there is no legal requirement to require mitigation, based on community interest, its preservation and reuse should be considered by the City in the final development of the baseball stadium design.

MASTER RESPONSE PUBLIC SERVICES AND FACILITIES #1

Parks

Commentors noted that there is an existing shortfall of parklands in the project area and development of the Fire Training Site for the proposed project (rather than as a City park, as planned for in several planning documents) would contribute to this overall shortfall.

The proposed project is the development of a baseball stadium and associated parking garage, it does not include residential uses and as such would not aggravate any existing shortfall of parklands.

The Criteria of Significance for Public Services and Facilities is included on page 295 of the Draft EIR. Implementation of the proposed project would have significant impacts on public services and facilities if it would result in the removal of a neighborhood park or open space area. As described on page 297, development of the proposed project would result in the elimination of the planned park site at the Fire Training Facility, contributing to a potential future shortfall in parkland area for the Midtown/Diridon area as new development occurs and increases demands for neighborhood parkland. To address the loss of the future park site at the Fire Training Facility, the City has identified several potential future alternative park sites in the vicinity of the project site that could be explored to address the recreational needs of the neighborhood. Should the City pursue development of the Fire Training Facility site in association with the stadium, and identify a preferred location(s) to pursue additional park facilities to offset the loss of the planned park at the Fire Training Center, additional environmental review would be conducted prior to, and to inform, the City decision to develop a park at that location(s).

MASTER RESPONSE ALTERATIVES #1

Soccer Stadium

Many commentors requested that a soccer stadium alternative be evaluated in the discussion of Project Alternatives in the Draft EIR. Commentors noted the assumption that a soccer stadium would have reduced environmental impacts due to the nature and size of a soccer stadium and that a soccer stadium alternative was required to provide a reasonable range of alternatives to the proposed project.

At the direction of the San Jose City Council/Redevelopment Agency Board, the San Jose Redevelopment Agency brought forward the proposal for a Major League Baseball stadium as defined in Chapter III, Project Description, of the Draft EIR. The project objectives are listed on page 33 of the Draft EIR, and includes: an open-air stadium of 45,000 seats and associated facilities meeting major league standards for size and quality of improvements expected in modern stadiums.

Alternatives to the proposed project are evaluated in Chapter VII, Alternatives, of the Draft EIR. As described on page 319 of the Draft EIR, the *CEQA Guidelines* require analysis of a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the project's basic objectives and avoid or substantially lessen any of the significant effects of the project. A soccer stadium was not considered as an alternative to the proposed project as it would not attain the project's most basic objective, the development of a Major League Baseball stadium. Therefore, it was not the purpose of the EIR to address a soccer stadium, nor is there a legal requirement under CEQA to address a soccer stadium as one of the range of alternatives in that a soccer stadium would not achieve the project's most basic objective. If and when a soccer stadium is proposed for the subject site, additional environmental review would be required, and could be substantially informed by the analysis, both in terms of site conditions and event operations impacts, completed for this baseball stadium EIR.

As several commentors note, a Major League Soccer stadium could utilize a smaller stadium and would have fewer games than Major League Baseball. Average Major League Soccer attendance has been approximately 15,000 per game throughout the league's 10-year history. Average attendance at San Jose Earthquakes home games in both 2004 and 2005 was approximately 13,000. The Los Angeles Galaxy, which draws the largest Major League Soccer crowds, has averaged over 21,000 attendees per game throughout its history. Throughout the nation, several soccer specific stadiums have been constructed, and seat between 20,000-27,000 patrons. Major League Soccer has a 32-game season, with typically 16 home games per year. Similar to Major League Baseball, the Major League Soccer regular season is April to October. Environmental impacts associated with the number of people (and vehicles) coming to the project site and frequency of events at the project site may be reduced under the development of a soccer stadium.

A. STATE AGENCIES

Letter
A1

DEPARTMENT OF TRANSPORTATION
DIVISION OF AERONAUTICS – M.S.#40
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CITY OF SAN JOSE
PLANNING DEPARTMENT

Flex your power!
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Mr. Michael Rhoades
City of San Jose
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113

March 28, 2006

Dear Mr. Rhoades:

Re: City of San Jose's Draft Environmental Impact Report for the Ballpark Study in the Diridon/Arena Area; SCH# 2005112126

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety, noise and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public and special use airports and heliports. The Division submitted comments on the Notice of Preparation in a letter dated December 13, 2005 and included in Appendix A of the Draft Environmental Impact Report (DEIR). The following comments are offered for your consideration with respect to the DEIR.

The proposal is for the construction of a major league baseball stadium to accommodate 45,000 visitors. The stadium will include scoreboards (not to exceed 200 feet in height) and lighting structures "approximately 235 feet above finished grade". The project site is located approximately 8,500 feet southwest of the Norman Y. Mineta; the San Jose International Airport and will be subject to aircraft overflights.

In our prior comments, we addressed Public Utilities Code Section 21659, "Hazards Near Airports Prohibited" which prohibits structural hazards near airports. Structures should not be at a height that will result in penetration of the approach imaginary surfaces. In accordance with Federal Aviation Regulation (FAR) Part 77, "Objects Affecting Navigable Airspace", most of the project site is limited to a structural height of approximately 208 feet above mean seal level. Since the ground elevation appears to be approximately 95-100 feet above sea level, any structure greater than 110 feet in height would most likely exceed FAR Part 77. To ensure compliance with FAR Part 77, submission of a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) will be required. Form 7460-1 is available at http://forms.faa.gov/forms/faa7460-1.pdf. **1**

In addition, proposed "pyrotechnics" is also a serious concern. Since the stadium is within aircraft flight tracks, the maximum altitude of the fireworks display must be well below the FAR Part 77 imaginary surface. The DEIR, Mitigation Measure LU-1, states that in addition "to obtaining the required City permit, fireworks sponsors shall coordinate events in advance with the FAA (if requested by FAA) to ensure that the activity (timing, height, and materials) does not pose a hazard to the safety operation of the San Jose International Airport (LTS)." This mitigation measure should also include language about advance coordination with airport staff and the air traffic control tower. **2**

The FAA will require a temporary flight restriction (TFR) if the proposed stadium is going to host certain events. A stadium TFR prohibits an individual from flying below 3,000 feet above ground level within three nautical miles of any stadium having a seating capacity of 30,000 or more people in which a **3**

Letter
A1
cont.

"Major League Baseball, National Football League, NCAA Division One Football, or major motor speedway event is occurring." **3 cont.**

Aviation plays a significant role in California's transportation system. This role includes the movement of people and goods within and beyond our State's network of over 250 airports. Aviation contributes nearly 9 percent of both total State employment (1.7 million jobs) and total State output ($110.7 billion) annually. These benefits were identified in a recent study, "Aviation in California: Benefits to Our Economy and Way of Life," prepared for the Division and available at http://www.dot.ca.gov/hq/-planning/aeronaut/. Aviation improves mobility, generates tax revenue, saves lives through emergency response, medical and fire fighting services, annually transports air cargo valued at over $170 billion and generates over $14 billion in tourist dollars, which in turn improves our economy and quality-of-life.

The protection of airports from incompatible land use encroachment is vital to California's economic future. Norman Y. Mineta; San Jose International Airport is an economic asset that should be protected through effective airport land use compatibility planning and awareness. Although the need for compatible and safe land uses near airports in California is both a local and a State issue, airport staff, airport land use commissions and airport land use compatibility plans are key to protecting an airport and the people residing and working in the vicinity of an airport. Consideration given to the issue of compatible land uses in the vicinity of an airport should help to relieve future conflicts between airports and their neighbors.

The proposal should be submitted to the Santa Clara County Airport Land Use Commission (ALUC) for a consistency determination. The proposal should also be coordinated with airport staff to ensure that the proposal will be compatible with future as well as existing airport operations. **4**

These comments reflect the areas of concern to the Division of Aeronautics with respect to airport-related noise and safety impacts and regional airport land use planning issues. We advise you to contact our District 4 Office in Oakland at (510) 286-4444 concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654-5314.

Sincerely,

Sandy Hesnard

SANDY HESNARD
Aviation Environmental Specialist

c: State Clearinghouse, Santa Clara County ALUC, Norman Y. Mineta; San Jose International Airport

COMMENTOR A1
Department of Transportation, Division of Aeronautics
Sandy Hesnard, Aviation Environmental Specialist
March 28, 2006

A1-1: Page 82 of the Draft EIR states that, "Due to the proximity of the aircraft flight paths for the Norman Y. Mineta San Jose International Airport, development of the project site is subject to height restrictions pursuant to Federal Aviation Regulation Part 77…any structure higher than approximately 110 feet in height above grade, including the proposed stadium (165 feet), scoreboards (200 feet), and lights (235 feet) would exceed these elevation limit standards."

The Draft EIR also notes on page 82 that the appropriate FAA clearances would be obtained prior to project approval. The City of San Jose submitted a Notice of Proposed Construction or Alteration to the Federal Aviation Commission (FAA), as required, in July 2006. There are 13 points of the structure under FAA review as submitted by San Jose Redevelopment Agency (7 for the light towers, 1 for the scoreboard, and 5 for the stadium roof-line). In September 2006, the FAA issued a preliminary "Determination of Presumed Hazard" for all 13 points. This indicates that FAA review is continuing through the circularization for public/airline comment. No final determinations have been issued to date.

A1-2: The Draft EIR is revised in Chapter V.A, Land Use, at the bottom of page 83, as follows:

> Mitigation Measure LU-1: In addition to obtaining the required City permit, fireworks sponsors shall coordinate events in advance with airport staff, the air traffic control tower, and the FAA (if requested by the FAA) to ensure that the activity (timing, height, and materials) does not pose a hazard to the safe operation of the San Jose International Airport. (LTS)

A1-3: As discussed above, the Draft EIR notes on page 82 that the appropriate FAA clearances would be obtained prior to project approval. As noted by the commentor, temporary flight restrictions may also be required. The Draft EIR is revised in Chapter V.A, Land Use, at the end of the fourth paragraph, page 82, as follows:

> Although the baseball stadium and associated structures would exceed the FAA's imaginary surface standards by as much as 125 feet, they would not present a hazard to the safe operation of the airport as the appropriate FAA clearances would be obtained prior to project approval. In addition, the FAA may require a temporary flight restriction (TFR) for certain events held at the stadium.

A1-4: The project site is located outside of the Santa Clara County Airport Land Use Commission (ALUC) Referral Boundary (adopted December 14, 2005) for the San Jose International Airport. The ALUC does not have jurisdiction over the proposed project site; therefore a consistency determination from the ALUC is not required for the proposed project. The Draft EIR Notice of Availability was sent to the ALUC and no comments were received on the Draft EIR or Recirculated Draft EIR by the ALUC. As previously discussed, the City of San Jose will coordinate with the FAA as required.

Letter
A2

BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF TRANSPORTATION
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April 5, 2006

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CITY OF SAN JOSE
PLANNING DEPARTMENT

SCL-082-R8.21
SCL082374
SCH 2005112126

Mr. Michael Rhoades
City of San José
200 East Santa Clara Street, 3rd Floor
San José, CA 95113

Dear Mr. Rhoades:

PP05-214 – Ball Park Study in the Diridon/Arena Area – Draft Environmental Impact Report (DEIR)

Thank you for including the California Department of Transportation in the environmental review process for the proposed project. We have reviewed the DEIR and have the following comments to offer.

Right-of-Way

Page 93, C. Transportation, Circulation and Parking, states in part: …"the segment of Autumn Street between W. Santa Clara Street and Park Avenue would be converted from a one-way (northbound) street to a two-way street; likewise, the remaining segment of Montgomery Street between W. Santa Clara Street and W. San Fernando Street would be converted from a one-way (southbound) street to a two-way street." On Page 95, Study Intersections, State Route (SR) 82 is not mentioned. The proposed street circulation conversion impacts and SR 82 should be included and analyzed in the study intersections. 1

Highway Operations

1. Proposed Project, page 34: The document indicates that Montgomery St. /State Route (SR) 82 would be abandoned between W. San Fernando and Park Avenue. Before we could approve this closure we would need to review the 20 year forecasted traffic analysis for this condition. This analysis should be forecasted data 20 years after the construction completion year and this data would need to be used in a coordinated intersection system analysis. 2

2. Figure III-3: Will the intersection on Autumn St. at the entrance to the parking structure be signalized? This intersection needs to be analyzed. 3

Letter
A2
cont.

3. Study Intersections, page 95: Need to include analysis for Montgomery/Park and Montgomery/Santa Clara intersections. **4**

4. Study Freeway Segments, page 95: Change the second I-280 eastbound between Bird Avenue and SR 87 to I-280 westbound. Also, I-280 eastbound between SR 87 and 10th Street is missing from this list. **5**

5. Table V.C-2, page 99, Footnote: This table is not from the HCM 2000. **6**

6. Existing Roadway Network, page 99: The document states *Regional access to the project site is via I-280, I-880 and SR 87.* However, there is no analysis for I-880 included in this document. Include analysis for I-880 and intersections that will be affected by this traffic that is accessing the project from I-880, Bascom Avenue, The Alameda, Coleman Avenue and First Street. **7**

7. Existing Roadway Network, Montgomery Street, page 99: The document states *Montgomery is a two-lane, one-way arterial street…*Portions of Montgomery Street are three lanes. **8**

8. Figure V.C-9: Need to include in all the project analysis scenarios the traffic volume into and out of the new parking structure. In addition, traffic analysis should be conducted for day game traffic volumes ending during the evening peak hours. A 1:00 P.M. start time would have traffic leaving the baseball stadium around 4:00 P.M., the start of the evening peak period. **9** **10**

9. Table VI-2, page 310: S. Autumn St. /San Fernando intersection (I/S) and S. Autumn St. /Park Ave. I/S explains how, with project traffic, these intersections have significant impacts caused by this project. However, in this table with cumulative traffic they are shown without any significant impacts. **11**

10. Santa Clara and the SR 87 NB off-ramp, page 311: Need to provide mitigation that would reduce this impact to insignificant. This off-ramp would queue back onto NB SR 87 causing operational and safety concerns. **12**

11. Conclusion, page 317: Before approval of the re-routing of SR 82 onto Autumn S, an analysis of the 20 year forecasted traffic demands (20 years after the completion of construction) would need to be completed. **13**

12. Appendix C, Project Intersection Analysis, page vi: The document states *…additional operational studies may be required after the project is operational to determine any "spillover effects"…* All operational studies need to be completed before this proposal is approved. The operational analysis for "spillover effects" should be included in this document. **14**

Letter A2 cont.

13. Appendix C, Bird Ave. and San Carlos St., page 73: Need to provide mitigation to reduce this impact to insignificant. **15**

14. Appendix C, Autumn Street Realignment, page 91: This proposed realignment needs to be analyzed with the intersections as a coordinated system, and not as stand alone free-body intersections. **16**

15. Appendix C, Traffic Operations, page 92: This document proposes changes to the Bird Ave. left turn to southbound (eastbound) I-280 on-ramp by converting one through lane into a left turn lane. This intersection needs to be analyzed with A.M. and P.M. peak hour traffic to determine if this proposed alternative would degrade the intersection during these peak hours. **17**

16. Appendix B, Volume Summary Tables: The table for Montgomery & Park should be Autumn & Park with reassigned trips due to Montgomery closure. **18**

17. Appendix B, Volume Summary Tables: Autumn & San Fernando intersection, the only mitigation is widening crosswalks. Why is this table showing project mitigation reassignment as negative numbers on the northbound and southbound legs of this intersection? Need to re-analyze this intersection without these reductions. **19**

18. Appendix D: Intersection analysis is missing for intersections #3014 –3209. **20**

19. Appendix D: Need to provide the 95 percentile queue lengths at all intersections for each leg. **21**

20. Appendix D: Montgomery/Park Mitigation Project No Hockey, the 95 percentile queue would extend beyond the northbound left turn pocket. This turn pocket needs to be extended to provide for this queue. **22**

21. Appendix D: 87/Julian (E) Mitigation Project w/Hockey, the queue on the northbound leg of this intersection will queue back onto northbound SR 87. Mitigation needs to be provided to reduce this impact to insignificant. In addition, the queue from the eastbound leg of this intersection will queue back beyond the southbound SR 87 off-ramp and will affect this intersection. This significant impact needs to be mitigated. **23**

22. Appendix D: 87/Santa Clara Mitigation Project w/Hockey, the queue on the northbound leg of this intersection will queue back onto northbound SR 87. Mitigation needs to be provided to reduce this impact to insignificant. **24**

23. Appendix D: Bird/San Carlos Mitigation Project w/Hockey, will the southbound through movement 95 percentile queue extend back beyond the entrance to the proposed parking structure, thereby blocking the left turn movement into the parking lot from northbound Bird? **25**

Letter
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cont.

24. Appendix D: Auzerais/Bird Mitigation Project w/Hockey, the northbound through movement queue will extend back beyond the I-280/Bird intersection and could affect the I-280 northbound off-ramp. This impact needs to be mitigated. **26**

25. Appendix D: Delmas/Park intersection, this intersection needs to be analyzed as a five-legged intersection. As the intersection is currently setup, the conflicting movements are different than the conflicting movements in the field. Need to see the realistic effect project traffic will have on the southbound SR 87 off-ramp at Park. **27**

26. Appendix D: Cumulative, left turn volumes are missing from the analysis at the Montgomery/Park intersection. Re-run the analysis with left turn volumes included. **28**

Traffic Systems

1. There are seven freeway on-ramps that will be affected by this project:

   a) NB 87/Julian Street - Diagonal On-ramp, 3 lane (2+High Occupancy Vehicle (HOV) Non-active Ramp Metering (under construction).
   b) NB 87/Woz Way - Diagonal On-ramp, 2 lane (1+HOV) Non-active Ramp Metering (under construction).
   c) SB 87/WB Julian Street – Diagonal On-ramp, 2 lane (Mixed) Non-active Ramp Metering (under construction).
   d) SB 87/EB Julian Street – Loop On-ramp, 2 lane (1+HOV) Non-active Ramp Metering (under construction). **29**
   e) SB 87/Auzerias Ave. – Diagonal On-ramp, 2 lane (1+HOV) active Ramp Metering (under construction).
   f) NB 280/Bird Ave. – Diagonal On-ramp, 1 lane needs Ramp Metering and HOV bypass.
   g) SB 280/Bird Ave. – Diagonal On-ramp, 1 lane needs Ramp Metering and HOV bypass.

2. Ramp-Metering operational analysis should be considered in the report. Also, all on-ramp ends of queue lengths (storage needs) and the impacts to the ramp metering operations for the above mentioned on-ramps need to be included in the report. **30**

3. In order to improve the I 280 freeway operations at event scenarios, the mitigation measures of adding ramp metering systems and adding HOV bypasses should be considered at NB I 280/Bird Ave. and SB I 280/Bird Ave. on-ramps. **31**

Forecasting

1. According to the report, the project impacts within the City of San Jose were evaluated following the standards and methodologies set forth by the City of San Jose and the Congestion Management Program (CMP) of the Santa Clara Valley Transportation Authority (VTA). The VTA administers the County Congestion Management Program (CMP). However, the report does not mention whether the VTA model or another model was used for the traffic analysis. In order to evaluate **32**

Letter
A2
cont.

whether the TIS adequately analyzed all state facilities, inclusive of I-880, please identify what model was used to analyze the traffic impacts. 32 cont.

2. Fair Share for Mitigation for Freeway Mainline Segments
Table V.C-11, page 125, demonstrates the impacts on freeway segments under project conditions at the following locations:

a) SR 87 SB. between Coleman Avenue and Julian Street
b) SR 87 SB. between Julian Street and I-280
c) I-280 EB. between Meridian Avenue and Bird Avenue
d) I-280 EB between Bird Avenue and SR 87

The existing freeway levels of service for PM peak hour for all of the above freeway segments are already LOS F (Table V.C-5, page 106), and the proposed project will create 314 to 1193 extra trips at these locations. As shown on the referenced tables, even though the two-lane streets will have lower traffic volume than the four-lane streets, they should be considered as important as the four-lane streets because they have the same degree of congestion due to the fewer number of lanes. 33

The document states that improvements to mitigate significant project impacts on freeway segments are infeasible due to right-of-way constraints. The above impacts are therefore considered significant and unavoidable. Due to the trip generation demonstrated in Table V.C-11, mitigation to freeway mainline segment should be addressed. We recommend that the report fully address the project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring for all proposed mitigation measures for future freeway / highway improvements.

Cultural

The Cultural Resource section of the DEIR identifies a moderate to high potential for prehistoric and historic archeological sites that may extend into State Right-of-Way (R/W). The Cultural Resource Study and mitigation measures for this project satisfy CEQA and PRC 5024 requirements for Caltrans. However, should ground disturbing activities within State R/W take place as part of this project and there is an inadvertent archaeological or burial discovery, the Caltrans Cultural Resource Study Office, District 4, shall be immediately contacted. A staff archaeologist will evaluate the finds within one business day of being contacted. The Cultural Resource Study Office can be contacted at (510) 286-5618 or (510) 286-5615. 34

Transit

The proposed project has a significant potential to encourage transit use. However, being located in close proximity to rail lines and transit lines does not adequately encourage transit use. The project should incorporate transit amenities to: 35

a. Allow buses to "stack" and stage for events.

Letter
A2
cont.

b. Provide shelter and benches.
c. Provide convenient pathfinders to transit centers.
d. Provide a transit information display booth and website. **35 cont.**

System and Regional Planning
Figure V. C-3, Page 103, the map should clarify and identify the various modes of transit, (i.e. bus, light rail, heavy rail) in the map legend. **36**

Additional comments, if any, from our other functional review branches will be forwarded as soon as they are received.

Should you require further information or have any questions regarding this letter, please call José L. Olveda of my staff at (510) 286-5535.

Sincerely,

Timothy C. Sable

TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c. Scott Morgan (State Clearinghouse)

COMMENTER A2
Department of Transportation
Timothy Sable, District Branch Chief
April 5, 2006

A2-1: The primary intersection affected by the potential conversion of Montgomery Street and Autumn Street to two-way operation would be the intersection of Autumn Street and W. Santa Clara Street. With the conversion, Autumn Street would be a primary through route. Montgomery Street would revert to a local street without any through traffic. The intersection of Autumn Street and W. Santa Clara Street is analyzed in the EIR (see Table V.C-10). The City of San Jose acknowledges that these streets together comprise a portion of SR 82 and that Caltrans would need to be involved in the process of conversion.

A2-2: The City of San Jose recognizes that additional studies and coordination with Caltrans may be necessary to gain Caltrans' support for the conversion of three blocks of Montgomery Street and Autumn Street to two-way operation. That being said, the EIR does include a cumulative scenario with a fairly long-range forecast, i.e., the buildout of the Strategy 2000 Downtown Plan. In this scenario, the intersections affected by the proposed realignment were shown to operate at an acceptable level of service. Another analysis of the intersection operation can be gained by looking at the 2030 forecasts prepared by VTA for the area as part of the BART planning effort (a BART station is planned adjacent to the Diridon Station). These forecasts show LOS D at the intersection of Autumn Street and W. Santa Clara Street (assuming two northbound left turn lanes. If subsequent studies of the conversion with Caltrans show additional problems or impacts not identified in the Draft EIR, then a subsequent EIR may be necessary.

A2-3: The proposed entrance to the proposed parking structure on Autumn Street would not be signalized (and would not allow left turns out). Sufficient gaps in southbound traffic on Autumn Street (Bird Avenue) would be created by the signal at Park Avenue to allow left turns into the parking structure.

A2-4: With the proposed stadium, the intersection of Montgomery/Park would no longer exist. The intersection of Montgomery/W. Santa Clara would be converted to a minor intersection, like the Alameda/Cahill intersection.

A2-5: The following text changes have been made to page 95:

<u>Study Freeway Segments</u>

SR 87 northbound between Alma Avenue and I-280
SR 87 southbound between Alma Avenue and I-280
SR 87 northbound between I-280 and Julian Street
SR 87 southbound between I-280 and Julian Street
SR 87 northbound between Julian Street and Coleman Avenue
SR 87 southbound between Julian Street and Coleman Avenue
I-280 eastbound between Meridian Avenue and Bird Avenue

I-280 westbound between Meridian Avenue and Bird Avenue
I-280 eastbound between Bird Avenue and SR 87
I-280 ~~eastbound~~ westbound between Bird Avenue and SR 87
I-280 eastbound between SR 87 and 10th Street
I-280 westbound between SR 87 and 10th Street
I-280 eastbound between 10th Street and McLaughlin Avenue
I-280 westbound between 10th Street and McLaughlin Avenue

The study freeway segments are correctly listed in Table V.C-11.

A2-6: The following text change has been made to page 99:

Source: Based on Transportation Research Board, *Highway Capacity Manual* (2000), Washington, D.C.; and *Traffic Level of Service Analysis Guidelines* (June 2003), Santa Clara Valley Transportation Authority.

A2-7: Please see Master Response Transportation, Circulation, and Parking #4, I-880.

A2-8: The following text changes have been made to page 99:

- **Montgomery Street**. Montgomery Street immediately adjacent to the project site is a two-lane, one-way arterial street (southbound) that provides a connection from Santa Clara Street to Bird Avenue. (Portions of Montgomery Street in the project area are three lanes.)

A2-9: Volumes projected to enter the parking structure, by hour, are shown in Table V.C-9. A scenario of traffic leaving the parking structure was not included in the analysis because this would occur when ambient traffic levels are relatively low, and no traffic issues are anticipated.

A2-10: The likelihood of a game ending during the evening commute is remote. Please see Master Response Transportation, Circulation, and Parking #3, Scenario Assumption.

A2-11: For the cumulative scenario reported in Table VI-2, the project mitigation measures are assumed to have been implemented.

A2-12: The EIR on page 311 describes that the City of San Jose is planning to fund and implement increased capacity at the 7th Street off-ramp from I-280. This would take some traffic away from the Santa Clara Street off-ramp. It is not known how much traffic would be diverted, however, and no other physical improvements are feasible. Therefore, the ramp impact has been identified as significant and unavoidable.

A2-13: Please see Response to Comment A2-2.

A2-14: Please see Master Response Transportation, Circulation, and Parking #1, Additional Intersections.

A2-15: Physical improvements to the maximum extent feasible already are planned at the intersection of Bird Avenue and San Carlos Avenue as part of the Strategy 2000. The Strategy 2000 EIR and the Stadium EIR both identify significant unavoidable impacts at this intersection.

A2-16: The three intersections that would be affected by the Autumn Street realignment occur at W. Santa Clara Street, W. San Fernando Street, and Park Avenue. These three intersections all are estimated to operate at LOS D or better with mitigation. Given these estimates, it can be concluded that a coordinated system could be devised to operate efficiently. The specifics of such a system need not be detailed at this time.

A2-17: The intent of the recommended change at the I-280 southbound on-ramp from Bird Avenue would be to improve the level of service. Based on field observations, the southbound to eastbound left turn is a very heavy movement. In the cumulative scenario, this intersection was shown to operate at LOS D with 48.8 seconds average delay. With the dual left turn lanes, the LOS also would be D but with only 28.3 seconds of delay. The AM peak hour would operate at LOS C in either case.

A2-18: The name of the intersection has been corrected in Appendix B.

A2-19: One of the mitigation measures for the intersection of Autumn Street and Park Avenue would be to disallow left turns for some movements. This is discussed on page 70 in the Traffic Study. Disallowing left turns at Autumn Street and Park Avenue in turn would slightly reduce some of the volume at Autumn Street and San Fernando Street.

A2-20: The City of San Jose apologizes to Caltrans for omitting those intersection calculation sheets. The complete set of calculation sheets is on file with the City of San Jose Public Works Department. The Appendix will be supplemented to include these technical sheets.

A2-21: The 95th percentile queue can be estimated by doubling the average queue, which is reported for each intersection.

A2-22: A queuing deficiency, whether existing or estimated, is not an impact under CEQA. Prior to finalizing the design for this intersection, the City of San Jose, in coordination with Caltrans, will undertake a more detailed analysis of left turn storage requirements.

A2-23: Page 72 of the Traffic Study describes the planned improvements at the intersection of Julian and the northbound SR 87 off-ramp. These improvements, which were identified in the Strategy 2000 EIR, would maintain acceptable levels of service and queue lengths at the intersection.

A2-24: Please see Response to Comment A2-12.

A2-25: The 95th percentile queue length on southbound Bird Avenue under the mitigated project condition (5-6 p.m.) would be about 300 feet. The distance to the parking garage entrance would be about 325 feet, so the entrance would not be blocked. The queue length during the 6-7 p.m. time period would be shorter.

A2-26: Based on field observations, the northbound through traffic queue on Bird Avenue at Auzerais is not the problem. It is the northbound to westbound left turn queue. Under existing conditions this queue extends beyond the I-280 northbound off-ramp. The signal timing has been set so that the left turn queue has been released and cleared before the I-280 off-ramp receives a green light. This condition would not change with the project.

A2-27: The intersection of Delmas and Park Avenues has been correctly analyzed as a five-legged intersection. However, the TRAFFIX software cannot display the output in a geometric fashion that matches the configuration. The volume for the off-ramp has been coded in as the south leg of the intersection. This allows the software to correctly calculate the levels of service.

A2-28: The cumulative analysis assumes the project mitigation measures. One of those mitigation measures is the potential prohibition of left turns at the Montgomery (Autumn) Street and Park Avenue intersection starting one hour before a game.

A2-29: The descriptive statement by the commentor is noted but does not require further response.

A2-30: Ramp metering typically operates during the commute hours only and affects outbound traffic, i.e., on-ramps. Under typical conditions (weekday night games), stadium traffic will be inbound during the commute hour and therefore not subject to ramp metering. The occasional day game may extend into the commute hour, but this occurrence would be sufficiently infrequent to not warrant analysis. For more detail please see Master Response Transportation, Circulation and Parking # 6.

A2-31: Ramp metering with HOV bypass may be a worthy project for Caltrans to pursue to help I-280 freeway operations. However, the stadium would not affect the need for ramp metering.

A2-32: No model was used to complete the majority of the traffic analysis. The analysis was done using the near-term traffic study methodology, which is required by the City of San Jose and the VTA. The cumulative analysis was based on the Strategy 2000 EIR traffic analysis, which was completed using the City of San Jose TRANPLAN model.

A2-33: Caltrans has not identified any freeway improvements to which this project could contribute, nor has the City of San Jose been able to identify any feasible freeway improvements.

A2-34: Cultural resources are discussed in Chapter V.J, Cultural and Paleontological Resources, of the Draft EIR. The following supplemental paragraph has been added on page 245, just after paragraph four:

> <u>Prehistoric and historic archaeological sites may extend into State Right-of-Way (R/W). Should ground disturbing activities within State R/W take place as part of this project and there is an inadvertent archaeological or burial discovery, the Caltrans Cultural Resource Study Office, District 4, shall be immediately contacted.[4] A Caltrans staff archeologist evaluates the finds within one business day of being contacted.</u>

The same language will be added to Appendix G, Cultural and Paleontological Resources Study and Evaluation.

A2-35: The traffic study assumed a nominal transit percentage based on mode choice surveys at the HP Pavilion. This level of transit use would be achieved without any special measures as are suggested in this comment. Ultimately it may be desirable to encourage more transit usage, in which case these measures and others would be considered.

[4] The Caltrans Cultural Resource Study Office can be contacted at (510) 286-5618 or (510) 286-5615.

A2-36: A new version of Figure V.C-3 has been created to include a legend identifying the transit services.

LSA

LEGEND

* = PROJECT SITE

0 1000 2000
FEET

FIGURE V.C-3
(Revised)

Baseball Stadium in the Diridon/Arena Area
Existing Transit Services

SOURCE: HEXAGON TRANSPORTATION CONSULTANTS, INC., 2006

I:/SJO530 ballpark/figures/RTC FIGURES/Fig_VC3.ai (05/30/06)

Letter
A3

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF TRANSPORTATION
P. O. BOX 23660
OAKLAND, CA 94623-0660
(510) 286-4444
(510) 286-4454 TDD

Flex your power!
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CITY OF SAN JOSE
PLANNING DEPARTMENT

April 6, 2006

SCL-082-R8.21
SCL082374
SCH 2005112126

Mr. Michael Rhoades
City of San José
200 East Santa Clara Street, 3rd Floor
San José, CA 95113

Dear Mr. Rhoades:

PP05-214 – Ball Park Study in the Diridon/Arena Area – Draft Environmental Impact Report (DEIR)

Thank you for including the California Department of Transportation in the environmental review process for the proposed project. We have reviewed the DEIR and have the following additional comments to offer.

Community Planning

The analysis of pedestrian volumes on area sidewalks during stadium events should take into account not just the existing development conditions in the area, but the City's plans for major new housing development and densification in the area. Such an analysis may show that the existing 5 foot wide sidewalks on street segments listed in Table V.C-13 (shown as 10 feet total for both sides of the street) is inadequate. Providing comfortably wide sidewalks will be especially important for linking the stadium to transit facilities and encouraging the use of transit by stadium patrons. 1

Additional comments, if any, from our other functional review branches will be forwarded as soon as they are received.

Should you require further information or have any questions regarding this letter, please call José L. Olveda of my staff at (510) 286-5535.

Sincerely,

Timothy C. Sable

TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c. Scott Morgan (State Clearinghouse)

COMMENTOR A3
Department of Transportation
Timothy Sable, District Branch Chief
April 6, 2006

A3-1: It is not obvious how increased density of housing in the area would lead to the need for wider sidewalks between the downtown core and the stadium area. This comment does not offer any explanation of how or where the increased demand for sidewalks would occur. Regarding sidewalks linking transit facilities to the stadium, the major transit facility near the stadium is the Diridon station. The station is immediately adjacent to the stadium, and the two would be linked by a plaza. The planned BART station also is immediately adjacent to the stadium and would be linked with a plaza.

Letter
A4

State of California **Business, Transportation and Housing Agency**

Memorandum

RECEIVED
MAR 14 2006
STATE CLEARING HOUSE

clear 4·6·06 e

Date: March 10, 2006

To: State Clearing House
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
San Jose Area

File No.: 340.8232

Subject: BASEBALL STADIUM IN THE DIRIDON/ARENA AREA - EIR
SCH#2005112126

Thank you for the opportunity to review the "Notice of Completion" environmental document from the State Clearinghouse regarding the proposed Baseball Stadium project in downtown San Jose SCH#2005112126. The California Highway Patrol (CHP) is not the primary agency for traffic law enforcement, safety, and traffic management in the immediate area surrounding the proposed Baseball Stadium within the city limits of San Jose. The San Jose Area is responsible for traffic enforcement on the adjoining major freeways surrounding the area in question and will be affected by the implementation of this project.

Our major concern relates to the traffic flow patterns that will flow into and out of the proposed stadium area. The proposed stadium site is located just to the west of the I 280/SR 87 interchange in downtown San Jose. The added traffic congestion from the approximately 40,000 fans who might attend each baseball game will have a huge impact on congestion on those freeways and tax the resources available to the San Jose Area. We would request if this project is allowed to proceed that additional personnel be assigned to the San Jose Area. 1

If you have any questions regarding these comments, please contact myself or Lieutenant Spencer Boyce at (408) 467-5400.

Sincerely,

M. D. MARLATT, Captain
Commander

cc: Golden Gate Division
Special Projects Section

Safety, Service, and Security

CHP 51WP (Rev. 11-86) OPI 076

COMMENTOR A4
Department of California Highway Patrol, San Jose Area
M.D. Marlatt, Commander
March 10, 2006

A4-1: The Draft EIR notes that the 45,000 capacity stadium would generate an estimated 17,258 vehicles driving to the facility. To put this number in perspective, this volume of cars is much less than the volume that enters the downtown area on any given workday. Impacts to the freeways serving the downtown are identified as significant and unavoidable.

California Highway Patrol and other services go through budgeting processes during which priorities are established and service levels monitored, allowing for adjustments where needed. The California Highway Patrol will determine whether and when additional CHP personnel would need to be assigned to the San Jose Area.

Letter
A5

State of California – The Resources Agency
ARNOLD SCHWARZENEGGER, Gov
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500

March 15, 2006

Mr. Michael Rhodes
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1905

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RECEIVED
MAR 21 2006
STATE CLEARING HOUSE

Dear Mr. Rhodes:

Baseball Stadium in Diridon Arena Area
San Jose, Santa Clara County
SCH # ~~2005002126~~
2005112126

The Department of Fish and Game (DFG) has reviewed the document for the subject project. Please be advised this project may result in changes to fish and wildlife resources as described in the California Code of Regulations, Title 14, Section 753.5(d)(1)(A)-(G). Therefore, a de minimis determination is not appropriate, and an environmental filing fee as required under Fish and Game Code Section 711.4(d) should be paid to the Santa Clara County Clerk on or before filing of the Notice of Determination for this project. **1**

Please note that the above comment is only in regard to the need to pay the environmental filing fee and is not a comment by DFG on the significance of project impacts or any proposed mitigation measures.

If you have any questions, please contact Mr. Dave Johnston, Environmental Scientist, at (831) 466-0234; or Mr. Scott Wilson, Habitat Conservation Supervisor, at (707) 944-5584.

Sincerely,

for

Robert W. Floerke
Regional Manager
Central Coast Region

cc: State Clearinghouse

COMMENTOR A5
Department of Fish and Game, Central Coast Region
Robert W. Floerke, Regional Manager
March 15, 2006

A5-1: The comment is noted. The City of San Jose will pay the environmental filing fee as required under Fish and Game Code Section 711.4(d) to the Santa Clara County Clerk on or before filing of the Notice of Determination for the proposed project. Because the comment does not directly relate to the adequacy of the Draft EIR, no further response is necessary.

Letter
A6

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

September 18, 2006

Michael Rhoades
City of San Jose
200 E. Santa Clara St.
San Jose, CA 95113

Dear Mr. Rhoades:

Re: SCH #2005112126; Baseball Stadium in the Diridon Arena Area

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way. 1

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

Kevin Boles
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Pat Kerr, UP
Dick Dahllof, Caltrain

COMMENTOR A6
Public Utilities Commission
Kevin Boles, Utilities Engineer
September 18, 2006

A6-1: Chapter V.G, Transportation, Circulation and Parking (page 93) of the Draft EIR considers the safety issues associated with the existing transportation network, including the rail corridor. The City of San Jose will consider safety issues associated with development adjacent to a rail corridor and in the vicinity of a light rail transit corridor if and when specific stadium design is considered. Because the comment does not directly relate to the adequacy of the Draft EIR, no further response is necessary.

B. LOCAL AND REGIONAL AGENCIES

Letter
B1

BOARD OF DIRECTORS 2006

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JOSÉ CISNEROS, VICE CHAIR
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MICHAEL J. SCANLON
EXECUTIVE DIRECTOR

May 4, 2005

Mr. Michael Rhoades
Department of Planning
Building & Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113-1905

RE: **Draft Environmental Impact Report, Baseball Stadium in the Diridon/Arena Area, File No. PP05-214. SCH No. 2005112126**

Dear Mr. Rhoades,

We appreciate the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the proposed Baseball Stadium in the Diridon/Arena Area.

The Peninsula Corridor Joint Powers Board (JPB) respectfully submits the following comments:

1. PG&E Substation

The proposed boundary for the baseball stadium project is in conflict with sites identified in the February 2005 EA/EIR as possible locations for JPB-Caltrain's Electrification San Jose Area Substation locations. The fire training site is identified as the preferred location for the Electrification substation, and the area between the present PG&E substation and Diridon Station is identified as an alternative location.

The electrification substations must be locate near both the rail line and a 115kV transmission line or facility in order to tap into the utility supply and feed the power to the rail system. Construction of the baseball stadium as shown will preclude the substation from being constructed at either of the identified sites. This will potentially raise the cost of and complexity of the electrification project. Furthermore, relocation of the existing PG&E substation may prevent Caltrain finding a suitable facility site near the track and the power source in this area. **1**

2. Proposed Acquisition of Diridon Station Employee Parking Lot

The project proposes to take the Diridon Station Employee Parking Lot, located in the northwest corner of the project site. This employee parking lot is an integral part of the station facilities and is not available for acquisition. Furthermore, the existing parking at Diridon Station is at capacity and the loss of any parking could severely impact operations. **2**

PENINSULA CORRIDOR JOINT POWERS BOARD
1250 San Carlos Avenue – P.O. Box 3006
San Carlos, CA 94070-1306 (650)508-6269

Letter
B1
cont.

3. Proposed Use of Diridon Station Parking Facilities

The project proposes to have full access to and use of the parking spaces at the Diridon Train Station. Diridon Train Station has approximately 600 parking spaces that are being fully utilized during the day by Caltrain riders and should not be accounted for in the project's parking space count. JPB is open to discussion about the use of these parking spaces for night games; however, it is not certain how many of these spaces would be available for stadium patrons. **3**

4. Increase in Caltrain Ridership

The DEIR may have underestimated the number of patrons that will arrive to the baseball stadium via Caltrain. Based on our experience with the AT&T Park, we believe that a more accurate estimate would be in the range of 4,000 additional riders. If this assumption is correct, it would require an increase in the number of trains and modifications to the station facilities. This may not be possible due to funding and resource constraints. **4**

Thank you again for the opportunity to comment on the DEIR. If you have any questions regarding these comments, please contact me at 650-508-6338.

Sincerely,

Marie Pang
Environmental Manager
Peninsula Corridor Joint Powers Board

PENINSULA CORRIDOR JOINT POWERS BOARD
1250 San Carlos Avenue – P.O. Box 3006
San Carlos, CA 94070-1306 (650)508-6269

COMMENTOR B1
Caltrain, Peninsula Corridor Joint Powers Board
Marie Pang, Environmental Planner
May 4, 2005

B1-1: A specific stadium design has not yet been developed for the proposed project. Figure III-3 of the Draft EIR shows the conceptual stadium orientation and design; this figure is an abstract of the potential stadium design, and is not meant to be a concrete depiction. Page 43 of the Draft EIR states that two options are being considered for the existing substation, either reconfiguration or relocation; both options are discussed in detail, to the extent that they are known. In addition, the schedule for implementation of the JPB-Caltrain's Electrification San Jose Area Substation is unclear. The City of San Jose Redevelopment Agency and Caltrain should work together as these potential projects move forward.

B1-2: A detailed Traffic and Parking Management Plan (TPMP) would be prepared in conjunction with the proposed project. The TPMP is a City approved plan for effective transportation and parking management during special events, to promotes safe and efficient vehicular and pedestrian traffic circulation, minimizes congestion, maximizes transit use, maximizes use of existing parking facilities, and minimizes traffic and parking intrusion for adjacent neighborhoods. The TPMP will describe initial short-term traffic controls as well as the long term traffic management. Parking in the project vicinity will be studied as part of the TPMP, and the possible relocation of Diridon Station employee parking will be considered as part of that study. The relocation of approximately 45 parking spaces would not be considered a significant impact under CEQA.

B1-3: The Draft EIR assumes the same usage of the Diridon Train Station parking spaces as currently occurs with events at the HP Pavilion. Typically these spaces are available at night because very few Caltrain riders use them at that time.

B1-4: The Draft EIR analysis did not assume or rely upon increased Caltrain service. If the demand for Caltrain usage were in excess of what the current service can accommodate, it would be Caltrain's decision whether or not to add trains. It is not clear how the station facilities would need to be modified to accommodate additional riders. If current facilities are inadequate in some way, the feasibility of modifications would enter into the decision of whether or not to add more service.

Letter
B2a

CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, ACTING DIRECTOR

May 3, 2006

Michael Rhoades
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, Tower, Third Floor
San Jose, California 95113

RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) for the Baseball Stadium in the Diridon/Arena Area (File No. PP05-214)

Dear Mr. Rhoades:

At the April 5, 2006 Historic Landmarks Commission meeting, the Commission discussed the Draft Environmental Impact Report for the Baseball Stadium in the Diridon/Arena Area. In a 6-0-1 decision, (Janke absent) the Commission voted to forward this comment letter, signed by the Chair, to the Director of Planning, Building and Code Enforcement and to the Planning Commission.

The Commission expressed serious concern that the lack of depth in the Cultural Resource research and analysis failed to identify potentially significant cultural and historical resources within the project area. While the Commission recognizes the magnitude of the Baseball Stadium project, it is their consensus that significant historic resources should be identified and thoroughly evaluated such that the full impact of their loss can be disclosed in the document, and mitigated to the fullest extent possible if preservation on site or relocation is found to be absolutely infeasible.

General Plan Major Strategy, Goals and Policies

The Landmarks Commission indicated the City policies that promote the preservation of historic resources and are referenced in the DEIR. The San Jose 2020 General Plan, Urban Conservation/Preservation Major Strategy addresses the preservation of historic resources as a strategy due to the "inestimable character and interest" such resources lend to the City's image. Historic, Archeological and Cultural Resources Goals and Policies of the General Plan call for preservation as a key consideration in the development review process. The Discretionary Alternate Use Policy of the General Plan provides flexibility for sites with historic resources and is intended to enable preservation of the City's historic buildings. The City Council Policy on the Preservation of Historic Landmarks requires early public notice of projects that could harm a historic resource and strongly encourages the preservation and adaptive reuse of such resources. The language in the document should clarify that the proposed project is contrary to these City policies. **1**

Impacts on adjacent Historic Resources and Neighborhoods

The Ballpark project would result in an increase in vehicular and pedestrian traffic and noise in and adjacent to several historic neighborhoods. As residents within those neighborhoods deal with those impacts – possibly by vacating the neighborhoods – the character of the neighborhoods will be degraded. **2**

In addition, the impacts to the historic 65 Cahill Street Southern Pacific Depot (HL94-100), as well as the 92-98 South Montgomery Street Mission Revival apartment building will be significant. The document should clearly identify mitigation measures that include retaining a historic preservation architect and referring the project back to the Historic Landmarks Commission in order to minimize the impacts of the project on these historic resources. In addition, sufficient construction impact mitigation should be included in the project. **3**

Letter
B2a
cont.

Historic Evaluations

The Commission heard public comment and expressed particular concern about the historic evaluations of potentially significant resources in and adjacent to the project area. The early modern design of the neon sign and associated *Stephen's Meats building, located at 105 South Montgomery Street*, should be further researched in order to determine whether they appear to be eligible for the California Register for their association with early modern roadside signage and architecture in San Jose, despite alterations. 4

The Department of Parks and Recreation (DPR) form states that a 1943 building permit for an addition to the *Sunlite Bakery building, located at 145 South Montgomery Street*, lists Ralph Wyckoff as the architect. More research should be conducted to identify the architect and determine whether the structure appears to be eligible for the California Register, and perhaps for City Landmark nomination, as an early example of the streamline modern architectural design by Wyckoff, despite alterations. 5

The DPR form *for the* Hellwig Ironworks building, located at 150 South Montgomery Street, states that Reinhard Hellwig established the oldest ironworks in San Jose, which moved to a corrugated iron building at 67 Orchard Street, in 1924, designed by architect Charles McKenzie. More research should be conducted to identify the architect of this building, (owned by his son Harold Hellwig) and to determine whether the structure appears to be eligible for the California Register, and perhaps for City Landmark nomination, as a rare example of "Clinker" brick masonry construction within the City, despite alterations. 6

In addition, more research should also be conducted to identify the architect of the *Mission Revival Apartment Building, located adjacent to the project area at 98 South Montgomery Street*, and to determine whether the structure appears to be eligible for the California Register, and perhaps for City Landmark nomination, as a rare example of multi-family architectural design by Wolfe and McKenzie. 7

Conclusion

Further research and evaluation could identify several structures within the project area as significant under the California Environmental Quality Act. The impact of their loss could be mitigated to less than significant by relocation. In the event that relocation was not possible, other appropriate mitigation measures to reduce the impacts, (although not to a less than significant level) including HABS documentation, educational exhibits, survey efforts, and salvage, could be implemented. 8

It is the consensus of the Historic Landmarks Commission that the significant Cultural Resource impacts of the Ballpark Project, including the lack of conformity with General Plan Major Strategies, Goals and Policies; the impacts to adjacent historic structures, sites and neighborhoods; and the loss of significant historic resources, need to be accurately disclosed to the public and decision makers in the DEIR so that avoidance and mitigation measures can be identified and overriding considerations can be carefully weighed. 9

Thank you for the opportunity to comment on the proposed project.

Sincerely,

Michael Youmans, Chair
San Jose Historic Landmarks Commission

C: San Jose Historic Landmarks Commission

PBCE/002/historic/EIRS/ SJBallpark DEIRlttr

COMMENTOR B2a
City of San Jose, San Jose Historic Landmarks Commission
Michael Youmans, Chair
May 3, 2006

B2a-1: The commentor requests that conflicts with City of San Jose General Plan historic resources policies be clarified in the EIR. Project consistency with Plans and Policies is discussed in Chapter IV, Consistency with Plans and Policies, as well as within each issue section, as appropriate. The Urban Conservation/Preservation Major Strategy is summarized on page 53 of the Draft EIR. The consistency discussion does note that the proposed baseball stadium would promote community identity and pride but would also unavoidably impact historic resources (see Chapter V.J, Cultural and Paleontological Resources, pages 243 to 246).

Chapter V.J, Cultural and Paleontological Resources (p. 238) also includes a brief description of San Jose 2020 General Plan policies.

In light of this comment, the Draft EIR is hereby supplemented in Chapter V.J, Cultural and Paleontological Resources, at the end of page 247 (following Mitigation Measure CULT-5b) as follows:

> **d. Policy Conflicts.** The proposed project would be inconsistent with several San Jose General Plan Historic, Archeological and Cultural Resources policies regarding the historic buildings. As discussed in Impact CULT-1, implementation of the proposed project would likely result in the demolition or relocation of one historic building on the project site. As discussed in Impact CULT-2, the proposed project would also alter the character of the historic San Jose Diridon Station, a designated City Landmark. To the extent feasible, the stadium would be designed to be visually compatible with adjacent historic structures; however, due to the lack of design details for the proposed project, a positive policy determination in regard to that compatibility cannot be made at this time.

B2a-2: It is the commentor's opinion that increased traffic and noise associated with the proposed project would cause residents to vacate the surrounding neighborhoods causing the neighborhoods to degrade. Neighborhood Character is an amalgamation of multiple aspects of a neighborhood, and different components of character are valued differently by different people. It could include issues required to be discussed under CEQA such as traffic, noise, land use, and visual resources, but could also include issues not appropriately evaluated under CEQA such as perceptions about crime, private real estate decisions by landowners, or speculation about property values. Neighborhood character was not a topic included as a separate topic for analysis in this EIR. The City believes all of the appropriate potential physical impacts have been addressed in other topical sections.

B2a-3: The Draft EIR is revised in Chapter V.J, Cultural and Paleontological Resources, on page 244 as follows:

> **Impact CULT-2: The structure at 65 Cahill Street, adjacent to the project area, is a City Landmark and listed in the National Register. (S)**

The Southern Pacific Depot, the Diridon Train Station, will sustain indirect impacts due to the demolition of adjacent buildings. The proposed project will result in the alteration of the character of the depot's setting and feeling. The following ~~two~~ four-part mitigation measure shall be implemented.

Mitigation Measure CULT-2a: Prior to demolition or alteration of the proposed project area buildings HABS documentation of the exterior of the 1935 National Register Southern Pacific Depot and its setting shall be prepared. A brief historical overview of the depot and its relationship to the project area shall be prepared to accompany the photographic documentation. A brochure shall be prepared that presenting the history of the Depot, and made available for distribution to local libraries, museums, and schools.

Mitigation Measure CULT-2b: A historic preservation architect will be retained to minimize project impacts to the Diridon Station.

Mitigation Measure CULT-2c: The project will be referred back to the Historic Landmarks Commission for review.

Mitigation Measure CULT-2~~b~~d: Consultation with the Peninsula Corridor Joint Powers Board and the City shall be conducted to determine if these proposed mitigations are sufficient or if additional mitigations are necessary. (SU)

LSA cannot recommend mitigation measures for 92-98 South Montgomery Street because it is not eligible for listing in the California Register. Since the building is not eligible for listing, impacts from project construction are a less than significant impact under CEQA. CEQA states that mitigation measures are not required for less than significant impacts (CCR Title 14(3) § 15126.4(a)(3)).

Construction impact mitigations were included in Chapter V.C, Transportation, Circulation, and Parking, V.D, Air Quality, and V.E, Noise, of the Draft EIR.

B2a-4: Please see Master Response Cultural and Paleontological Resources #1, Stephen's Meat Sign.

B2a-5: After preparation of the Draft EIR, additional plans by Ralph Wyckoff for 145 South Montgomery Street, Sunlite Baking Company were uncovered. Plans included details of trusses, the marquise, window designs and plans for the interior. With these additional pieces, it appears that the building as a whole was designed by Ralph Wyckoff, and as such is eligible for listing in the National and California registers and is a historical resource for the purpose of CEQA. The building also appears to qualify as a City of San Jose Candidate City Landmark. The structure embodies the distinctive characteristics of Art Moderne during the 1930s and the building and its addition were designed by an architect, Ralph Wyckoff, who is locally recognized as a distinguished architect. Potential impacts to the structure at 145 South Montgomery Street would be significant. Please refer to the Recirculation of the Draft EIR, Revised Cultural Resources Section, for additional information, conclusions and text revisions.

B2a-6: The EIR preparers conducted extensive research of all available information for Harold Hellwig's Ironworks, 150 South Montgomery Street. Research included reviewing Charles McKenzie's work and the work of numerous San Jose architects to identify the building's architect.

No architect is listed on the original building permit and all other avenues of research were exhausted. Due to the 1951 western extension of the building and the removal of the eastern portion of the building in 1969, the lack of integrity precludes the building's California Register eligibility, even if a conclusive identification of an architect were accomplished. The 1951 western extension altered the size of the original building, and this addition does not appear to have been built with the same material. In 1969, almost half of the mass of the original building was removed and the building's original shape was altered. These alterations have significantly affected the integrity of the original building.

B2a-7: The EIR preparers conducted extensive research of all available information for 92-98 South Montgomery Street. Research included reviewing Wolfe and McKenzie work and the work of numerous San Jose architects to identify the building's architect.

No original building permit for the building was found and all avenues of research were exhausted. Research results discussed on page 30 of Appendix G, Cultural and Paleontological Resources Study, and summarized in the Draft EIR on page 242, indicate that the building is not eligible for listing in the California Register.

B2a-8: Exhaustive research was conducted to evaluate the proposed baseball stadium project area. Beyond those properties discussed in the Draft EIR and in these responses, no other specific properties have been suggested as potential resources. The EIR authors do not believe that additional research would produce productive results.

B2a-9: The City of San Jose agrees with this comment and believes that the Draft EIR, along with the responses to comments provided in this First Amendment, achieves these objectives.

Letter
B2b

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, ACTING DIRECTOR

October 11, 2006

Michael Rhoades
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, Tower, Third Floor
San Jose, California 95113

RE: RECIRCULATION of the DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) for the Baseball Stadium in the Diridon/Arena Area (File No. PP05-214)

Dear Mr. Rhoades:

At the October 4, 2006 Historic Landmarks Commission meeting, the Commission discussed the re-circulated Cultural Resources Section of the Draft Environmental Impact Report (DEIR) for the Baseball Stadium in the Diridon/Arena. In a 4-0-0 decision, the Commission voted to forward this comment letter to the Director of Planning, Building and Code Enforcement and the Planning Commission.

In a May 3, 2006 comment letter on the DEIR, the Commission expressed concern that the Cultural Resource research failed to identify potentially significant historical resources within the project area. While the Commission recognized the magnitude of the Baseball Stadium proposal, it was their consensus that significant historic resources should be thoroughly researched and evaluated such that the impact of potential losses could be disclosed in the document, and mitigated to the fullest extent possible.

One of the historic resources of concern was the Sunlite Bakery building, located at 145 South Montgomery Street. The Commissioner recommended the consultants conduct further research to determine whether architect Ralph Wyckoff designed the streamline moderne building. As such, the Commission appreciates the consultants' work to locate building plans by Wyckoff for the design of the Sunlite Bakery building in the History San Jose archives, which resulted in the re-circulation of the new information. The Commission concurs that the Wyckoff designed streamline moderne building appears eligible for listing in the National and California registers and as a Candidate City Landmark, and is a historic resource for the purpose of CEQA - the loss of which would constitute a significant impact. Relocation, and in the event that relocation is not possible, other appropriate mitigation measures to reduce the impacts, (although not to a less than significant level) including HABS documentation, educational exhibits, survey efforts, and salvage, should be included in the document. **1**

The Commission's comments in the letter of May 3, 2006 continue to stand. The following potentially significant historic resources in and adjacent to the project area should be thoroughly researched and evaluated: the early modern neon sign and associated Stephen's Meats building, the clinker brick Hellwig Ironworks building, and the Mission Revival Apartment Building (possibly designed by noted local architects Wolfe and McKenzie). **2**

Finally, the document should clearly state that the proposed project is contrary to the *San Jose 2020 General Plan, Urban Conservation/Preservation Major Strategy*, the *Historic, Archeological and Cultural Resources Goals and Policies*, as well as the *City Council Policy on the Preservation of Historic Landmarks*. The DEIR should also include the analysis and disclosure of the aesthetic, visual, traffic and noise impacts which will negatively affect the Cahill Street Southern Pacific Depot (HL94-100), as well as the quality of life in adjacent historic neighborhoods. **3**

Thank you for the opportunity to comment on the proposed project.

Sincerely,

Ed Janke, AIA, Chair
San Jose Historic Landmarks Commission

C: San Jose Historic Landmarks Commission

COMMENTOR B2b
City of San Jose, San Jose Historic Landmarks Commission
Ed Janke, AIA, Chair
May 3, 2006

B2b-1: The commission concurs that it appears that the Sunlite Baking Company building (145 South Montgomery Street) as a whole was designed by Ralph Wyckoff, and as such is eligible for listing in the National and California registers and is a historical resource for the purpose of CEQA. Please see Response to Comment B2a-5.

B2b-2: Please see Master Response Cultural and Paleontological Resources #1, Stephen's Meat Sign. Please see Response to Comments B2a-6 regarding the Hellwig's Ironworks building and B2a-7 regarding the Mission Revival apartment building.

B2b-3: Please see Response to Comments B2a-1, B2a-2 and B2a-3.

Letter
B3

CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

Parks, Recreation and Neighborhood Services
PARKS AND RECREATION COMMISSION

April 5, 2006

RECEIVED
APR 12 2006
CITY OF SAN JOSE
PLANNING DEPARTMENT

City of San José
Attn: Michael Rhoades
Department of Planning, Building & Code Enforcement
200 East Santa Clara Street, 3rd Floor
San José, CA 95113-1905

Subject: Draft Environmental Impact Report for the Proposed Baseball Stadium in the Diridon/Arena Area

Dear Mr. Rhoades:

On March 15 and April 5 of 2006, the City of San José Parks and Recreation Commission considered the Draft Environmental Impact Report (DEIR) for the proposed Baseball Stadium in the Diridon/Arena Area (SCH# 20051121126). As the Commission in charge of recreational facilities, we have the following concerns:

1. The DEIR indicates there are no significant public service impacts. Both Council District 3 and 6 are underserved by neighborhood/community parklands and recreational school grounds are collectively short 195.2 acres of neighborhood/community parkland and/or recreational school grounds based on the General Plan Objectives of 3.5 acres per 1000 population. The table below supports this analysis, indicating a shortage of parklands, and the loss of five plus acres associated with the Fire Training Facility will only aggravate this shortfall in the Delmas Area. **1**

Council District	2000 US Census Population	Parkland Per 2000 Census @ 3.5/1000	Amount of City Parklands	Amount of Recreational School Lands	Total Recreational Lands (D + E)	Differ-ence (C – F)
A	B	C	D	E	F	G
3	91,442	320.0	104.3	70.3	174.6	-145.4
6	86,937	304.3	82.5	172.0	254.5	-49.8
Totals	178,379	624.3	186.8	242.3	429.1	-195.2

2. The City's Midtown Specific Plan calls for the reuse of the Fire Training Facility on the southwest corner of Montgomery Street and Park Avenue as a park site to include formalized playing (sport) fields, including a softball/hardball diamond, a soccer field, and basketball courts to serve this area. The proposed Stadium Project would use the Fire **2**

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Letter
B3
cont.

Training Facility as the major parking facility to serve the Stadium. All but one of the alternative sites indicated in Figure V.N-1 are too small to accommodate the proposed sport facilities to serve the area, therefore, the DEIR shows how these facilities could be accommodated on the proposed replacement sites. Attached is a layout of the proposed park facilities on the Fire Training Facility. **2 cont.**

3. The DEIR did not assess the impacts to the Los Gatos Creek and the future Los Gatos Creek Trail from the proposed Baseball Stadium. The future trail will provide a direct link from the Stadium to the Light-Rail-Station at Delmas and San Fernando Streets, and to the proposed San Carlos Station. The impacts to future trail users were not analyzed. The trail is likely to be congested with spectators after a stadium event and will hamper regular trail users access to this section of the trail. The proposed trail would consist of a Class I, 12-foot-wide paved path section with at least 2-foot wide compacted soil shoulders. **3**

4. How will the City mitigate the additional trash and debris accumulation caused by Stadium users in the area of Los Gatos Creek and the Los Gatos Creek Trail area between Auzerais Avenue and Santa Clara Street? **4**

5. How will the native riparian plantings be protected from spectators exiting the Stadium between Auzerais Avenue and Santa Clara Street that are adjacent to the future Los Gatos Creek Trail? **5**

6. The proposed Stadium Project is not in compliance with the City riparian setback guidelines of 100 feet from the top of the bank or edge of riparian vegetation, whichever is greater. The proposed Stadium Project is recommending a 50 foot riparian setback area from the railroad track to San Fernando Street. The Commission would like to know why the reduction in width is being allowed. The Commission is concerned that the reduction in the 100 foot setback will cumulatively erode the effectiveness of the riparian policy and further degrade the creek's environment. The Commission suggests that the City consider a mitigation measure when approving reductions to the width of the riparian setback area by establishing alternative areas along streams of San Jose on a square foot for square foot basis. Thus the area lost to reduction would be replaced in another location within the City limits. **6**

7. Considering the density of the proposed housing development associated in the Diridon/Arena Strategic Development Plan, new housing units would be displaced by the proposed Stadium Project. The loss of these housing units may hamper the City's ability in providing needed park facilities to serve the Delmas Area under the City's Parkland Dedication and/or Park Impact Ordinances. **7**

8. The Commission is concerned that the proposed Stadium Project may cause a parking problem when other events are occurring simultaneously. The Stadium Project estimated that within 3/4 miles of the proposed project site there are 21,072 existing parking spaces. The Stadium Project estimates the 3/4 of those parking spaces, or 15,804 parking spaces would be available for stadium parking as long as no other evening event was occurring. **8**

Letter
B3
cont.

The 15,804 parking spaces augment the proposed new parking structure for 1,200 spaces on the Fire Training Facility and approximately 150 parking spaces on the proposed Stadium site. How is parking being handled for weekday games, or night games when other events are also competing for existing parking spaces? **8 cont.**

9. The Commission is concerned that the DEIR did not comprehensively analyze the Stadium Project impacts on the safe route to school for students living in the Delmas Area. Currently, elementary students in the Delmas area must cross over Interstate 280 at Bird Street. A major traffic route for Stadium users will be the interchange of the Bird Street's on and off ramps associated with Interstate 280. How will children be protected at these intersections from traffic associated with Stadium events? **9**

10. The Alameda is proposed as a Grand Pedestrian Boulevard in the City of San José. Traffic associated with Stadium events will impact this grand vision for The Alameda. Has the DEIR addressed the impacts additional traffic will have on the The Alameda pedestrian experience? If not, why has this not been addressed? **10**

11. The Commission is concerned that the proposed Stadium Project may cause sound problems for events occurring at the Center for the Performing Arts. Has a sound study been conducted regarding the Stadium noise on the Center for the Performing Arts facility? **11**

12. The Commission is concerned that the proposed Stadium Project may cause sound problems associated with outdoor events staged at Arena Green and Discovery Meadow Park sites, which are both within a half mile of the proposed Stadium Project. **12**

13. The Commission is concerned with the visual and noise impacts the Proposed Stadium may have on Cahill Park. Has an analysis been done on Cahill Park and how it relates to the new Stadium? If not, why wasn't this considered as an impact from the Stadium Project? **13**

The Parks and Recreation Commission looks forward to the answers to our concerns regarding the Proposed Baseball Stadium in the Diridon/Arena Area.

Sincerely,

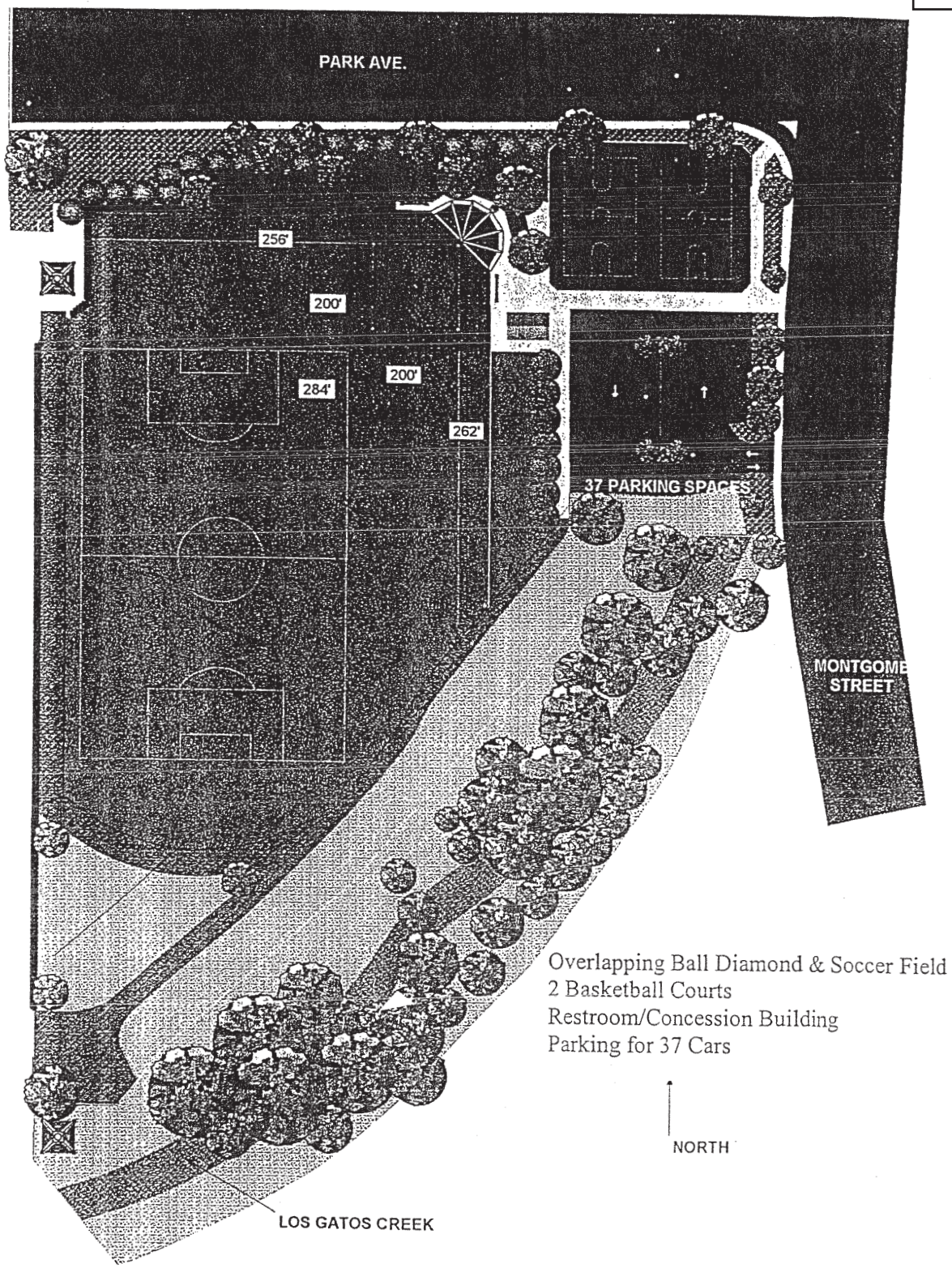
Helen Chapman

Helen Chapman
Chair, Parks and Recreation Commission

Attachment: Proposed Park Facilities at the Fire Training Facility

cc: City Council
Planning Commission

Letter
B3
Attach.



PROPOSED PARK FACILITIES AT THE FIRE TRAINING FACILITIES

COMMENTOR B3
City of San Jose, Parks and Recreation Commission
Helen Chapman, Chair
April 5, 2006

B3-1: Please see Master Response Public Services and Facilities #1, Parks. It should also be noted that the conceptual stadium plans show entry plazas which would provide public open space.

B3-2: Please see Response to Comment B3-1.

B3-3: The commentor notes that impacts to future trail users were not analyzed. *CEQA Guidelines* Section 15125(a) Environmental Setting, states "an EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published... This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant." It is not required by CEQA, nor is it possible at this time in the trail's development to predict, potential impacts to future trail users. See also Response to Comment B3-5, below.

B3-4: Please see Master Response Land Use #1, Increased Trash.

B3-5: The proposed stadium would not be adjacent to the Lost Gatos Creek trail. As shown in Figure III-3, realigned Autumn Street would separate the proposed stadium from the Los Gatos Creek trail north of Park Avenue. As shown in Table V.C-13, Sidewalk Pedestrian Flows, on page 133 of the Draft EIR, similar to existing condition, 5½-foot-wide sidewalks would be provided on both sides of Autumn Street diverting pedestrian traffic before the Los Gatos Creek trail.

South of Park Avenue, pedestrian traffic would be directed north to the stadium, away from the Los Gatos Creek trail.

B3-6: Please see Consistency with Plans and Policies Master Response #1, Los Gatos Creek Setback.

B3-7: As discussed in Response to Comment B3-3, the project setting at the time the notice of preparation is published normally constitutes the baseline physical conditions by which a Lead Agency determines whether an impact is significant. As described in Section V.A, Land Use, the existing uses on the project site are a mix of commercial, light industrial, transportation, utility and office uses. Future residential uses that may contribute to (as well as utilize) park facilities are not required to be analyzed under CEQA as they might be affected by the proposed project. The cumulative impact analysis provided in Chapter VI addresses the joint impacts of the proposed project and several other large-scale development projects.

B3-8: The EIR analyzed the parking requirements when there would be a simultaneous sold-out event at the HP Pavilion. This is the most likely simultaneous event scenario. Regarding daytime parking

for the stadium, please see Master Response Transportation, Circulation and Parking #2, Daytime Games Parking.

B3-9: Potential impacts to Bird Avenue as utilized as a safe route to school are discussed on page 136 of the Draft EIR. While the proposed project would add some traffic to Bird Avenue during school hours for events that occur during the day, the proposed project would also include improvements to Bird Avenue that would benefit pedestrian safety along that route.

B3-10: This comment does not offer a definition of "the pedestrian experience" nor does it suggest how traffic volume might affect that experience. In the single-event scenario, the stadium would add the same amount of traffic to The Alameda that currently is added for HP Pavilion events. In the simultaneous events scenario, the stadium would add about 400 trips to The Alameda in the one-hour preceding a game. In all cases the intersections along The Alameda would operate at LOS D or better, which is within City of San Jose standards.

B3-11: The Center for the Performing Arts is located east of the project site on the east side of SR 87. Based on noise measurements and calculations undertaken for this EIR, existing noise from SR 87 would have a higher Ldn than noise from baseball games or concert events at the proposed stadium. Typical freeway noise would be approximately 70 dBA while noise from the stadium at that distance would be less than 50 dBA. Noise from existing sources such as vehicle noise from SR 87 were taken into consideration in the design of the Center for the Performing Arts. Therefore, the noise from the proposed project would not impact the Center for the Performing Arts.

B3-12: Arena Green and Discovery Meadow park sites are located outside the 60 dBA L_{eq} noise contours. Impacts to these sites from traffic noise from SR 87 would be greater than any noise reaching the park site from the proposed stadium.

B3-13: Cahill Park, being developed as part of the new Cahill housing development is illustrated in white on Figure V.E-2. The park is located west of the project site, west of the train tracks, and west of a proposed residential structure. Cahill Park is located outside of the 60 dBA noise contour lines. Noise impacts to Cahill Park would be less than significant.

Visual and Aesthetic Resources are discussed beginning on page 249 of the Draft EIR. Less than significant impacts on Visual and Aesthetic Resources include: effects on scenic vistas or disruption of existing views; degrade existing visual character; damage scenic resources; conflict with policies and regulations; and, detract from the integrity of a neighborhood. Two significant impacts on Visual and Aesthetic Resources were identified, the proposed project would alter the visual character of the historic Diridon Station and the removal of ordinance sized trees would substantially damage scenic resources. It is not expected that the proposed stadium would have any significant effect on Cahill Park.

Letter
B4

SANTA CLARA
Valley Transportation Authority

May 3, 2006

City of San Jose
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113

Attention: Michael Rhoades

Subject: City File No. PP05-214 / Ballpark Study in the Diridon/Arena Area

Dear Mr. Rhoades:

Santa Clara Valley Transportation Authority (VTA) has reviewed the Environmental Impact Report (EIR) for the Baseball Stadium in the Diridon/Arena Area. We previously provided comments on the Notice of Preparation (Attachment A) and where applicable some of those comments are reiterated here. Our comments are presented here in two parts: 1) those specially related to the Ballpark EIR, and 2) those touching on broader transportation and development issues.

STADIUM EIR COMMENTS

General Comments

- The Silicon Valley Rapid Transit Corridor (SVRTC) - BART project has an approved EIR that must be considered in the background conditions and analysis of impacts related to the Ballpark alternatives. In addition, we recommend the analysis include the current SVRTC 35% P.E. alignment design and 20% P.E. station design, including 2030 travel forecast data (8,903 boardings and 1,300 parking spaces at the Diridon Station). The impact analysis should, at a minimum, include with and without BART analysis. The EIR should include an analysis of transit ridership generated by stadium events, simultaneous Arena and Stadium events overlapping with BART commuter traffic, and an analysis and the effects on parking, traffic, station access, transit ridership and operations, and bicycle and pedestrian traffic. The analysis should also include HOV lanes currently under construction on SR 87. 1 2 3 4 5

- The Stadium EIR considers a number of plans and policies for land use consistency, and some inconsistencies are apparent, but in general the EIR finds that most proposed projects and plans are consistent with the Downtown Strategy 2000 Plan. In addition, the EIR assumes the Downtown Strategy 2000 Plan as representative of potential development and build-out conditions for downtown San Jose for purposes of analyzing cumulative traffic conditions (page 309). However, this appears to be the most non-specific of the land use plans identified in the EIR designating the land in the Stadium and surrounding area as 6

Potential Development, and Potential Development Higher Density. Accordingly, VTA requests clear definition of land use assumptions surrounding the proposed Stadium and analysis on how the land use projections in the EIR compare with 2030 ABAG projections used for the SVRTC project. **6 cont.**

- VTA requests an analysis of the transit demand related to bus and shuttle service needed to support the proposed Stadium. VTA would like an understanding of the level of bus and shuttle services needed and the necessary transit facilities to accommodate the service. **7**

- VTA recommends that one of the project alternatives be housing and office development on the proposed stadium site (i.e. instead of the stadium project). This alternative should be formed in the context of the Metropolitan Transportation Commission (MTC) TOD policy that sets an average threshold of housing units that need to be provided within a 1/2 mile radius of SVRTC-BART Stations. **8**

- The EIR notes that the existing PG&E substation will need modification or relocation. VTA requests the EIR include an analysis that provides reasonable assurances that our ability to provide Light Rail Service will not be degraded. **9**

- The EIR concludes that pedestrian access via sidewalks is generally adequate to meet the demands of stadium-generated pedestrian activity with existing facilities. However, we encourage the City to look beyond minimal pedestrian needs and explore urban design opportunities that enhance the pedestrian environment. **10**

- The Draft EIR notes that the project will result in freeway impacts on four segments of SR 87 and I-280 for which feasible improvement measures do not exist that would bring conditions back into conformance with CMP standards. In this case, as noted in the VTA *Traffic Impact Analysis (TIA) Guidelines*, the lead agency on the project or the project's sponsor must implement actions as part of the approval from the Immediate Implementation Action List in the TIA Guidelines. The following minimum actions are recommended:

    - Implement a Transportation Demand Management (TDM) program to reduce the number of vehicle trips generated by the project. TDM measures for Ballpark employees may include, but are not limited to: **11**
        - Direct or indirect payments for taking alternate modes
        - Transit fare incentives such as eco pass and commuter checks
        - Preferentially located carpool parking
        - Bicycle lockers and bicycle racks
        - Showers and clothes lockers for bicycle commuters
        - Guaranteed ride home program

- TDM Measures for Ballpark patrons may include, but are not limited to:
  - Shuttle Service from outlying parking areas to the Ballpark
  - Extending public transit services to after the end of the game
  - Public Information Programs on Transit services

11 cont.

In addition, VTA recommends consideration of Intelligent Transportation System (ITS) improvements. These include Changeable Message Sign (CMS) boards and Closed Circuit Television (CCTV) on I-280 and SR 87. Such measures would help manage traffic during ingress and egress of events at the baseball stadium, direct patrons to the stadium and lead them to the right parking areas. **12**

- Lastly, the description of existing transit services and map (on pages 102/3 and elsewhere) should be updated. The EIR analysis should consider the existing DASH and Sharks shuttle ridership. VTA can provide this information at the City's request. **13**

OVERARCHING COMMENTS

As noted in our opening remarks and contained in our comments above, the Stadium project presents issues and opportunities that cannot be specifically addressed within the scope of the current project description and draft EIR, or any single project level EIR. Accordingly, we are outlining these issues here for further consideration and action.

- Master Plan the Diridon Station Area. Many of the comments above suggest the need for comprehensive planning to solidify and integrate a long-range land-use/transportation/urban design vision for the area and bring the various individual planning efforts together into an implementable plan. For instance, the SVRTC-BART project currently assumes mixed land uses (including housing) at the proposed Ballpark location. The Diridon/Arena Strategic Development Plan also assumes mixed uses at the proposed Ballpark location. The comprehensive planning process would include an exploration of the full breadth of transportation, development and joint development opportunities, General Plan amendments, and detailed urban design guidelines. **14**

- Provide a unified vision for a world-class multimodal transportation facility. The Diridon Transit Center currently functions as a major inter-modal hub for Caltrain, light trail, and regional buses generating heavy transit activities. Both VTA and the City of San Jose expect transit activities to significantly increase with the addition of a BART station and possibly High-Speed Rail (HSR) in the future, and embrace the concept of a "Grand Central Station" that includes a comprehensive master plan for land development in the larger Diridon Station area. Such a vision would include consideration of public and private parking, transit, taxi and car-sharing activities. **15**

Letter
B4
cont.

Thank you for the opportunity to review this project. VTA staff looks forward to working with the City as plans for the Stadium and Diridon area evolve. If you have any questions, please call me at (408) 321-5623.

Sincerely,

Carolyn M. Gonot
Chief Development Officer

CMG:TN:kh

cc: Samantha Swan, Environmental Planning

COMMENTOR B4
Santa Clara Valley Transportation Authority
Carolyn M. Gonot, Chief Development Officer
May 3, 2006

B4-1: The BART project is sufficiently far in the future that it was judged inappropriate to include as a background transportation assumption. If BART were to be included in the analysis, the auto traffic to and from the stadium would be less, and the impacts would be reduced.

B4-2: On page 126 and 127 the Draft EIR describes the BART project and the two current station alternatives. The EIR describes that the stadium site would preclude one of the station location options but that the other option would remain viable. In all other ways the stadium would be compatible with the BART station design and usage. The stadium would not create parking demand at the peak times for BART, and in fact the planned BART parking structure might profitably be used for stadium parking after hours.

B4-3: On page 127 the Draft EIR notes that with BART the transit mode share would increase from 4.5 percent to 15 percent. Thus, the estimate is that BART would carry 10.5 percent of the stadium patrons. This equates to ridership of about 4,600 persons. If this same percentage were to use BART for the HP Pavilion under the simultaneous events scenario, the total BART ridership would be about 6,400 for event patrons.

B4-4: It is not anticipated that stadium usage would overlap with BART commuter traffic. Please see Master Response Transportation, Circulation and Parking #3, Scenario Assumptions.

B4-5: Since the HOV lanes are not completed and their potential usage is not known, the Draft EIR conservatively omits them from the analysis. If the HOV lanes were to be included, the freeway impacts would be less than depicted in the Draft EIR.

B4-6: The traffic impact analysis for the Draft EIR used the Downtown Strategy 2000 Plan traffic analysis to represent background cumulative conditions. This means that the Draft EIR traffic analysis added the increased traffic attributable to the proposed stadium to the cumulative traffic scenario from the Downtown Strategy 2000 Plan EIR. The land use assumptions associated with the Downtown Strategy 2000 Plan are correctly represented in the ABAG 2030 land use projections and the SVRTC patronage forecasts. Therefore, the traffic analysis described in the Draft EIR is as consistent as possible with the SVRTC travel demand forecasts. Note that the Draft EIR added the stadium traffic on top of the ABAG 2030 land use projections. Therefore, the cumulative analysis in the Stadium Draft EIR represents more development and more traffic than the SVRTC forecasts.

B4-7: The EIR is based on existing bus and shuttle services. The survey of patrons at the HP Pavilion found little usage of VTA bus service. Therefore, the stadium analysis assumed little bus usage. If bus usage were to turn out to be higher, the system has substantial capacity. The EIR suggests that increased shuttle service might be desirable to serve some of the more remote parking lots. However,

the decision to run increased shuttle service would be made at some later date in consultation with VTA.

B4-8: Alternatives are discussed in Chapter VII of the Draft EIR and include an Existing Plan alternative. The Existing Plan alternative would involve the development of the site in accordance with the development outlined in the Diridon/Arena Strategic Development Plan, the Midtown Specific Plan and the Burbank/Del Monte Neighborhood Improvement Plan. The project site north of Park Avenue would be developed with transit oriented mixed use development. As described, beginning on page 322, the Existing Plan alternative would include up to 725 dwelling units, 700,000 square feet of office, 200,000 square feet of retail, and 300 hotel rooms.

B4-9: Every effort will be made to coordinate with PG&E and the VTA to minimize potential disruptions in electrical service. If disruptions are necessary, they will be scheduled during non-operating hours to the extent feasible.

B4-10: The comment is noted. The VTA is encouraging the City of San Jose to enhance the pedestrian environment. No further response is necessary.

B4-11: The comment is noted. The VTA is encouraging the City of San Jose to provide TDM measures for stadium employees and patrons. These would not reduce the freeway impacts to less than significant, however. The freeway impacts would remain significant and unavoidable.

B4-12: A Traffic and Parking Management Plan (TPMP) ultimately would need to be developed for the stadium, if it were built. A TPMP is in place for the HP Pavilion, and it is updated periodically as needed. The TPMP addresses the issue of signage, including changeable message signs, to manage traffic before and after an event. The TPMP for the HP Pavilion has been successful in avoiding the congestion that otherwise would occur when people unfamiliar with Downtown San Jose come to an event.

B4-13: In response to this comment, an updated transit map has been prepared (based on the transit map currently provided on the VTA website). This comment does not make clear how the EIR should consider the DASH and Sharks shuttle ridership. The analysis in the EIR used the same ridership assumptions for VTA services as are occurring for Sharks games.

Santa Clara Valley Water District

5750 ALMADEN
SAN JOSE, CA 9511
TELEPHONE (408) 265-2600
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www.valleywater.org
AN EQUAL OPPORTUNITY EMPLOYER

Letter
B5

File: 30932
Los Gatos Creek

May 2, 2006

Mr. Michael Rhoades
Planning Division
City of San Jose
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113

Subject: Draft Environmental Impact Report for the Baseball Stadium in the Diridon/Arena Area

Dear Mr. Rhoades:

The Santa Clara Valley Water District (District) has reviewed the Draft Environmental Impact Report for the Baseball Stadium in the Diridon/Arena Area dated February 2006 and received by the District on February 2, 2006.

The proposed project is located adjacent to Los Gatos Creek, a District facility, and District right of way; and therefore, the proposed project will require a District permit, as per District Ordinance 83-2. **1**

Based on our review of the proposed project as described in the above referenced document we have the following comments:

1. The DEIR states that 45 ordinance size trees are to be removed as part of the project and all but two are non-native. Figure V.F-1 shows more than 45 ordinance size trees within and adjacent to the site and less than 45 ordinance trees located within the project limits; therefore, it is unclear where the 45 trees slated for removal are located. Please clarify which trees will be removed. **2**

   In addition, it appears that three trees to be removed are located directly adjacent to Los Gatos Creek and may be considered part of the riparian corridor. These trees may also be located on District property. If these trees are located within the riparian corridor the mitigation measures included may not be appropriate as they call for replacement with 24-inch box trees. Trees planted within the riparian corridor should be native trees grown from Los Gatos Creek watershed stock. **3**

2. Page 185 states 128 non-ordinance size ornamental trees and shrubs will be removed as part of the project and that this is a less than significant impact; however, it is unclear whether any of these trees and shrubs is located within the riparian corridor. **4**

3. Page 186 states that "riparian-type landscaping" would be planted in the average 50-foot setback to Los Gatos Creek. It is unclear what "riparian-type landscaping" means. Native species planted within the riparian corridor setback area should be grown from Los Gatos Creek watershed stock. **5**

Letter
B5
cont.

4. Page 202 of the DEIR states that the site is within the inundation area of Lexington Reservoir, Anderson Reservoir, and Cherry Flat Reservoir. Based on District records and ABAG information, the site would be within the inundation areas of Lexington Reservoir, Anderson Reservoir, and Lake Elsman, which is owned and operated by the San Jose Water Company. The site would not be within the inundation area of Cherry Flat Reservoir. **6**

5. Page 207 states that the setback along Los Gatos Creek will create 0.8 acres of pervious area, but it is unclear if this acreage takes into account the paved trail (impervious area) that will be within the setback area. **7**

6. Footnote 14 on page 207 states that the stadium turf "would not be expected to contribute sediment or other urban pollutants (such as petroleum hydrocarbons and metals) to receiving waters." This note is not consistent Impact HYD-2 on page 208 which states "runoff from the stadium playing field and landscaped areas at the site may contain residual pesticides and nutrients" and also states that the intensity of use of the field would stress the field resulting in frequent fertilization. Please revise the document for consistency. **8**

7. Up to two wells classified as "abandoned wells" (SCVWD Well ID Nos. 07S01E18B001 and 07S01E18B002), and up to nine wells classified as "other" (possibly as monitoring wells- SCVWD Well ID Nos. 07S01E18B004, 07S01E18B005, 07S01E18G021, 07S01E18G022, 07S01E18G023, 07S01E18G024, 07S01E18G025, and 07S01E18G026) are located within the project area. To protect groundwater quality these wells should either be brought up to active status or properly destroyed. Prior to development at the site, there should be a thorough investigation to find all wells using old records, old maps and old air photos to locate and properly destroy the abandoned wells. Per California Well Standards (Bulletin 74-90) "a monitoring well is considered "abandoned" or permanently inactive if it has not been used for one year, unless the owner demonstrates intention to use the well again." All permanently inactive or "abandoned" monitoring wells shall be properly destroyed. In accordance with Section 2400 of the California Health and Safety Code, "the monitoring well owner shall properly maintain an inactive well, as evidence of intention for future us, in such as way that the following requirements are met: **9**

   a. The well shall not allow impairment of the quality of water within the well and groundwater encountered by the well.

   b. The top of the well or well casing shall be provided with a cover, that is secured by a lock or by other means to prevent its removal without the use of equipment or tools, to prevent unauthorized access, to prevent a safety hazard to humans and animals, and to prevent illegal disposal of wastes in the well. The cover shall be watertight where the top of the well casing or other surface openings to the well are below ground level, such a in a vault or below known level of flooding. The cover shall be watertight, if the well is inactive for more than five consecutive years. A pump motor, angle drive or other surface feature of a well, when in compliance with the above provision, shall suffice as cover.

c. The well shall be marked so as to easily visible and located, and labeled so as to easily be identified as a well.

d. The area surrounding the well shall be kept clear of brush, debris, and waste materials."

A District permit is required prior to the destruction or modification of any well and the construction of any new wells proposed, including monitoring wells, as per District Ordinance 90-1. Property owners or their representative should contact the District's Wells and Water Production Unit at (408) 265-2607, extension 2660, for more information. **9 cont.**

8. Up to three leak sites are within the proposed development (case ID no. 07S1E18B01f – Butcher Electric, closed 3/30/92, Case ID no. 07S1E18B05f – PG&E Substation A, closed 7/31/2001, and Case ID no. 07S1E18G07f – Fire Training Center, closed 11/6/1997). At least six other fuel leak sites were identified nearby within 900' of the proposed site (some in "active" status). One active fuel leak site located 1,600' east of proposed site has recent history of floating product (San Jose Glass, ID no. 07S1E17E01f) with undefined contamination in the direction of proposed SJ Ballpark and groundwater direction also in the direction of the proposed SJ Ballpark with a depth to water of 18' below ground surface (2/20/2006 groundwater sampling event report).

Please provide an evaluation for the effects of all fuel leak sites within 900 feet of the property (including mobilization of contaminants via any dewatering activities). The fuel leak sites need to be evaluated to determine if the site poses a hazard for the proposed change of land use, and the proposed land use needs to be evaluated to determine if it would adversely affect any site cleanup and/or contamination remediation that may be occurring at the fuel leak sites. **10**

9. Page 261 of the Shade/Shadow section of the DEIR states that the shade/shadow simulations assumed that no building footprints would be within 120 feet of the creek top of bank, based on a 50 foot riparian setback and a 70 foot right of way for the Autumn Street re-alignment. However, the fire training site is not separated from Los Gatos Creek by Autumn Street and therefore it does not appear this assumption is valid for determining shade/shadowing impacts Los Gatos Creek caused by any buildings proposed on this site, *i.e.* the parking garage. **11**

10. Low-water use landscaping needs to be included in the mitigation measures in the Utilities section with an explanation of how reduction in landscaping water needs will be achieved. The EIR should specify the planting of water-efficient landscape materials, including climate-appropriate natives, wherever possible.

The District recommends that all new residential and commercial development incorporate water conservation measures to the maximum extent practicable. This includes water-saving measures and the most current water conserving technologies/practices available, such as: **12**

- Construction standards that require high-efficiency fixtures (for example, high-efficiency 1.2 gallons-per-flush toilets rather than the 1.6 gallon per flush as required by Code);
- Construction standards that require high-efficiency devices for outdoor water uses (such as self-adjusting weather-based irrigation controllers);
- Enforcement of the City's Model Efficient Landscape Ordinance (as per AB 325 1990); **12 cont.**
- Dual plumbing for interior recycled water use;
- Promotion and use of drought tolerant and native plantings in landscaping.
- Additionally, we recommend that all new development be in compliance with Green Building Policies. Additional information on latest developments in water can be obtained from the District's Water Use Efficiency Unit.

11. Recycled water should be required for all new construction. This includes landscape irrigation (such as the ballpark playing turf) where appropriate depending on quality, ornamental features (fountains, ponds), and potential toilet flushing in the new development. The District understands that this is consistent with the City's General Plan goals and recommend maximizing recycled water usage **13**

12. At this time analysis has not been completed to determine the adequacy of the existing storm drain system to accommodate the proposed project. Page 288 states that at the project stage such an analysis will be completed. If work is required to upgrade any existing outfall(s) into Los Gatos Creek, permits will be required from the District as well as the California Department of Fish and Game, the Regional Water Quality Control Board, and possibly the Army Corps of Engineers. **14**

13. The San Jose Water Company's preferred mitigation for impacts to water pressure due to increased water demand from the project is to install a new water supply well on the site adjacent to Los Gatos Creek. Construction of a new well regardless of location will require a permit from the District's Well and Water Production Unit as per District Ordinance 90-1. In addition, if the well is located within 50 feet of the creek top of bank or on District right of way, a permit is also required from the District's Community Project Review Unit. **15**

14. Page 289 of the document states that at this time it is unknown whether or not the PG& E substation will be modified or relocated to the southern portion of the site south of Park Avenue. Once a determination has been made regarding the substation additional CEQA review will be done as necessary. Please forward any additional CEQA documentation, when available, regarding the relocation of the substation to the District for review as it appears it would be relocated adjacent to Los Gatos Creek and District fee title property. **16**

Letter
B5
cont.

15. Page 298 of the document states the City has identified a number of potential future alternative park sites if the Fire Training Facility is developed as part of the stadium project. It also states that additional work will be required to identify the preferred location(s) and develop the appropriate CEQA documents in conjunction with development of future park facilities. Figure V.N-1 shows the general locations of these potential future parks and a couple locations are in the vicinity of Los Gatos Creek and the Guadalupe River. Please forward the CEQA documents for any proposed park facilities located adjacent to Los Gatos Creek or the Guadalupe River for District review and comment. **17**

16. The project site includes APN: 259-48-073 which is owned by the District with an easement for surface parking only. The District has easements on APNs 259-48-074 and 259-48-057 to access District property along Los Gatos Creek, and a portion of the parking lot at APN: 259-48-074 is actually located on District fee title property. The District has not been contacted regarding use of our property for this project. As part of the project design the District's right of way needs to be clearly identified and improvements are not to encroach onto District right of way. If the City is interested in using District right of way and/or relocating District easements to accommodate the project, a request needs to be made to the District's Community Projects Review Unit as part of the project review and permitting by the District. **18**

Please provide a copy the final EIR for our files and provide copies of the stadium plans for District permit review when available. Reference District File No. 30932 on further correspondence regarding this project.

If you have any questions or need further information, you can reach me at (408) 265-2607, extension 2322.

Sincerely,

Colleen Haggerty, P.E.
Associate Civil Engineer
Community Projects Review Unit

cc: S. Tippets, V. Stephens, B Goldie, M. Silva, B. Ahmadi, J. Crowley, H. Barrientos, C. Haggerty, File (2)

ch:mf
0501b-pl.doc

COMMENTOR B5
Santa Clara Valley Water District
Colleen Haggerty, Associate Civil Engineer, Community Projects Review
May 2, 2006

B5-1: The comment is noted. The City of San Jose will obtain a Santa Clara Valley Water District permit for construction within the District right-of-way, per District Ordinance 83-2. Because the comment does not relate directly to the adequacy of the EIR, no further response is necessary.

B5-2: Technical Appendix F of the Draft EIR includes the complete tree survey, which consists of a table of all trees surveyed on and adjacent to the project site, common name, species name, size, determination of ordinance-sized tree or not, condition, and project impact (remove or retain), as well as a tree map. The tree map indicates the location of each tree by number and is at a finer scale than the Figure V.F-1.

Figure V.F-1 has been revised to more accurately reflect the 45 ordinance-sized trees to be removed as part of the proposed project.

B5-3: As shown in the Appendix F Tree Map, none of the trees surveyed are located directly adjacent to Los Gatos Creek and none of the trees surveyed are within the creek bank.

As described on page 186 of the Draft EIR, the proposed project includes an average 50-foot setback from the top of bank of Los Gatos Creek for any roadways or structures. Riparian-appropriate landscaping would be planted in the area. A portion of Reach 5 of the Los Gatos Creek trail would be located within the stadium project area. The trail project is independent of the stadium project, but would utilize the riparian setback areas resulting from the removal of the commercial buildings and parking lots east of S. Autumn Street and from the development of the Fire Training Facility site.

As noted in Mitigation Measure BIO-1 on page 187 of the Draft EIR, as a City proposed project, the City would commit to meeting the tree replacement ratio, but given the footprint of redevelopment on the site, replacement trees may be planted beyond the project site in the project area. As of February 27, 2007, the District will no longer require a permit for activities within 50 feet of streams. The City would apply for a permit from the Santa Clara Valley Water District for any work affecting District property. This would include any riparian planting. The City agrees that trees planted within the riparian corridor should be native trees grown from Los Gatos Creek watershed stock; the following text has been added to page 187 of the Draft EIR.

> **<u>Impact BIO-1</u>: Construction of the proposed project would result in the removal of 45 ordinance-size trees. (S)**
>
> All of the 45 ordinance-sized trees in the project area are listed for removal.

LSA

FIGURE V.F-1
(Revised)

PROJECT BOUNDARY

GENERAL LOCATIONS OF ORDINANCE SIZE TREES

N

0 150 300
FEET

Baseball Stadium in the Diridon/Arena Area
Ordinance Size Trees
on the Project Site

SOURCE: GLOBEXPLORER; LSA ASSOCIATES, INC., 2005.

I:/SJO530 ballpark/figures/Fig_VF1 (Revised).ai (05/31/06)

> Mitigation Measure BIO-1: Loss of ordinance size trees will be mitigated by implementation of landscaping plans approved by the City of San Jose, in conformance with the City of San Jose Landscape and Irrigation Guidelines and City of San Jose Planning Department specifications. For private projects, the City of San Jose requires tree replacement for those trees greater than 18 inches in diameter with 24-inch box trees at a ratio of 4:1 (trees planted to trees removed). Trees planted within the riparian corridor shall be native trees grown from Los Gatos Creek watershed stock. As a City proposed project, the City would commit to meeting the tree replacement ratio, but given the footprint of redevelopment on the site, replacement trees may be planted beyond the project site in the project area. (LTS)

B5-4: Please see Response to Comment B5-3.

B5-5: Please see Response to Comment B5-3.

B5-6: The commentor indicates that, based on District and ABAG information, that the site could be affected by floodwater inundation if dams at Lexington Reservoir, Anderson Reservoir, and Lake Elsman. Based on review of inundation mapping recently acquired from the State of California, Governor's Office of Emergency Services, it appears that these are the dams that could be reasonable expected to impact the project site. The text of the Draft EIR is revised on page 202 as follows:

> The project site could be impacted if one or more of the several dams in the vicinity were to fail catastrophically. Catastrophic structural dam failure can be caused by an earthquake or overflow. The dams include Lexington (renamed James H. Lenihan Dam at Lexington Reservoir in 1996)~~,~~ and Leroy Anderson~~, and Cherry Flat Dam in Alum Rock Park~~.[5] Each of these dams is under the jurisdiction of the California Department of Water Resources, Division of Safety of Dams (DWR). Existing dams under DWR's jurisdiction are periodically inspected to assure that they are adequately maintained and to direct the owner to correct any identified deficiencies. Regular inspections and required maintenance of the dams substantially reduces the potential for catastrophic failure. Dam failure inundation hazard maps for this area can be viewed at the Association of Bay Area Governments website.

B5-7: The acreage associated with the paved trail was not included in the pervious area calculation. Therefore, at a planning level of design, the Draft EIR accurately reflects the proposed post-project conditions.

B5-8: The Draft EIR water quality discussion distinguishes between typical urban pollutants mainly generated by automobile use and industrial activity (that would tend to result in releases of petroleum hydrocarbons and metals) and agriculture-related pollutants (nutrients and pesticides) that may be included in runoff from the project's playing field. The preparers of the Draft EIR do not agree that the document is inconsistent in this discussion.

B5-9: The comment summarizes the current regulatory requirements for proper management of abandoned wells. Compliance with these regulations would be required without additional Draft EIR-

[5] Association of Bay Area Governments, website http://www.abag.ca.gov.

required mitigation. However, to clarify the requirements, the following text has been added to the bottom of page 203 of the Draft EIR.

> In addition, projects disturbing more than one acre of land during construction are required to file a Notice of Intent (NOI) with the RWQCB to be covered under the State NPDES General Construction Permit for discharges of storm water associated with construction activity. A developer must propose control measures that are consistent with the State General Permit. A Storm Water Pollution Prevention Plan (SWPPP) must be developed and implemented for each site covered by the general permit. A SWPPP should include Best Management Practices (BMPs) designed to reduce potential impacts to surface water quality during the construction of the project.
>
> According to records maintained by the Santa Clara Valley Water District (District), up to abandoned two wells and up to nine "other" wells are located at the project site. Installation, maintenance, and destruction of wells are regulated by the Department of Water Resources California Well Standards (Bulletin 74-90). The main purpose of these regulations is the protection of groundwater quality. Under existing regulations, any wells not in use (or where the owner has not demonstrated an intention to use the well) must be properly destroyed. A permit from the District is required for well destruction. If the wells are to be maintained, the owner must demonstrate this intention by ensuring that the well cover is secured, sealed, identified as a well, and the area around the well be kept clear of wastes that could impact groundwater quality.

B5-10: The commentor notes that three former fuel leak sites are located within the proposed development area and that at least six additional fuel leak sites are located within a radius of approximately 900 feet. The commentor requests an evaluation for the effects of fuel leak sites on the project. As summarized in section b(3) of the Draft EIR, Phase I environmental site assessments for the proposed development area did not identify any reported hazardous materials releases, including fuel leak sites, with the potential to affect future development. In order to address the potential for previously unreported on- or off-site releases of hazardous materials, Mitigation Measure HAZ-1a includes the collection and analysis of groundwater samples throughout the proposed development area. Sampling reports and any further required actions will be reviewed and approved by the City ESD Environmental Compliance Officer and/or regulatory oversight agencies.

B5-11: The proposed building footprint north of Park Avenue (in the vicinity of realigned S. Autumn Street) would be set back at least 120 feet from the top of bank. This setback north Park Avenue is reflected in the Project Shadow Pattern figures (Draft EIR Figures V.L-1a -1c, 2a-2c, 3a-3c, and 4a-4c).

A 120-foot setback was not assumed south of Park Avenue. The building footprints south of Park Avenue would be set back an average of 50 feet from the top of bank. However, a minimal 10-foot building setback south of Park Avenue is reflected in the Project Shadow Pattern figures (as a way of ensuring that impacts are not under-estimated).

As noted on page 261 of the Draft EIR, the Project Boundaries shown on the Project Shadow Pattern figures are the boundaries of the building footprints.

B5-12: As noted in Chapter III, Project Description, a conceptual site plan has been developed for the proposed stadium. Specific stadium design (or associated landscaping) is not being considered at this time. If/when stadium design moves forward, low-water use landscaping, water efficient irrigation systems, and recycled water for landscaping would be considered. As noted in Section V.M, Utilities, the City of San Jose has water conservation and water recycling programs, including a landscape ordinance for non-residential new construction. Any landscaping proposed with a new baseball stadium would need to be consistent with this and other City ordinances.

As described on page 286 of the Draft EIR, at the time that a specific project design is finalized, water-conserving technologies and design features would be incorporated into the project; these elements would include both indoor and outdoor features.

B5-13: Recycled water is discussed beginning on page 279 of the Draft EIR. As noted on page 286 of the Draft EIR, the City of San Jose would coordinate with South Bay Water Recycling to extend recycled water line to the project site.

B5-14: The comment is noted. As noted on page 187 of the Draft EIR, the City would apply for a permit from the Santa Clara Valley Water District for any work within 50 feet of Los Gatos Creek top of bank. The City would obtain the appropriate permits prior to upgrading any existing outfalls into Los Gatos Creek.

B5-15: Mitigation Measure UTIL-1 on page 288 of the Draft EIR notes two options for the City to address reduction in water pressure for surrounding land uses. The commentor preference for the installation of a new well to mitigate this impact is noted, no further response is required.

B5-16: The comment is noted. The Santa Clara Valley Water District will be provided with a copy of any future CEQA documentation related to substation modification or relocation activities. Because the comment does not relate directly to the adequacy of the EIR, no further response is necessary.

B5-17: Please see Master Response Public Services and Facilities #1, Parks. The Santa Clara Valley Water District will be provided with a copy of any future CEQA documentation related to any future potential park facilities located adjacent to Los Gatos Creek or the Guadalupe River.

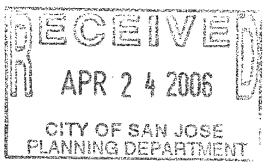
B5-18: The comment is noted. As of February 27, 2007, the District will no longer require a permit for activities within 50 feet of streams. The City would apply for a permit from the Santa Clara Valley Water District for any work affecting District property. The District will be contacted should there be any proposals for encroachment into the District's right-of-way or within District property for the proposed project. The City will submit a formal request to the District's Community Projects Review Unit should the City propose to use District right-of-way and/or relocate District easements to accommodate the proposed project.

C. ORGANIZATIONS

Letter
C1

AT SAN JOSE

April 21, 2006



Mr. Michael Rhoades
Department of Planning, Building, and
Code Enforcement
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113

RE: Comments on Draft Environmental Impact Report for Potential Baseball Stadium in Diridon/Arena Area – file no. PP05-214 and State Clearinghouse House No. 2005112126

Dear Mr. Rhoades:

This letter and the attached memorandum from our transportation consultant, Wenck Associates, are to transmit our comments regarding the Draft EIR for a potential baseball stadium in the Diridon/Arena area.

Potential development of a baseball stadium on the site identified in the Draft EIR is of fundamental significance to the functional/operational integrity of HP Pavilion. To a large extent, customers traveling to and from HP Pavilion rely upon the same roadways and parking areas as would patrons of the potential baseball stadium. We are very concerned about potential negative traffic and parking impacts that the stadium would cause for HP Pavilion at times when events would occur at both facilities. Based on a review of recent past event schedules, we have determined that about 19 simultaneous events likely would occur during the period of April through October. To the extent events would be scheduled at the stadium during other months, the number of simultaneous events would increase. 1

As indicated in the attached memorandum from Jim Benshoof of Wenck Associates, we believe that the traffic and parking analyses presented in the Draft EIR are incomplete regarding potential impacts on HP Pavilion. In particular, I would like to draw your attention to the following comments in the Wenck memorandum:

- *Point c) on page 2.* We are dismayed and deeply concerned with the assumption presented in the Draft EIR under the simultaneous-events scenario that 90 percent of the stadium trips that normally would approach the site from the south on Autumn Street would divert away from this route. We believe this is an erroneous assumption, which needs to be corrected. Specifically, we believe the traffic analyses in the Draft EIR need to be revised to account for the expectation that the arrival patterns for stadium trips will be practically the same under the simultaneous-events scenario as under the single event scenario. 2 Autumn Street from the south via the Bird Avenue/I280 interchange is one of the most important routes serving customers traveling to HP Pavilion. In our judgment, it is critical to evaluate potential impacts at the Park Avenue and West San 3

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Letter
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Fernando Street intersections along Autumn Street from a conservative perspective. The assumption that 90 percent of the stadium trips would divert away from Autumn Street is anything but conservative. **3 cont.**

- *Point d) on pages 6 and 7.* We believe the parking analysis for the simultaneous-events scenario is incomplete and needs substantial further investigation. We appreciate acknowledgements in the Draft EIR that the City is obligated to maintain its commitments regarding off-site parking for HP Pavilion. However, comments in the Draft EIR regarding steps to avoid negative parking impacts for HP Pavilion are too vague to demonstrate conclusively that such impacts will not occur. In addition to lack of clarity regarding parking impacts on HP Pavilion, we also believe the Draft EIR is incomplete in terms of how to accommodate stadium customers who would not be able to find a parking space within ¾ mile of the stadium. In our judgment, it is clear negative parking impacts would occur under the simultaneous-events scenario without mitigation measures. The question is whether a specific mitigation program can be established to avoid such negative impacts. We believe substantial further work is needed in the EIR to develop and evaluate candidate mitigation measures. If mitigation measures can be identified that would overcome the negative impacts, a specific mitigation program then needs to be developed and presented in the EIR. **4**

In closing, I would like to reiterate our concerns about potential negative impacts on traffic and parking for HP Pavilion that could be caused by the baseball stadium. Accordingly, I would ask you to conduct further analyses in the EIR to effectively address issues raised in this letter and in the attached memorandum from Wenck Associates.

I appreciate your consideration of our comments and your follow-through to effectively resolve the issues we have expressed. We are available to answer any questions you may have and to meet with appropriate persons regarding follow-through to resolve our concerns.

Sincerely,

SAN JOSE ARENA MANAGEMENT

Jim Goddard
Executive Vice President and General Manager

cc: Dennis Korobiak
Abi Maghamfar
Chris Morrisey
Don Gralnek
Jim Benshoof

Letter
C1

Memorandum

1800 Pioneer Creek Center, Maple Plain, MN 55359
Phone: 763-479-4200 Fax: 763-479-4242

Wenck

To: Jim Goddard, San Jose Arena Management, LLC

From: Jim Benshoof JaB

Date: April 5, 2006

Subject: ***Comments Regarding Draft EIR for Potential Baseball Stadium (Project #PP05-214)***
Wenck File # 1624-01

PURPOSE

At your request, we have reviewed the Draft EIR for a potential baseball stadium in the Diridon/Arena area of San Jose. Specifically, we have examined the following two documents:

- "Baseball Stadium in the Diridon/Arena Area, Draft Environmental Impact Report," City of San Jose, February 2006
- "Baseball Stadium in the Diridon/Arena Area, Draft Environmental Impact Report, Technical Appendices" City of San Jose, February 2006

Our review has focused on potential impacts the baseball stadium would cause on traffic and parking operations for HP Pavilion. Since HP Pavilion is within 1,100 feet of the baseball stadium site, motorists traveling to and from HP Pavilion primarily rely upon the same roadways and same off-site parking facilities as would customers of the baseball stadium. **It is particularly important to address traffic and parking impacts that would occur during simultaneous events at HP Pavilion and the baseball stadium.** The potential for such simultaneous events is particularly high during the months of April through October. Comparing schedules for HP Pavilion events and Oakland A's baseball games for the most recent typical period of April through October 2004, San Jose Arena Management staff have determined that 19 simultaneous events occurred. Event schedules for the same period in 2005 have not been used because hockey was not played during this period.

The Draft EIR does address potential traffic and parking impacts of the baseball stadium under a condition when a baseball game would occur on a simultaneous basis with an event at HP Pavilion. For this simultaneous event scenario, comments are provided next regarding the traffic impacts addressed in the Draft EIR, followed by comments on the parking impacts.

COMMENTS ON TRAFFIC IMPACTS

Our principal comments regarding potential traffic impacts addressed in the two referenced documents for the scenario of simultaneous events at the new baseball stadium and HP Pavilion are as follows:

a) **The traffic analyses presume that major changes will be implemented to Autumn Street.** One presumption is that Autumn Street will be extended to Coleman Avenue and will be upgraded, with a revised alignment in certain areas, to become a major two-way roadway between Coleman Avenue and Park Avenue. A second major presumption is that Autumn Street will be open north of Santa Clara Street for general traffic use for all stadium events. At times of

5

Letter
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HP Pavilion events, the current practice is to close the block of Autumn Street north of Santa Clara Street to general traffic and limit use of this block to emergency vehicles and shuttle buses. The Draft EIR needs to demonstrate that these changes are feasible and to present commitments that these changes will be implemented when the stadium would open. **5 cont.**

b) **Traffic impacts addressed in the Draft EIR are inconsistent with impacts addressed in Appendix C, Traffic Impact Analysis, for the Draft EIR.** Page 96 in the Draft EIR indicates that traffic analyses were performed for a simultaneous-events scenario, focusing on traffic volumes and impacts during the hour of 6:00 to 7:00 p.m. However, this document does not address potential traffic impacts under this scenario, but only addresses impacts during the hour of 5:00 to 6:00 p.m. for a single event scenario (only a baseball game, with no event at HP Pavilion). None of the traffic results presented in the Draft EIR address potential impacts during the 6:00 to 7:00 p.m. hour for a simultaneous-events scenario. In the technical appendix document, Appendix C, Traffic Impact Analysis, does include traffic forecasts and analyses for the 6:00 to 7:00 p.m. hour under a simultaneous-events scenario. Table 19 in Appendix C indicates that, without mitigation measures, the following four intersections would operate at level of service F during the 6:00 to 7:00 p.m. hour with simultaneous events: Autumn Street/West San Fernando Street, Delmas Avenue/Park Avenue, Autumn Street/Park Avenue, and Delmas Avenue/West San Fernando Street. **6**

c) **Traffic forecasts presented in Appendix C for the simultaneous-events scenario are highly questionable due to diversion of 90 percent of stadium trips from Autumn Street.** Page 63 in Appendix C presents the following statements: "For a ballpark event with a concurrent HP Pavilion event, it was assumed that the capacity of parking lots surrounding the HP Pavilion would be utilized by HP Pavilion patrons, and would be unavailable to Ballpark patrons. The trip distribution was changed to reflect this." Traffic projections presented following this statement indicate that about 90 percent of the stadium trips expected to approach from the south on Autumn Street for a single event scenario would be diverted away from Autumn Street under the simultaneous-events scenario. In our judgment, that is an extremely high assumption for trip diversion, which very likely would not occur. Two reasons why such a high level of diversion for stadium trips likely is erroneous are:

- Except for HP Pavilion on-site lots A, B, C, and D and provisions for off-site parking by HP Pavilion employees, all other parking facilities north of the stadium site are available for any user. We are not aware of any past instance where these facilities have been reserved for the exclusive use of HP Pavilion customers. Under these circumstances, we suggest it is highly speculative and inappropriate for the purpose of analyzing stadium traffic impacts to assume that no stadium users can park in off-site lots north of the stadium. **7**

- When traveling to a baseball game, stadium customers will not necessarily know whether an event also is occurring at HP Pavilion. It is unlikely that such motorists would divert from their normal route unless they are aware of a simultaneous event and unless they anticipate a necessity to change their travel patterns.

Letter
C1

Figure 1 shows the dramatic increase that would occur in volumes through the Autumn Street/West San Fernando Street intersection if motorists traveling to the stadium follow the same routing patterns for a simultaneous event condition as they would for the condition with just a baseball game. Figure 2 shows similar results for the Autumn Street/Park Avenue intersection. A large portion of HP Pavilion customers approach HP Pavilion from the south on Autumn Street, via the Bird Avenue/I-280 interchange. Thus, it is critical for HP Pavilion that the intersections of Autumn Street with West San Fernando Street and Park Avenue provide effective traffic operations. **7 cont.**

d) **The ability to effectively mitigate level of service F conditions at the intersections of Autumn Street/West San Fernando Street and Autumn Street/Park Avenue is highly questionable.** As previously mentioned, Table 19 in Appendix C indicates level of service F operations at both of these intersections during the 6:00 to 7:00 p.m. hour under the simultaneous-events scenario. An average vehicle delay of 540.1 seconds is presented for the Autumn Street/West San Fernando Street intersection, with an average delay of 595.7 seconds reported for the Autumn Street/Park Avenue intersection. Since these level of service and delay results presume that 90 percent of the stadium trips will divert away from these intersections, the actual delay results likely would be much worse. Page 70 in Appendix C indicates that the preceding level of service and delay problems can be mitigated to achieve level of service D for the West San Fernando Street intersection simply through widening the crosswalks, eliminating a pedestrian scramble phase, and increasing the sidewalk space in the corners of the intersection. Through similar pedestrian changes and prohibiting left turn movements on all approaches, page 69 indicates that level of service C would be achieved for the Park Avenue intersection. We question the ability to achieve such dramatic improvements through the changes mentioned. We would need more detailed information beyond items presented in Appendix C in order to fully evaluate this situation. **8**

COMMENTS ON PARKING IMPACTS

Our principal comments regarding potential parking impacts addressed in the two referenced documents for the scenario of simultaneous events at the new baseball stadium and HP Pavilion are as follows:

a) **The inventory of off-site parking spaces stadium customers could use within ¾ mile of the stadium is overstated.** Table V.C-6 in the Draft EIR presents this inventory of spaces, with the conclusion that 21,072 spaces are available within ¾ mile of the stadium. Two problems with this inventory tabulation are:

- For three facilities, the number of spaces shown is greater than the parking supply for the same facilities shown in the HP Pavilion Transportation and Parking Management Plan (TPMP) published by the City in 2005. For the Park Center Plaza III garage, Table V.C-6 shows 1,320 spaces, whereas the TPMP shows 1,037 spaces. For the Market Street/San Pedro garage, Table V.C-6 shows 1,393 spaces, whereas the TPMP shows 1,192 spaces. For the Riverpark garage, Table V.C-6 shows 1,413 spaces, whereas the TPMP shows 500 spaces. If the TPMP values are correct, the total reduction in parking supply among these three facilities is 1,297 spaces. **9**

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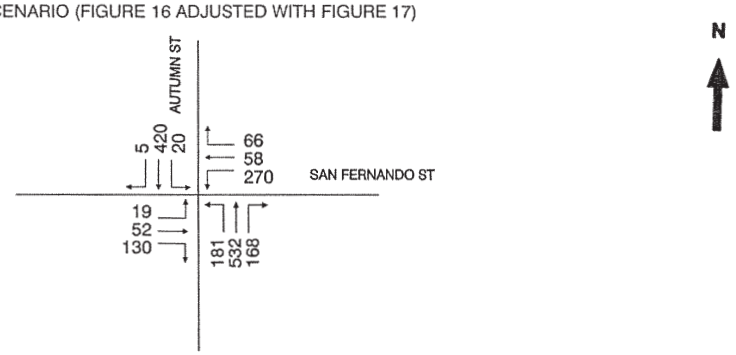
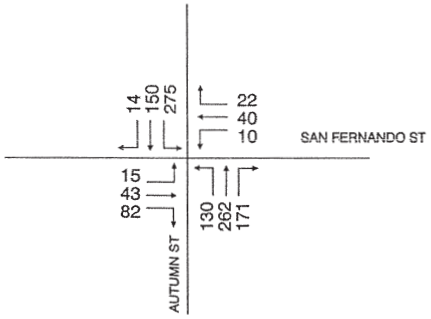
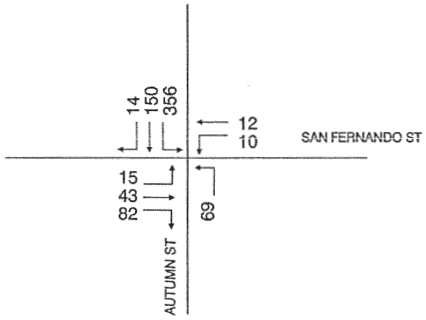
1. BACKGROUND TRAFFIC VOLUMES SIMULTANEOUS EVENTS SCENARIO (FIGURE 16 ADJUSTED WITH FIGURE 17)



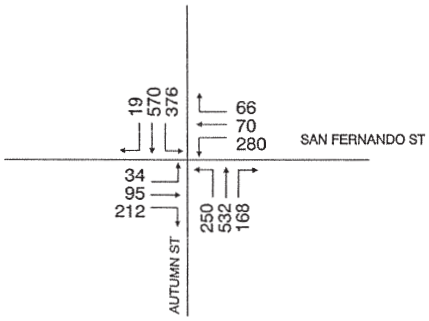
2. PROPOSED BASEBALL STADIUM-GENERATED TRIPS SINGLE EVENT SCENARIO (FIGURE 13)



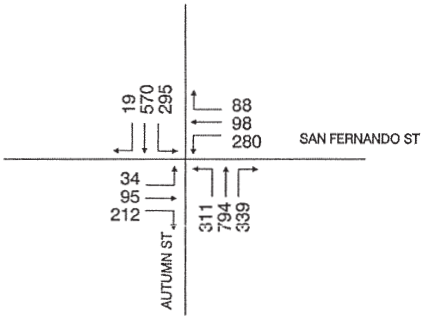
3. PROPOSED BASEBALL STADIUM-GENERATED SIMULTANEOUS-EVENTS SCENARIO (FIGURE 18)
(ASSUMES 90% OF STADIUM TRIPS DIVERT FROM AUTUMN



1+3. TOTAL PROJECT TRAFFIC VOLUMES SIMULTANEOUS- EVENTS SCENARIO (FIGURE 19)
INVALID DUE TO ASSUMPTION THAT 90% OF STADIUM TRIPS DIVERT FROM AUTUMN STREET



1+2. TOTAL PROJECT VOLUMES FOR SIMULTANEOUS EVENTS SCENARIO IF NO STADIUM TRIPS DIVERT FROM AUTUMN STREET



NOTE:FIGURE NUMBERS REFER TO THE FOLLOWING DOCUMENT: "BASEBALL STADIUM IN THE DIRIDON/ARENA AREA DRAFT TRANSPORTATION IMPACT ANALYSIS," HEXAGON TRANSPORTATION CONSULTANTS, INC., FEBRUARY 16, 2006.

SAN JOSE
ARENA MANAGEMENT

Wenck

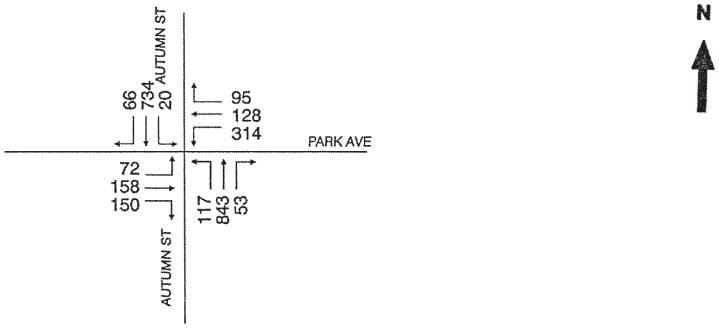
REVIEW OF DRAFT EIR
FOR POTENTIAL
BASEBALL STADIUM

FIGURE 1

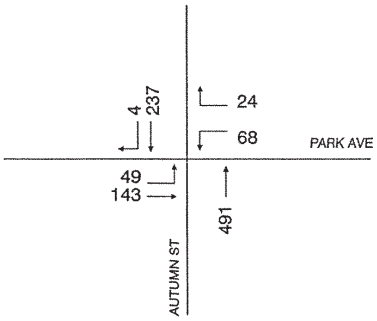
TRAFFIC PROJECTIONS FOR AUTUMN STREET/ SAN FERNANDO STREET FROM 6:00 TO 7:00 PM

Letter
C1

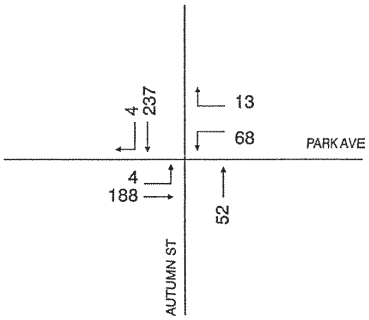
1. BACKGROUND TRAFFIC VOLUMES SIMULTANEOUS EVENTS SCENARIO (FIGURE 16)



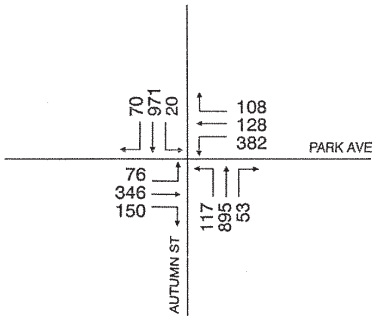
2. PROPOSED BASEBALL STADIUM-GENERATED TRIPS SINGLE EVENT SCENARIO (FIGURE 13)



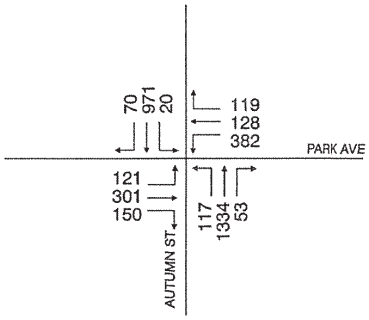
3. PROPOSED BASEBALL STADIUM-GENERATED SIMULTANEOUS-EVENTS SCENARIO (FIGURE 18)
(ASSUMES 90% OF STADIUM TRIPS DIVERT FROM AUTUMN



1+3. TOTAL PROJECT TRAFFIC VOLUMES SIMULTANEOUS- EVENTS SCENARIO (FIGURE 19)
INVALID DUE TO ASSUMPTION THAT 90% OF STADIUM TRIPS DIVERT FROM AUTUMN STREET



1+2. TOTAL PROJECT VOLUMES FOR SIMULTANEOUS EVENTS SCENARIO IF NO STADIUM TRIPS DIVERT FROM AUTUMN STREET



NOTE:FIGURE NUMBERS REFER TO THE FOLLOWING DOCUMENT: "BASEBALL STADIUM IN THE DIRIDON/ARENA AREA DRAFT TRANSPORTATION IMPACT ANALYSIS," HEXAGON TRANSPORTATION CONSULTANTS, INC., FEBRUARY 16, 2006.

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REVIEW OF DRAFT EIR
FOR POTENTIAL
BASEBALL STADIUM

FIGURE 2

TRAFFIC PROJECTIONS FOR AUTUMN STREET/ PARK AVENUE FROM 6:00 TO 7:00 PM

Letter
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- Two of the facilities shown desire not to accommodate HP Pavilion patrons; thus, they are not included in the parking inventory for HP Pavilion. Presumably, they also would not want to accommodate stadium customers. These two facilities are 10 Almaden with 700 spaces and 160 W. Santa Clara with 461 spaces. If these two facilities are not available for stadium customers, the parking supply would be reduced by 1,161 spaces. **9 cont.**

b) **The presumed ¾ mile walking distance exceeds published guidelines.** One basis presented in the Draft EIR supporting the conclusion of adequate off-site parking is that customers would be willing to walk ¾ mile between their parking space and the stadium. That walking distance is substantially greater than the ½ mile distance defined by the City of San Jose and the San Jose Arena Management Corporation as the maximum satisfactory walking distance for HP Pavilion customers. Further, this ¾ mile distance exceeds the 2/3 mile maximum walking distance presented in the following two documents:

- Transportation Assessment, January 1991, for the Gateway Project in Cleveland, Ohio. This project consists of a 21,200 seat arena and a 45,000 seat baseball stadium.
- "Managing Travel for Planned Special Events," Federal Highway Administration, September 2003. Page 5-27 in this document includes the following statements: "Identification of off-site parking areas depends on walking distance to the event venue. For example, a 15 minute walking time threshold allows consideration of off-street parking areas within 3,600 feet of an event venue, assuming a pedestrian walking speed of 4 feet per second. Parking areas located further from the venue would require a continuous shuttle service." **10**

If the stadium is premised on a longer walking distance than customers realistically would be willing to walk, two negative consequences that likely would occur are: 1) customers would be angry and potentially would not come to future games and 2) many customers would seek to find closer parking, including in neighborhoods and other areas where parking by stadium customers either is prohibited or undesirable.

c) **The parking analysis assumes that 100 percent of the available off-site spaces can be occupied by stadium users, which is excessive.** Pages 75 and 76 in Appendix C indicates that parking is adequate for a single event scenario because 15,804 spaces are available within ¾ mile, which is practically the same as the off-site parking demand of 15,908 spaces. This presumption that 100 percent of the available spaces can be used is contrary to many parking studies, which demonstrate that the effective capacity of a parking facility is less than the total number of spaces. This situation is due to several factors, including: 1) the time lag between when one motorist leaves a space and the next motorist occupies the space and 2) the difficulty, particularly in a parking garage, for incoming motorists to be aware of all available spaces. On a typical basis, the effective capacity is about 90 percent of the total number of spaces. If that factor were applied, the effective capacity of available off-site spaces within ¾ mile would be 14,224, which is 1,684 fewer than the demand for 15,908 spaces. **11**

d) **The parking analysis for a simultaneous-events scenario has several questionable results.** Page 128 in the Draft EIR acknowledges the Agreement between the City of San Jose and the San Jose Arena Management Corporation that requires a total of 6,650 off-site parking spaces to be available for HP Pavilion within a ½ mile radius, of which 3,475 are to be available within **12**

Letter
C1

1/3 mile. This page further indicates this commitment by the City to provide off-site parking for HP Pavilion could be met through two measures: 1) instruct parking operators for facilities nearest HP Pavilion to only allow parking by HP Pavilion customers and 2) assure availability for HP Pavilion customers through some undefined means of a sufficient portion of spaces in the Market/San Pedro garage, Comerica garage, and Park Center Plaza III garage. These statements in the Draft EIR are not sufficiently clear and definitive to conclusively demonstrate that the City's off-site parking commitments for HP Pavilion will be fulfilled. Given the critical importance of adequate off-site parking for HP Pavilion, the EIR needs to include a specific, feasible program whereby the City will continue to fulfill its off-site parking commitments for HP Pavilion.

Another questionable result regarding the parking analysis for a simultaneous-events scenario is represented by the following statements on page 128 in the Draft EIR: "The reduction of parking available to the ballpark in the simultaneous-events scenario will mean the utilization of space in lots and garages farther than ¾ mile from the ballpark.....In that event, some ballpark patrons would experience walk times of 20 to 30 minutes. Under such circumstances, it might be desirable to operate a shuttle bus from outlying parking areas to the ballpark. Alternatively, the City might wish to encourage transit usage and carpooling as a way to reduce the number of cars brought downtown." As presented earlier in this memorandum, the ¾ mile radius used in the parking analysis exceeds the precedence of HP Pavilion and two published guidelines. Given this situation, it is highly unrealistic to anticipate baseball stadium patrons would be willing to walk greater than ¾ mile to/from the stadium. As in the preceding situation regarding the City's commitment for off-site parking for HP Pavilion, the comments on page 128 about options to mitigate this parking deficiency are much to vague. Further work is needed to determine whether a specific mitigation program can be established to meet the stadium's off-site parking needs under the simultaneous-events scenario. **12 cont.**

CONCLUSIONS

As indicated in this memorandum, we have identified several deficiencies regarding the analysis of traffic and parking impacts in the Draft EIR for the baseball stadium. These issues are of particular concern when simultaneous events would occur at the stadium and HP Pavilion. Though the Draft EIR addresses traffic and parking impacts for a simultaneous-events scenario, the results are inconclusive. The Draft EIR does not demonstrate that the baseball stadium can be developed without causing significant negative traffic or parking impacts on HP Pavilion. Further analyses are needed through this EIR work to address the specific traffic and parking comments presented in this memorandum in order to determine whether such negative impacts on HP Pavilion can be avoided. If such negative impacts can be avoided, the EIR needs to include a specific mitigation program that presents the detailed steps that will be taken and the commitments by the City to ensure that the baseball stadium will not cause significant negative traffic or parking impacts on HP Pavilion.

COMMENTOR C1
HP Pavilion at San Jose, San Jose Arena Management
Jim Goddard, Executive Vice President and General Manager
April 21, 2006

C1-1: The Stadium Traffic Study, which is part of the EIR, includes a complete analysis of simultaneous sold-out events. While there may be, on average, 19 days when simultaneous events would be likely to occur, few of those would be sold out. Regarding use of the stadium for events other than baseball games, the EIR states that such events might occur 15-20 days per year. It is not known how many of these events might overlap with a large event at the HP Pavilion.

C1-2: This comment suggests a misunderstanding of how the simultaneous events scenario was analyzed. With an event at the HP Pavilion, the analysis was based on actual traffic counts conducted on the night of a San Jose Sharks game. Thus, the counts reflect HP Pavilion traffic on Autumn Street. Under the simultaneous events scenario, it was assumed that the HP Pavilion patrons would continue to use the same routes and park in the same places that they do now. That means that parking lots closest to the Pavilion would not be available for stadium patrons. Since no parking for stadium patrons would be available along Autumn Street, other than at the proposed new 1,200-space structure and assuming that information to that effect could be disseminated to most stadium patrons, those patrons would not drive on Autumn Street. They would use other streets to access parking lots and garages farther away that are projected to have available spaces. To reinforce this circulation pattern, and to avoid motorists driving around looking for parking lots, a Traffic and Parking Management Plan (TPMP) would be developed for the stadium. The TPMP would include a comprehensive signage program to direct motorists to available parking.

C1-3: As described in more detail in Response to Comment C1-2, the analysis of the intersections along Autumn Street has been undertaken in a technically-sound and realistic manner.

C1-4: The parking analysis in the EIR is based on the assumption that HP Pavilion parking spaces will be reserved for Pavilion staff and customers, as specified in the agreement between the Pavilion and the City of San Jose. The burden would be on the City of San Jose to establish a mechanism to ensure that such a condition would occur. The EIR provides two examples of steps that could be taken: 1) Pavilion staff and customers would be given parking passes along with their tickets, and presentation of those passes would be required to access the nearby parking facilities, or 2) parking patrons would be required to show a ticket to the Pavilion or staff pass in order to be admitted to the reserved parking lots and garages. These are two examples; other mechanisms could be devised to achieve the same goal.

C1-5: With the extension of Autumn Street to Coleman Avenue, the City of San Jose no longer would permit the street to be closed alongside the HP Pavilion. The traffic study accounts for this assumed operational change by making the necessary changes to the simultaneous events traffic model inputs. The level of service calculations at the intersection of Autumn Street and W. Santa Clara Street show that this intersection would function adequately in the simultaneous events scenario.

C1-6: The simultaneous events scenario is not considered a regularly occurring worst-case scenario for the purposes of CEQA. Therefore, CEQA impacts and mitigation are not shown in the EIR. However, as described in this comment, the traffic study includes a complete analysis of the simultaneous events scenario and describes recommended improvements that would maintain acceptable traffic conditions. The City of San Jose is committed to implementing these improvements if the stadium is built.

C1-7: Please see Responses to Comments C1-2, C1-3 and C1-4.

C1-8: Appendix D of the Draft EIR, which includes the level of service calculation sheets, provides the detailed analysis requested in this comment. Appendix D is on file with the City of San Jose Public Works Department and available for public review.

C1-9: The parking capacity numbers shown in Table V.C-6 were supplied by the San Jose Redevelopment Agency, which maintains a list of capacities for all downtown lots and garages. According to the Redevelopment Agency, the numbers in the HP Pavilion TPMP are incorrect (or out of date) for some facilities. With regard to the facilities at 10 Almaden and 160 W. Santa Clara, the stadium parking analysis assumes that all facilities would be made available for public parking. Whether or not to open private garages to the public is a business decision made by the owners. If there is demand for their use, presumably owners would open their facilities. These two garages both were open to the public for the San Jose Grand Prix.

C1-10: The assumption that stadium patrons would be able to drive to downtown San Jose and find parking is a reasonable worst-case assumption. If patrons are not willing to walk ¾ mile or beyond ¾ mile, there are three possible outcomes: the games will not sell out, more people will carpool, or more people will use alternative modes (walking or transit). If any of these outcomes occur, the impacts of the project will be less than shown in the Draft EIR.

C1-11: It is not reasonable to assume that parking facility operators, if offered the opportunity to sell parking spaces, would settle for anything less than 100 percent occupancy. In fact, some operators might find it profitable to implement valet parking, in which case they could stack parking and achieve up to a 25 percent increase in their capacity.

C1-12: Please see Response to Comment C1-4.

Letter
C2

Pacific Gas and Electric Company

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APR 05 2006
CITY OF SAN JOSE
PLANNING DEPARTMENT

Bob Donovan
245 Market Street
Mail Code N10A
San Francisco, CA 94105
0301

April 4, 2006
Michael Rhoades
Department of Planning, Building & Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113-1905

Re: Baseball Stadium in the Diridon/Arena Area DEIR

Dear Mr. Rhoades,

Thank you for providing PG&E the opportunity to comment on the Baseball Stadium Project in the Diridon/Arena Area DEIR. As we have stressed previously, it is important that the EIR describe and analyze all of PG&E's work necessitated by the Baseball Stadium Project. The impacts related to PG&E's Substation should be included in the City's environmental review in order to comply with CEQA requirements and to avoid unnecessary delay and duplicative environmental review before the California Public Utilities Commission (CPUC). While the DEIR does address most of PG&E's project components, it should include a more complete description of the work that will be done so that impacts can be fully evaluated. 1

One general concern we have is that the DEIR is somewhat misleading on the final location of the substation. The Conceptual Site Plan (figure III-3) does not include PG&E facilities. The Project Description locates the ballpark in a position that assumes the substation will be relocated, and yet the PG&E Substation section assumes the substation will remain in place – or be moved to a location south of the proposed garage that is too small to accommodate the substation. In fact, if the substation is relocated to the area indicated, the garage may need to be redesigned or eliminated. 2

As we have previously advised you, PG&E is subject to the jurisdiction of the CPUC, and must comply with CPUC General Order 131-D (Order) on the construction, modification, alteration, or addition of all electric transmission facilities (i.e., lines, substations, etc.). In most cases where PG&E's 115 kilovolt electric facilities are part of a larger project that has properly included PG&E's facilities in the environmental review, the Order allows PG&E to proceed to construction after complying with certain noticing and public comment requirements – without the necessity of obtaining a formal permit from the CPUC. Whereas the notice process generally takes approximately three months to complete, obtaining a formal permit from the CPUC generally takes at least a year and sometimes two years or more. We are concerned that, if PG&E's project is not eligible for the Order's noticing procedures, it could unduly delay the City's Ballpark Stadium Project. The information on page 289-290 of the DEIR, section, Impact UTIL-3 should be revised accordingly. 3

PG&E wants to make sure that the EIR precisely describes and analyses the Substation work related to the Ballpark. PG&E has reviewed the project description on page 43 of the EIR and has provided comments below that more accurately depict PG&E's work related to the Project. 4

Letter C2

First, the transmission lines going into and out of the Substation may require minor reconfiguration to accommodate the new Ballpark and relocated or reconfigured substation. Any reconfiguration will occur in the footprint outlined in Figure III-2 and Figure III-3 of the EIR. Second, fiber optic cables may have to be installed/rearranged to accommodate the substation relocation/reconfiguration project.

Regarding Paragraph "a" Reconfiguration on page 43:

1. The reconfiguration will involve substantial above-ground changes to the existing substation; a preliminary sketch showing these changes is attached.
2. The DEIR refers to "four" electrical banks. PG&E wishes to clarify that there will actually be a total of three standard size distribution transformers and two smaller ones, making a total of five transformers or transformer banks.
3. The additional land needed consists of a strip on the north side of the existing station and a second strip along the east side of the existing station. The additional strips are needed because of the re-arrangement of new and existing equipment, and because the would-be closure of the existing access road from Otterson Street would create a need for an access road from the north-east side of the substation.
4. The construction work will have to be done in stages in order to maintain service.

4 cont.

Regarding Paragraph "b" Relocation on page 43:

Although the new substation will initially have four transformers, it will ultimately have five transformers. As explained above, three transformers will be standard size and two will be smaller. Attached is a sketch showing the preliminary layout of the new substation.

Thank you again for the opportunity to comment. Please feel free to contact me at (415) 973-0301 if you have any questions or require additional information.

Sincerely,

Bob Donovan
Land Planner
Pacific Gas and Electric Company

Cc:

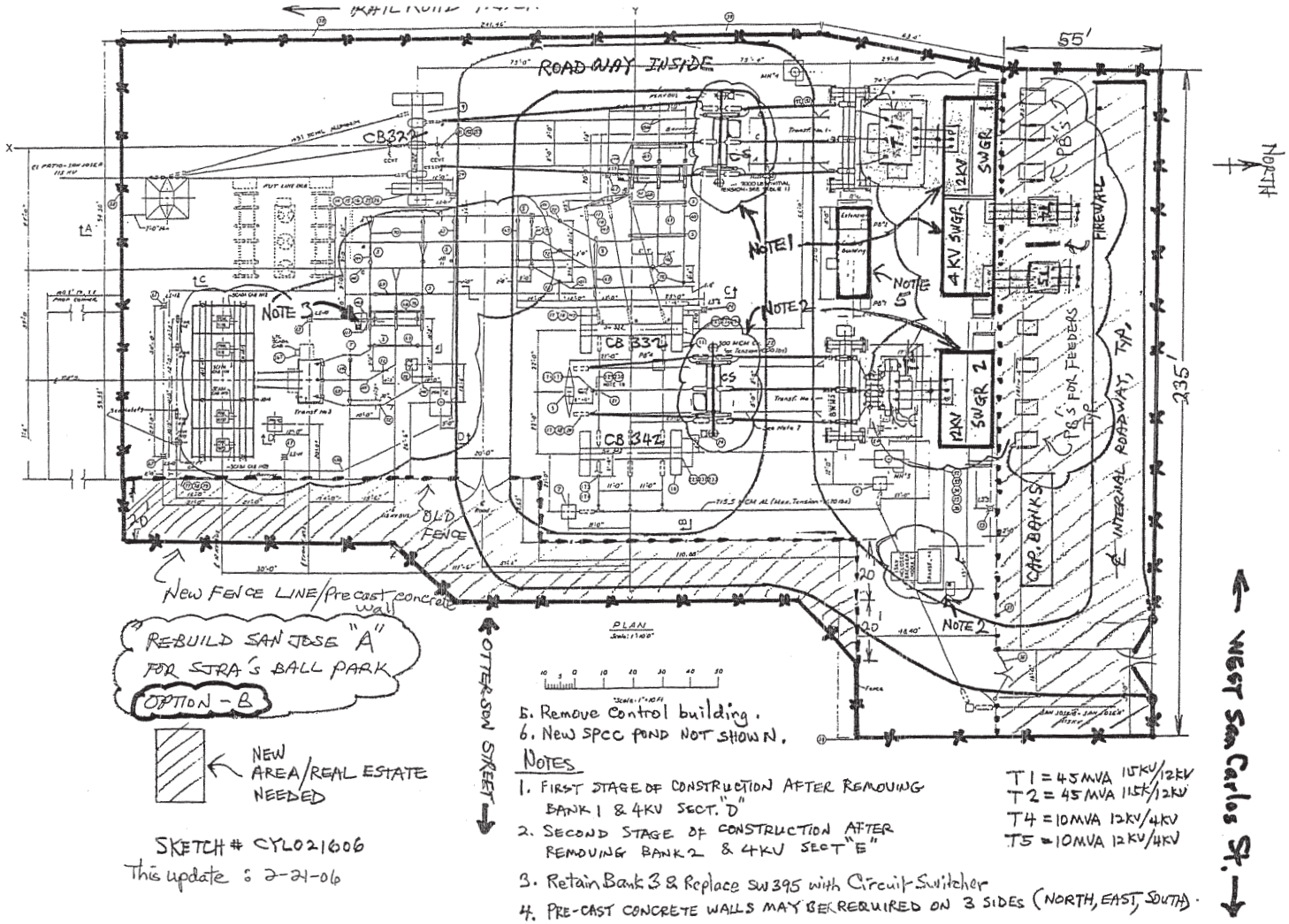
Bob Staedler
San Jose Redevelopment Agency

Mahyar Congirlu
Pacific Gas and Electric Company

Letter
C2

Rob Stiving
Pacific Gas and Electric Company

Jo Lynn Lambert, Esq.
Best Best & Krieger, for
Pacific Gas and Electric Company



REBUILD SAN JOSE "A" FOR SJRA'S BALL PARK

OPTION - B

NEW AREA/REAL ESTATE NEEDED

SKETCH # CYL021606

This update : 2-21-06

5. Remove Control building.
6. New SPCC POND NOT SHOWN.

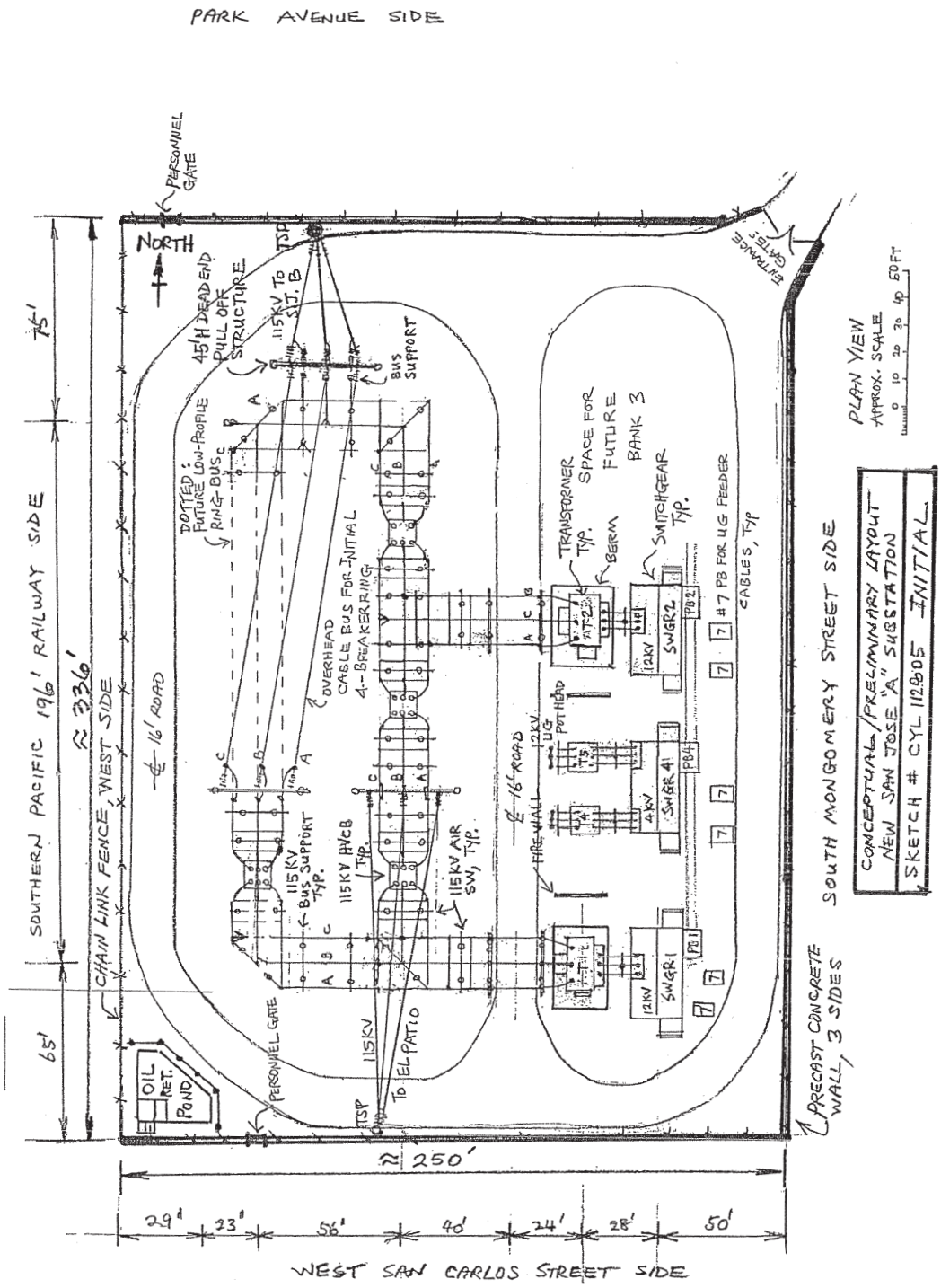
NOTES

1. FIRST STAGE OF CONSTRUCTION AFTER REMOVING BANK 1 & 4KV SECT. "D"
2. SECOND STAGE OF CONSTRUCTION AFTER REMOVING BANK 2 & 4KV SECT "E"
3. Retain Bank 3 & Replace SW 395 with Circuit Switcher
4. PRE-CAST CONCRETE WALLS MAY BE REQUIRED ON 3 SIDES (NORTH, EAST, SOUTH).

T1 = 45MVA 115KV/12KV
T2 = 45MVA 115KV/12KV
T4 = 10MVA 12KV/4KV
T5 = 10MVA 12KV/4KV

Letter C2

Letter C2


PARK AVENUE SIDE
PERSONNEL GATE
NORTH
45'H DEADEND PULL OFF STRUCTURE
TSP
115KV TO S.T. B
BUS SUPPORT
DOTTED: FUTURE LOW-PROFILE RING BUS
OVERHEAD CABLE BUS FOR INITIAL 4-BREAKER RING
16' ROAD
115KV BUS SUPPORT TYP.
115KV HVCB TYP.
115KV AIR SW, TYP.
115KV
TO EL PATIO
TSP
PERSONNEL GATE
OIL RET. POND
CHAIN LINK FENCE, WEST SIDE
SOUTHERN PACIFIC 196' RAILWAY SIDE
≈ 336'
75'
65'
≈ 250'
29'
23'
56'
40'
24'
28'
50'
WEST SAN CARLOS STREET SIDE
16' ROAD
FIRE WALL
12KV UG POT HEAD
TRANSFORMER TYP.
BERM
SPACE FOR FUTURE BANK 3
SWITCHGEAR TYP.
#7 PB FOR UG FEEDER CABLES, TYP
12KV SWGR 1
4KV SWGR 4
12KV SWGR 2
PB1
PB4
PB2
SOUTH MONGOMERY STREET SIDE
PRECAST CONCRETE WALL, 3 SIDES
ENTRANCE GATES
PLAN VIEW
APPROX. SCALE
0 10 20 30 40 50 FT
CONCEPTUAL/PRELIMINARY LAYOUT
NEW SAN JOSE "A" SUBSTATION
SKETCH # CYL 112805 INITIAL

COMMENTOR C2
Pacific Gas and Electric Company
Bob Donovan, Land Planner
April 5, 2006

C2-1: The commentor's suggestion regarding a complete description of the work that would be done involving the PG&E substation modifications/relocation is noted. At this time, it is not known if the existing substation would be either modified or relocated to accommodate the proposed project. The potential environmental impacts associated with relocation, construction and operation of the existing substation are described throughout the Draft EIR to the extent that they can be forecast at this time.

C2-2: A specific stadium design has not yet been developed for the proposed project. Figure III-3 of the Draft EIR shows the conceptual stadium orientation and design; this figure is an abstract of the potential stadium design, and is not meant to be a concrete depiction. Page 43 of the Draft EIR states that two options are being considered for the existing substation, either reconfiguration or relocation; both options are discussed in detail, to the extent that they are known.

C2-3: The comment summarizes information provided on page 284 of the Draft EIR regarding CPUC regulations. The commentor's concern that future CEQA documentation and CPUC permitting that may be required for substation modification or relocation could delay the proposed project is noted. Project delays due to required subsequent environmental review or permitting procedures are not considered project impacts, and no changes to Impact UTIL-3 would be appropriate. No further response is necessary.

C2-4: The Draft EIR is revised in Chapter III, Project Description, third and fourth paragraphs, page 43, as follows:

> **a. Reconfiguration.** Reconfiguration would ~~largely~~ involve ~~minor~~ substantial above ground changes to the existing substation. ~~However, i~~ In order to keep the substation operational during construction, reconfiguration would take place in phases and a new bank of electrical switchgear to accommodate future electrical demand would also be required. With this addition, there would be a total of ~~four~~ five electrical banks (three standard transformers and two smaller transformers) resulting in a slightly larger substation footprint. The additional size has not yet been determined and it is possible that ~~the fourth electrical bank may fit within the existing enclosure~~ additional land to the north and east of the existing substation would be needed to accommodate the reconfiguration. Additions to the existing substation would be appropriately screened.
>
> **b. Relocation.** If necessitated by stadium site design, the PG&E substation would be relocated on the project site south of the proposed parking garage. Under this option, the substation would also be comprised of ~~four~~ five electrical banks (three standard transformers and two smaller transformers) and would permit a more efficient configuration of equipment. The relocated substation would be enclosed in an area approximately 250 feet by 340 feet. Most of the equipment would be less than 20 feet in height except as required for the necessary

clearances for a safe design. The relocated substation would be partially screened to limit its visibility on the site. The existing substation site would be cleared of all equipment and materials.

Letter
C3

Preservation Action Council of San Jose

Dedicated to Preserving San Jose's Architectural Heritage

RECEIVED
MAY 04 2006
CITY OF SAN JOSE
PLANNING DEPARTMENT

May 4, 2006

Michael Rhoades
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, Tower, Third Floor
San Jose, California 95113

Re: Draft EIR Comments – Baseball Stadium Project within the Diridon/Arena Area

Dear Mr. Rhoades:

Preservation Action Council of San Jose is dedicated to preserving San José's architectural heritage through education, advocacy, and events. We aim to integrate a strong commitment to historic preservation into the land use and development decisions of the City of San José that affect historic resources, as well as into the private decisions of property owners and developers. We try to bring owners and developers together to create historically sensitive projects that make economic sense.

As Executive Director of the organization, I am formally representing PAC*SJ in providing comments to the Draft EIR being prepared for the baseball stadium project in the Diridon/Arena area. I do so as a Historic Preservation professional, meeting the Secretary of the Interior's Standards to perform identification, evaluation, registration, and treatment activities with my field in compliance with state and federal environmental laws within the criteria of the National Park Service outlined in 36 CFR Part 61.

SUMMARY STATEMENT

Our organization has substantial concerns with respect to the thoroughness of the research conducted as well as the assumptions made by the preparers of this draft document. The failure of this Draft EIR to consider traffic impacts on I-880 and the resulting collateral impacts on historic inner city neighborhoods, as well as other inconsistencies and omissions throughout the document - specifically in Section J, Cultural Resources - raise questions about the integrity of the document as a whole. The intent of CEQA is to provide the necessary information to help shape the City's decisions in light of the whole record, not simply to defend decisions already made. Until the City makes the commitment to adhering to both the letter and spirit of CEQA, projects such as the baseball stadium continue to be vulnerable to protracted dispute on the adequacy of the investigation process and the adequacy of mitigation options. The purpose of CEQA is to examine and reduce the environmental impacts that a project may have, of which the concern of our organization is with cultural resources. By assuming that the first and ideal

1

2

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solution is demolition of all extant buildings on the project site (as relocation of most of the historic buildings in the project area is obviously not feasible), and failing to address direct and cumulative impacts to neighboring historic resources and historic areas, the Draft EIR simply pays lip service to finding viable lower impact options in order to implement the project. **2 cont.**

SPECIFIC COMMENTS

Project Objectives: "a site that can provide an appropriate context …in the architectural tradition of old ballparks." What better way to maintain a traditional feel than to retain the existing historic resources and integrate them into the new ballpark. HOK, the project architect, is well qualified to do such a project and have the necessary experience to do so. Since funds have not yet been devoted to design, according to the Draft EIR, there exists a clear opportunity to design a ballpark that sensitively incorporates the historic resources into it. There are several examples of "traditional" new baseball parks around the nation, Camden Yard in Baltimore, MD and San Diego's Petco Park, most notably, that successfully integrate historic resources. Integrating the historic buildings into the new park will have a significant positive impact on the project's success by ensuring a sensitive design that will make this park a part of its neighborhood. **3**

The NOP states that the DEIR and "documents referenced in the DEIR" will be available online. In spite of several attempts over the last month to locate such documents on the City's website, only the DEIR is available. None of the appendices are. **4**

Pursuant to CEQA, if Autumn Street is to be realigned as a result of this project, its impacts need to be addressed within this EIR as a part of this project. The schematic plan presented to the Historic Landmarks Commission show a realignment of Autumn Street northeast of the Arena that presumes destruction of the Autumn Court neighborhood and other potential historic resources on properties as this new alignment ties in with Coleman at the new Target retail complex. Why is there no discussion of this connector in the Draft EIR? Besides the direct impacts to historic resources northeast of the Arena, what cumulative affects will this have on the historic Vendome neighborhood along North San Pedro Street? **5**

The historic Lakehouse neighborhood needs to be evaluated as to potential impacts from this project. This neighborhood has been listed with the Historic Landmarks Commission as a Candidate City Landmark Historic District for more than a decade and has been identified as eligible for the National Register under a number of past environmental studies. Historic District designation of Lakehouse is a priority of the Delmas Park NAC. Yet no mention of its status or the potential impacts of the project is made in the DEIR. The open side of the stadium appears to have a direct audible connection to the homes in the neighborhood, and late night pedestrian activities can destroy the long term viability of this important historic resource. **6**

Additionally, the historic Auzerais/Bird residential area has neither been surveyed nor addressed in the DEIR, although due to its adjacency to the project site, there would be obvious collateral traffic and noise impacts. **7**

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p. 225 - Section J: Cultural and Paleontological Resources

The resources cited in the footnotes and sources consulted appear to be all secondary research sources and, on their own, would provide an inadequate basis for a thorough evaluation as required under CEQA. Although numerous secondary sources are referenced in the bibliography, factual errors throughout the section imply that these sources were not correctly or fully utilized. The core of the historic overview appears to stem from language with the 1937 edition Historic Spots in California, a statewide historic survey, which is now considered both obsolete and irrelevant to local intensive level investigations due to errors within that publication that have never been corrected over the years. The historical analysis relies much upon reconnaissance-level work done by historical consultants on other projects. PRIMARY research must be undertaken on the subject properties affected by the project before decisions can be made regarding California Register eligibility – merely relying on a professional opinion not substantiated by fact cannot be made. In one instance, the comments regarding the significance of the Sunlite Bakery by San Jose's most comprehensive and thorough City Historian, Clyde Arbuckle, are disregarded and dismissed when the project historians were not able to substantiate the claims within the timeframe of their work. There are many factual errors and inadequacies to the written history of San Jose. Neither was Arbuckle's work for the City of San Jose seriously consulted, nor was the City's own adopted Historic Context Statement used within the historical overview. The information is presented in a garbled way, making it hard to understand the historical development patterns of this area west of the historic downtown. The decision makers cannot make adequate determinations of significance without a clearly written overview of historic context addressing the adopted themes used by the City of San Jose. 8 9

p. 238 – Subsection 3, San Jose General Plan relative to the goal of Historic, Archeological Cultural Resources Policy 5: How does the baseball stadium, which already presupposes the relocation or demolition of all extant resources respect this goal of the General Plan? If the ballpark integrated the historic resources into its design, it would meet that goal. Without that consideration, however, it is in direct conflict with the stated goals of the City's General Plan. 10

COMMENTS OF SPECIFIC PROPERTIES

Patti's Inn

p. 241/231 - 102 S. Montgomery Street – On page 231 the Draft EIR's own language describes the property known as appearing today much as it did historically. Subsequently, on page 241, the document identifies the building at 102 S. Montgomery Street as ineligible as a historic resource due to a "lack of integrity". However in Appendix G (page 24), the consultants state that the property "does meet the criteria as a Candidate City Landmark and is therefore a historical resource for the purposes of CEQA." This inconsistency raises serious concerns about the level of due diligence in preparing this document. No primary research appears to have taken place regarding the origins of this building nor has the building type been placed in context of other similar buildings in the city to clarify its rarity. According to the DEIR, there is sufficient reason to further evaluate Patty's Inn for its significance. 11

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Hellwig Ironworks
p. 242/232 – 150 S. Montgomery – The clinker brick structure appears to be a very rare type within San Jose and may be the only clinker brick structure of its size and type in the City. The historic investigation into this building does not address the uniqueness of this building type within the context of area architectural development nor does it address how this particular use fits within the context of development during the Interwar Period. There has been only one minor rear, exterior addition which appears to have been done in a way that does not impact the visual functional ability of the building to convey its history and consequently the position of the consultants that its lack of integrity limits its California Register eligibility cannot be substantiated. This building clearly qualifies as a historic resource under CEQA. **12**

Sunlite Bakery
p. 241/232 – 145 S. Montgomery – This is a highly significant building both for its associations with the growth and changes in the baking industry during the Interwar Period, for its association with Allen T. Gilliland, and for its distinctive architecture. The consultants marginalized Clyde Arbuckle's references to the significance of this use. Primary research was not conducted to determine the designer of this rare Art Deco design, although the information is easily available in local archives. No context was provided to this type of architecture, and its rarity in San Jose during the Interwar Period, especially during the Depression era. If it is assumed that it was designed by prominent local architect Ralph Wyckoff, the design must be placed in the context of his work rather than merely stating that there are better examples without substantiation. If in fact it is one of his works, it is probably the first building of this style he designed and signifies a shift in his work. It would have been a precursor to the Moderne Drug and San Jose National Bank. The argument that it has a low level of integrity cannot be substantiated when the addition is evaluated in light of the Secretary of the Interior's Standards which was not done as a part of the analysis. **13**

Stephen's Meats
p. 241/233 – 105 S. Montgomery – This is an important post-war resource and the history presented is insufficient. The consultants did not conduct primary research into the architecture or how this use fits into the context of Post-World War II industrial development. The original smokehouses still extant raise questions as to important interior character defining features. It is believed that the primary building on this site was designed by one of San Jose's most important Post-World War II architects, however the document provides no information for discussion in this regard. Additionally, no information was provided on Milligan News Agency. **14**

Mission Revival Apartments
p. 242 – 92-98 S. Montgomery – There is no history of this building included in the analysis and yet the structure was determined ineligible. The building is likely a rare and unique work of San Jose's most distinguished residential architectural firm of the early twentieth century. The consultants claim to have consulted a contemporary book on the work of this firm yet failed to grasp the obvious connection. **15**

Other buildings
PG&E Substation: a statement of lack of integrity was made in the evaluation without detailing what changes have been made in non-historic times that would render this facility non-significant. **16**
KNTV: the report fails to properly present a detailed history on this facility to better help decision-makers determine impacts and mitigation alternatives. The development of the use was **17**

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well documented in local newspapers of the time as an issue of major community concern and interest and later events involving landmark legal efforts to challenge San Francisco television stations that had blocked expansion of major network channels to San Jose is important to understanding the significant history of this facility. The design has not been property documented in the context of Post-World War II architecture. **17 cont.**

150 S. Autumn Street: this contemporary building appears to be associated with Yoshihiro Uchida, one of the most significant personages of the San Jose Japanese American community. A building at San Jose State has been named after him, he was awarded the highest honor that country bestows on a non-citizen by the emperor of Japan, and the Japanese-American Citizen League has named him Citizen of the Biennium. This needs to be addressed. **18**

OTHER COMMENTS

p. 243- 244 – Impact CULT-1: Mitigation measure 1b should be undertaken only if Mitigation Measure 1c is found to be infeasible. Relocation is a much more intrusive impact to the resource than is integration and consequently, under CEQA, should be considered first. Relocation would not reduce the impact to the resource to less than significant as the report asserts. Any mitigation which involves the relocation of a resource should include a sufficient commitment from the City to ensure that the resources can be properly sited and renovated. Relocation and integration are not equal alternatives and should not be considered as such. **19**

p. 244 – Mitigation Measure CULT 1d – Salvage: "No project" should be considered over demolition under CEQA. **20**

p. 244 - Mitigation Measure CULT 2b: Preservation Action Council of San Jose should be involved in any further discussion of what constitutes "sufficient" mitigation relative to the project impact on the City Landmark Diridon Station. **21**

Respectfully Submitted,

Megan Bellue
Executive Director

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COMMENTOR C3
Preservation Action Council of San Jose
Megan Bellue, Executive Director
May 4, 2006

C3-1: The general introductory comment is noted, but does not raise specific questions. Please see the responses that follow.

C3-2: The EIR provides a detailed evaluation of all buildings over 50 years old within the proposed project area to determine their eligibility for listing on the California Register, as required by CEQA and the City of San Jose. Evaluations were based on extensive research conducted at the History Park Research Library in San Jose, the San Jose Library and the California Room, Special Collections, and Sourisseau Academy within the library, Santa Clara County Recorder, the City of San Jose's online Planning, Building and Code Enforcement website, and the City of San Jose Development Services Department at City Hall, as stated on page 10 of Appendix G, Cultural and Paleontological Resources Study and Evaluation and in Chapter V.J, Cultural and Paleontological Resources, of the Draft EIR.

Mitigation measures are provided and detailed in Chapter V.J, Cultural and Paleontological Resources, of the Draft EIR. Impacts to the National Register listed Diridon Station are discussed on page 244, Impact CULT-2 of the Draft EIR.

The effects of the proposed project appear to have a cumulative effect on the National Register listed Diridon Station, as the setting will change. Older buildings are gradually being removed and replaced by modern ones. However, the entire area has been evolving in physical and functional terms for many years. The proposed project area and surrounding areas have been continuously subject to modernization, as reflected in the planning and policy documents that have been formulated and formally adopted over the years.

It is unclear what the commentor means by the sentence, "By assuming that the first and ideal solution is demolition of all extant buildings…" This opinion is wholly at odds with purpose and presentation of the Draft EIR.

C3-3: The comment is noted, but does not relate to the adequacy of the Draft EIR and does not require further response.

C3-4: The Draft EIR (Volume 1 of 2) and its Technical Appendices (Volume 2 of 2) were made available for public review on February 21, 2006. The Technical Appendices are linked using standard hypertext linking technology from the Draft EIR Table of Contents on the City's website. Hard copies of the Draft EIR and Technical Appendices have been available at the City Department of Planning, Building, and Code Enforcement. Hard copies are also available for review at all branches of San Jose public libraries.

C3-5: The Draft EIR is not intended to provide environmental clearance for the extension of Autumn Street to Coleman Avenue. It is intended to provide clearance, however, for the realignment of Autumn Street between W. Santa Clara Street and Park Avenue.

C3-6: The Delmas Park neighborhood is located east of the project site and east of Los Gatos Creek. Potential indirect impacts to the historic integrity of potential or known historic resources in the Delmas Park neighborhood by construction of the baseball stadium would be less than significant.

The following will be added to page 235 of the Draft EIR.

> **e. Development Adjacent to the Project Area.** Areas adjacent to the project area had development patterns similar to that of the project area. The area north of West San Fernando is currently a mix of residential and commercial buildings. The areas south and west of the project area are primarily commercial. The area east of Los Gatos Creek, however, continues to be a residential area.
>
> <u>The Delmas Park neighborhood, which includes the Lakehouse neighborhood and the Auzerais/Bird residential area, is east and southeast of the project area on the east side of Los Gatos Creek.</u>

The neighborhood and surroundings have been altered in physical and functional terms over the years, and alterations continue to the present, as discussed on page 20 of Appendix G, Cultural and Paleontological Resources Study and Evaluation and in Chapter V.J, Cultural and Paleontological Resources, of the Draft EIR.

Since this indirect impact will not cause a substantial adverse change under CEQA, the impact is a less-than-significant impact. CEQA states that mitigation measures are not required for less than significant impacts.

There has not been an official determination of the Delmas Park neighborhood as a historical resource. If the neighborhood were to qualify as a historical resource, it has not been demonstrated that noise and pedestrian activity would result in adverse effect to the neighborhoods possible historical values. Significant adverse effects to a historical resource are not anticipated.

C3-7: Please see Response to Comment C3-6.

C3-8: Primary research of the properties within the proposed stadium stadium project area was initially undertaken by reviewing the City of San Jose's Historic Resources Inventory and the online San Jose Library Sanborn Insurance maps of the area. LSA's library contains many maps, documents, and books about San Jose. A records search was conducted on September 29, 2005 at the Northwest Information Center (NWIC) of the California Historical Resources Information System. The NWIC is the primary archive for cultural resource studies and reports as designated by the California State Office of Historic Preservation. LSA conducted research at History San Jose on December 7, 2005 and reviewed available materials including maps, city directories, building permits, and local historical surveys and reports. All available building permits, maps of the area, and data maintained by the San Jose Library's California Room and the Sourisseau Academy were reviewed for information during multiple visits. The City of San Jose's online Planning, Building and Code Enforcement web-

site contains copies of building permits from approximately 1950 that were reviewed for each of the properties within the proposed stadium project area. The Santa Clara County Recorder's online services were used for research. The Recorder's Office was also personally queried regarding property ownership, building permits, and architects for the properties within the proposed stadium project area, but the researcher was informed that pre-1900 and early 1900 records were essentially inaccessible.

Historic Resources Inventory, and California Department of Parks and Recreation (DPR) 523 forms and California Register evaluation forms were available for several properties within the proposed stadium project area. The research was undertaken 1) to obtain primary information regarding possible historical resources in and adjacent to the proposed project area, and 2) to assess the findings of previous historical studies of buildings in the proposed project area. Subsequently, research was conducted at the Environmental Design Library at the University of California, Berkeley.

C3-9: Clyde Arbuckle stated the Sunlite Bakery dominated the Santa Clara County bread market by the mid-1950s. Substantial research was done to verify Arbuckle's findings. LSA was unable to corroborate the information despite extensive research. Newspaper articles, and other histories of San Jose state that Gilliland established KNTV and was also the owner of the Sunlite Bakery. No other references to the Sunlite Bakery Company were found.

Clyde Arbuckle's history of San Jose was carefully consulted and is cited on most of the DPRs. Due to the sporadic historical development of the proposed stadium project area, there was no clear pattern of development.

C3-10: The commentor is referring to the project's consistency with the City of San Jose General Plan Historic, Archeological and Cultural Resources Policy 5, which states, "New development in proximity to designated historic landmark structures and sites should be designed to be compatible with the character of the designated historic resource. In particular, development proposals located within the Areas of Historic Sensitivity designation should be reviewed for such designed sensitivity." The designation of Areas of Historic Sensitivity include the St. James Square Historic District Area, the Alameda Historic District Area, the Hensley Historic Area, and the Almaden Winery State Historic Landmark. The proposed project is not within an Areas of Historic Sensitivity.

Please see to Response to Comment B2a-1.

C3-11: The information in the DPR is correct. Page 24 of the technical report (Appendix G) is hereby corrected to read:

- **102 South Montgomery Street** (APN 259-48-012). Patty's Inn was recorded on Historic Resources Inventory forms in 1992 (Laffey 1992b) and was not evaluated. The current LSA study has concluded that Patty's Inn does not appear to be eligible for listing on the National or California registers under any of the applicable criteria, ~~but does meet the criteria as a Candidate City Landmark and is therefore~~ nor to be a historical resource for the purposes of CEQA.

C3-12: LSA's research indicates Harold Hellwig added an extension to the western side of the building in 1951, as noted on page 16 of Appendix G, Cultural and Paleontological Resources Study

and Evaluation and summarized in Chapter V.J, Cultural and Paleontological Resources of the Draft EIR (page 232). The addition measures approximately 50 feet by 50 feet and represents more than 20 percent of the original building. This addition does not appear to have been built with the same material. The 1969 removal of the eastern portion of the building changed the shape of the building and removed almost half of the mass of the original building. The eastern portion was removed when South Autumn Street was realigned and became a throughway between Park Avenue and West San Fernando Street, as noted on page 17 of Appendix G and in Chapter V.J, of the Draft EIR (page 242). Due to the addition, and the demolition of part of the building, the building lacks the integrity to convey its significance. For these reasons the EIR authors concur with architectural historian Amanda Blosser that the building was not eligible for listing in the California Register.

C3-13: Primary research was conducted to identify the building's architect, including reviewing materials held at History San Jose. Subsequently, LSA was informed that architectural plans for the Sunlite Bakery building are archived at History San Jose. Building plans were reviewed on May 17, 2005. There were two plans by Ralph Wyckoff: one a Detail of Trusses (September 2, 1936), and the other a Detail of Back and Seat (December 9, 1936). These architectural plans do not provide sufficient evidence to conclude that Ralph Wyckoff designed the Sunlite Bakery building.
In addition to the previous review of San Jose Mercury newspaper clippings in the California Room of the San Jose Library, LSA researched the Library's newspaper microfiche on May 22, 2005 to ensure that all available articles were reviewed. No additional information was found.

C3-14: Primary research was conducted for the historic setting of the proposed baseball stadium project area and to evaluate the building. Information was also provided on the Milligan New Agency. Please refer to pages 17-18 and 25 of Appendix G, Cultural and Paleontological Resources Study and Evaluation, the California Department of Parks and Recreation 523 form, and Chapter V.J, Cultural and Paleontological Resources, of the Draft EIR.

The work of numerous San Jose architects was reviewed to identify the building's architect. Archival research was not able to identify the architect, nor did the current building owner know who the architect was.

C3-15: Research was conducted to evaluate the building. Very little information is available on the building and the history that was found is detailed on page 30 Appendix G, Cultural and Paleontological Resources Study and Evaluation, on the DPR form, and in Chapter V.J, Cultural and Paleontological Resources, of the Draft EIR.

George Espinola's *Cottages, Flats, Buildings, and Bungalows: 102 Designs from Wolfe and McKenzie, 1907* was one of the many resources reviewed during research for this project. Espinola (2004:1) states that during their partnership Wolfe and McKenzie primarily designed single family homes. The building at 92-98 South Montgomery Street is not depicted in the book nor are buildings depicted of a similar style as 92-98 South Montgomery Street. If Wolfe and McKenzie designed the pattern upon which the building was built, it is not necessarily the case that Wolfe and McKenzie designed the building.

C3-16: As stated on pages 14 and 28 of Appendix G, on the DPR form, and in Chapter V.J, of the Draft EIR, the PG&E substation contains no buildings, has been continuously upgraded since 1889,

and was extensively rebuilt in the last 10 years. The majority of the electrical equipment has been replaced and upgraded. New equipment for communications has also been added in recent years.

C3-17: LSA determined the KNTV building is a historical resource in accordance with CEQA (CCR Title 14(3) § 15064.5(a)(1)). LSA updated the building's evaluation on a California Department of Parks and Recreation (DPR) continuation form and stated under Criterion 1, "Since the building is the birthplace of TV in San Jose, is still identified as the KNTV building, and continues to house TV station KNTV3, the building appears eligible for the California Register."

Page 19 of the technical report (Appendix G) and page 243 of the Draft EIR are hereby corrected to read:

> **Impact CULT-1: The KNTV Broadcast Facility, 645 Park Avenue, appears eligible for listing in the California Register and as Candidate for City Landmark (CCL) and would sustain direct impacts due to the proposed project. (S)**
>
> Since the building is the birthplace of TV in San Jose, is still identified as the KNTV building, and continues to house TV station KNTV3, the building appears eligible for the California Register. Preservation in place is always the preferred mitigation measure for such a historic resource; however, the building must be removed for construction of the proposed stadium. Four mitigation measures are included below. Mitigation Measure CULT-1a shall be undertaken in conjunction with Mitigation Measure CULT-1b, 1c or 1d. Implementation of Mitigation Measures CULT-1b, Relocation, or CULT-1c, Incorporation, would reduce this significant impact to a less-than-significant level. Implementation of CULT-1d, Salvage, would *not* reduce this significant impact to a less-than-significant level.

While additional information may enhance our understanding of the building's significance, it is only necessary for the EIR to establish that significance, not to exhaustively research all available information.

The KNTV building does not qualify for listing under Criterion 3 because the building has been extensively remodeled, as stated on pages 19 and 25 of the technical report and in Chapter V.J, of the Draft EIR. Additions mask the original building and therefore the significant features or characteristics of the property are obscured.

C3-18: There is no indication that this building would fulfill the criteria to qualify for listing in either the California or National register. Built in 1972, the building is less than 45 years old, which is the minimum age threshold for a building to be considered a historical resource unless the building is of exceptional significance. Yoshihiro Uchida's main connection with this building, is as a landlord. The building does not reflect the time period of Uchida's significance nor does it represent well his contributions to the community.

C3-19: CCR Title 14(3) § 15126.4(b)(1) states: Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing His-

toric Buildings the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.

The California Office of Historic Preservation (1999:3) Technical Assistance Series 6 also states that it may sometimes be necessary to move a historic building, structure, or object to prevent its destruction. If the building, structure, or object is moved, the "historical resource should retain its historic features and compatibility in orientation, setting, and general environment" (California Office of Historic Preservation 1999:3). The National Register reviews relocated buildings, structures, and objects on a case by case situation.

The order of mitigation measures in the Draft EIR text is revised on page 243 as follows:

> ~~Mitigation Measure CULT-1b: **Relocation.** If feasible, the building shall be stabilized and relocated to another nearby site appropriate to its historic character. After relocation, preservation, rehabilitation, and restoration, as appropriate, shall follow the Secretary of the Interior's Standards to ensure that the building retains its integrity and historical significance. (LTS)~~
>
> ~~*or*~~
>
> Mitigation Measure CULT-1b~~c~~: **Incorporation.** If preservation or relocation is not possible, the building, or portions thereof, shall be incorporated into the ballpark to the extent feasible, following the Secretary of the Interior's Standards to ensure that the building retains its integrity and historical significance. (LTS)
>
> *or*
>
> Mitigation Measure CULT-1c: **Relocation.** If feasible, the building shall be stabilized and relocated to another nearby site appropriate to its historic character. After relocation, preservation, rehabilitation, and restoration, as appropriate, shall follow the Secretary of the Interior's Standards to ensure that the building retains its integrity and historical significance. (LTS)
>
> *or*
>
> Mitigation Measure CULT-1d: **Salvage.** If relocation, preservation, or incorporation are not possible, the building shall be offered to an appropriate agency or museum, such as History San Jose, for salvage of its architectural elements. (SU)

C3-20: The commentor's apparent preference for adoption of the "No Project" Alternative as compared to the approval of the proposed project with Mitigation Measure CULT-1d is noted.

C3-21: The request by PAC SJ to be involved in any further discussions of the sort envisioned in Mitigation Measure CULT-2b is noted.

Letter
C4

SAN JOSE DOWNTOWN
ASSOCIATION

28 N. FIRST STREET
SUITE 1000
SAN JOSE, CA 95113
TEL: 408-279-1775
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APR 2 1 2006
PLANNING DEPARTMENT

Michael Rhoades
Department of Planning, Building & Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113-1905

April 21, 2006

Dear Mr. Rhoades,

The San Jose Downtown Association has a great interest in the information supplied in the DEIR on the Baseball Stadium in the Diridon/Arena Area. The development of these 23 acres will be highly significant to the future of Downtown.

If the Oakland Athletics are to be the team that will use this stadium, the EIR is incomplete without an analysis of the impact on I-880 and its exits in the Downtown vicinity. An analysis of the impacts on the surface streets that will carry the traffic from I-880 into Downtown, especially The Alameda, Coleman Avenue, and First Street, also must be included. Currently, the most significant fan base for the A's live in the East Bay, and adequate public transportation between the East Bay and San Jose is far in the future. A thorough analysis of I-880 and access points to the stadium must be added to the DEIR. 1

Another deficiency is the lack of analysis on available parking for weekday afternoon games. The parking picture changes dramatically if there are plans to schedule games at that time. 2

Although the DEIR analyzes sidewalk capacity, there is no mention of any mitigation to make the pedestrian experience more inviting, especially in the darker areas under SR 87 along Park Avenue and San Fernando Street. 3

We found the DEIR very informative and appreciate the opportunity to respond.

Sincerely,

Scott Knies
Executive Director

COMMENTOR C4
San Jose Downtown Association
Scott Knies, Executive Director
April 21, 2006

C4-1: Please see Master Response Transportation, Circulation and Parking #4, I-880.

C4-2: Please see Master Response Transportation, Circulation and Parking #2, Daytime Games Parking.

C4-3: The comment is noted. While CEQA mandates that issues of capacity for safe pedestrian access be evaluated, there is no requirement to improve existing deficiencies unless exacerbated by the project. The EIR did not find evidence that the existing sidewalk lighting is inadequate nor that the stadium would have any adverse effect on lighting levels. Nevertheless, the comment is noted by the City and could be considered at the time that more specific design and operational details are proposed, if the stadium project goes forward.

Letter C5

April 12, 2006

TO: Akoni Danielson, City of San Jose
Michael Rhoades, City of San Jose
FR: SNI PAC Ad Hoc Committee, Diridon/Arena Baseball Stadium DEIR
CC: SNI PAC

Per the direction of the SNI PAC, a group of residents has formed an ad hoc committee to address issues in the Diridon Area Baseball Stadium DEIR. While the project itself is in and adjacent to both the Burbank/Del Monte and Delmas NACs, the scope and range of the project will affect other nearby neighborhoods. For this reason, we asked other neighborhoods (Shasta/Hanchett Park Neighborhood Association, Willow Glen Neighborhood Association, e.g.) and other community leaders to participate in a series of discussions.

We are forwarding questions and comments to you about the DEIR that are agreed upon by all parties. These comments and questions are a reflection of issues affecting all the neighborhoods. They represent portions of the document that we have finished reviewing.

We request a review of these questions, consideration of our suggestions for mitigations and written response. Due to the omissions and errors in the DEIR we are also requesting that the DEIR be reissued and recirculated when the comments and questions during the current public input phase are resolved. Please include all members listed below in your response:

Joe Bentley
Shasta/Hanchett Park Neighborhood Association
1281 Martin Avenue, SJ 95126

Harvey Darnell
SNI PAC, North Willow Glen Neighborhood Association, Greater Gardner NAC
897 Delmas, SJ CA 95125

Carolyn Downey
411 Park #206, SJ CA 95110
SNI PAC, Delmas NAC and Delmas Neighborhood Association

Hugh Graham
Willow Glen Neighborhood Association
1671 Fairwood Avenue, SJ CA 95125

Ken Henning
SNI PAC, Burbank/Del Monte NAC, Buena Vista Neighborhood Association
347 Menker, SJ CA 95128

Letter
C5

Randi Kinman
SNI PAC, Burbank/Del Monte NAC, Sherman Oaks Neighborhood Association
801 Richmond Ave, SJ CA 95128

Michael LaRocca
Burbank/Del Monte NAC, Sherman Oaks Neighborhood Association
865 Sherman Oaks Drive, SJ CA 95128

Ed Rast
UNSCC, SNI PAC, Willow Glen Neighborhood Association
1007 Spencer Ave., SJ CA 95125

Kathy Sutherland
SNI PAC, Delmas NAC and Delmas Neighborhood Association
359 Gifford, SJ CA 95126

Letter C5

SNI PAC Ad Hoc Committee, Diridon/Arena Baseball Stadium DEIR

Committee Members
SNI PAC Members: Harvey Darnell, Carolyn Downey, Ken Henning, Randi Kinman, Ed Rast, Kathy Sutherland
Community Members: Joe Bentley, Hugh Graham, Michael LaRocca

Land Use

FAA height limits of 208 to 240 feet above mean sea level are exceeded. The City, FAA and Airport Land Use Commission need to create a comprehensive development plan for the entire downtown corridor that will determine development height limits. **1**

Los Gatos Creek riparian average setback is 50 feet, short of the council policy 100 foot set-back called for in the Diridon Strategic Plan. The significant short fall of riparian setback for this section of the Los Gatos Creek should be offset thru the completed development of Reach 5 of the Los Gatos Creek Trail. (From Santa Clara to Auzerais) **2**

Fireworks displays do not have a curfew. Firework displays would be a significant impact to the residents. **3**

Population, Employment and Housing

Census data is from 2000 and over 6 years old. DEIR should use more current data **4**

The Economic Development Study should address the following issues
Of the anticipated jobs that will be created by the development of the baseball stadium:

- What is the anticipated pay scale?
- What will be the ratio of full to part-time employment?
- Will they include benefits?
- How will the creation of a large number of low paying jobs affect housing, transportation, parks and schools?

5

Transportation, Circulation and Parking

Transportation, Circulation and Parking study time periods on page 96 assume a game beginning at 7:00 pm.
The impact on Transportation, Circulation and Parking needs to be addressed for games beginning prior to 7:00pm.
Using the current game scenario at AT&T, several instances occur that force the baseball games to begin prior to 7:00 such as televised games to the east coast and day games. **6**

Letter C5

Traffic patterns and impact times for Camden Yards and AT&T should be used as models to determine the true traffic impact hours because they are also downtown baseball stadiums. 7

Parking in shared downtown lots will not be available for games beginning prior to 7:00pm. 8

The entire Transportation, Circulation and Parking report needs to be redone.

- The major impacts of the Grand Prix, weekend downtown festivals, Center for the Performing Arts, and Convention Center events on Transportation, Circulation and Parking capacity are not identified. 9
- Several downtown parking lots will be lost for approximately 2 months for the construction and demolition for the Grand Prix grandstands. 10
- Traffic and parking impacts on the areas south of 280, north of Julian and west of the railroad tracks, Coleman, Hwys 880 & 101, and The Alameda are not addressed. 11

Pedestrian traffic impacts along the Los Gatos Creek Trail and small neighborhood streets are not addressed. 12

Impacts to the Safe Route to School need to be mitigated.
Per the Parks and Recreation Commission letter dated April 5th "Currently, elementary students in the Delmas area must cross over Interstate 280 at Bird Avenue. A major traffic route for Stadium users will be the interchange of the Bird Avenue's on and off ramps associated with interstate 280." Children must cross at ground level directly in front of cars exiting and entering the freeway. The safety impacts associated with this potential conflict must be evaluated in the DEIR. 13

There is no mention of bus parking or bus drop off locations. 14

There is no assurance that the fan base for a baseball game will be similar to the composition of the fan base for hockey games. 15

There is no traffic study for special events at the site and their traffic impact. 16

On street parking spots cannot be counted for events at the ball stadium since they are either permit parking or have 2-hour limits. 17

Air Quality

Monitoring proposed on page 150 section (d) allows for the collection of data, but there is no mention of consequences to complaints for the violator. Mitigation should include fines and penalties. 18

Page 150 section (e) – to reduce pollutants, bio-diesel should be mandated. (80/20 bio-diesel does not require any mechanical conversion). 19

Letter
C5

Section (iii) and (iv) should "require" instead of "consider" both of these items 19 cont.

Air quality impact will be significant and unavoidable as mentioned on page 151. Air quality within the residential units needs to be mitigated at no cost to the residents. To mitigate this situation air filters should be considered. The program should include a free maintenance program. 20

Noise

Noise impacts that exceed allowable noise levels (95dDB at the mix position) should be fined and the money collected used for neighborhood improvements.

Note: Most concert venues have monitoring with fines for every minute over 95dDB at the mix position. Suggest monitoring outside stadium as well. 21

The concerts noise contours do not accurately represent sound from a single source. Concert contours should be modeled from a single source on field and not the distributed sound system. 22

dBA deemphasizes low frequencies. Please use an octave band analysis in addition to the dBA analysis. 23

Noise analysis does not account for the reflection noise off the proposed new high-rise developments along W. Santa Clara and San Fernando 24

At the Mountain View amphitheater, Palo Alto residents can hear concerts more than 2 miles away. Please study the effects of the low frequency sky waves in addition to ground waves. 25

If the City cannot reduce inside noise in the residences adjacent to the stadiums to 45 dBA during a concert, the City should install triple pane windows. 26

Noise monitoring stations should be established within the immediate area and extend to south of 280, north of Julian, east of 87 and west of Race. 27

Biological Resources

Ordinance-size trees that need to be removed need to be replaced at a 6 to 1 ratio. Not all trees need to be 24" box trees. A mixture of tree sizes and type will optimize the ecological quality of the riparian corridor and provide for complete biological mitigation. Some of the trees should be located along Bird Avenue/Autumn Street from 280 to Coleman Avenue. 28

Letter
C5

According to the Riparian Corridor Policy in the General Plan and the Diridon Strategic plan the riparian set back should be 100 feet. Reduction from the 100 foot set back policies in the riparian corridor proposed for this project should be mitigated on a 2 to 1 basis. This mitigation should occur within walk able distance from the site. **29**

How will the Los Gatos Creek be restored? How will the non-native plants be removed? There needs to be a commitment to provide the resources to restore the Riparian habitat and complete the Los Gatos Creek Trail for the entire length of Reach 5 from the south side of Auzerais to the north side of Santa Clara. **30**

Information is lacking on the impact of shade on the existing canopy trees. **31**

Hazardous Material

On page 22 of the DEIR "The HHRA shall describe measures that must be implemented to ensure that any potential added health risks to construction workers, maintenance and utility workers, site users, and the general public as a result of hazardous materials are reduced to a cumulative risk of less than one in one million for carcinogens and a cumulative hazard index of 1.0 for non-carcinogens, or as required by a regulatory oversight agency." Residents need to be assured that benchmarks for hazardous material exposure are calculated on 24 hour a day exposure. **32**

Cultural and Paleontological

Stephens Meat Sign should be preserved and incorporated within the ball stadium **33**

Visual and Aesthetic Resources

Before and after views, from the ground level, looking both inward and outward, of the area surrounding the proposed ball stadium from the north, south, east and west need to be included and in color. **34**

Shade/Shadow and Light/Glare

Roof lights on light towers above stadium should be eliminated. The community recommends the proposed stadium incorporate roof level lighting. **35**

Shadow impacts on residents west of the railroad are not addressed. **36**

Utilities/Energy

Letter C5

The ball stadium should be used as a demonstration project of new and innovative "green building." **37**

Solar energy and alternative energy vehicles should be required. **38**

Excess electricity produced thru the use of solar panels should be used to offset the additional cost of operating noise and air quality mitigation measures in the adjacent neighborhoods. **39**

All food packaging should use compost able material. **40**

Can recycled water be used on the field, if so, will major league baseball approve? **41**

The issue of trash left on the streets by pedestrians going to events at the stadium is not addressed. Streets within the ¾ mile radius will need to be patrolled after the pedestrians are gone and event trash picked up. **42**

Public Services and Facilities

Evaluation is based upon a 7:00pm game time. The report needs to include information about impacts upon Public Services and Facilities for day games and games beginning prior to 7:00pm. **43**

The adopted Midtown Specific and Burbank/Del Monte SNI plans identify the Fire Department Training Site as future parkland for active ball fields and other neighborhood serving amenities. Mitigation measures need to identify, provide and fund the specific land that will be used as replacement parkland. This land must be large enough to provide the active ball fields and also be within the Burbank/Del Monte NAC boundaries. **44**

Privately owned open space should not be included in the city's totals for public open space. As in the plaza in front of the stadium **45**

Los Gatos Creek Trail

The section of the Los Gatos Creek Trail that fronts on the parking structure on Bird Avenue is not defined. As it is currently configured – the trail seems to disappear from Park to San Carlos. **46**

City standard of a 12' trail creates a mixed-use trail. To accommodate the number of trail users, the trail corridor should be designed to create separate pedestrian and bicycle pathways. **47**

Letter
C5

April 27, 2006 Report to SNI PAC

Diridon/Arena Baseball DEIR Ad Hoc Committee

PAC Committee Members: Randi Kinman, Harvey Darnell, Carolyn Downey, Ken Henning, Ed Rast, Kathy Sutherland
Other Members: Joe Bentley, Hugh Graham, Michael LaRocca

HISTORY

At the direction of the SNI PAC an ad hoc committee was organized to address issues in the draft EIR for the proposed ballpark in the Diridon Station area due to the fact the site is in and adjacent to two NACs. In addition, leaders from SH/PNA, Willow Glen NA, Buena Vista NA and NAC leaders were invited to participate. The additional members were added due to the fact they represent neighborhoods adjacent to the proposed project. A series of meetings was held with each section of the DEIR assigned to committee members for review. All sections of the DEIR were then reviewed with the comments submitted.

All members agreed that any questions/comments/mitigation requests would be agreed upon by all parties. We agreed that the process would not address the issue of whether or not a ballpark should be built, finances or any other items outside the scope of the DEIR. No item or suggestion would be submitted if it mitigated a problem for one neighborhood but pushed the problem into another neighborhood. Each individual neighborhood was free to develop position papers and submit questions or comments separate from documents issued by the ad hoc committee.

FINDINGS

Based on the committee's review of the DEIR and the process, we find the following:

1. There was a significant break down in the notification of the scoping session for the DEIR. Individual residents, NACs and neighborhood associations did not receive notification of the scoping session. Since only one scoping session was held during the holiday season, this limited the amount of public input. In addition, requests for items to be included in the DEIR at the scoping session (e.g. mitigation of pedestrian traffic per Safe Walk to School, contacting neighborhoods in similar situations) were not honored. The DEIR does address issues, but by sticking to the letter of the law in only laying out the issues does not answer questions. Representatives from the Ad Hoc committee appealed to Council for additional time (two weeks) and (two) public meetings to mitigate these problems; Council directed staff to extend the comment period by one month and to hold four public meetings. **48**
2. There are assumptions in the document that certain things will take place (e.g. development of Reach 5 trail, acquisition of park land to replace space previously identified for parks, street realignments), but there is no identification of the funding mechanisms for these projects or timelines for completion. **49**
3. There are considerable problems in the data and analysis around parking and traffic flow. For example, parking was counted twice in one area, on street parking is counted without regard for the two hour limit on most street sites and the consecutive event counts only take into consideration events at the Arena which disregarding ongoing use at CPA, the convention center or events such as the Grand Prix and the 4th of July America's Festival, Music in the Park and all the annual weekend festivals during baseball season. It is assumed people are willing to walk ¾ of a mile from downtown while ignoring they might be willing to park in neighborhoods and walk from another direction; traffic and parking should be looked at in a 360 degree radius. Traffic analysis notes traffic on the Coleman/Autumn route but does not include any traffic on Hwy 880, Hwy 101 and The Alameda and bases traffic flow on Sharks games without taking into account the potential traffic that would come from the East Bay. Virtually all of these studies need to be re-done with this additional data. **50** **51** **52**

Letter
C5

4. The removal of the Fire Training site as a future park reduces the open space for playing fields in two SNI neighborhoods. The potential sites north of the project are not large enough to serve as replacements and are removed from the neighborhoods needing this service. The area south of the project area has not been clearly identified, nor has there been any mention of how such property would be acquired. Loss of park and open space in an SNI neighborhood needs to be treated with the same care and consideration that we give private property. Mitigation for the loss of riparian set backs is noted, but no mitigation is in place. Ironically, the DEIR calls out the Del Monte site as an example of the City bypassing policy but does not note that Council stated that this project was not going to set a precedent for loss of riparian set back. 53 54
5. Considering the interest in a smaller stadium that would be a potential site for Major League Soccer, the DEIR should include this as an alternative or, another concurrent DEIR should be initiated. 55
6. Pedestrian and alternative traffic patterns are not adequately addressed. Specifically, adherence to the Safe Walk to School Program in the Delmas/Del Monte area is of grave concern to the neighborhoods that are already negatively impacted. 56
7. Lighting and noise issues do not include statistics for noise bouncing due to atmospherics or the already approved incoming development. Concert noise was erroneously placed the same as a ball game, disregarding true acoustical settings. 57 58
8. Mitigation for noise and air pollution caused by the construction and operation of a stadium for surrounding neighborhoods is not adequately addressed. 59

RECCOMENDATIONS

The ad hoc committee recommends that the SNI PAC take the following actions:

1. Direct the ad hoc committee to remain in place until the issue is finalized. If the proposal for a sports stadium is dropped by Council, the committee would be dissolved. If it continues through a ballot measure, a permanent oversight committee should remain in place.
2. Prepare and send a letter to Council with the following:
    a. Thanks and acknowledgement for the extension of the draft phase.
    b. Due to the time line, the draft EIR should be reviewed with all public comment and released and recirculated as a second draft to ensure all comments and secondary questions are answered. If, for instance, they re-do traffic and parking analysis, this should be treated as a draft and left open for another standard public review period before being finalized.
    c. Include the option of soccer in this DEIR or run a concurrent soccer DEIR. Since the City has committed to looking at soccer in the future, it would be a waste of time and effort to not include it in the analysis of this site.
    d. Direct staff to work with the ad hoc committee to develop a standard list of questions to be presented to urban neighborhoods that have ballparks similar to this proposal (e.g. AT&T Park and Camden Yards). This would allow all parties to gather information and data we might be missing that would ensure a successful project.
    e. Direct staff to identify sources of funding and timelines for the assumptions of infrastructure alignments and replacement of park land to assure these are included in any budget analysis for bonding purposes.
    f. Direct staff to work on the socio-economic issues raised by the proposal and develop a means for the public to ask and receive answers outside the scope of the DEIR.

It is hoped that by proceeding in this manner we meet the legal responsibilities of the DEIR process while completely addressing the scope of the project in a front loaded manner.

COMMENTOR C5
SNI PAC Ad Hoc Committee
Committee Members
April 12, 2006

C5-1: The comment is noted, but does not relate to the adequacy of the Draft EIR and does not require further response.

C5-2: Please see Master Response Consistency with Plans and Policies #1, Los Gatos Creek Setback.

C5-3: Page 167 of the Draft EIR identifies noise impacts associated with fireworks displays as a significant unavoidable impact. For those significant effects that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.[6] The *CEQA Guidelines* state in Section 15093 that:

> *"If the specific economic, legal, social, technological, or other benefits of a propos[ed] project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"*

C5-4: Chapter V.B, Population, Employment, and Housing, of the Draft EIR utilizes U.S. Census data for the most recent year available (the year 2000) as well as population, employment, and housing projections provided by the Association of Bay Area Governments (ABAG) for the years 2005 to 2030. ABAG projections are produced every year and provide a good estimate of current (2005) population, employment, and housing conditions within the San Francisco Bay Area, including the City of San Jose. While the State of California, Department of Finance, publishes annual estimate of local population for the interim years between decennial censuses, they suffer from their own inaccuracies and statistical biases. No further response is necessary.

C5-5: The comment is noted. The commentor is referring to the contents of the *Neighborhood Economic Impacts of the Proposed San Jose Stadium* for the proposed project that has been discussed by some City and Redevelopment Agency representatives. The comment does not relate to the adequacy of the Draft EIR, therefore no further response is necessary.

C5-6: Please see Master Response Transportation, Circulation and Parking #3, Scenario Assumptions.

C5-7: Please see Master Response Transportation, Circulation and Parking #3, Scenario Assumptions.

[6] Public Resources Code Section 21081(b).

C5-8: Please see Master Response Transportation, Circulation and Parking #2, Daytime Games Parking.

C5-9: Please see Master Response Transportation, Circulation and Parking #3, Scenario Assumptions.

C5-10: Please see Master Response Transportation, Circulation and Parking #3, Scenario Assumptions. The Almaden/Woz parking lot, which in past years, has been taken out of service for the Grand Prix grandstands, has 365 spaces. There is sufficient parking within the downtown to accommodate the stadium without the Almaden/Woz lot.

C5-11: Please see Master Responses Transportation, Circulation and Parking #1, Additional Intersections, #4, I-880, and #5, Neighborhood Traffic and Parking.

C5-12: The analysis does not assume the use of the trail, although it is not expected that use of the trail would be a problem. Pedestrian activity primarily is expected to be between the stadium and parking facilities east of SR 87.

C5-13: The overpass on I-280 would be improved if the recommendations for Bird Avenue are adopted and implemented. This would improve the situation for pedestrians using Bird Avenue. The existing on-ramp to I-280 southbound would not be widened; it would be restriped to provide two lanes. This would reduce the incidence of cars running the red light by providing more left turn capacity per signal cycle. Additional baseball traffic would seldom ever coincide with school commute hours.

C5-14: Details about bus drop-off locations and parking have not been designed as part of the concept-level planning for the stadium to date. One candidate location would be in front of Diridon Station.

C5-15: Lacking any information about the location of a fan base for a baseball team, a reasonable assumption is that it would be similar to the fan base for the San Jose Sharks hockey team. Both would be professional sports franchises located in San Jose. If a specific baseball team is identified in the future, and if any information comes to light that suggests a different fan base assumption is appropriate, then the Draft EIR may need to be amended or supplemented.

C5-16: Please see Master Response Transportation, Circulation and Parking #3, Scenario Assumptions.

C5-17: The on-street parking spaces that are considered as part of the potential parking supply for the stadium all are located east of the site. These spaces do not require permits, nor do they have time limits after 6 p.m.

C5-18: As Mitigation Measure AIR-1e states, complaints to the construction coordinator will be responded to by requiring suspension of dust production activities or by providing additional personnel or equipment for dust control as deemed necessary. Implementation of the multi-part Mitigation Measure AIR-1 would reduce construction period air quality impacts to a less than significant level.

C5-19: Bio-diesel can be considered by the construction contractor. However, the BAAQMD has determined that compliance with mitigation measure AIR-1 would reduce construction emissions to a less than significant impact.

C5-20: The proposed project's regional impacts would create a significant impact as shown in Table V.D-6. Referencing discussions under Chapter V.D, Air Quality, Section d., the BAAQMD thresholds are used to manage total regional emissions within an air basin and are conservative in nature. The thresholds are in the context of basin-wide emissions and there is no direct correlation of a single project to localized health effects. One individual project having emissions exceeding a threshold does not necessarily result in adverse health effects for residents in the project vicinity. This is especially true for this project where the pollutants exceeding the thresholds are ozone precursors which have regional effects and are mostly from vehicle exhaust from all over the City to the project site. The potential for an individual project to contribute to significant health risk is small, even if the emission thresholds are exceeded by the project. Additional mitigation measures would not be warranted.

C5-21: This suggestion to fine noise events in excess of 95 dBA and use the funds for neighborhood improvements is noted and will be considered by the City Council. However, the assessment of a fine for such events is not a mitigation measure that would actually reduce or avoid noise impacts, and the comment does not address the adequacy of the EIR; therefore no further response is required.

C5-22: As stated on page 166 of the Draft EIR, amplifiers for concerts would be located at field level. Concerts at the proposed downtown stadium would be unique for outdoor music in that the stadium would provide a barrier behind the audience that would reduce the speaker volume needed to achieve the same sound effect in a completely open outdoor environment and would reduce off-site sound migration of amplified music. Crowd noise from concert events in combination with amplified music would migrate into the vicinity of the site and is represented by the 60 dBA L_{eq} contour line shown in Figure V.E-2.

C5-23: For CEQA purposes and land use planning purposes, the A-weighted sound pressure level is the measurement method used in determining community noise established by the EPA, State of California and the City of San Jose. The A-weighted sound level provides a scale with the range and characteristics most consistent with human hearing ability and is therefore the most appropriate scale to use in determining the environmental noise effects of the proposed project.

C5-24: Depending on the orientation and surface material used for the new 20-story building, there may be some reflected sound from this new building to areas east or south of the building. However, due to distance attenuation and angle of the reflected sound, the effect of the building reflection would be negligible. It normally takes doubling of the sound energy received to add 3 dBA to a receptor location. The reflected sound, if any, would be a small portion (less than 20 percent) of the direct sound, adding less than 1 dBA to the noise level at the affected receptor location. The area to the west of the new building would not experience any significant sound reflection and any reflected sound that was created would be masked by vehicular traffic on the freeway.

C5-25: The commentor's assertion with regard to sky waves is analogous to the issue of sound propagation through open air. Typically, sound propagation through open air will be attenuated by geometrical divergence, air absorption, ground absorption, and others like reflection, foliage, and

building blockage. Geometrical divergence accounts for 6 dBA reduction in noise level per doubling of the distance from the point source. Air absorption attenuation varies with relative humidity at different temperatures. Ground absorption attenuation varies with the type of ground surface (e.g., hard, soft, or very soft) between the sound sources and the receptor location. Other attenuation (reflection, foliage, and building blockage) depends on the site specific conditions. Other factors, such as wind (direction and speed) and temperature inversion would also affect the open air sound propagation. In this noise impact analysis, only the geometrical sound attenuation is calculated, assuming all other factors would be small or would compensate one another. In addition, although low frequency sound tends to travel farther than mid- to high-frequency sound, due to human ear perception difference (similar to the A-weighted sound), low frequency sound would not result in a more severe impact than the total A-weighted sound measurement.

C5-26: The City would work with an acoustical engineer to determine which combination of mitigation measures would reduce interior noise impacts to the extent possible on a case-by-case basis. Triple-pane windows would be considered.

C5-27: The comment is noted. Noise monitoring would be conducted where necessary when the stadium is in operation.

C5-28: The comment is noted. As noted on page 187 of the Draft EIR, the City of San Jose requires tree replacement for those trees greater than 18 inches in diameter with 24-inch box trees at a ratio of 4:1 (trees planted to trees removed). As a City proposed project, the City would commit to meeting the tree replacement ratio but, given the footprint of redevelopment on the site, replacement trees may be planted beyond the project site within the project area.

C5-29: Please see Master Response Consistency with Plans and Policies #1, Los Gatos Creek Setback.

C5-30: Please see Master Response Consistency with Plans and Policies #1, Los Gatos Creek Setback.

C5-31: Please see Master Response Cultural and Paleontological Resources #1, Stephen's Meat Sign.

C5-32: The commentor requests confirmation that potential human health risks to residents will be evaluated based on a 24-hour per day exposure. The Human Health Risk Assessment (HHRA) described in Mitigation Measure HAZ-1a will be prepared by a qualified environmental professional in accordance with standard industry practices. The standard practices for HHRAs have been established by US Environmental Protection Agency and the California Department of Toxic Substances Control. These standards include default exposure parameters for residential, commercial/industrial, agricultural, and recreational land uses. For potential exposures to residents, these default exposure parameters assume that residents may be exposed to contaminants 24 hours per day, 350 days per year, over a 30-year period.[7]

[7] Department of Toxic Substances Control, 1992, Supplemental Guidance for Human Health Multimedia Risk Assessment of Hazardous Waste Sites and Permitted Facilities, Chapter 1, Default Exposure Parameters, corrected and reprinted August 1996.

C5-33: Please see Master Response Cultural and Paleontological Resources #1, Stephen's Meat Sign.

C5-34: Page 256 of the Draft EIR evaluates the proposed projects effects on scenic vistas and existing views within and in the vicinity of the project site. View simulations were not developed for the proposed project as the project site is located in an urban downtown area and views from street level are generally obstructed by buildings, street trees, and above-ground power lines. The proposed project would generally enhance the urban nature of the project site, which is already surrounded by some of the highest density development in the City. The Draft EIR concluded that the proposed project would have a less than significant impact on existing views in the area.

C5-35: The comment is noted. Impact Shade-2 on page 264 of the Draft EIR identifies obtrusive light and glare associated with nighttime operation of the proposed stadium to be a significant unavoidable impact. Mitigation Measures Shade-2a and 2b require the proposed project to incorporate lighting controls at the proposed stadium to reduce the potential nuisance associated with light and glare on adjacent residential land uses

Page 41 of the Draft EIR describes the proposed lighting plan to the extent that it is known at this time. As stated in the Draft EIR, "Lighting would be directed towards the playing surface and lighting design would incorporate techniques to limit the amount of light escaping into areas surrounding the stadium including precision reflectors and glare control optics."

C5-36: The Draft EIR addresses shade and shadow impacts on nearby public open spaces. A small number of residences west of the railroad tracks would experience a limited increase in shading from the proposed stadium during the morning hours throughout the year. However, under the City's significance criteria, this is not considered to be a significant impact of the proposed project.

C5-37: Pages 303 to 305 of the Draft EIR discuss the City of San Jose's Green Building Policies as they relate to the proposed project. As stated in the Draft EIR, in accordance with these policies, construction of all new City facilities is required to meet a "San Jose LEED" certified rating by incorporating certain measures to reduce energy consumption through design. In addition, all new development is required to incorporate energy conservation measures in compliance with Title 24 and the Uniform Building Code. Because this comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

C5-38: As discussed above, the Draft EIR discusses the City of San Jose's Green Building Policies as they relate to the proposed project. The proposed stadium design would incorporate passive solar design elements, in accordance with LEED certification requirements, to the extent feasible. The City will determine to what extent solar design elements and alternative vehicle usage is appropriate and if financing is available when refining the stadium design and considering project operational details. Because this comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

C5-39: The City will determine to what extent solar design elements are appropriate and if financing is available when refining the stadium design. Should the stadium produce excess electricity through the use of solar panels, the excess amount would likely be recirculated into PG&E's electrical grid.

Because this comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

C5-40: The comment is noted. The City will determine the extent to which food packaging will be made of compostable materials when considering project operational details. It should be noted that many Major League Baseball stadiums, including the Oakland Coliseum, utilize biodegradable food packaging materials. Because this comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

C5-41: Page 286 of the Draft EIR discusses recycled water opportunities for the proposed project. Major League Baseball's position on the use of recycled water for field irrigation is not known at this time. Recycled water opportunities will be utilized at the proposed stadium to the extent feasible.

C5-42: Please see Master Response Land Use #1, Increased Trash.

C5-43: It is unclear what is meant by "Evaluation is based upon a 7:00 p.m. game time." Impacts to public services and facilities are discussed in Chapter V.N, Public Services and Facilities and nowhere does the Draft EIR indicate that impacts are only evaluated for a 7:00 p.m. game time. No further response is necessary.

C5-44: Please see Master Response Public Services and Facilities #1, Parks.

C5-45: The proposed baseball stadium is a City project, sponsored by the City of San Jose Redevelopment Agency, and as such, the public plazas to be provided at the entrances to the proposed stadium constitutes public open space (see page 41 of the Draft EIR).

C5-46: The comment is noted. As stated in Chapter III, Project Description, a conceptual site plan has been developed for the proposed stadium. As described throughout the Draft EIR, a portion of Reach 5 Los Gatos Creek Trail Project would be located within the stadium project area, set back an average of 50 feet from the Los Gatos top of bank. The trail project is independent of the stadium project, but would utilize the riparian setback areas resulting from the removal of the commercial buildings and parking lots east of S. Autumn Street and from the development of the Fire Training Facility site.

C5-47: The comment is noted. As discussed on page 75 of the Draft EIR, the trail project is independent of the stadium project and at the time of preparation of the Draft EIR, the Reach 5 project was in the early planning stages. The comment does not relate to the adequacy of the Draft EIR; no further response is necessary.

C5-48: Notices for the Draft EIR public scoping meeting were sent in accordance with the CEQA Guidelines and City's Public Outreach Policy. After the project became more widely publicized through media stories following the scoping meeting, the City expanded the notification radius for the project far in excess of both CEQA and City noticing requirements.

C5-49: The comment notes that the Draft EIR does not identify funding mechanisms or timelines for completion for several public projects that would occur in the vicinity of the ballpark, including the Los Gatos Creek Trail Reach 5 project, the acquisition of alternative parkland in lieu of the planned

park at the Fire Training Center site, and street realignments. None of these public projects are mitigation measures for purposes of avoiding project impacts, therefore the EIR need not identify funding and timelines for these projects. The establishment of funding and timelines for these projects will require future City Council actions.

C5-50: The Draft EIR is revised at the beginning of page 128 as follows:

> Within ¾ miles from the stadium, a total supply of ~~21,072~~ 19,722 parking spaces currently exit to the north and east of the project site. Assuming these spaces are 25 percent occupied in the evening without an event at the HP Pavilion, there are an estimated ~~15,084~~ 14,791 available spaces for the stadium.
>
> **1) Single-Event Scenario.** Thus, for the single-event scenario, existing parking facilities in the Diridon/Arena area as well as garages and lots in the Downtown Core Area east of SR 87 would ~~exceed the estimated project parking demand~~ ~~For a typical weekday evening game without an event at the HP Pavilion, baseball fans are expected to walk a maximum of three-quarters of a mile from their parking location to the stadium. Such a maximum walking distance is typical of that planned for and experienced at other downtown stadiums.~~ be short 1,117 spaces, or 7 percent of off-site demand. These patrons would have to seek parking outside of the ¾-mile distance from the stadium. There are an additional 10,009 spaces in this area. Under such circumstances it might be desirable to operate a shuttle bus from outlying parking areas to the stadium. Alternatively, the City may wish to encourage transit usage and carpooling as a way to reduce the number of cars brought downtown.

Please also see Response to Comment C5-17 and Master Response Transportation, Circulation and Parking #3, Scenario Assumptions.

C5-51: As stated in the Draft EIR, it is not the City's intent to rely on any parking west of the site, but rather to identify sufficient parking east of the site. The City is prepared to implement new permit parking areas if the residents so desire. Please see Master Response Transportation, Circulation and Parking #5, Neighborhood Traffic and Parking.

C5-52: Please see Master Responses Transportation, Circulation and Parking #1, Additional Intersections and #4, I-880.

C5-53: Please see Master Response Public Services and Facilities #1, Parks.

C5-54: Please see Master Response Consistency with Plans and Policies #1, Los Gatos Creek Setback.

C5-55: Please see Master Response Alternatives #1, Soccer Stadium.

C5-56: Please see Response to Comment C5-13.

C5-57: Please see Response to Comment C5-24 regarding noise reflection.

C5-58: Please see Response to Comment C5-22.

C5-59: All feasible construction noise mitigation measures are identified on page 171 of the EIR. Implementation of construction of these mitigation measures would reduce impacts. However, noise associated with the construction of the proposed project would be considered significant and unavoidable. Air quality mitigation measures shown on page 149 include all feasible mitigation measures identified by the BAAQMD. The BAAQMD has determined that implementation of the mitigation measures identified in AIR-1 would reduce construction period impacts to a less-than significant level.

Letter
C6

Shasta/Hanchett Park Neighborhood Association
P.O. Box 28251 • San José, CA 95159 • info@shpna.org • www.shpna.org

May 4, 2006

City of San José
Department of Planning, Building and Code Enforcement
Attention: Michael Rhoades
200 East Santa Clara Street, 3rd Floor
San José, CA 95113

Dear Mr. Rhoades,

I am writing in regards to content of the Draft Environmental Impact Report (DEIR) for the Ballpark Study in the Diridon/Arena Area (File # PP05-214). The following comments and questions have been collected by the Shasta/Hanchett Park Neighborhood Association in response to the DEIR.

We request a written response to these questions and consideration of our suggestions for the proposed mitigations. Due to the omissions and errors in the DEIR we are also requesting that the DEIR be recirculated when the comments and questions have been resolved.

1. Can this DEIR be compared to ballparks in other cities? 1
2. Can the study of other locations be expanded considering the impact of the noise in the surrounding residences? 2
3. On the impact of day games, can a mitigation be that day games are only allowed on weekends? 3
4. What will happen to Performance Arts Center when there is noise from the ballpark? 4
5. What is the impact of stadium events on the train station? Would the bathrooms at the train station be able to handle capacity of stadium events? 5
6. The proposed project would use land earmarked for housing and parks as specified in the Diridon / Arena Strategic Development Plan, Midtown Specific Plan and General Plan. If the land is not used for housing, how will the City of San José meet their housing goals? 6
7. If the land is not used for park space, how does the City of San José propose to make up for the shortfall of park space that already exists today in our neighborhoods? 7

Letter
C6

8. Given that a ballpark may not be compatible with all types residential living, would the currently proposed project decrease housing development in the vicinity? **8**

9. How will the increase in traffic be mitigated on Park Avenue? On West San Carlos Street? **9**

10. How does the City of San José plan to address the interference of ballpark traffic with school traffic on Park Avenue? **10**

11. How would residential streets such as Shasta Avenue be protected from cut-through traffic for ballgames or events? **11**

12. Does the City of San José plan to modify street signs and promote the use of major traffic corridors as opposed to using residential streets? How does the City propose to do this? **12**

13. Would the flight path need to change to accommodate the proposed ball park? Will the lights from the stadium interfere with airline pilots' ability to navigate? **13**

14. Would the proposed project have a negative impact on the ability to bring BART to the Diridon station? **14**

15. How would the proposed project affect the air quality in our local parks, including Cahill Park and Guadalupe River Park and Gardens, given the increase in idle traffic caused by events? **15**

16. How would the proposed project increase the motor vehicle noise and celebratory noise, including fireworks on residential streets in our neighborhood? **16**

17. Does the proposed project call for the replacement of any trees that may be removed? **17**

18. What is the expected impact to the Guadalupe River Park, including the burrowing owl population? **18**

19. How will drainage from the proposed project impact the water in Los Gatos Creek and Guadalupe River? **19**

20. Will water collected from the proposed project be recycled? **20**

21. Would the proposed project affect the wells in the vicinity? **21**

22. How will the study test for buried hazardous materials, given that the proposed site is on an old PG&E substation and the Arena/ HP Pavilion EIR study found hazardous materials? **22**

Letter
C6

23. How will the proposed project affect the view from the surrounding neighborhoods? Will the downtown skyline still be visible from the Cahill Park neighborhood? Will the hills to the east still be visible from the Cahill Park neighborhood? **23**

24. Given that the proposed project is more than 200 feet high and considerable scale, how would it affect the wind patterns in the neighborhood? **24**

25. How will the removal of the PG&E substation affect the neighborhood? How long will electricity be out during construction? **25**

26. How would the proposed project have an effect on ambulance service and area hospitals? **26**

27. Will the baseball stadium be considered a location to be used as an evacuation area in the event of a major emergency? **27**

28. What is the emergency preparedness plan for the baseball stadium? If a major disaster should occur during an event at the ballpark, how will attendees exit? **28**

29. Given the neighborhood currently has 1 acre of park space per 1000 people, and the proposed project will use park space as well as increase use of parks in the vicinity, how does the City propose meeting the 3.5 acres per 1000 people standard set by the City's General Plan? **29**

30. Given the energy need for the proposed project, is the use of solar technology being considered? **30**

31. How would the proposed project meet the LEED (Leadership in Energy and Environmental Design) Green Building Certification requirements? **31**

32. Given the proposed project would not be able to adhere to riparian setback guidelines of 100 feet for Los Gatos Creek as specified in the City policy, how would the proposed project take precautions to protect the creek? **32**

33. The Midtown Specific Plan calls for the Fire Training Center to be designated as park space and connection a to Los Gatos Creek trail. How would the proposed project mitigate adjustments to this plan? **33**

34. During the construction of the proposed project, where will materials be staged? **34**

35. Since the proposed project would require rerouting Highway 82 on Montgomery Street, would rerouting be extended to include The Alameda, allowing the City to control traffic flow through the neighborhood? **35**

36. In the St.Leo's neighborhood today, we have problems with illegal parking lots used for Shark's games. Given that the ballpark is 3 times the size, we **36**

Letter
C6

project that we will see at least 3 times the amount of illegal parking in the adjacent neighborhoods. We see this as an unavoidable impact that will require constant enforcement. **36 cont.**

37. The proposed project violates 1994 Presidential Executive Order 12898 by failing to overcome linguistic, cultural, and other barriers to meaningful community participation. All public hearings, notifications and publications of the DEIR have been made in English only. Outreach and materials should be offered in other languages besides English, given the number of non-English households in the vicinity of the proposed project. **37**

38. The proposed project violated City Council Policy 6-30 by failing to provide on-site noticing is an additional mode of early notification. **38**

39. The proposed project violated City Council Policy 6-30 by failing to provide the entire notice for the DEIR in both English and Spanish, a requirement for large proposals. **39**

40. The DEIR needs a more detailed comparison of both the Baseball Stadium and alternative development plan impacts. **40**

41. The DEIR must have a more complete traffic study that includes the impacts both with and without Autumn Parkway and study the entire extended traffic area as well as the streets north of Arena. This study should also include Coleman and the I880/Coleman exit. **41**

42. In the noise study, what is the integration period of the Leq study? Over what time period is the integration? What were the peaks? **42**

43. In the noise study, how was the 60 dBA contour derived? The calculations were not included in the EIR, but should have been. **43**

44. In the noise study, what is the model for the Sky Wave? **44**

45. In the noise study, what is the model for the Ground Wave? Was the Ground Wave the only wave modeled for the EIR? **45**

46. In the noise study, the DEIR should provide an Octave Band Analysis to address low frequencies. A thorough analysis of the impact of music concerts, particularly rock concerts, should include an Octave Band Analysis, which looks at the entire spectrum of sound and the contribution of each frequency. **46**

47. In the noise study, The DEIR misrepresents the noise contour for concerts, which use single point sound systems. The contour should be more elliptical, and should point into the neighborhood, since the neighborhood will be in front of the stage. **47**

Letter
C6

48. The jet noise will interfere with PA announcements, so the planned site location will have the same or more noise impacts as the FMC site, depending on the flight patterns. The DEIR fails to address this impact. **48**

We look forward to your response regarding recirculating the DEIR.

Sincerely,

THE SHASTA/HANCHETT PARK NEIGHBORHOOD ASSOCIATION

Joe Bentley
President, Board of Directors
president@shpna.org

COMMENTOR C6
Shasta/Hanchett Park Neighborhood Association
Joe Bentley, President
May 4, 2006

C6-1: The Final Subsequent EIR for the San Diego Ballpark and Ancillary Development Projects and Associated Plan Amendments and the San Francisco Giants Ballpark at China Basin Draft EIR were used as reference documents for preparation of the Baseball Stadium in the Diridon/Arena Area Draft EIR. These documents are similar in that they analyze a similar type of development (baseball stadium); however, they differ in the emphasis and impacts to environmental issue topics due to the differences in project details (especially the conceptual nature of the proposed San Jose Stadium project) and the differences of project locations (different existing conditions and different emphasis by different jurisdictions).

C6-2: Alternatives are discussed in Chapter VII of the Draft EIR and include the discussion of five alternative locations that were considered but rejected and four alternative locations that are evaluated in greater detail. Noise impacts from the proposed stadium would be less at the Del Monte Alternate Location and Reed and Graham Alternate Location.

C6-3: Limiting day games to weekends is not a recommended mitigation within the transportation section of the Draft EIR. Please see the Master Responses Transportation, Circulation and Parking #2, Daytime Games Parking and #3, Scenario Assumptions.

In addition, Major League Baseball determines the schedule for all major league games, which often include a number of weekday games throughout the season.

C6-4: The Center for the Performing Arts is located east of the project site on the east side of SR 87. Based on calculations for event noise from the stadium, traffic on SR 87 would generate a higher noise levels than noise from baseball or concert events at the proposed stadium. Noise from existing sources such as SR 87 was taken into consideration in the design of the Center for the Performing Arts. Noise from the proposed project would not be audible inside the Center for the Performing Arts.

C6-5: The Draft EIR did not identify any potential transportation impacts to the Diridon Train Station's operation from the proposed project. It is presumed that any stadium patrons who may use Train Station facilities would also be customers of the Train Station. These facilities are not further discussed in the Draft EIR.

C6-6: Chapter IV, Consistency with Plans and Policies, of the Draft EIR discusses the proposed project's consistency with the Diridon/Arena Area Strategic Development Plan, the Midtown Specific Plan, and the San Jose 2020 General Plan. Page 53 of the Draft EIR states that the proposed project would not impede future efforts of the Housing Major Strategy. Although the proposed project would not develop housing north of Park Avenue as envisioned in these plans, substantial opportunities for high density housing exist within the Diridon Area and the Downtown as a whole. Any amendments to the Diridon/Arena Area Strategic Plan or the Midtown Specific Plan would be reviewed by, and

appropriate environmental clearance would be processed for consideration by, the recommending and decision-making bodies for such amendments.

C6-7: Please see Master Response Public Services and Facilities #1, Parks.

C6-8: It is not anticipated that future housing development in the vicinity of the proposed project would be impeded by the proposed project. High density residential development planned in the vicinity of the project and would not be inherently incompatible with the proposed stadium use.

C6-9: Please see Master Response Transportation, Circulation and Parking #1, Additional Intersections.

C6-10: It is not anticipated that stadium traffic and school traffic would coincide in time.

C6-11: It is not anticipated that any project traffic would use Shasta Avenue. Please see Master Response Transportation, Circulation and Parking #5, Neighborhood Traffic and Parking.

C6-12: The Draft EIR recommends that the City prepare a Traffic and Parking Management Plan (TPMP), as has been prepared for the HP Pavilion. This plan would describe signage requirements and other traffic control measures. Please see Master Response Transportation, Circulation and Parking #5, Neighborhood Traffic and Parking.

C6-13: Please see Draft EIR text changes in Response A1-3. The FAA may require a temporary flight restriction (TFR) for certain events held at the stadium; however, general flight patterns are expected to remain the same.

Page 264 of the Draft EIR, Impact SHADE-3, identifies light and glare associated with the proposed scoreboards and lighting structures and fireworks displays as having a less than significant impact on the San Jose International Airport with implementation of Mitigation Measures LU-1 (page 83) and SHADE-2a and 2b (page 264).

C6-14: As stated on page 116 of the Draft EIR, the extension of BART to the Diridon Station is currently in the planning process, but the completion date is still 10 to 15 years away. The proposed project site is not located within the current study area for the extension of BART services and the proposed project would not interfere with the planning or location of those services. It should be noted that development of the proposed project may in fact create larger support in the area for the extension of BART services to the Diridon Station.

C6-15: The proposed project's regional impacts would create a significant impact as shown in Table V.D-6. Referencing discussions under Chapter V.D, Air Quality, Section d., the BAAQMD thresholds are used to manage total regional emissions within an air basin and are conservative in nature. The thresholds are in the context of basin-wide emissions and there is no direct correlation of a single project to localized health effects. One individual project having emissions exceeding a threshold does not necessarily result in adverse health effects for residents in the project vicinity. This is especially true for this project where the pollutants exceeding the thresholds are ozone precursors which have regional effects. The potential for an individual project to contribute to significant health risk is small, even if the emission thresholds are exceeded by the project. Carbon monoxide emissions

related to the project are shown in Table V.D-5 of the EIR. Results of the carbon monoxide analysis indicate pollution levels will not exceed State or federal standards. Additional mitigation measures would not be warranted.

C6-16: Impacts related to noise from motor vehicles, crowds and fireworks are discussed in Chapter V.E, Noise, in the EIR. Table V.E-7 indicates that traffic noise would increase between 0.2 dBA and 5.3 dBA in the vicinity of the project. Crowd noise is included in the noise contours shown in Figure V.E-2. Explosions associated with fireworks would create temporary isolated explosive noise and would constitute a significant noise impact.

C6-17: As stated in BIO-1 on page 187 of the Draft EIR, construction of the proposed project would result in the removal of 45 ordinance-size trees. The corresponding Mitigation Measure BIO-1 states, "For private projects, the City of San Jose requires tree replacement for those trees greater than 18 inches in diameter with 24-inch box trees at a ratio of 4:1 (trees planted to trees removed). As a City proposed project, the City would commit to meeting the tree replacement ratio, but given the footprint of redevelopment on the site, replacement trees may be planted beyond the project site in the project area." With implementation of the recommended mitigation measure, the removal of ordinance-size trees from the project site would be a less than significant impact.

C6-18: Section V.F, Biological Resources, notes that there is no suitable burrowing owl habitat on the project site. If there are burrowing owl populations in the Guadalupe River Park, these areas are outside of the project area and vicinity and would not be impacted by the proposed project.

C6-19: Impact HYD-2, discussed on pages 208 to 211 of the Draft EIR, evaluates construction- and operation-period drainage impacts to Los Gatos Creek and Guadalupe River. With the implementation of Mitigation Measures HYD-2a and 2b, discussed on pages 210 to 211 of the Draft EIR, project impacts to the water quality of Los Gatos Creek and Guadalupe River would be less than significant.

C6-20: Recycled water is discussed in Section V.M, Utilities, of the Draft EIR. Waste water from the proposed project would be sent to the San Jose/Santa Clara Water Pollution Control Plant (Plant). About 10 percent of the water treated from Plant is recycled through South Bay Water Recycling pipelines for landscaping, agricultural irrigation, and industrial needs around the South Bay. As noted on page 286 of the Draft EIR, the City of San Jose would coordinate with South Bay Water Recycling to extend recycled water line to the project site.

As noted in Chapter III, Project Description, a conceptual site plan has been developed for the proposed stadium, specific stadium design is not being considered at this time. If/when stadium design moves forward, more direct, water recycling on the project site may be considered.

C6-21: It is unclear what the commentor means by "affect the wells in the vicinity." Section V.H., Hydrology and Water Quality, includes a discussion on potential impacts to groundwater on page 206. The depletion of groundwater resources associated with the proposed project is not expected. Section V.I., Hazards and Hazardous Materials, include a discussion on the potential impacts from the release of hazardous materials. Potential impacts associated with hazards and hazardous materials would be less than significant with the incorporation of mitigation measures.

C6-22: The commentor requests details regarding testing for buried hazardous materials at the proposed development area. In accordance with Mitigation Measure HAZ-1a, soil and groundwater samples will be collected at the project site parcels by a qualified environmental professional and analyzed for potential contaminants. The analytical results from these samples will be compared to established screening levels to determine if any historic hazardous releases with the potential to affect human health have occurred. Sampling reports and any further required actions to protect human health will be reviewed and approved by the City ESD Environmental Compliance Officer and/or regulatory oversight agencies.

C6-23: Visual and Aesthetic Resources are discussed beginning on page 249 of the Draft EIR. Less than significant impacts on Visual and Aesthetic Resources include: adverse effects on scenic vistas or disruption of existing views; degradation of existing visual character; damage to scenic resources; conflict with policies and regulations; and, detraction from the integrity of a neighborhood. Two significant impacts on Visual and Aesthetic Resources were identified: the proposed project would alter the visual character of the historic Diridon Station and would remove ordinance sized trees, which would substantially damage scenic resources.

The Cahill Park Neighborhood is located west and northwest of the project site, as show in Draft EIR Figure V.A-4, page 79. The neighborhood is separated from the project site by the 100-200 foot Joint Powers Board railroad right-of way. The downtown skyline, which begins east of SR 87, approximately ½ -mile east of the neighborhood, includes buildings that are 25 to 285 stories tall. The hills to the east, the Diablo Range, begin approximately 6 miles to the east. The closest ridges include peaks at 2,500 to 3,900 feet in elevation. Existing views from northern Cahill Park Neighborhood to downtown San Jose and the east hills would not change as a result of the proposed project. Existing views from southern Cahill Park Neighborhood, on the east side closest to the proposed project, to downtown San Jose and the east hills may change as a result of the proposed project. It is important to note that in an urban area many views are already blocked by existing buildings and trees.

C6-24: CEQA does not contain specific thresholds of significance for the evaluation of wind-related impacts. In addition, neither the State nor the City of San Jose have established standards or criteria for the evaluation of wind impacts. Ground-level wind acceleration in urban areas is heavily influenced by building exposure, massing, and orientation. As noted in Chapter III, Project Description, a conceptual site plan has been developed for the proposed stadium. Specific stadium design (and associated landscaping) is not being considered at this time and, as such, attempting to estimate potential impacts associated with wind would be speculative.

C6-25: The Draft EIR does not identify any impacts to surrounding neighborhoods due to modification or relocation of the existing PG&E substation. As stated on pages 289 to 290 of the Draft EIR, modification or relocation of the substation would be subject to future environmental documentation, at which time construction or other such activities which may impact the surrounding neighborhoods would be evaluated. Construction and demolition associated with the PG&E substation modifications or relocation would be conducted in stages, in order to maintain service to the area.

C6-26: Pages 292 to 293 of the Draft EIR discuss emergency medical services to the proposed project site. Page 296 of the Draft EIR evaluates project impacts to these services. The Draft EIR states that, “As a County-contracted ambulance vendor, AMR has the ability to hire additional staff as

needed to accommodate the proposed stadium." Impacts to emergency medical services resulting from the proposed project are identified as less than significant.

The Draft EIR discusses project impacts in the context of significance criteria applied to the relevant environmental issue topics required by CEQA. Evaluation of area hospitals per se is not required under the City of San Jose's significance criteria. If this specific aspect of emergency medical services were required to be analyzed in detail, the likely conclusion would be that the concentration of baseball stadium patrons at this single location in combination with the inevitable accidental injuries and health emergencies could cause a small but less-than-significant effect on nearby hospitals or emergency transport services.

C6-27: Use of the baseball stadium as an evacuation area is not part of the proposed project at this time, although its use for this purpose could be considered at some point in the future. The comment does not relate to the adequacy of the Draft EIR; no further response is necessary.

C6-28: An Emergency Preparedness/Evacuation Plan has not yet been developed for the proposed project. As noted in Chapter III, Project Description, a conceptual site plan has formed the basis of this environmental evaluation.

C6-29: Please see Master Response Public Services and Facilities #1, Parks.

C6-30: Please see Response to Comment C5-38.

C6-31: As discussed on page 304 of the Draft EIR, construction of all new City facilities is required to meet a San Jose LEED certified rating. Elements that would be incorporated into the proposed project design to meet the certification requirements are also discussed on pages 304 to 305.

C6-32: Potential impacts to Los Gatos Creek are considered throughout the document. Mitigation Measures associated with hydrology and water quality and hazards and hazardous materials include precautions to protect the creek.

Please see Master Response Consistency with Plans and Policies#1, Los Gatos Creek Setback.

C6-33: Project consistency with the Midtown Specific Plan is discussed in the Draft EIR beginning on page 55. As noted on page 56, should the voters authorize use of public funds and the City Council then pursue development of a ballpark at the proposed site, Amendments would be initiated to the Midtown Specific Plan to reflect the proposed ballpark use.

Please see Master Response Public Services and Facilities #1, Parks.

C6-34: As noted in Chapter III, Project Description, a conceptual site plan has been developed for the proposed stadium. Staging locations for construction equipment and materials are not yet proposed.

C6-35: The project does not propose rerouting SR 82 off of The Alameda.

C6-36: Please see Master Response Transportation, Circulation and Parking #5, Neighborhood Traffic and Parking.

C6-37: The 1994 Presidential Executive Order regarding communications in languages other than English noted in this comment is binding on Federal Agency actions in connection with the National Environmental Policy Act (NEPA) among other federal statutes, and is not an order directed at state and local governments. The City of San Jose has complied with State and San Jose Municipal Code provisions in its outreach for the Draft EIR. Translation services in a number of languages have been available through the City to help the public understand and participate in the Draft EIR process.

C6-38: The commentors' observation that the placement by the Redevelopment Agency of an on-site sign for the proposed stadium would have served as an additional form of early outreach is noted.

C6-39: The commentor believes the Public Scoping Meeting notice and the Draft EIR Notice of Availability should have been provided in Spanish. However, the Public Outreach Policy requires Spanish language notices for Project Public Hearings, and not for Community Meeting notices and EIR Notices of Availability. If and when the City Council holds a public hearing to consider actions to implement or approve the proposed project, the Public Hearing Notice would be provided in Spanish as well as English to implement the Public Outreach Policy. Noticing in alternate languages is not a requirement under CEQA.

C6-40: It is unclear what the commentor means by "a more detailed comparison of both the Baseball Stadium and alternative development plan impacts." Alternatives are discussed across 27 pages (pages 319-346) of text, tables and figures in Chapter VII of the Draft EIR. Each alternative includes a discussion of every environmental issue topic in the Draft EIR and compares the potential impacts of the alternative to those of the proposed project.

C6-41: The Autumn Street extension is included in the General Plan. It is the City's position that the stadium would not be built without the Autumn Street extension. Please also see Master Response Transportation, Circulation and Parking #1, Additional Intersections.

C6-42: The 60 dBA L_{eq} noise contours are based on a three hour time period. A summary of noise monitoring for a baseball game at a similar stadium is included in Table V.E-8. Peak noise was 77.0 dB due to crowd cheering and public address system noise.

C6-43: The ballgame noise contour was derived by referencing previous noise analyses that were performed at similar stadiums. The ballgame noise contour was calculated using factors such as attenuation from the stadium structure and other noise absorption and a distance divergence factor (the reduction in noise due to loss of energy from the source with distance). Absorption accounted for a 10 dBA reduction. To calculate the change in noise levels at various distances the formula as follows: Decibels of change =20xlog(reference listening distance/new receiver distance).

C6-44: Please see Response to Comment C5-25.

C6-45: The commentor's assertion with regard to ground wave is analogous to the issue of sound propagations through open air with ground absorption/reflection. Please refer to the Response to Comment C5- 25, for discussion on the sound attenuation used in the noise impact analysis.

C6-46: Although it is true that music concerts contain a full range of the sound spectra, the human ear perceives sound better in the mid-to-high frequency range. The human ear discounts low and very high frequency sound, therefore the A-weighted sound level is used to determine any potential noise impact. An octave band analysis is only critical for indoor sound reception that requires the appreciation of the sound quality. Low frequency sound in outdoor environment is usually masked by other activity such as vehicular traffic. An octave band analysis for the proposed project is not warranted and would not be helpful to readers of the EIR.

C6-47: As stated on page 166 of the Draft EIR, amplifiers for concerts would be located at field level. Concerts at the proposed downtown stadium would be unique for outdoor music in that the stadium would provide a barrier behind the audience that would reduce the speaker volume needed to achieve the same sound effect in a completely open outdoor environment and would reduce off-site sound migration of amplified music. Crowd noise from concert events in combination with amplified music would migrate outward from the facility itself as shown by the 60 dBA L_{eq} contour line shown in Figure V.E-2.

C6-48: The City of San Jose General Plan considers the existing noise levels on the project site, including jet noise to be compatible with the proposed stadium land use.

Letter
C7

Sherman Oaks Neighborhood Association

May 1, 2006

Michael Rhoades
City of San Jose
Department of Planning, Building & Code Enforcement
Plan Implementation Division
200 East Santa Clara Street
San Jose, CA 95113

Subject: Diridon/Arena Area Baseball Stadium
Draft Environmental Impact Report (DEIR)

During the last 4 weeks of community meetings there have been a number of questions and issues raised about the Diridon/Arena Area Baseball Stadium DEIR and the answers will raise only more issues. Therefore; the Sherman Oaks Neighborhood Association requests the City reissue the DEIR and have a second round of public comment after incorporating the questions/answers/issues raised during the last 4 weeks of community meetings. The timeline set by the City Council allows for the DEIR be reissued for another round of public comment. **1**

In addition we request that a soccer stadium study be added, funding for any loss of park space be identified and that the socio-economic issues raised be addressed. **2, 3, 4**

We look forward to hearing from you regarding our request to reissue the DEIR and have a second round of public comment after incorporating the questions/answers/issues raised during the current public comment period.

Sincerely,

Michael LaRocca
Michael LaRocca, President
Sherman Oaks Neighborhood Association

Cc: file

COMMENTOR C7
Sherman Oaks Neighborhood Association
Michael LaRocca, President
May 1, 2006

C7-1: The commentor's request for reissue of the Draft EIR after all comments have been addressed is noted. The City recirculated the Draft EIR for an additional 45 day public review period to disclose one additional cultural resource impact. As discussed in the *CEQA Guidelines* Section 15088, Evaluation of Responses to Comments, "the lead agency (the City of San Jose) shall evaluate comments on the environmental issues received from persons who reviewed the draft EIR and shall prepare a written response... the lead agency shall provide a written response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report."

The Final EIR will be presented to the Planning Commission at a public hearing on February 12, 2007 during which the Commission may certify the Final EIR as a full disclosure of the potential environmental effects of the proposed project.

Please see Recirculation Master Response #1, Recirculation of the Draft EIR.

C7-2: Please see Master Response Alternatives #1, Soccer Stadium.

C7-3: Please see Master Response Public Services and Facilities #1, Parks.

C7-4: The commentor has requested that the socio-economic issues raised be addressed. It is unclear to which socio-economic issues commentor refers. In general, socio-economic issues are not an appropriate topic of analysis under CEQA. Because this comment does not relate to the adequacy of the EIR, no further response is necessary.

Independent of the EIR, the City of San Jose Redevelopment Agency is preparing a study of *Neighborhood Economic Impacts of the Proposed San Jose Stadium* for the proposed project.

Letter
C8

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CITY OF SAN JOSE
PLANNING DEPARTMENT

March 24, 2006

Soccer Silicon Valley
1365 Bird Avenue
San Jose, CA 95125
www.soccersiliconvalley.com

Michael Rhoades
Department of Planning, Building and Code Enforcement
City of San Jose
City Hall
200 East Santa Clara Street
San Jose, CA 95113-1905

Re: Comments on Draft EIR for Baseball Stadium in the Diridon/Arena Area
Project # PP05-214

Dear Mr. Rhoades:

Soccer Silicon Valley (SSV) – a grass-roots non-profit organization representing thousands of youth and adult soccer players, parents and fans dedicated to building a permanent home for soccer in the Bay Area, which includes bringing back the San Jose Earthquakes Major League Soccer (MLS) team – has the following substantive comments addressing environmental issues associated with the February 2006 draft Environmental Impact Report for Baseball Stadium in the Diridon/Arena Area (DEIR).

The DEIR does *not* consider whatsoever among its discussion of "Alternatives" for the project site (Part VII at pp. 319-346) the use of the site for a professional soccer stadium for an expansion MLS San Jose Earthquakes soccer franchise. As explained below, an alternative use of the project site as a professional soccer stadium (1) would involve significantly reduced environmental impacts on the surrounding neighborhoods than the proposed baseball stadium and (2) is necessary to permit a "reasoned choice" of alternatives within the "'rule of reason'" that requires the DEIR to set forth alternatives. (*See* p.319). 1

A Soccer Stadium Would Involve Significantly Reduced Environmental Impacts

A professional soccer stadium would be smaller-in-size than the proposed baseball stadium. As a result, there would be reduced traffic, noise, and air quality impacts. The DEIR contemplates a 45,000-seat baseball stadium. (*See* p. 33). A professional soccer stadium would seat between 20,000 to 25,000 fans. Indeed, during negotiations in 2005 between the City of San Jose and Silicon Valley Sports & Entertainment (SVS&E) involving SVS&E's potential acquisition of the San Jose Earthquakes franchise (which was eventually moved to Houston and re-branded), the City contemplated for in or around the same site a 22,000-seat professional soccer stadium, which is less than half the size of the proposed baseball stadium. We can safely assume concomitant reductions in adverse traffic, noise and air quality environmental impacts if a soccer stadium were employed as an alternative use. Certainly, the soccer alternative should also be considered and studied for its relative environmental benefits. 2

A professional soccer stadium would take up a smaller footprint in land area than the proposed baseball stadium and associated uses. The DEIR contemplates a premium seat-holder parking garage of up to 150 spaces. (*See* p. 33). A professional soccer stadium would not require erecting a premium-seat

Letter
C8

parking garage on site. Indeed, the negotiations between SVS&E and the City of San Jose mentioned above did not contemplate a parking garage to service the soccer stadium. In our informed view, none would be necessary. As a result, a smaller overall site footprint would be required for the project. Further, because the site proposed for the baseball parking garage is on the City's existing fire training facility which has been contemplated for a city park (including a recreational *soccer* field) for adjacent neighborhoods undeniably deficient in nearby park land, the reduced adverse environmental impact of a soccer stadium would be significant indeed and would clearly benefit the surrounding neighbors. **2 cont.**

A professional soccer stadium would involve fewer annual dates than a professional baseball stadium. The regular-season schedule for Major League Baseball includes 81 home dates, not including pre-season or playoff matches. By contrast, the regular season schedule for Major League Soccer includes only 16 home dates. Although a soccer stadium might also be regularly used for club and international "friendlies", for World Cup qualifying matches, for women's soccer events, and for American-style football (for instance, San Jose State college football home games), nonetheless, the overall total number of athletic dates would likely not significantly exceed 30 – less than half the dates for baseball. As a result, again, we can safely assume concomitant reductions in adverse traffic, noise and air quality environmental impacts if a soccer stadium were employed as an alternative use. Certainly, the soccer alternative should be studied for its relative environmental benefits. **3**

A professional soccer stadium would likely be designed in such a way as to mitigate noise emanating into the surrounding neighborhoods than would the baseball stadium. The DEIR contemplates a stadium "meeting major league standards for size and quality of improvements expected in modern [baseball] stadiums." (*See* p.33). We understand that superimposed in the DEIR conceptual site plan is the existing Jacobs Field stadium in Cleveland. (*See* p. 37, Figure III-3). This sort of modern baseball stadium design does not project noise inward into the field of play but instead allows it to migrate outward into the neighborhoods (much as foul balls sometimes do). By contrast, we are informed by our contacts with soccer stadium specialists at HOK, the pre-eminent stadium design firm in the world who have also been engaged by the City of San Jose in connection with the proposed baseball project, that modern soccer stadiums are intentionally designed with extended over-hanging "eaves" for purpose of projecting sound back inward into the stadium with the purpose of enhancing the experience for soccer fans. As a result, by virtue of the contrasting stadium designs, we can expect a significant reduction in adverse environmental noise impacts on the surrounding neighborhoods in comparison with a baseball stadium if a soccer stadium is employed as an alternative use. Again, this alternative is something that should be, but is not, studied in the DEIR. **4**

Consideration of a Soccer Stadium is Necessary to Permit a Reasoned Choice of Alternatives

The DEIR states: "The range of alternative required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." (*See* p.319). SSV believes that consideration of a professional soccer stadium as an alternative is necessary to permit a reasoned choice. **5**

Letter
C8

Both alternatives are professional sports stadiums. The comparison is of "apples and apples," so there is nothing inherently unreasonable about making the comparison between a baseball stadium and a soccer stadium alternative. **5 cont.**

Further, a professional soccer stadium cannot be discounted as a "pie-in-the-sky", unreal alternative. Indeed, the soccer stadium option is far less speculative and far less costly than the baseball stadium option.

It is well known that the DEIR is being undertaken without an existing Major League Baseball team in San Jose (which has never had a major league baseball team), without a publicly-interested potential ownership group, without the approval of the commissioner, and without a financing scheme for a project that will likely cost conservatively in excess of three quarters of a billion dollars for the stadium alone (based on reported estimates with respect to the construction of a stadium in Washington, D.C. for the Nationals franchise). Also, San Jose is subject to the territorial rights of the San Francisco Giants Major League Baseball franchise, which may not relinquish the rights for any price, but, if it does, predictions of officials within the City of San Jose are that the price would be in excess of $75 million. **6**

By comparison, San Jose has a more than thirty-year history with major professional soccer (dating to 1974), including a 10-year history with the MLS San Jose Earthquakes (1996-2005) before the prior ownership group moved its franchise to Houston in December 2005. There is a publicly interested ownership group (Lew Wolff and John Fisher of the Oakland A's). Also, the commissioner of MLS has approved awarding San Jose an expansion franchise which, by agreement between MLS and the City of San Jose, would revive the Earthquakes name, colors and records (akin to the re-born Cleveland Browns National Football League franchise). The potential ownership group is capable of financing a soccer stadium. In addition, SSV is in the process of raising funds for the stadium construction as well as and for a minority investment in the team among California soccer fans to help defray the public investment. Moreover, the cost of a soccer stadium is a tiny fraction of a baseball stadium. By the City of San Jose's own estimates, during the aforementioned negotiations with SVS&E, a soccer stadium could be erected for $90 million or less, roughly ten to fifteen percent of the cost of a baseball stadium.

In short, a professional soccer stadium is a very real – and eminently reasonable – alternative choice which must studied as part of the EIR process.

Thank you for your attention to this matter.

Regards,

Donald P. Gagliardi
President, Soccer Silicon Valley

COMMENTOR C8
Soccer Silicon Valley
Donald Gagliardi, President
March 24, 2006

C8-1: Please see Master Response Alternatives #1, Soccer Stadium.

C8-2: Please see Master Response Alternatives #1, Soccer Stadium.

C8-3: Please see Master Response Alternatives #1, Soccer Stadium.

C8-4: Please see Master Response Alternatives #1, Soccer Stadium.

C8-5: Please see Master Response Alternatives #1, Soccer Stadium.

C8-6: The commentor's opinion that the development of a soccer stadium is far less speculative and far less costly that the proposed baseball stadium is noted. Because this comment does not relate to the adequacy of the EIR, which addresses a baseball stadium, no further response is necessary.

Letter
C9

Willow Glen
Neighborhood Association

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CITY OF SAN JOSE
PLANNING DEPARTMENT

May 3, 2006

Michael Rhoades
Project Manager
City of San Jose -Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113-1905

Subject: Comments regarding Draft EIR – Baseball Stadium (Diridon / Arena area)
Project #PP05-214, SCH #2005112126

Dear Mr. Rhoades:

The Willow Glen Neighborhood Association has a number of concerns with the DEIR evaluating the proposed baseball stadium. First, we believe the Project Description should include the method of financing due to the potential significant impact of stadium financing on public services available to city residents. Second, we believe that a number of significant adverse impacts of the project are dismissed without adequate analysis and contain conclusions unsupported by the evidence provided in the DEIR. Third, we believe some impacts and potential mitigations are inadequately evaluated in the DEIR.

Project Description

Normally, the project description of a public project does not include the method of financing. However, given the unique character of public stadium financing, we believe the financing should be included in the DEIR.

A stadium is different from the typical public project since there is a history of teams pulling up stakes and leaving the city holding the bag. Where public monies contributed to the stadium construction and operation, and the bonds were to be supported by stadium revenue, the impact on other city services can be devastating if things do not work out as promised. 1

Using examples where this scenario has occurred, the DEIR should look at a worse case impact on resources to support other public services if (a) projected stadium revenue does not materialize or (b) the baseball team decides to leave the city after a few years for greener pastures. What can happen to Oakland can also happen to San Jose.

Land Use / Safety

Impacts are not eliminated by failing to discuss them in the EIR. Neither are mitigations for significant impacts achieved by acquiring a paper permit. Nevertheless, this appears to be the approach of the DEIR regarding the significant safety impact associated with this stadium site and projected structure height. 2

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Letter
C9

FAR, Part 77 is an obstruction chart. It defines a set of imaginary planes (surface restrictions) radiating out several miles from the airport runways. Its purpose is to minimize safety hazards to aircraft associated with structures penetrating into their potential flight path. Any object that penetrates this plane is considered to be an obstruction and may affect the aeronautical use of the airspace.

The proposed stadium will penetrate this safety surface by some 125 feet at the highest point and will be holding up to 47,000 people, but there is no discussion in the EIR of the potential safety impact involved. **2 cont.**

Rather than evaluate the safety impact we are given a conclusion, unsupported by any evidence, that receipt of a permit would remove the hazard. "Although the baseball stadium and associated structures would exceed the FAA's imaginary surface standards by almost 125 feet, they would not present a hazard to the safe operation of the airport as the appropriate FAA clearances would be obtained prior to project approval" (DEIR, p. 82).

This potential safety impact on 47,000 people should not be dismissed cavalierly, nor is obtaining a permit adequate mitigation for such a potential impact.

Transportation

We believe that the assumption upon which this analysis is based is fatally flawed. The trip distribution is unlikely to be based on the zip codes of San Jose Sharks season ticket holders (DEIR p. 117), the assumption made in this DEIR.

Attendees of a baseball stadium housing the former Oakland Athletics, the most likely scenario, are likely to include a substantial number of fans from the East Bay – not less than 6.5%. (6.5% of the attendees are shown reaching the stadium by Coleman/Autumn – the most direct link to 880 and the East Bay – Figure V C-8). **3**

Given that the Bay Area is not likely to support three major league baseball teams, a much larger proportion of the fans is likely to follow the team than shown under this assumption. If on the other hand, the authors believe that most A's fans will switch to the San Francisco Giants, evidence should be provided to substantiate this assumption. The DEIR provides no baseball fan survey or other evidence to substantiate the assumption underlying this transportation analysis.

Given a more realistic fan trip distribution, Highway 880 could be significantly impacted by the stadium. In the current DEIR, no impact at all is assumed to 880.

The parking analysis assumes parking adequacy based on availability of 75% of downtown parking spaces. This is a conclusion without supporting evidence. Will there be no weekday day games? How was this 75% figure reached? No one can determine the validity of this figure without knowing the assumptions upon which it is based. **4**

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Willow Glen
Neighborhood Association

The DEIR does not include impacts and mitigations for the Autumn extension to Coleman or the new Coleman interchange off Interstate 880 that is now the designated route to the Arena and the proposed Baseball Stadium site as well as the temporary utilized detour route from Coleman Ave to West Saint James Street / West Julian Street through downtown or the alternative route on Coleman to Stockton Ave to West Santa Clara Street to the Arena and Baseball Stadium sites. 5

Noise

The mitigation proposed for this impact could cost in the millions of dollars. However, there is no means to determine this amount since the DEIR makes no attempt to ascertain the number of housing units impacted by the need to achieve a 45dBA interior Leq. Assuming a cost of $25-30,000 per house to install dual pane windows, mechanical air conditioning, and wall installation – Noise Mitigation 2b – the cost for just 100 units would be at least 2.5 million dollars. Since the mitigation has only to be to the "satisfaction of the city manager" (DEIR, p. 165), we question the validity of the proposed mitigation given the city's desire to minimize public costs associated with the stadium. 6

Bike Trail

There is no analysis of the impact of the project parking garage and stadium on the ability to complete the segment of the Los Gatos Creek trail along the east side of the project between San Carlos and San Fernando Streets. The trail would run along the west bank of the creek, but approximately 600 feet of the creek beneath Bird is underground. As mitigation for the project's (a) future traffic impacts on trail operation and (b) impact on the ability to complete this segment of the Los Gatos Creek trail, the project should build a grade separated trail segment in this area. 7

Visual

The DEIR was able to create an image of the ballpark on its front cover. It used a conceptual design of the ballpark to evaluate the potential noise impacts. Photo montages to provide an indicator of the visual impact of this stadium on its neighborhood is both feasible and required to determine this impact. The low-resolution black and white images of existing conditions found in the DEIR are useless for this purpose. 8

To say on DEIR, p. 257 that, "The *proposed stadium would not degrade the area's visual character, but would contribute to the overall visual character of the area by reinforcing an entertainment and sports related district in the area, and redeveloping the Diridon Area, which would generally compliment the vision set forth in the area plans.*" is a conclusion unsupported by any evidence in the DEIR. 9

At a minimum, the DEIR should provide full page, color before and after images for 4 10

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nearby sites. Four possible sites are:

- NE corner of Bird and San Carlos
- Street in front of Diridon Station
- Townhouses west of the RR tracks
- Homes east of LG Creek between Park and San Fernando

10 cont.

Public Services

There is no discussion in DEIR of the impact on public services if the baseball stadium turns out to be a white elephant. This could occur due to insufficient revenue to pay off the bonds because expected stadium attendance did not materialize or the promised team subsequently leaves town prior to bond payoff. This is not like other public projects, since there is a history in other cities of such stadiums becoming a drain on public resources resulting in less being available for other public needs. This is a potential significant adverse impact of the project and should be so recognized in the DEIR.

11

Alternatives

We can find no basis for the statement regarding the County Parking alternative location (p. 331) that ownership by other public entities makes it unavailable and therefore infeasible. On what rationale does public ownership by itself make a site any less feasible than if it was in private ownership?

12

Alternative Uses of Baseball Stadium Site

The analysis and comparison of the proposed Baseball Stadium site alternative uses is inadequate and does not compare the 3 most likely alternatives uses between the Baseball Stadium., Soccer Stadium and the high rise, high density residential, commercial and mixed use development impact each of which has different impacts due to usage. The San Jose voters have twice turned down any use of public funds for a baseball stadium making the alternative uses more likely. This omission of the possible alternative use comparisons as specified under CEQA results in residents of San Jose not having vital public information on which to make a future voter decision since they can not can understand the CEQA alternatives impacts and mitigation which is an essential part of public participation in any development proposal CEQA process.

13

Proposed Increase in downtown FAA height limit

The current ongoing proposal and San Jose / FAA aircraft height study to accurately measure the downtown building heights and proposal to raise the area FAA height limit from 208 ft to 250 ft or higher will further increase high rise high density building density in the above designated area for proposed or previously approved developments like the San Jose Water Company site and other developments was are not covered or the height not

14

Letter
C9

specified or the impact or mitigation by the General Plan or vaguely covered in the other area various development plans and the impact was not covered in the Baseball Stadium DEIR or approved EIR's 14 cont.

Conclusion

Based on the prior discussion, the WGNA believes that the Baseball Stadium impact analysis found in this DEIR is **totally inadequate under the CEQA**. We contend that an adequate CEQA document can only be achieved subsequent to the recirculation of a revised DEIR containing a complete analysis of the Baseball Stadium impacts and possible mitigations for the 3 most likely possible site uses thereof to include a comprehensive traffic analysis of the area. 15

We also have very serious concerns regarding the City of San Jose meeting it's CEQA requirements and California city General Planning requirements – " California state law requires each city and county to adopt a general plan "for the physical development of the county or city, and any land outside its boundaries which bears relation to its planning" (§65300). The California Supreme Court has called the general plan the "constitution for future development." The general plan expresses the community's development goals and embodies public policy relative to the distribution of future land uses, both public and private." San Jose residents have a California constitutional right to be involved in the public process and it is difficult to impossible to understand the total CEQA impact and the :" physical development of the county or city " due to the numerous proposed and approved plans without a General Plan update and many professional planners also do not.

The current San Jose 2020 General Plan is badly out of date due our City Council approving numerous plans and numerous exceptions to the General Plan, numerous very large approved development proposals – Coyote Specific, Communication Hill, Evergreen Vision, North San Jose 2030, Strategy 2000 Plan - Downtown Core Expansion, and Modifications to City of San Jose's Transportation Impact Policy (2004). 16

The area between Highway 87, Interstate 280, Meridian and Stockton has numerous approved or proposed plans - Strategy 2000 Plan for Downtown Core Expansion, proposed Baseball Stadium alternatives, Diridon / Arena Strategic Development Plan, changes to original Midtown Plan and numerous other master plan approvals or proposals for development area partially outlined in the concept of the Greater Downtown expanding westward into Diridon and Midtown areas, and later northward to the Coleman Corridor

These numerous development proposals and approvals in our view do not meeting the requirements of California's city General Plan or CEQA requirements and the Baseball Stadium DEIR and it's discussion of impacts and mitigations are inadequate to meet the requirements due to the numerous overlaid development proposals and the out of date San Jose General Plan.

Letter
C9

Willow Glen
Neighborhood Association

We are asking for more clarification regarding the hierarchy of the multiple interrelated area plans and the multiple plan layers and what takes priority since it is very difficult to determine if the Baseball Stadium proposal or other area approved development proposals or plans are consistent or not consistent to each individual plan, the combined overlaid plans and the Baseball Stadium and that the impacts and mitigations that apply to the proposed site since it is very confusing to the public even residents who have studied and analyzed prior San Jose area DEIR's or have professional training or experience with EIR's

16 cont.

WGNA supports the comments and recommendations submitted by the SNI –PAC Ad hoc Diridon / Arena Stadium DEIR work group concerning the Baseball Stadium DEIR

Sincerely,

Edward Rast

Ed Rast
WGNA President

P. O. Box 7706 • San Jose, CA • 95150-7706
408.294.WGNA • 408.294.9462 • www.wgna.net

COMMENTOR C9
Willow Glen Neighborhood Association
Ed Rast, President
May 3, 2006

C9-1: The commentor is correct in noting that CEQA does not require the project description to contain information on project funding. Page 3 of the Draft EIR states that the City Council will consider placement of a ballot measure before the San Jose electorate to approve the use of public funds toward further design and eventual construction of the proposed stadium. On a separate track, unrelated to the EIR, the City's *Neighborhood Economic Impacts of the Proposed San Jose Stadium* for the proposed stadium will evaluate financing of the proposed project.

C9-2: As discussed on page 82 of the Draft EIR, proposed development requiring notification to the FAA under Federal Aviation regulations, Part 77, must receive a Determination of No Hazard prior to development permit approval in compliance with General Plan Aviation Policy #47. The Determination of No Hazard is not a permit, but rather a formal determination by the FAA that the proposed development would not present a hazard to the safe operation of the airport. The City would comply with FAA requirements specified in the Determination of No Hazard prior to issuance of a permits. In addition, the Draft EIR did not identify land use conflicts with the airport as a significant impact; therefore no mitigation is required.

C9-3: The traffic distribution used in the Draft EIR was based on surveys of Sharks games. This is a reasonable assumption since the Sharks are a major sports franchise located in San Jose and drawing fans from throughout the region. Please see Master Response Transportation, Circulation and Parking #4, I-880.

C9-4: Draft EIR Section V.C., Transportation, Circulation and Parking summarizes the findings of the Traffic Impact Analysis included as Appendix C. The parking availability/parking lot occupancy rate is clarified on page 76 of the Traffic Impact Analysis. Please also see Master Response Transportation, Circulation and Parking #2, Daytime Game Parking.

C9-5: If the commentor is referring to the impact of building the Autumn Street extension or the Coleman Avenue interchange with I-880, it is not the purpose of this EIR to analyze those projects. If the commentor is referring to the impact of the proposed stadium project on the Autumn Street extension or the Coleman Avenue/I-880 interchange, please see Master Response Transportation, Circulation and Parking #4, I-880.

C9-6: Figure V.E-2 shows an aerial view of the project site and surrounding neighborhoods with the 60 dBA L_{eq} contour lines. There appears to be no more than 50 residential units located within the 60 dBA L_{eq} contour. Based on Mitigation NOISE-2b, mitigation shall be implemented to the satisfaction of the City Manager based on the acoustic study that would be conducted by the City of San Jose to confirm the predictions of the noise levels with regards to the noise sensitive uses within the 60 dBA L_{eq} contour.

C9-7: North of Park Avenue, the realignment of Autumn Street would maintain an average setback of 50 feet from the Los Gatos Creek top of bank; the proposed structures would be further set back from the creek on the west side of Autumn Street. South of Park Avenue, the proposed structures, the parking garage and potential relocation of the PG&E substation, would maintain an average setback of 50 feet from the Los Gatos Creek top of bank. It is expected that this 50 foot buffer would contain a multi-use trail, a portion of Reach 5 Lost Gatos Creek Trail Project. The trail project is independent of the stadium project, but would utilize the riparian setback areas resulting from the removal of the commercial buildings and parking lots east of S. Autumn Street and from the development of the Fire Training Facility site. Please see Response to Comment B3-3 regarding impacts to future trail users. The commentor's request that a grade separated trail segment be constructed where Los Gatos Creek is beneath the ground is noted.

C9-8: Given current site conditions, the scale of the proposed project, and the conceptual nature of the project at this time, the discussion of visual impacts in the Draft EIR would not benefit from larger or color photos or visual simulations of the proposed project on the project site. As noted on page 249 of the Draft EIR, the visual analysis is based on field observations of the project site and surroundings in addition to review of the following materials: conceptual project site plan; aerial and ground-level photographs of the project area; topographic data; and public planning documents. Black and white photos of existing project site conditions and viewpoints are adequate for the level of detail required for the Draft EIR. Page 257 of the Draft EIR also notes that the proposed structures would be subject to future design review to ensure that the visual character of the site is not degraded.

C9-9: The evaluation of the proposed project's impact on existing visual character begins on page 256 of the Draft EIR, after a discussion of the project setting and the listing of the visual resources criteria of significance. The visual character of the proposed project is compared to the existing visual character of the site and it is concluded that the proposed project would result in a substantial change in the visual character of the project site. The visual character of the project area is then described, and as the commentor quotes from the document, "The proposed stadium would not degrade...." Pages 54-55 of the Draft EIR discuss the Diridon/Arena Area Strategic Development Plan and the proposed project's consistency with the plan.

C9-10: Visual simulations are not required for the analysis of visual impacts under CEQA. As noted in Chapter III, Project Description, a conceptual site plan has been developed for the proposed stadium; specific stadium design is not being considered at this time. Not enough project information in terms of massing or orientation has been developed for the Stadium or parking garage at this time for visual simulations to be a useful tool in project analysis. The artificial creation of project details needed to prepare "before" and "after" computer simulations would represent the sort of speculation that CEQA warns against (*CEQA Guidelines* Section 15145).

C9-11: Please see Response to Comment C9-1. The evaluation of impacts to public services caused by a lack of City funds is speculative and not required under CEQA.

C9-12: Sites owned by other government entities are not considered available to the City of San Jose because if negotiations for the purchase of the property are unsuccessful, the City cannot use eminent domain to acquire the property.

C9-13: Please see Master Response Alternatives #1, Soccer Stadium.

Alternatives are discussed in Chapter VII of the Draft EIR and include an Existing Plan alternative. The Existing Plan alternative would involve the development of the site in accordance with the development outlined in the Diridon/Arena Strategic Development Plan, the Midtown Specific Plan and the Burbank/Del Monte Neighborhood Improvement Plan. The project site north of Park Avenue would be developed with transit oriented mixed use development. As described, beginning on page 322, the Existing Plan alternative would include up to 725 dwelling units, 700,000 square feet of office, 200,000 square feet of retail, and 300 hotel rooms.

C9-14: The commentor correctly notes the City of San Jose and the FAA are currently studying the effect of aircraft operations on building height limits in the downtown area. The final allowable height for structures on the proposed project site, as well as other Downtown development sites will be determined by the FAA.

C9-15: Please see Response to Comment C-13, regarding project alternatives. Please see Response to Comment C7-1 regarding recirculation of the Draft EIR.

C9-16: Draft EIR Chapter IV. Consistency with Plans and Policies, evaluates the consistency of the proposed stadium with applicable land use plans and policies, including *San Jose 2020 General Plan*, *Downtown Strategy 2000: San Jose Greater Downtown Strategy for Development*, *Diridon/Arena Area Strategic Development Plan*, *Midtown Specific Plan*, *Burbank/Del Monte Neighborhood Improvement Plan*, and the *Delmas Park Neighborhood Plan*.

That analysis meets the Draft EIR's obligation on this subject. The majority of this comment does not relate to the adequacy of the Draft EIR. No further response is necessary.

D. INDIVIDUALS

Letter
D1

Rhoades, Michael

From: M&M Beggs [mmbeggs@gmail.com]
Sent: Monday, March 13, 2006 9:07 PM
To: michael.rhoades@sanjoseca.gov
Subject: Comments about the Ballpark EIR

I have reviewed parts of the EIR for the proposed ballpark in west San Jose and have some comments.
Although the EIR appears extensive and thorough, I was surprised to see significant deficiencies. As a San Jose resident, I find such deficiencies unacceptable.

A significant deficiency is that the only freeway traffic routes evaluated as being impacted were related to I-280 and Rt 87. The note that "Other intersections outside the study area - specifically to the west - were not included because based on the proposed distribution, significant increases in traffic volumes are not anticipated on these surrounding local streets." shows a narrow, preconceived view even before the study was conducted. The next sentence in the EIR makes my point even more valid: "However, additional operational studies may be required after the project is operational to determine any 'spillover effects' to the surrounding neighborhoods". "Additional studies" must be done before the project, NOT after. We are not served by a study after a project is undertaken to tell us what happened. The EIR must identify the anticipated impact to allow us to make a decision on the value of the project before the project is initiated. **1**

Given that substantial, unacceptable traffic impacts were found for the few intersections evaluated, a more thorough and comprehensive study would likely find additional impact from other traffic scenarios. The study should have considered that the source of the fans coming to the new ballpark to see the relocated Oakland A's would be from the Oakland area, the traffic from I-880 exiting south onto The Alameda must be evaluated. A search on Google Maps and MapQuest for directions from Oakland to the proposed project site generated routes that exited from I-880 at the Alameda. When thinking about coming from the north, I too would exit I-880 at The Alameda to head to the proposed park. I anticipate any increase in traffic on the Alameda to be unacceptable. The traffic load on The Alameda from HP PAvilion events is already evidence that this route can take no more load. Why did the EIR ignore this area? I find that as a significant deficiency in this report. **2**

Another deficiency with the EIR that I want to comment on is the approach taken with the "Mitigation Measures" in that they appear to be suppositions lacking supporting data. For example, I find it unacceptable that mitigating sound problems by installing double-pane windows or adding more insulation to walls is considered as a mitigation. Installing air-conditioning so people can keep their windows closed is ludicrous. Furthermore, the proposed mitigation measures do not address the noise outside. People walking in the area wouldn't have the benefit of hiding inside behind double-pane windows with an air conditioner running. Other similar suppositions to mitigate significant impact should not be offered without supporting data. To be considered as valid mitigation measures, any ideas proposed should include known examples where such measures were implemented, assessed, and found to truly mitigate the impact. **3**

Given these few examples of deficiencies, I suggest the EIR be considered incomplete and inadequate for making an informed decision.

Sincerely,

Letter D1

Michael Beggs
210 Brooklyn Ave
San Jose, CA 95128
(408) 995-0270

COMMENTOR D1
Michael Beggs
March 13, 2006

D1-1: Please see Master Response Transportation, Circulation and Parking #1, Additional Intersections. In addition, on page 93 of the Draft EIR, where "additional operational studies" and "spillover effects" are discussed, these phrases are referring to things such as parking permits, police traffic control, and temporary barricades (i.e., not significant traffic impacts under CEQA). The location and magnitude of such detailed operational issues cannot be predicted with any certainty at this time. The Draft EIR is revised on page 93 to clarify the meaning of "additional studies" and "spillover effects," as follows:

> The traffic analysis is based on peak-hour levels of service for 18 signalized intersections and 14 directional freeway segments. The study intersections include signalized intersections in and around the Diridon/Arena area that may be significantly impacted by the proposed project due to either substandard operations under background conditions or the magnitude of project-generated trips expected at the intersection. Other intersections outside the study area – specifically to the west – were not included because based on the proposed distribution, significant increases in traffic volumes are not anticipated on these surrounding local streets. However, additional operational studies may be required after the project is operational to determine any 'spillover effects' to the surrounding neighborhoods <u>(and potential remedies such as permit parking requirements, police traffic control, and temporary barricades)</u>. There would be no parking facilities located west of the stadium and the trip distribution pattern, derived from San Jose Sharks hockey games attendance pattern and data, shows that the vast majority of trips would enter the study area from the surrounding freeways. The freeway segments analyzed include those segments on which the project is expected to have the greatest effect.

D1-2: Please see Master Response Transportation, Circulation and Parking #4, I-880. Intersections along The Alameda were forecast to operate within the City standard of LOS D or better.

D1-3: The EIR has identified significant and unavoidable noise impacts (such as exterior noise exposure) to a number of residents located in the immediate vicinity of the proposed project. All identified mitigation measures are considered feasible to reduce impacts to the extent possible. Sound transmission class (STC) is a widely used integer-number rating of how well a partition attenuates airborne sound. Windows of standard single pane glass construction have a typical sound transmission class rating of 25-28 STC; while windows of average dual pane glass construction have a typical rating of 28-35 STC. Thus, standard dual pane windows would provide approximately 28-35 dBA reduction in exterior to interior sound levels. To maximize interior noise attenuation, widows and doors must remain shut and mechanical ventilation would be needed.

Letter
D2

Ms. Lorie S. Bird
1150 Hanchett Avenue
San Jose, CA 95126

May 4, 2006

Mr. Michael Rhoades
City of San Jose
200 E. Santa Clara Street
San Jose, CA 95113

RE: Baseball Stadium EIR

Dear Mr. Rhoades:
As a neighbor of the proposed ballpark, I wanted to offer the following feedback on the Draft EIR:

1. Noise
   I am deeply concerned about the negative impact a ballpark will have on the quality of life in our neighborhood. The EIR states that noise will be a significant and unavoidable impact. Unmitigated noise will significantly reduce the desirability of living in Shasta/Hanchett Park, a wonderful historic neighborhood. **1**
2. Parking
   A proposed parking structure for 1,200 cars is woefully inadequate, and the underlying assumptions about parking lot availability are faulty, particularly under a multiple event scenario. **2**
   Our neighborhood already experiences some overflow parking from events at the Pavilion, almost a mile away. It is unreasonable to expect that parking west of the railroad tracks will not be an issue. This is especially true when there are weekday games and downtown lots will already be at or near capacity. No analysis of weekday games was included in the EIR. **3**
3. Gridlock
   There will be significant impacts to streets like The Alameda and Park Avenue. As a result, there is a high probability of cut-through traffic as ballpark patrons look to avoid backups. We already experience traffic challenges in our neighborhood from cut-through and commuter traffic. This critical issue, along with parking, must be addressed up front. **4**
4. Lights
   The Lick Observatory, which requires a dark sky, will be negatively impacted by events held at the stadium at night. **5**
5. Litter
   There is nothing in the EIR that addresses this issue. **6**

Thank you for the opportunity to provide feedback.

Regards,

Lorie S. Bird

COMMENTOR D2
Lorie Bird
May 4, 2006

D2-1: The comment is noted. Please see Response to Comment C5-3 regarding significant unavoidable project impacts.

D2-2: Please see Response to Comment C5-50. This comment does not specify which parking assumptions are thought to be faulty; no further response is possible.

D2-3: Please see Master Responses Transportation, Circulation and Parking #1, Additional Intersections, #2, Daytime Games Parking, and #5, Neighborhood Traffic and Parking.

D2-4: Please see Master Response Transportation, Circulation and Parking #1, Additional Intersections. Intersections along The Alameda were forecast to operate within the City standard of LOS D or better.

D2-5: As stated on page 264 of the Draft EIR, obtrusive light and glare resulting from nighttime operation of the stadium could result in a significant unavoidable impact to operations at the Lick Observatory. Please also see Response to Comment C5-3 regarding significant unavoidable project impacts. Subsequent to the publication of the Draft EIR, in a voicemail to the Redevelopment Agency, a Lick Observatory representative stated that they did not anticipate significant impacts to the operation of the observatory as a result of the proposed stadium.

D2-6: Please see Master Response Land Use #1, Increased Trash.

Letter
D3

Rhoades, Michael

From: Ruth Cavagnaro-Gilwee [ruth.gilwee@sbcglobal.net]
Sent: Thursday, May 04, 2006 7:37 PM
To: michael.rhoades@sanjoseca.gov
Subject: Ballpark

Dear Mr. Rhoades,

I understand that comments regarding the new ballpark are due today. Please accept this note as confirmation that I am not in favor of this development. **1**

Although it would seem that the city can ill afford such an endeavor, it seems that the city council members (and other supporters) will continue to push the concept of the ballpark. However, my reasons for not wanting a ballpark are not financial.

I am a resident of the Rose Garden, an area subdivided in 1899. I believe our historic and charming area will be devastated by placing such a facility as a ballpark within a few miles of our homes. Noise levels and a drastic increase in traffic will have a very negative impact to the surrounding communities. **2, 3**

Please discontinue these discussions, as we don't want the ballpark.

Thank You,

Ruth Cavagnaro-Gilwee
1260 Randol Avenue
408-993-8542

Ruth Cavagnaro-Gilwee

COMMENTOR D3
Ruth Cavagnaro-Gilwee
May 4, 2006

D3-1: The comment is noted. The comment relates to the merits of the project and therefore no further response is necessary.

D3-2: The comment is noted. Significant unavoidable noise increases are documented in Chapter V.E, Noise, of the EIR. The Draft EIR did not identify any significant unavoidable traffic impacts. Please also see Response to Comment C5-3 regarding significant unavoidable impacts.

D3-3: Please see Master Response Transportation, Circulation and Parking #1, Additional Intersections.

Letter
D4

Rhoades, Michael

From: Helen Chapman [4chapmanfam@sbcglobal.net]
Sent: Monday, May 01, 2006 10:55 PM
To: Michael.Rhoades@sanjoseca.gov
Subject: Proposed ballpark DEIR

Dear Mr. Rhoades,

I am writing to you today to convey my concern that there have been a number of issues raised concerning the proposed ballpark during the extremely important community meetings. I fully support the SNI PAC's request that the city reissue the DEIR and have a second round of public comment after incorporating the questions/answers/issues raised during the last 4 weeks of community meetings. **1** In addition I support the SNI PAC's request that a soccer study be added, funding for any loss of park space be identified and that the socio-economic issues raised be addressed. **2**

Helen Chapman
1556 Hester Av
San Jose CA 95126-2519

COMMENTOR D4
Helen Chapman
May 1, 2006

D4-1: Please see Response to Comment C7-1 regarding the Final EIR process and recirculation of the Draft EIR.

D4-2: Please see Master Response Alternatives #1, Soccer Stadium. Please also see Master Response Public Services and Facilities #1, Parks. Please Response to Comments C7-2, C7-3, and C7-4.

Letter
D5

Rhoades, Michael

From: Daleft24@aol.com
Sent: Sunday, February 19, 2006 4:59 PM
To: michael.rhoades@sanjoseca.gov; dennis.korabiak@sanjoseca.gov
Cc: tom@sanjoseinside.com; jude@sanjoseinside.com; mpurdy@mercurynews.com
Subject: Downtown SJ Ballpark.

Mr. Rhoades and Mr. Korabiak,
Great rendering and work regarding (hopefully) our future Downtown Ballpark. As a San Jose native who dreams of watching Major League Baseball in our own Dowtown, I beg you...acquire the rest of the parcels at Diridon South, talk to Lew Wolff, talk to Bud Selig, and compromise with Peter Magowan to MAKE THIS HAPPEN!! Again, great work and thank you for your time. 1

Anthony Dominguez
408-206-5775

COMMENTOR D5
Anthony Dominguez
February 19, 2006

D5-1: The commentor has expressed support for the proposed project. Because this comment does not relate to the adequacy of the EIR, no further response is necessary.

Letter D6

To: Akoni Danielson, City of San Jose
Michael Rhoades, City of San Jose
Fr: Harvey Darnell, President North Willow Glen Neighborhood Association, Vice Chairman Greater Gardner NAC
Date: May 4, 2006

Dear Mr. Rhoades and Mr. Danielson:

Although I list my Neighborhood positions above, the following comments come from my work on the SNI PAC subcommittee as I have not had them endorsed by a vote of my boards. I must tell you that there is significant apprehension in the North Willow Glen, Gardner and Gregory Plaza Neighborhoods as to the impact of the Proposed Stadium project on the surrounding neighborhoods. From conversations with my fellow neighbors, there is concern over the Traffic, Parking, Noise, Air Quality, Loss of Potential Parkland, Inadequate Trail Riparian Setbacks, Potential Light Pollution and loss of Historic and Near Historic Buildings in the Footprint of this project.

We strongly feel the DEIR is inadequate to the point where any revisions made should be subject to a Second Comment Period to allow the surrounding neighborhoods a chance to comment as to whether any proposed mitigations are sufficient and adequate to address our concerns. Please remember this is far different from an ordinary EIR as ultimately the public will have a referendum vote on this project before it can come to fruition. I am attaching two documents (DEIR response April 8th3.doc, and PAC April 2006 Report.doc) drafted by the SNI PAC subcommittee with which I am in full agreement and wish to have addressed in your response to me. **1**

Of prime importance is the inadequacy of the Transportation, Circulation and Parking section. When looking at the pictures, maps and assumptions, they seem to neglect the areas south of 280 and west of the SP tracks. I will only address those issues which are directly affecting my neighborhoods but will support the comments from the other surrounding neighborhoods as to their needs as well. We need more comprehensive studies of the Traffic Flows on Bird Av, W. Virginia St and Lincoln Av into this area. **2**

The DEIR assumes that people will always stay on the major freeways to access the site, but it is our experience that when those freeways are in stop and go gridlock mode the traffic exits earlier and will use the surface arteries to alleviate their traffic frustration. This will cause cut through traffic through our neighborhoods as well. If you make the assumption that people are willing to walk up to a mile to park, you will find a significant impact on the 3 neighborhoods south as people will be willing to cross 280 to access potential parking in our Neighborhood. Plans for mitigation of the effects of these potential parked cars on the neighborhoods must be addressed. **3**

With the creation of thousands of units of new housing north of 280 who will go to school at Gardner Elementary, the inadequacy of protection of children crossing the 280 on and off ramps stands out. The DEIR proposes widening the 280 South onramp to two lanes making that already difficult crossing even more dangerous (I frequently count 5-6 cars running that left turn Red light while I am sitting at it going North on Bird in the morning). Impacts to the Safe Route to School need to be mitigated. All the other Transportation, Circulation **4**

Letter
D6

and Parking points addressed in the memos attached are valid and will need to be addressed in light of the surrounding neighborhoods potential impacts.

Under Land Use the fireworks do not appear to have an enforceable curfew. Fireworks though popular in small doses can become a nuisance when they become a daily occurrence and happen past most people's bed times. An effective enforceable curfew for such noise should be part of the mitigations. The average riparian setback does not provide sufficient setback in the opinion of many of my neighbors. If the setback increase is not possible in the adjacent area, then significant increases must be made to the trail and setbacks in the adjacent creek and trail segments. This trail will become a significant thoroughfare to the site from the Willow Glen side as the Los Gatos Creek trail is connected to Gregory Plaza by a bridge over the Creek. As the trail is completed it will encourage traffic to park in neighborhoods farther than generally assumed reachable by foot. This will have a detrimental effect not only on the neighborhoods but put increased demand on the trail, potentially damaging the riparian corridor. This must be addressed in the DEIR. 5 6 7

Noise is of significant concern to these neighborhoods. Your noise studies are inadequate as they assume all noise will be similar to that emanated from a ball game and be directed Downtown. I see no mention of the reflected noise from the potential 20 story building for which Zoning has been obtained on the Water Co site. I am no noise engineer but such a building may well reflect the noise south and west onto the existing neighborhoods. Other building of such massive proportions are being planned for this area and some mitigation planned for them as well as regards the potential for noise reflected South and West. I also support the other comments in the attached documents regarding atmospheric noise issues and hope we don't have a repeat of the problems of Shoreline Amphitheater in the surrounding neighborhoods. A workable curfew/noise limit ordinance with penalties should be established prior to operation of a facility with noise monitoring stations placed in the surrounding neighborhoods at larger than usual distances, perhaps up to two miles in diameter. 8 9 10

Under the Cultural and Paleontological issues, I believe inadequate attention has been paid to the historic or near historic resources. Case in point is the Dancing Pig sign for the Stephen's meat company. It is not unlike the Delmonte Water Tower which was saved for the KB homes development. That and the Facade of Patty's Inn (which is over 100 years old might be somehow creatively incorporated into a design which would give acknowledgement to the industrial character of the neighborhood on which the next facility is built. 11 12

Letter D6

Thank you for taking the time to read and respond to these comments as well as the comments of the two attached documents which I fully support. I look forward towards working on these and other planning issues with you both in the future.

Sincerely,

Harvey S Darnell
897 Delmas Av, San Jose Ca 95125
408-295-1930 (h) 408-972-6025 (w)
harveydarnell@earthlink.net

COMMENTOR D6
Harvey Darnell
May 4, 2006

D6-1: Please see Response to Comment C7-1 regarding the Final EIR process. Please also see Master Response #1, Recirculation of the Draft EIR for an explanation of why recirculation of the Draft EIR would not be appropriate.

D6-2: Please see Master Response Transportation, Circulation and Parking #1, Additional Intersections.

D6-3: Stadium patrons destined for downtown from I-280 southbound would exit at Bird Avenue, Almaden/Vine Avenue, or take SR 87 north to Santa Clara Street or Julian Street. Exiting at Bascom or Meridian would take much longer because of the numerous traffic signals on these routes. Patrons traveling northbound on I-280 were partly assumed to exit at 7th Street, but mostly assumed to use SR 87 to Santa Clara Street or Julian Street. If more traffic were to use the 7th Street exit, the traffic impacts would be less than are described in the Draft EIR. Traffic traveling southbound on SR 87 was assumed to use Julian or Park Avenue. If traffic used Coleman Avenue instead, the impacts would be less than are depicted in the Draft EIR.

Regarding the potential for patrons to park in the neighborhoods south of I-280, the City has a number of means by which it can assist neighborhoods to restrict traffic and parking. As one example, these neighborhoods may wish to implement permit parking. Please also see Master Response Transportation, Circulation and Parking #5, Neighborhood Traffic and Parking.

D6-4: The overpass on I-280 would be improved if the recommendations for Bird Avenue are adopted and implemented. This would improve the situation for pedestrians using Bird Avenue. The existing on-ramp to I-280 southbound would not be widened; it would be restriped to provide two lanes. This would reduce the incidence of cars running the red light by providing more left turn capacity per signal cycle. Baseball traffic, whether arriving at or departing from the stadium, would not coincide with school commute hours.

D6-5: The Draft EIR identified noise from fireworks displays as a significant unavoidable impact. It isn't possible to determine the exact timing of displays because they often occur at the end of ballgames which might have extra innings. Fireworks require a City permit and time of occurrence would be considered in the issuance of such a permit.

D6-6: Please see Master Response Consistency with Plans and Policies #1, Los Gatos Creek Setback.

D6-7: While the Los Gatos Creek trail would be expected to serve as a pedestrian route to the stadium area for some baseball patrons who live in the North Willow Glen neighborhood, most of this neighborhood is well beyond even the ¾-mile range. Due to the neighborhood's distance from the stadium site and given the City's commitment to implement a Traffic and Parking Management Plan

(TPMP) similar to that which was implemented and refined over the years for the downtown Arena, there is no reason to expect that stadium patrons would park in North Willow Glen and walk to the stadium. Even in the event that a small number of stadium patrons did so (and ran the risk of being ticketed or towed), there is no reason to expect that their small numbers would have any detrimental effect on the trail itself or the adjacent riparian corridor, both of which would constructed and protected, respectively, in ways that would accommodate pedestrian usage.

D6-8: Depending on the orientation and surface material used for the new 20-story building, there may be some reflected sound from this new building to areas east or south of the building. However, due to distance attenuation and angle of the reflected sound, the effect of the building reflection would be negligible. It normally takes doubling of the sound energy received to add 3 dBA to a receptor location. The reflected sound, if any, would be a small portion (less than 20 percent) of the direct sound, adding less than 1 dBA to the noise level at the affected receptor location. The area to the west of the new building would no have any significant sound reflection and would be masked by vehicular traffic on the freeway.

D6-9: Topographic features of the Shoreline Amphitheater in Mountain View present problems related to noise specific to that site and amphitheater design. The proposed stadium is not an amphitheater and amplifiers and speaker banks for concerts would be located at field level. Concerts at the proposed downtown stadium would be differentiated from other outdoor music venues in that the stadium would provide a barrier behind the audience that would reduce the speaker volume needed to achieve the same sound effect when compared to a completely open outdoor environment such as the Shoreline Amphitheater. The partial wrap-around physical setting of the stadium would reduce off-site sound migration substantially.

D6-10: If the proposed stadium project moves forward, the City would perform a detailed acoustic study to confirm the predictions of the long-term noise levels and resulting impacts to the surrounding neighborhoods.

D6-11: Please see Master Response Cultural and Paleontological Resources #1, Stephen's Meat Sign.

D6-12: Preservation and incorporation of the Patty's Inn facade within the stadium project cannot, strictly speaking, be a recommended mitigation measure because Patty's Inn is not eligible for listing in the California Register. Since the building is not eligible for listing, its removal is a less-than-significant impact under CEQA. CEQA states that mitigation measures are not required for less-than-significant impacts Although Patty's Inn is not a California Register eligible property, its preservation and reuse could be considered in the final development of the baseball stadium.

Letter
D7

Rhoades, Michael

From: Angela Elsey [aaelsey@ucsc.edu]
Sent: Tuesday, May 02, 2006 9:51 AM
To: michael.rhoades@sanjoseca.gov; ballpark@shpna.org
Cc: Dave Hedges
Subject: ballpark

Follow Up Flag: Follow up
Flag Status: Flagged

I am writing to express my strong opposition to the proposed ballpark.

The arena has proven that whenever there are events held there it creates traffic issues. (I do not even drive downtown that often but have been held up several times by traffic for the Arena.) **1**

And more importantly, there is no evidence from other cities' experiences to support the claim that building a ballpark with bring more money into the city than it costs. **2**

thank you

Angela Elsey
Lecturer in French
University of California
Santa Cruz CA
831.459.2894
aaelsey@ucsc.edu

COMMENTOR D7
Angela Elsey
May 2, 2006

D7-1: The comment is noted. Traffic impacts of the proposed project are identified in Chapter V.C, Transportation, Circulation and Parking of the Draft EIR.

D7-2: The comment is noted. The comment does not relate to the adequacy of the Draft EIR, and no further response is necessary.

Letter
D8

RECEIVED
MAR 13 2006
CITY OF SAN JOSE
PLANNING DEPARTMENT

1235 Magnolia Ave.
San Jose, CA 95126
March 9, 2006

Michael Rhoades
Planning Department
San Jose City Hall
200 E. Santa Clara St.
San Jose, CA 95113

Dear Mr. Rhoades;

As a resident and home owner in the Shasta-Hanchett Neighborhood, I am absolutely opposed to the construction of a baseball park and/or soccer field 10 blocks from my home. 1

My concerns are: 2

1. increased traffic 3
2. maximum benefit to community of land use (not to be figured in dollars only) 4
3. noise 5
4. increased crime 6
5. devaluation of property in the neighborhood.

I urge you to consider these concerns of myself, neighbors and community residents.

Sincerely,
Varda Friedman
(408) 286-0589

COMMENTOR D8
Varda Friedman
March 13, 2006

D8-1: The commentor has expressed opposition to the proposed project. Because this comment does not relate to the adequacy of the EIR, no further response is necessary.

D8-2: Chapter V.C, Transportation, Circulation and Parking of the Draft EIR evaluates the proposed project's potential traffic impacts. Mitigation measures are recommended as appropriate.

D8-3: In general, community benefit issues are not an appropriate topic of analysis under CEQA. Because this comment does not relate to the adequacy of the EIR, no further response is necessary.

D8-4: Chapter V.E, Noise of the Draft EIR evaluates the proposed project's potential noise impacts. Mitigation measures are recommended as appropriate.

D8-5: Please see Response to Comment B2a-2, with relation to the discussion of crime under CEQA.

D8-6: Please see Response to Comment B2a-2, with relation to the discussion of property values under CEQA.

Letter
D9

May 4, 2006

Michael Rhoades
Department of Planning, Building & Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113-1905

RE: Draft Environmental Impact Report, Baseball Stadium in the Diridon/Arena Area, File No. PP05-214, State Clearinghouse No. 2005112126

Dear Mr. Rhoades:

We are residents in the neighborhood adjoining the proposed ballpark site and submit the following comments and questions for your review and consideration.

Parking:

- The analysis covered parking issues with simultaneous events at the arena. How will parking be addressed during the baseball season when a great deal of the downtown parking lots will be occupied for up to two months by set up for the San Jose Grand Prix? **1**

- The EIR includes a number of private lots in its count for available parking spaces. How will the ballpark compensate for the loss of those spaces in the event that the lots are developed into building space or during construction if public parking will be available when the project is complete? **2**

- The EIR anticipates that people attending functions at the ballpark will only be parking to the east of the stadium in downtown San Jose, up to ¾ mile away. The study does not anticipate that anyone will be parking up to ¾ mile away to the **west** of the stadium, which is primarily residential and is not a permit parking area. How will ballpark parking be prevented in the residential areas to the west of the ballpark? **3**

- Parking in the residential neighborhood adjacent to the ballpark site is already permit parking only. In spite of fines, arena event goers often take the risk and park in the area anyway. Stronger parking controls such as tow-away policy for non-permitted vehicles would need to be implemented so that residents could continue to park in front of their homes, many of which have very limited off-street parking. Is it the intention of the City of San Jose to institute such a policy in this area? **4**

Traffic:

- The EIR does not address traffic impact on residential neighborhood streets that could be used as "short cuts." For instance, Gifford Avenue parallels **5**

Letter
D9

Autumn/Montgomery Streets and would be a likely short-cut between Park Avenue and San Fernando Street. Lorraine Street is another small residential street that would attract traffic as a cut-through. The residents on these two streets would like to have the streets barricaded permanently (Gifford Avenue with a traffic barrier at San Fernando Street, Lorraine Street with a traffic barrier at Bird Avenue). Has the City considered such an option to mitigate traffic in these residential areas? **5 cont.**

- Other residential streets should also be marked with signs or temporary barricades indicating that traffic is for "residents only."

- There are at least four high-density developments in the area that are either under construction or in the planning stages of development. These projects include the San Jose Water Company property, Cahill, Park/Delmas, and the CORE project on Bird and W. San Carlos. How will traffic be mitigated while these projects are under construction? **6**

Air quality:

- How will the increased air pollution from the gridlock traffic conditions that will surround our residential neighborhood be mitigated? **7**

- How will the air pollution caused by fireworks displays be mitigated? **8**

Light:

- The EIR addresses shadow and shade that will be produced by the stadium but does not include the scoreboards or light fixtures as causes of shade/shadow? How will these additional objects impact the shade/shadow footprint? **9**

- The EIR addresses obtrusive light and glare to the surrounding residential neighborhoods and suggests mitigation measures, but it does not state the "foot-candle" level of light that residential neighborhoods would experience during night games and other events that total approximately 60 nights per year (16.7% of the year). **10**

Noise:

- The EIR suggests that residents along San Fernando Street and along Autumn Street would be eligible for noise-reducing features such as dual-pane windows, insulation and air-conditioning. The EIR does not suggest similar noise-reducing features for other residents within the noise footprint. In addition, the EIR suggests that these features be offered to prior to opening day of the stadium. The residents in this area need these noise-reducing **11**

Letter
D9

features prior to the ground breaking of the project due to the high noise levels associated with the construction of the ballpark itself that are in the area of 95 decibels. In addition, a representative at one of the meetings at City Hall regarding the EIR indicated that the neighborhoods surrounding the proposed ballpark are eligible for sound-proofing by the airport, which is untrue. It is stated correctly in the EIR that these neighborhoods are outside of the sound footprint for the airport's sound-proofing program. **11 cont.** **12**

- The residences in the area surrounding the proposed ballpark has had to contend with a long list of construction projects and noise issues that have prompted several home owners to sound-proof their homes themselves without the assistance of the airport or VTA or the City of San Jose just so that they could have some peaceful enjoyment of their homes. If the City will provide sound-proofing measures to the residents in the area surrounding the proposed ballpark, will they also reimburse homeowners who have already done the work themselves if they present receipts for the materials? **13**

- Is there a curfew for noise at the proposed ballpark? If so, will the neighbors who endure the noise past curfew be entitled to any of the monies collected from fines for broken curfews? **14**

Pedestrian Traffic:

- The EIR indicates pedestrian traffic along San Fernando Street will be between 7,000-8,000 people per hour. If pedestrians are expected to walk on sidewalks that are five feet wide on each side of the street, with light poles and sign poles interspersed, how will pedestrians be kept off of residents' lawns? **15**

- With so many pedestrians coming through the residential areas, who will be responsible for the trash pickup? Will trash receptacles be supplied? Will streets in the neighborhood surrounding the ballpark be swept on a more frequent and regular basis? **16**

- Will there be any restroom facilities outside the ballpark for those people who come just to watch the fireworks? **17**

- Will there be any security provided by the ballpark to ensure that visitors vacate the area surrounding the park in a peaceful way? **18**

Other Issues:

- Pile driving and heavy equipment have in the past damaged plaster walls and cracked windows. What kind of reimbursement will there be to homeowners **19**

Letter
D9

who experience property damage from the earthshaking that comes from construction activities in the area? **19 cont.**

- Will solar power and other energy conserving measures be used by the park? **20**

Thank you for taking the time to review these comments and questions.

Sincerely,

Sabina Hall
124 Gifford Avenue
San Jose, CA 95110
Phone: (408) 993-9303

Kathy Sutherland
350 Gifford Avenue
San Jose, CA 95110
Phone: (408) 998-2168

COMMENTOR D9
Sabrina Hall & Kathy Sutherland
May 4, 2006

D9-1: Please see Response to Comment C5-10.

D9-2: Typically when parking lots are developed into buildings, new parking is incorporated into the designs. On parking lots such as the Water Company site, the parking will increase in the future. Please also see Response to Comment Transportation, Circulation and Parking #2, Daytime Games Parking.

D9-3: Please see Response to Comment Transportation, Circulation and Parking #5, Neighborhood Traffic and Parking.

D9-4: Please see Response to Comment D9-3.

D9-5: It is not anticipated that stadium traffic would need to use Gifford Avenue or Lorraine Street. The surrounding arterials have the capacity to carry the anticipated traffic loads. Nevertheless, the City recognizes that these streets, particularly Gifford, may be experiencing cut-through traffic because there are limited options connecting W. San Carlos Street to Park Avenue and San Fernando Street. The City has implemented programs to reduce cut-through traffic in other neighborhoods and some combination of these programs could be used in the vicinity of the proposed stadium. Please see Response to Comment Transportation, Circulation and Parking #5, Neighborhood Traffic and Parking.

D9-6: There is currently no timeframe for the City Council to consider placement before the voters of a ballot initiative for the proposed baseball stadium. If and when voters approved a ballot initiative, a stadium design team would be selected in the months following the election. Site preparation, infrastructure development and PG&E relocation would begin approximately six months following selection of the design team. Construction would begin approximately 1 year later.

The construction traffic mitigation for the four high-density development projects in the vicinity noted by the commentor is as follows:

Each project is required to submit a construction management plan as part of it grading and/or building permit application. The City reviews these plans and would require revisions as necessary to address other construction projects in the area.

D9-7: Air pollution impacts from traffic were analyzed in Section D. Air Quality of the Draft EIR. Results of the analysis of worst-case carbon monoxide concentrations with the project are shown in Table V.D-5 and indicate that carbon monoxide levels at every one of the 18 intersections analyzed would meet State and federal standards.

D9-8: Air pollution impacts caused by fireworks would be mitigated by implementation of Mitigation Measure AIR-3.

D9-9: As stated on page 261 of the Draft EIR, "Light standards and scoreboards were not included in the simulations as their flat/narrow design would cast minimal shadow relative to the stadium and parking garage." These structures would not contribute to any additional shade/shadow impacts.

D9-10: Given that the proposed project is only conceptual, it is not possible to determine the exact orientation of the lighting structures at this time. Therefore, it is not possible to accurately determine the number of foot candles that residents in the area may be subject to as a result of nighttime operation of the proposed stadium. The Draft EIR qualitatively evaluates the impacts of obtrusive light and glare to the extent that they are known at this time. Mitigation measures are recommended to reduce these impacts, although they cannot be mitigated to a less than significant level. Please also see Response to Comment C5-3 regarding significant unavoidable impacts.

D9-11: The comment is noted. The City will work with the residents to determine an implementation schedule for noise abatement measures.

D9-12: The comment affirming information provided in the Draft EIR is noted.

D9-13: The City will work with residents on a case by case basis to determine appropriate sound proofing mitigation measures. To the EIR authors' knowledge, the City would not reimburse homeowners for work previously completed.

D9-14: The City will evaluate event permits on a case by case basis. The City would not distribute monies collected from fines to neighbors.

D9-15: Table V.C-13 on page 113 of the Draft EIR describes pedestrian flows on project streets, including W. San Fernando. The pedestrian flow analysis concludes that the existing sidewalks could accommodate the peak pedestrian volumes of the proposed project. Mitigation measures, such as widening sidewalks would not be required.

D9-16: Please see Master Response Land Use #1, Increased Trash.

D9-17: Additional restroom facilities outside of the proposed stadium are not part of the proposed project. The City would determine the need for portable restroom facilities outside of the proposed stadium prior to scheduling events such events at the stadium.

D9-18: Security needs for the proposed stadium are discussed on pages 295-296 of the Draft EIR. As discussed, staffing levels for the stadium would be dependent on event security requirements. A Ballpark Event Operations Plan would be developed, and appropriate police staffing needs could be identified and coordinated through the Traffic Enforcement Unit and the Secondary Employment Unit, as is done with the HP Pavilion. The Ballpark Event Operations Plan would identify security needs and the specific duties of the security staff.

D9-19: A construction plan would be developed prior to groundbreaking with the goal of there being no damage to adjacent properties. In order to document baseline conditions, the Redevelopment Agency would seek permission from property owners to document building conditions prior to site grading.

D9-20: Please see Response to Comment C5-38.

Letter
D10

Rhoades, Michael

From: Trevor Holmes [tdhbuntcake@yahoo.com]
Sent: Thursday, March 30, 2006 3:51 PM
To: michael.rhoades@sanjoseca.gov

Hello,

I'm sure you have received a few emails from soccer fans that were in attendance at the meeting on tuesday night. I'm sorry that I am another person who was in attendance that has a few questions.

One thing that has stuck with me and has kind of been a thorn in my side since the meeting has been this thought of how much in tax payers dollars have been spent in doing all of this research on the environmental impact of a Major League Ball park that has no team to fill it? I was thinking about it yesterday from the stand point of a home builder. If I was spending someone else's money to build a house, wouldn't I want to know before I started the project that I had someone that was going to occupy the house. Whether it was a rentor or an owner. I know this situation is different in a sense that building a house for a rentor can be open to anyone who is interested, but the "interested" is amoung 1000's of possibilities tennants. There is no limitations on who can rent the place. When it comes to a Major League Ballpark, in the area, there are only 2 possibilities. Oakland A's and San Francisco Giants. I haven't done the research to see if and expansion team is a possibility and if you have any input on that, I would love to hear about it. From someone looking from the outside in with minimal knowledge of really what is happening, I find it interesting that we are doing so much work and spending tax dollars, FOR WHAT? I know that the San Francisco Giants have the territorial rights to San Jose. I am also aware that a new stadium has been built in San Francisco for them. From the outside looking in, I don't see that they are ready to make a move from brand new facility yet. So to say that I would vote for a stadium that MAY house the Giants, it's tough to say that I could knowing they have a brand new stadium. Now from the A's stand point, to me it seems like it is going to cost even more tax dollars to bring the A's to San Jose. Again, I don't understand all of the politics behind it, but I'm sure the San Francisco Giants aren't going to just give away their territorial rights to San Jose without being compensated somehow. And I can't help but think that the compensation is somehow going to be coming out of my pocket. Which all of this brings me back to my original question (maybe worded a little different) what and who is all of this research being done for? To tell me it is for and alleged team is tough for me to stomach and say that I would be willing to support as a tax payer. As a matter of fact, I would say from a taxpayers stand point, I feel that until further investigation is done to insure the citizens of San Jose that there is a for sure baseball team ready to move hear, I think all research should end to save tax dollars for something that is more definate unless some research is done to ensure that there is a actual team interested. **1**

My next questions is, can you provide me some information that states that from the very begining, this research was to be done for baseball and baseball only. I could certainly be mistaken, but I was under the impression that it was for both soccer and baseball. If it was for soccer and baseball, when and how was a decision reached to make the research for baseball only? **2**

With recent news stating that Lou Wolff has expressed interest in moving the Oakland A's to Fremont, if that happens, is the EIR going to continue it's research on the Major League Park? And again, I ask, for what team? And if the research is done to prove that MLB has no interest in having a team in San Jose, would these efforts be turned into researching the possibilities of a Soccer Specific Stadium and having the Earthquakes back in San Jose? **3**

Letter
D10

I'm sure I will have more questions for later. Thank you for taking the time to read my questions.

Die hard San Jose Earthquakes fan!!!!!!!!!!!!!!!

trevor holmes
because dogs love trucks!!!

New Yahoo! Messenger with Voice. Call regular phones from your PC and save big.

COMMENTOR D10
Trevor Holmes
March 30, 2006

D10-1: The comment is noted. The City of San Jose Redevelopment Agency is funding the environmental evaluation of the proposed project site. Because the comment does not directly relate to the adequacy of the Draft EIR, no further response is necessary.

D10-2: The Draft EIR evaluates the potential impacts of the development of baseball stadium and associated structures at the project site. Please see Chapter III, Project Description of the Draft EIR for a description of the proposed project. Please also see Master Response Alternatives #1, Soccer Stadium. The comment does not relate to the adequacy of the Draft EIR, therefore no further response is necessary.

D10-3: The comment is noted. Please see Master Response Alternatives #1, Soccer Stadium. Because this comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

Rhoades, Michael

From: Jody Hucko [chateau.hester@earthlink.net]
Sent: Thursday, May 04, 2006 4:47 PM
To: michael.rhoades@sanjoseca.gov
Subject: Ballpark EIR Comments

Dear Mr. Rhoades;

We are long-time residents of the Shasta-Hanchett area of San Jose. Our house is within walking distance of the site of the proposed San Jose ballpark. We are writing to express our comments and concerns regarding the draft EIR prepared for the project. We believe this document minimizes concerns about the significant nuisances that would be created by such a project, proposes unrealistic and insulting mitigations and inadequately analyzes other possible sites for the project.

PARKING AND TRAFFIC: We believe the EIR grossly underestimates the parking and traffic problems in surrounding neighborhoods and for other downtown event patrons that would be generated by this project. Considering only the scenario of a concurrent event at the Arena, plus assuming parking spaces within 3/4 miles of the proposed stadium will be available for fans, is unrealistic. We regularly have problems parking in downtown San Jose when multiple events are happening in existing venues. Envision a possible first weekend of May a few years from now: baseball games at the stadium, hockey playoff games at the Arena, 70,000 or more people downtown for the Cinco de Mayo parade, the annual Home and Garden show, San Jose Rep's and Opera San Jose's season finales . . . HOW BAD WILL THE GRIDLOCK BE ON DOWNTOWN AREA FREEWAYS (Highways 87, 280 AND 17)? WHERE WILL ALL THE PEOPLE PARK? Fans who cannot find cheap and/or convenient parking will inundate the neighborhoods, circling in increasing frustration. Barricades aren't the answer. Locating the ballpark in an appropriate place is. 1 2 3

NOISE: We believe the EIR grossly underestimates the noise problem in surrounding neighborhoods -- and miles away -- that would be generated by this project. We believe the EIR should also consider the impact of noise from the ballpark on nearby indoor activities, like performances at the Center for Performing Arts. Unlike the Arena, which is an indoor venue, the proposed baseball stadium will spew noise into the wide open, common air. Baseball games will be bad enough, with the roar of the crowds and exploding scoreboards. But what about the alternate events, like rock concerts and revivals, that officials acknowledge will be needed to generate additional revenues from the facility? Where in the EIR is the sound profile for the pounding bass of the rock band blasting away at home plate? Last fall, our neighborhood was assaulted by intolerable noise from a rock concert at Santa Clara University's new Schott Stadium. Even through our closed windows, it sounded like it was coming from just down the street -- yet it was almost 3 miles away! The University had NO IDEA the sound would carry so far and disturb so many people. What will be San Jose's excuse? 4 5

LIGHTS: We believe the EIR grossly underestimates the nuisance of the massive 260+ foot light towers to the surrounding neighborhood. Bright light is horribly intrusive and can destroy a neighborhood's quality of life and sense of privacy. Our local high 6

Letter
D11

school agreed not to install much lower and much less powerful lights on its new football field out of respect for the surrounding neighborhood. This is common sense. Expecting residents to hide behind light shields and dual pane windows so San Jose can build a stadium in the middle of an emerging neighborhood is absurd. 6 cont.

LOSS OF POTENTIAL PARK LAND: We believe the EIR deals inadequately with the potential loss of 5+ acres of parkland slated for the current fire training site. The neighborhood surrounding the proposed ball park is one of the most park-deficient areas of the city. Those of us who have lobbied for more parkland and who have worked to identify potential parcels for smaller community uses, such as a dog park, know that open space in our area is almost impossible to find. Sacrificing our carefully planned and much anticipated new park for an elite ticket holder parking structure, without identifying an equally large and well-situated alternative, is an insult to the community. 7

ALTERNATE SITE ANALYSIS: We believe it is inadequate to rely on EIRs conducted for other purposes to summarily conclude that other possible sites for a baseball stadium are inherently inadequate. An EIR such as this, that seeks to justify building a stadium on the Mayor's preferred Park Avenue site rather than unbiasedly considering and evaluating all possible sites within the city, is fatally flawed. 8

EXISTING PLANS FOR AREA IGNORED: The EIR only vaguely acknowledges the existence of multiple, integrated development plans for the proposed stadium site and surrounding areas. This is not a blighted or wide-open area, desperate for a ballpark and related development to rescue it from imminent moral and economic decay. Ours is an urban neighborhood with a carefully-considered future, a future old and new residents alike have a vital stake in. No other city has built a baseball stadium in a comparable site -- for good reason. 9

SOCIO-ECONOMIC ANALYSIS NEEDED: We understand that the form of the EIR document is set by law. Nonetheless, we believe it is imperative that SOMEONE, SOMEWHERE perform a detailed socio-economic analysis of the impact of the proposed ballpark on the surrounding neighborhood. What will the impact be on crime, property values, quality of life, sense of community within the area and with downtown, and the like? Fans will come for the games and go home; THIS IS OUR HOME. 10

In closing, we wish to add our support to the more comprehensive EIR comments submitted by the Shasta/Hanchett Park Neighborhood Association, of which we are long-time members. 11

Sincerely,
Jody Hucko & Scott MacDonald
1622 Hester Avenue
San Jose, CA 95128-5220
chateau.hester@earthlink.net

COMMENTOR D11
Jody Hucko
May 4, 2006

D11-1: Please see Master Response Transportation, Circulation and Parking #3, Scenario Assumptions.

D11-2: The intersections of the downtown area near the stadium are shown by the analysis with the project to operate within the standard, which is level of service D or better. This would support the point that there will not be gridlock under this scenario. The Draft EIR identifies significant, unavoidable impacts to SR 87 and I-280. Please also see Master Responses Transportation, Circulation and Parking #4, I-880 and #6, Freeway Traffic 6-7 p.m.

D11-3: Please see Master Response Transportation, Circulation and Parking #5, Neighborhood Traffic and Parking.

D11-4: The Center for the Performing Arts is located east of the project site on the east side of SR 87. Based on our noise calculations, existing noise from SR 87 at the Center would be louder than noise from baseball or concert events at the proposed stadium. Noise from existing sources such as SR 87 would have been considered in the design of the Center for the Performing Arts. The noise from the proposed project would not be audible at the Center for the Performing Arts.

D11-5: Concert noise is discussed in Section V.E, Noise. Pages 166 and 167 discuss peak noise and ambient noise during concert events.

D11-6: The comment is noted. The Draft EIR identifies obtrusive light and glare resulting from nighttime operation of the proposed stadium as a significant unavoidable impact. Please see Response to Comment C5-3 regarding significant unavoidable impacts.

D11-7: Please see Master Response Public Services and Facilities #1, Parks.

D11-8: Please see Response to Comment C6-40 regarding the Draft EIR's discussion of alternatives to the proposed project. In addition, as noted on page 319 of the Draft EIR, the *CEQA Guidelines* require analysis of a range of alternatives to the project, or to the location of the project, which would feasibly attain most of the project's basic objectives and avoid or substantially lessen any of the significant effects of the project. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice (*CEQA Guidelines* Section 15126.6). Chapter VII, Alternatives of the Draft EIR fulfills these requirements.

D11-9: Chapter IV, Consistency with Plans and Policies evaluates the consistency of the proposed project with applicable land use plans and planning policies. As noted on page 47 of the Draft EIR, policy conflicts are not considered to have a significant effect on the environment, and are therefore differentiated from impacts described in the other topical sections of the EIR. Adverse physical

impacts associated with such policy conflicts are addressed in the appropriate technical sections of the EIR. Please also see Response to Comment C6-6.

D11-10: The comment is noted. Please see Response to Comment C7-4 regarding socio-economic impacts.

D11-11: The commentor's support for the Shasta/Hanchett Park Neighborhood Association comments (Commentor C6) is noted.

Letter
D12

Rhoades, Michael

From: Barbara Jacobs [bjacobs@bayarea.net]
Sent: Wednesday, March 15, 2006 6:13 PM
To: michael.rhoades@sanjoseca.gov
Subject: Ball park

Dear sir,

It is my understanding that you are the person to receive comments and questions regarding the proposed ball park.

I am very much against a ball park in the proposed location for the following reasons.

First, I believe it will devalue property values in the Rose Garden, Shasta/Hanchett neighborhoods.The traffic, the noise and the possible danger to our homes from numerous cruising people. I hesitate to use the word gang, but that possibility exists. I have lived in the neighborhood for three years and feel it is a very safe and quiet place to live and the thousands of people who will be cruising our streets when this ball park opens, very much changes that. **1** **2, 3**

Second, I am shocked at the condition of the surface of The Alameda as it travels from downtown to 880 and back. This will be a major access for people coming to games from the East Bay. After living here 3 years, I keep waiting for repairs to begin on the potholes that are too numerous to count. My daily trip from my home on Singletary to 880 is a Slalom course to avoid this horrendous condition. I wonder about the priorities of a city that will spend millions to buy up property to build a stadium for a team that is not interested in coming to our city while they are unable to keep the current infrastructure repaired and free from debris. Please take a ride down The Alameda, in both directions, and let me know your opinion of this street. **4**

Third, while the environmental impact report proposes that some windows will have to be replaced with double paned windows in order to soften the noise level. I wonder who will pay for the air conditioning required when you are sitting in your home on a hot summer day with your double paned windows closed as tightly as possible to block out the noise? **5**

Those are my main concerns. I would be very interested in having a reply addressing these three issues and also wonder, why there has not been a town hall style meeting with residents to address these issues. **6**

Let the sunshine in!!

Barbara Jacobs
1180 Singletary Ave
San Jose, CA 95126
408-395-1159
bjacobs@bayarea.net

COMMENTOR D12
Barbara Jacobs
March 15, 2006

D12-1: The comment is noted. Please see Response to Comment B2a-2, with relation to the discussion of property values under CEQA.

D12-2: Chapter V.C, Transportation, Circulation and Parking and Chapter V.E, Noise discuss traffic and noise impacts of the proposed project respectively. It is assumed that the commentor believes the proposed project will increase crime in the neighborhood. Please see Response to Comment B2a-2, with relation to the discussion of crime under CEQA.

D12-3: The comment is noted. Because the comment does not relate to the adequacy of the Draft EIR, not further response is necessary.

D12-4: The commentor's opinions about the condition of the roadway surface and presence of numerous pot-holes along The Alameda is noted. Because the comment does not relate to the adequacy of the Draft EIR, not further response is necessary.

D12-5: As noted in Mitigation Measure NOISE-1, on page 162 of the Draft EIR, "With affected property owners consent, prior to opening day of the stadium, the City shall implement measures to reduce significant impacts associated with increased traffic for residences…which may include, but are not limited to installation of dual-pane windows, mechanical air conditioning, and improved ceiling and wall insulation." As discussed, the City would be responsible for funding these improvements.

D12-6: This First Amendment (Responses to Comments document) serves as the response to comments received on the Draft EIR for the proposed project. There have been four public community meetings during the Draft EIR comment period where members of the community have had the opportunity to comment on the contents of the Draft EIR.

Letter
D13

Rhoades, Michael

From: Maureen Jones [maureenj@pacbell.net]
Sent: Thursday, May 04, 2006 4:19 PM
To: Michael.Rhoades@sanjoseca.gov
Subject: Ballpark ERA comment

Dear Mr. Rhoades,

I have attended three meetings regarding the ballpark ERA. One at Hoover Community Center and two at the City Council Chambers.

My main concern is noise and traffic impact on the Center For Performing Arts. Measuring from my car on both San Carlos and on Park Ave., the CPA is only 6/10s of a mile from the mouth of the proposed 45,000 patron, open-air stadium. I have not seen anything written on this and I think it is very important for the ERA to fully address this issue. **1**

Now that the city has a contract with the Grand Prix event, the ERA should fully address the impact of inner city traffic for these "double" events. **2**

I am also concerned that the traffic impact was far more interested in freeway traffic than inner city streets and intersections. **3**

As a San Jose native of 63 three years I can say that the city has a way of building things and then turning their back on maintenance. Maintenance, if done at all, is done in an untimely way which leads to a far higher cost. The wise old saying, a stitch in time, is Greek to the City of San Jose. I can just imagine the litter impact on the neighborhoods for a least a mile around the stadium! **4**

I live one mile from the proposed site and am an avid baseball fan but I do NOT want this park anywhere in downtown San Jose. **5**

Sincerely,
Maureen Jones
1205 Sierra Ave.
San Jose, CA 95126
408 297-8487

COMMENTOR D13
Maureen Jones
May 4, 2006

D13-1: Please see Response to Comment D11-4.

D13-2: Please see Master Response Transportation, Circulation and Parking #3, Scenario Assumptions.

D13-3: The traffic analysis evaluates impacts both to freeways and city streets. Please see Master Response Transportation, Circulation and Parking #1, Additional Intersections.

D13-4: The comment is noted. Please see Master Response Land Use #1, Increased Trash.

D13-5: The commentor has expressed opposition to the proposed project. Because this comment does not relate to the adequacy of the EIR, no further response is necessary.

Letter
D14

Rhoades, Michael

From: Joseph Krale [jakrale@sbcglobal.net]
Sent: Thursday, March 02, 2006 9:48 AM
To: michael.rhoades@sanjoseca.gov
Cc: Chuck Reed
Subject: Cost of EIR's for proposed new baseball stadium????

Good morning: My councilman, Mr. Chuck Reed, could not provide any information as to the cost of the baseball stadium's EIR's cost to the city. Please advise--thank you for your time. Thanks. again, Joe Krale 1

COMMENTOR D14
Joseph Krale
March 2, 2006

D14-1: The City of San Jose Redevelopment Agency is funding the environmental evaluation of the proposed project site. The scopes of works and budgets for consultants working for the Redevelopment Agency on the Stadium project are a matter of public and can be reviewed upon request. Please contact Dennis Korabiak, Redevelopment Program Manager, City of San Jose Redevelopment Agency for additional information. Because the comment does not directly relate to the adequacy of the Draft EIR, no further response is necessary.

Letter
D15

RECEIVED
MAR 15 2006
CITY OF SAN JOSE
PLANNING DEPARTMENT

8 March 2006

To whom it may concern:

This,

letter is written regarding the proposed for the Baseball Stadium in the Diridon/Arena Area.

We are the owners of the property located at: 416, 420 & 422 West San Carlos Str. San Jose, Zip. code 95110.

We are very concerned about the proposed project due to the negative impact it will have regarding the factors of air quality, noise, environmental effect, and heavy traffic that may endanger our tennants and their children. 1

Additionally we are concerned about a potential loss of tennants due to these factors. 2

We are greatly opposed to the proposed project. We urge you to take this matter very seriously. 3

We thank you for your time and for the careful consideration and help you will provide us, our Tenants and other property owners and San Jose residents.

Sincerely, Dawna Martin

Dawna Martin

COMMENTOR D15
S & B Martin
March 8, 2006

D15-1: The comment is noted. The Draft EIR evaluates potentially significant traffic, noise, and air quality impacts and recommends mitigation measures as appropriate. Some of these impacts could not be reduced to a less than significant level and remain significant unavoidable impacts of the proposed project. Please see Response to Comment C5-3 regarding significant unavoidable impacts.

D15-2: The comment is noted. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

D15-3: The commentor has expressed opposition to the proposed project. Because this comment does not relate to the adequacy of the EIR, no further response is necessary.

Letter D16

Rhoades, Michael

From: Pirkl, Brian [bpirkl@Asyst.com]
Sent: Thursday, May 04, 2006 1:17 PM
To: 'Michael.Rhoades@sanjoseca.gov'
Subject: Proposed Ball Park EIR comments

Michael Rhodes,

I am firmly against the initiative to locate a professional baseball stadium in the proposed location. **1**

Specifics

1. There is no money. The city does not have the funds to finance the ball park without cutting vital services for the city. **2**

2. There is no team. The area is under the MLB marking discretion of the SF Giants. There is not plan to augment this. **3**

3. The EIR has not adequately accounted for increased traffic in the downtown area based upon peak automobile usage for more than one large event. **4**

4. The EIR does not adequately anticipate increased traffic west of the ball park on San Carlos, Park Ave, the Alameda and the other small streets. **5**

5. The Proposal does not allow for adequate parking for the ball park. **6**

6. The EIR noise impact study is completely inadequate. It anticipates the sound level profiles for a baseball game a music concert are the same. The EIR does not allow for noise mitigation West of the ball park. **7**

7. The EIR does not identify the impact to viewing fireworks launched from the downtown area while viewing them from the Cahill Park located West of the ball park. **8**

8. The proposal does not identify a process for controlling illegal parking in the St. Leo's neighborhood. **9**

General

Unfortunately this proposal is too late. It should have been conceived and planned for 15-20 years ago so that it could have better fit into downtown so there could be common resources shared for the HP Pavilion. It would be better placed closer to down town right next to Hwy 87.. Plans could have been made to implement light rail, BART, dual use parking and increase traffic capabilities without the huge negative impact to the surrounding community. To throw it in now as an after thought will kill the local area. **10**

Thank you

Brian Pirkl
24 Cleaves Ave
San Jose CA 95126

COMMENTOR D16
Brian Pirkl
May 4, 2006

D16-1: The commentor has expressed opposition to the proposed project. Because this comment does not relate to the adequacy of the EIR, no further response is necessary.

D16-2: The comment is noted. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

D16-3: The comment is noted. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

D16-4: The comment is simply incorrect. The traffic study, which is incorporated into the Draft EIR by reference, and which is summarized on pages 93-137, examines the scenario of simultaneous events at the stadium and the Pavilion.

D16-5: Please see Master Response Transportation, Circulation and Parking #1, Additional Intersections.

D16-6: Please see Response to Comment C5-50. Please also see Master Response Transportation, Circulation and Parking #2, Daytime Games Parking.

D16-7: Contour lines shown in Figure V.E-2 indicate that concert noise would have a wider range of impact than noise from a ballgame. The figure also indicates that due to the orientation of the stadium including openness of the site to the northeast, will lead to greater noise impacts northeast of the project site. Sensitive receptors to the west of the project site will not be impacted as heavily due to the attenuation provided by the stadium structure and directional projection of the crowd noise.

D16-8: It is assumed that the commentor believes fireworks events located in the Downtown area would no longer be viewable from Cahill Park due to the proposed stadium potentially blocking the view. The Draft EIR discusses project impacts in the context of significance criteria applied to the relevant environmental issue topics required by CEQA. Evaluation of views of City events, such as fireworks displays, is not required under the City of San Jose's significance criteria. While not a CEQA issue per se, this concern could be presented by the commentor to appointed and elected officials as they consider the merits of the proposed project.

D16-9: Please see Master Response Transportation, Circulation and Parking #5, Neighborhood Traffic and Parking.

D16-10: The comment is noted. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

Letter
D17

To: Michael Rhoades
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, Ca. 95113-2905

April 14, 2006

From: Yolanda Reynolds
1650 Shasta Ave.
San Jose, Ca. 95128

Re: Draft EIR Baseball Stadium in the Diridon/Arena Area
City of San Jose February 2006

I find this document to based on ill conceived assumptions thus arriving at erroneous conclusions. This renders this EIR incomplete and inadequate. As submitted this EIR should not be accepted until the assumptions on which it is based are corrected and consequent impacts are properly addressed with adequate mitigations.

Since there are glaring omissions unsubstantiated assumptions on which this EIR is based, the project should be rejected along with this EIR.

The following are weaknesses in the basic assumptions implied in this EIR. There are as well omissions and these too are included in this summary.

- That ballpark patrons will overwhelmingly arrive by mass transit. BART has not been extended and may not obtain the needed tax approval in the fall election. Bus service has been greatly reduced and light rail does not travel any place nearby therefore forcing patrons to arrive in vehicles. **1**

- It is ascertained that ballpark lighting is of no significant effect on night time plane flights in their approach to the Mineta San Jose International Airport. **2**

- there is an assumption that ballpark patrons will walk up to ¾ mile from available parking from the downtown parking lots to the ballpark site at Park Ave. and Montgomery. There was recently an article in the Mercury News of the overflow parking encroaching into the neighborhood for sell out events of the much smaller 17-19 thousand seat arena and the interest of local business people to cash in on securing parking fees. (Move It Elsewhere shop keeper) Thus already proving that patrons will find the closest and easiest access to the proposed ballpark. **3**

- There is the assumption that ballpark patrons will not chose to park for free and walk from the SHPNA neighborhood of which almost 1/3 is within ½ mile from the entrance to the proposed ballpark site. Proposed barriers to mitigate such parking and thru traffic will severely impact life and quality of life to neighborhood residents. In addition **4**

Letter
D17

enforcement is doubtful when city coffers are already inadequate and will be further strained with any additional responsibilities. Already the homeowners at the Summerhill development have endless problems with downtown patrons parking in spaces set aside within the development for the homeowners use. 4 cont.

- In the draft EIR there is no evidence of a serous effort to identify other locations for the ballpark ie: County Fairgrounds, Mercury News land (now owned by another company) at the intersection of Brokow and 101. 5

- There is no attempt to address concrete mitigation proposals for the loss of the fire training site (acreage) promised to the neighborhood for a park. There is increasing need for an accessible park in this area of the city that is bereft of adequate park space for the surrounding neighborhoods. 6

- There is the erroneous assumption that the surrounding neighborhoods will be enhanced by this massive facility that is designed to accommodate 45,000 patrons. There is much evidence that contradicts this assumption. Where it has enhanced property is where it was once a large heavy industrial area not a very small light industrial pocket selected for this ballpark such as at SBC in San Francisco . Contrary to the SBC site, the proposed site for this ballpark adjoins a lovely historic and well maintained conglomerate of neighborhoods 7

There is the assumption that citywide fire and safety services will not be impaired from added duties without and annual budget augmentation. Already neighborhoods complain on inadequate police protection. There must be a realistic assessment of the need for added police especially for traffic control and for fire services to assure than safety of the patrons, the nearby neighborhoods and meet the safety and fire protection needs of the entire city . 8

- Another assumption appears to be that a building so near the creek does not pose great risk of major structural collapse due to liquefaction in the event of a major earthquake. 9

- A major flaw is the rather cursory assessment of the cumulative impact of traffic and parking as a consequence of the existing or already planned and approved development across the city especially in the downtown "core" as it relates to the city's infrastructure, namely sewer treatment capacity, water supply, and energy needs. ample sidewalk capacity, adequate roadways to accommodate vehicular traffic. Even though many patrons to Oakland Coliseum arrive by BART, the nearby freeway traffic is at a snail pace for hours before and after games 10 11

There is ,as well, internal inconsistency with incredible double counting, slight attention to actual traffic policy regarding LOS in the "downtown core" and overflow onto adjoining streets. There is reference to traffic off of the freeways towards the ballpark but there is absolutely no assessment as to the potential for off traffic onto Shasta Ave. from Highway 280 and on down Park Ave. and other streets to the west of the proposed ball 12

Letter
D17

park site. The start time for traffic count is stated to begin at 7 pm. Commute traffic is greatly increased in afternoon beginning around 4:30 pm on until around 8 pm. 13

It is assumed that foot traffic on W. Park Ave. can be accommodated by the existing sidewalks but there is no mention as to how those 8,000 plus pedestrians will arrive to those sidewalks. One can assume they will arrive in vehicles what streete will they use and where will they park their cars? 14

With cars driving about trying to find parking near the ballpark ther appears to eb no assessment oof the increased are pollution. . 15

Widening Delmas by one lane does not address how the existing homes/property owners will access their properties. 16

In conclusion, I endorse the concerns expressed by SHPNA regarding the inadequacy of this ballpark EIR for the Ballpark Stadium at the Diridon/Arena areas File #pp05-214 State Clearing House No. 2005112126

COMMENTOR D17
Yolanda Reynolds
April 14, 2006

D17-1: The comment is incorrect. There is no assumption that stadium patrons will "overwhelmingly arrive by mass transit." Based on a survey at the HP Pavilion, the estimated rate at which stadium patrons would arrive by transit is only 4.5 percent. Applying that usage rate to a sold-out stadium would still lead to the conclusion that existing transit services would be sufficient to accommodate such patronage.

D17-2: Page 264 of the Draft EIR discusses the potential impact of stadium lighting on the San Jose International Airport. This impact would be reduced to a less than significant level with implementation of Mitigation Measures LU-1, SHADE-2a, and SHADE-2b.

D17-3: Please see Master Response Transportation, Circulation and Parking #5, Neighborhood Traffic and Parking.

D17-4: Please see Master Response Transportation, Circulation and Parking #5, Neighborhood Traffic and Parking.

D17-5: Chapter VII, Alternatives of the Draft EIR identifies and evaluates several alternatives to the proposed project, including four alternate locations. These locations are described and the impacts of the project in these locations are analyzed on pages 331-345. In addition, pages 329-331 discuss five alternate locations that were considered but rejected. Please also see Response to Comment D11-8.

D17-6: Please see Master Response Public Services and Facilities #1, Parks.

D17-7: It is unclear what the commentor means by stating that there is an assumption that the surrounding "neighborhoods will be enhanced. . ." Enhancement of the Downtown Core and other planning areas is discussed in Chapter IV., Consistency with Plans and Policies. As noted on page 54 of the Draft EIR, a local major league baseball stadium would enhance the desirable qualities of the community, although a project of this scale and type would also create adverse effects for nearby neighborhoods (e.g., noise and light) as described in Chapters V.E and V.L, respectively.

Similar to the discussion on Neighborhood Character in Response to Comment B2a-2, neighborhood enhancement is an amalgamation of multiple aspects of a neighborhood, and different components of character are valued differently by different people. It could include issues required to be discussed under CEQA such as traffic, noise, land use, and visual resources, but could also include issues not appropriately evaluated under CEQA such as perceptions about crime, private real estate decisions by landowners, or speculation about property values. Neighborhood enhancement was not a topic included as a separate topic for analysis in this EIR. The City believes all of the appropriate potential physical impacts have been addressed in other topical sections.

D17-8: Potential impacts to Public Services and Facilities are analyzed in Section N.V of the Draft EIR. The Criteria of Significance for Public Services and Facilities are included on page 295 of the Draft EIR. Implementation of the proposed project would have significant impacts on public services and facilities if it would result in an increased demand for police and fire services exceeding existing or planned staffing levels, facilities, or equipment. As with the HP Pavilion, staffing levels for the stadium will be dependent on event security requirements. A Ballpark Event Operations Plan would be developed, and appropriate police staffing needs could be identified and coordinated through the Traffic Enforcement Unit and the Secondary Employment Unit, which utilizes off-duty officers to provide police security services at the HP Pavilion during events on a contract basis.

D17-9: North of Park Avenue, proposed structures would be set back an average of 120 feet from the Los Gatos Creek top of bank. In this area several existing structures and parking lots extend within the 50 foot creek setback. South of Park Avenue, proposed structures would be set back an average of 50 feet from the Los Gatos Creek top of bank.

Mitigation Measure GEO-1, included on page 197 of the Draft EIR, would reduce potential impacts associated with damage as a result of seismically-induced ground shaking at the project site to a less than significant level. This mitigation measure requires that prior to the issuance of any site-specific grading or building permits, a design-level geotechnical investigation shall be prepared by a licensed professional and submitted to the City of San Jose Public Works Department for review and confirmation that the proposed development fully complies with the California Building Code (Seismic Zone 4). The report shall determine the project site's geotechnical conditions and address potential seismic hazards such as liquefaction. The report shall identify building techniques appropriate to minimize seismic damage. All mitigation measures, design criteria, and specifications set forth in the geotechnical and soils report shall be followed.

It is acknowledged that seismic hazards cannot be completely eliminated even with site-specific geotechnical investigation and advanced building practices (as provided in the mitigation measure above). However, exposure to seismic hazards is a generally accepted part of living in the San Francisco Bay Area and therefore the mitigation measure described above reduces the potential hazards associated with seismic activity to a less-than-significant level.

D17-10: Cumulative Impacts are discussed in Chapter VI. of the Draft EIR, on pages 307 to 317. This chapter provides a discussion of cumulative projects considered in the analysis and cumulative analysis by environmental issue topic. As noted on page 316, given the size of the service area and overall demand, the cumulative impact on utilities would be less-than-significant. In addition, utility service providers maintain long term projections for demand for their services within the City based on the City's General Plan, and have developed strategies to meet anticipated future demand levels. As also noted on page 316, the development of the proposed project, in addition to the cumulative projects, would require connection to electrical and natural gas transmission and distribution systems maintained and served by Pacific Gas & Electric (PG&E). All expansion of electrical or natural gas facilities and services would be undertaken in accordance with Title 24 and the City's General Plan policies related to energy savings.

D17-11: The Draft EIR transportation analysis identifies impacts to the freeway system as significant and unavoidable. The Draft EIR also identifies impacts to intersections, both under near-term and

cumulative conditions. Some intersection impacts can be mitigated and some cannot. With regard to sidewalk capacity, the Draft EIR identifies certain locations where sidewalks would need to be wider.

D17-12: Please see Master Response Transportation, Circulation and Parking #1, Additional Intersections. No project traffic is anticipated to use Shasta Avenue.

D17-13: The traffic analysis was conducted for the time period of 5:00 p.m. to 7:00 p.m.

D17-14: The traffic analysis on page 80 discusses pedestrian traffic. The majority of pedestrians will walk from parking garages to the stadium. Streets and parking garages are identified in the report.

D17-15: Trips generated by the proposed project were analyzed for air quality impacts and were included in Chapter V.D, Air Quality. Results of the analysis are shown in Table V.D-5 and Table V.D-6.

D17-16: The recommended widening of Delmas Avenue would not affect access to any existing homes or properties.

Letter
D18

Rhoades, Michael

From: Peter Ross [PRoss@scu.edu]
Sent: Thursday, May 04, 2006 1:30 AM
To: michael.rhoades@sanjoseca.gov; ballpark@shpna.org
Cc: mrroadshow@mercurynews.com; David Skinner
Subject: Proposed SJ Ballpark Stadium (File No. PP05-214)

Dear Mr. Rhoades,

I have skimmed the EIR for the Proposed Baseball Stadium at Park and Autumn, being concerned mainly about traffic at this time, even though I live on South Morrison just off of Park and am also concerned about other issues such as noise and lighting.

The EIR goes into great detail about traffic impact on local streets such as Delmas, Park, and San Fernando, but the bigger picture is essentially neglected. On pages 7, 9, and 125 it states that both SR 87 and I-280 would experience significant impact from ballpark traffic, but improvements to mitigate these impacts are infeasible. On p. 125 it concludes, "These impacts are therefore considered significant and unavoidable."

I was very disappointed that no one seems to be looking at the bigger picture here, even though I realize that this appears not to have been your mandate. But it's much more important than the potential local traffic problems the EIR addresses, and should be someone's responsibility, including every Councilperson's, among others. 1

In articles in the Mercury News in recent years about a possible stadium in San Jose (or Santa Clara some time ago) for the Oakland A's, I have always been amazed that no mention has been made of the possible impact on traffic in the whole South Bay. If the A's were to play in a stadium in central San Jose tens of thousands of cars from the Greater Bay Area and the Central Valley would converge here instead of Oakland, leaving day games in the early part of the afternoon rush hour or arriving early for evening games in the tail of the rush hour.

Both common sense and past experience (have you ever been caught in the 880 traffic jam anywhere near Network Associates Stadium on a game day?) dictate that the impact on South Bay traffic should be a PRIMARY CONSIDERATION in any consideration of a possible baseball stadium here for the A's (or the Giants). Since Silicon Valley started to burst at the seams many years ago traffic has regularly been voted as either the number one or number two problem, and I feel it's unconscionable for San Jose city staff, administrators, or council members not to address this critical issue. 2

Several years ago local newspapers did mention some old, preliminary studies that suggested there would be little impact here on traffic, and they also noted that the Giants move to downtown San Francisco worked out OK. But moving a major professional team from one part of a city to another part is not relevant to moving a team from a smaller city to

Letter
D18

the center of a major city 45 miles away. Also, as a mathematician I know some of the limitations of such studies, especially when future traffic demands here are so difficult to predict.

The bottom line: speaking as a county resident since 1982 and a San Jose home owner since 1988, I would not vote to build a stadium for the Oakland A's down here even if they paid us, let alone us having to pay for it! 3

Sincerely,
Peter Ross
195 South Morrison Ave.
San Jose 95126
408-279-4266

This message scanned for viruses and SPAM at SCU (MGW2)

COMMENTOR D18
Peter Ross
May 4, 2006

D18-1: The effects of a large influx of vehicles are felt most acutely at the destination, and the farther away one is located from that point of concentration, the less the effect is felt. The study indicates that intersections in the downtown area would operate within the City's adopted standard, which is level of service D or better. The Draft EIR identifies impacts to freeway segments on SR 87 and I-280 as significant and unavoidable.

D18-2: It is uncertain whether the Oakland A's would relocate to San Jose and occupy the stadium. The estimate of total traffic entering downtown for the stadium is 17,258 vehicles. To put this number in perspective, this volume of cars is much less (roughly one half) than the volume that enters the downtown area on any given workday.

D18-3: The commentor has expressed opposition to the proposed project. Because this comment does not relate to the adequacy of the EIR, no further response is necessary.

Letter
D19

02/26/2006

Department of Planning, Building,
And Code Enforcement
200 East Santa Clara St. 3rd floor
San Jose, Ca. 95113

RECEIVED
APR 05 2006
PLANNING DEPARTMENT

Dear Acting Director:

I would like to request a Draft Environmental Impact Report (EIR) or any other relevant documents for the proposed Baseball Stadium in the Diridon/Arena area. I am quite apprehensive towards the idea of this project since I currently live in this area. Traffic congestion, parking, and crime are a few things that come to my mind. With Hp Pavilion already close by I have seen my fair share of problems without adding a baseball stadium into this area. I was also hoping you could provide me with the Cortese List of toxic sites in Santa Clara County. 1 2

Thank you for your time, I look toward to what information you can provide me with.

Sincerely,
Mr. Erich Schmaltz

Erich Schmaltz
250 Josefa St. Suite #202
San Jose, Ca. 95110

COMMENTOR D19
Erich Schmaltz
February 26, 2006

D19-1: Transportation, Circulation and Parking are discussed in Section V.C of the Draft EIR, beginning on page 93. It is assumed that the commentor believes the proposed project will increase crime in the neighborhood. Please see Response to Comment B2a-2, with relation to the discussion of crime under CEQA.

D19-2: The State of California Department of Toxic Substance Control is the primary responsible agency for maintaining the Cortese List. The list is available on line at http://www.dtsc.ca.gov/ Site-Cleanup/Cortese_List.cfm.

Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

Letter
D20

Rhoades, Michael

From: Scott Soper [fosterkane@hotmail.com]
Sent: Thursday, March 02, 2006 1:53 PM
To: michael.rhoades@sanjoseca.gov
Cc: ken.yeager@ci.sj.ca.us
Subject: Baseball EIR

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr.. Rhoades,

I am writing to express my concerns about the Baseball EIR. According to reports in the newspapers the parking on-site will be less than a thousand cars with the most of the overflow expected to be taken up downtown.

Last Friday night I drove downtown to see a movie at the Camera 12 theatres. All the public lots in the vicinity were full and the street parking was full. After searching for a parking space until after the movie had started I drove back home. 1

The claim that downtown can handle parking for a baseball stadium needs to be re-examined, parking is inadequate for its current needs on a weekend night.

Please add me to the email list for this proposed project.

Thanks,

Scott Soper
977 Asbury Street, San Jose, CA 95126 U.S.A.
E-mail fosterkane@hotmail.com
PH: 408.971.2131

COMMENTOR D20
Scott Soper
March 2, 2006

D20-1: According to a Redevelopment Agency survey, the average parking occupancy rate at night downtown is about 25 percent, public and private spaces combined. This is on an average night, absent a significant event such as a hockey game. Some garages were found to be much fuller than 25 percent and others less. The comments provided about a particular problem encountered on a particular night is noted.

Letter
D21

Rhoades, Michael

From: Rebecca Stamm [rebeccajstamm@yahoo.com]
Sent: Wednesday, May 03, 2006 2:11 PM
To: Michael.Rhoades@sanjoseca.gov
Subject: Baseball Park DEIR

Dear Mr. Rhoades,

I am would appreciate if the Baseball Draft EIR could be made available for another round of public review and comment. Even though most of the Burbank Community Association's area is unicorporated county, the proposed baseball park will have a definite impact on our neighborhood and the ones around us. 1

The BCA supports the request other individuals and associations have made that the Draft EIR be circulated for another round of public meetings and comments.

Thank you for your time.
Rebecca Stamm
Burbank Community Association Chair

COMMENTOR D21
Rebecca Stamm
May 3, 2006

D21-1: Please see Master Response Recirculation #1, Recirculation of the Draft EIR.

Letter
D22

Rhoades, Michael

From: Harry Stewart [harry.stewart@sbcglobal.net]
Sent: Thursday, May 04, 2006 3:49 PM
To: Michael Rhoades
Cc: ballpark@shpna.org
Subject: Ballpark EIR

Mr. Michael Rhoades
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1905

Dear Mr. Rhoades,

In reading the preliminary draft of the stadium EIR I found that I was unable to assess the impact of noise and light from the stadium on surrounding neighborhoods. Therefore I make the following suggestions for additional information in the EIR.

Section V.E (Noise) should contain one or more figures showing sound levels (using contour lines) throughout the surrounding neighborhoods, for various uses of the stadium such as baseball games, rock concerts, etc. Figure V.E-2 shows only one contour, namely 60 dBA; as it stands the EIR does not show the noise impact on specific locations outside that 60 dBA contour. **1**

Section V.L (Shade/Shadow and Light/Glare) contains 12 figures showing the extent of shadows produced by the stadium at different times of day during different times of the year. In addition, there should be one or more figures showing the effect of the stadium lights on the surrounding neighborhoods; contour lines should demark areas which would receive various light intensities. As it stands the EIR does not show the light/glare impact on specific locations. **2**

Harry B. Stewart
Shasta Avenue resident

COMMENTOR D22
Harry Stewart
May 4, 2006

D22-1: The noise contours shown in Figure V.E-2 indicate the area within which noise is projected to reach 60 dBA or higher in terms of continuous equivalent noise level (L_{eq}). Beyond the contour, noise would be less than 60 dBA; within the contour, noise would be greater than 60 dBA. The two colors of the contours indicate that 60 dBA level noise from rock concert type events would extend outward from the stadium by about 75-150 feet farther than during a baseball game.

The single 60dBA contour level is used to establish whether significant adverse noise impacts would result from the proposed project. This level and the degree of attenuation that could be achieved by various forms of mitigation is referred to at several points in the Draft EIR Noise section.

Table V.E-5 also demonstrates that ambient noise throughout the neighborhoods adjacent to the project site is currently well above 60 dBA on weekdays (ranging from 65.7 to 70.1 dBA depending on measurement location) and slightly above 60 dBA on the weekend (ranging from 60.6 dBA to 63.7). The sources of these relatively high noise levels are not unusual for the downtown areas of medium to large American cities and, in downtown San Jose, result from vehicular noise from SR 87 and I-280 and airplane noise from flights arriving at the Norman Y. Mineta San Jose International Airport. It is important to note that noise outside of the 60 dBA contours would not be caused by operation of the stadium.

D22-2: Please see Response to Comments D9-10 and C5-3. The analysis of obtrusive light and glare impacts to surrounding neighborhoods would not benefit from such simulations at this time.

Letter
D23

Rhoades, Michael

From: tessa Woodmansee [tessaw@mindspring.com]
Sent: Thursday, April 13, 2006 9:32 AM
To: Michael Rhoades
Subject: Ballpark EIR Comments with righteous anger about Noise report of the EIR

Dear Michael Rhodes, Planners, Redevelopment Agency, City Council and Mayor of San Jose,

Please let me know the deadline for comments on the EIR so I can get the word out to our neighborhood and remind them to contact you...since there is an upswelling of heavy resistance to a ballpark in our neighborhood.

Our comments about the noise issue of the EIR are filled with righteous anger that a city would even consider putting in a ball park with the EIR report stating that the noise level would never meet the noise standards of our Title 20 of the San Jose Municipal Code. The purpose of the code is to promote and protect the public peace, health, safety, and general welfare of our citizens.

Then for the EIR report to state that the nosie levels in the communities nearby the ballpark will never meet the guidelines for noise of the Title 20 Municipal Code section 20.30.700 and the only way they will become close is if the residents 'KEEP THEIR DOOR AND WINDOWS SHUT!" This is NOT EXCEPTABLE!

Title 20 in their Performance Standard states sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated on Table 20-85 which is 55 decibels for residential which is like the hum of low conversations in a restaurant. 1

To state that the only acceptable noise performance standard would possibly be met if one is locked inside ones home with doors and windows shut is to infringe on our communities civil rights and freedoms to enjoy the outdoors.

The City is considering a situation that demands the public to "take their prozac, watch their television and get with the ballpark program." This is unacceptable and should not be even considered with these type of noise evaluations by the EIR.

Thank you for following the communities lead and being representatives not dictators of what we want in our communities.

Tessa and Cat Woodmansee

COMMENTOR D23
Tessa Woodmansee
April 13, 2006

D23-1: The comment is noted. Title 20 is not applicable to public projects, such as the stadium. The EIR has identified noise impacts a significant and unavoidable. Implementation of the noise mitigation measures would reduce noise impacts to the extent feasible.

Letter
D24

Rhoades, Michael

From: tessa Woodmansee [tessaw@mindspring.com]
Sent: Thursday, May 04, 2006 4:58 PM
To: Michael Rhoades
Subject: EIR ballpark

Dear Michael,

This is to state that in addition to the concerns about noise we are also deeply concerned about the air quality issues in our community. Having loads more traffic in our community will negatively impact our air quality. Though the EIR states that the increase of more fuel efficient cars will bring the levels down, this is still unacceptable amount of cars that will be coming into our community and polluting our air. **1**

The very act of building a ballpark also puts a lot of diesel fuel into our air shed. The city of San Jose, along with the BAAQMD (Bay Area Air Quality Management District and the Air Resources Board of the State of CA are very weak in their enforcement and education about anti-idling issues and the need to "ditch Dirty Diesel" By building more development in our city, without a concerted plan to reduce diesel emmissions that are harmful to our health in our city is not a sustainable way to run our city. **2**

In addition our infrastructure cannot support all the traffic in our neighborhood as we already see with the problems with the HP Pavillion traffic. **3**

Thank you,

Tessa and Cat Woodmansee

COMMENTOR D24
Tessa Woodmansee
May 4, 2006

D24-1: One individual project having emissions exceeding a threshold does not necessarily result in adverse health effects for residents in the project vicinity. This is especially true for this project where the pollutants exceeding the thresholds are ozone precursors which have regional sources and effects. The potential for an individual project to contribute to significant health risk is small, even if the emission thresholds are exceeded by the project. On the other hand, the carbon monoxide analysis indicates that CO pollution levels will not exceed State or federal standards (see Table V.D-5 of the EIR).

D24-2: The commentor's conclusion with regard to sustainability is noted. Diesel use associated with construction projects is accounted for in the region's plan for attaining air quality standards. Based on the type of use associated with this project, a large number of diesel trucks that would idle on the site are not anticipated. The State has taken steps to reduce diesel risk by adopting the Diesel Risk Reduction Plan. Additionally, several State and federal rulemaking efforts are underway to reduce diesel emissions including the Carol Moyer program[8] and other incentive efforts, and Governor Schwarzenegger's Goods Movement Action Plan for California's ports, railways and highway system.[9]

D24-3: Existing levels of service were found to be adequate within the stadium area both with and without an event at the HP Pavilion. Therefore, this comment is incorrect to suggest that the transportation infrastructure has insufficient capacity.

[8] The Carl Moyer program is grant program implemented by a partnership of the State of California Air Resources Board (ARB) and local air districts (e.g., BAAQMD) that fund the incremental cost of cleaner-than-required engines and other sources of pollution. Projects to reduce emissions from on-road heavy duty vehicles, idle reduction technologies, locomotives and others are eligible for the program.

[9] The Goods Movement Action Plan will develop a statewide implementation plan for goods movement capacity expansion, goods movement-related environmental and community mitigation, and goods movement-related homeland security and public safety enhancement. It will define the required elements to synchronize and to integrate efforts to achieve relief and improvement.

Letter
D25

Rhoades, Michael

From: Eloy Wouters [eloy.wouters@sbcglobal.net]
Sent: Thursday, May 04, 2006 4:52 PM
To: michael.rhoades@sanjoseca.gov
Cc: District6@sanjoseca.gov; joe.bentley@shpna.org; Maria Saner
Subject: Comments on Baseball park EIR

To: Mr. Micheal Rhoades

Department of Planning, Building and Code Enforcement

City of San Jose

CC: Joe Bentley, Chair, Planning and Land Use, Shasta/Hanchett Park Neighborhood Association (joe.bentley@shpna.org)

CC: Shasta/Hanchett Park Neighborhood Association

(http://www.shpna.org)

CC: Ken Yaeger, Councilmember for District 6, San Jose City Council

(District6@sanjoseca.gov)

Via Electronic Mail

Dear Mr. Rhoades,

As home owners living closeby the site under EIR review for the construction of a baseball stadium we would like to comment on the Draft Environmental Impact Report of February 2006. We already commented before in our email message of January 3, 2006 which is reprinted in Appendix A of the Draft EIR of Febrary 2006, as attached below. We incorporate these comments by reference and would like to add a few more. **1**

Traffic + Parking

At HP Pavillon events such as Shark evening games, San Jose Police Department stops all drivers westbound on West Julian Street at North Autumn Street roughly between 6:45 PM and 7:30PM. Drivers are interrogated regarding their destination, "going to the game tonight ?", presumably because at that point only prepaid parking destinations are available, for general **2**

Letter
D25

parking people have to U-turn to lots East of SR 87. This police blockade creates a backup on West Julian Street. I have to time my commute home along this stretch to work around the Sharks home game schedule. Imagining the traffic that a ball park double the seating capacity of the HP Pavillon would generate, and then also imagining a simultaneous event at both venues we are very concerned that the proposed mitigating measures regarding parking, ciculation and traffic are undersized. **2 cont.**

Also, Stockton Avenue beween West Julian Street and the Alameda/West Santa Clara Street backs up around Arena events with people looking for free street parking, or trying to find or get to lots that businesses sometimes (illegally) open for evening events (see e.g. the SJ Mercury News article of April 2, 2006 "Store owner faces fines for area parking" by Mary Gottschalk.) **3**

An ommision from the draft EIR is the impact of the extra traffic generated by the proposed stadium on the time it would take for emergency services such as fire, police and medical to reach our neighborhood. Even if the extra traffic and ciculation of people looking for (unavailable) parking does not cause gridlock, a street with only one lane in each direction such as Race Street might become backed up enough to impact this drive time to local hospitals etc. **4**

Noise

As an example of how loud and disturbing to nearby residents having a popular music concert at the ball park would be: the "Dew Action Sports" event in the Arena parking lot from September 9-11, 2005 caused loud noise all around the Saint Leo's neighborhood all day and even into the night up to 11PM. This generated many complaints on our neighborhood association's website. Being forced inside on a warm weekend with windows and doors closed without air condition is no fun, but this is the same mitigation that the draft EIR dares to propose. This is not acceptable mitigation proposal. Only the very nearest residents would be offered insulation, dual pane windows and air condition. We propose this to be extended to about a 10 block radius. **5**

Another possible mitigating measure against noise, traffic, ciculation, parking, that we would like to have included in the EIR is to limit the number of evening games and weekend afternoon games that are being played at the ball park, and also limit the number of concerts a year. As an example, Wrighly Field in Chicago, home of the Cubs is located in a residential area. It also has a disproportional number of weekday afternoon games with respect to the number of weekend and evening games in comparison with other major league baseball stadiums. **6**

Public Nuisances

To address the number of intoxicated people walking through our neighborhood after a game, we proposed another mitigating measure, similar to that implemented at Fenway Park, which also is in a residential neighborhood, where the Boston Red Sox play: no alcohol is served after a certain inning (seventh ?). **7**

Parkland

Letter
D25

In the City od San Jose's DIRIDON / ARENA STRATEGIC DEVELOPMENT PLAN, it is proposed that the severe lack of parkland in this area would be improved upon by converting the Fire Dept. Training Center into a public park. We were very much looking forward to this nearby park. Now instead of this land being used for the enjoyment of the general public, the plan for the proposed baseball stadium would like to use this land instead to be used to construct a parking garage to be used by a very small and select group of the public that pays more for their seat at the baseball stadium. This is an unacceptable conversion of the public good of parkland into a place for 1200 special people to park their vehicle. We have not seen a mitigating measure in the Draft EIR that comes near to addressing this issue. Yes, there are two pocket parks being proposed but that is a very small compensation. 8

We would appreciate to be informed of any future developments concerning this matter.

Sincerely,

Dr. Eloy R. Wouters and Ms. Maria D. Saner

109 S Morrison Ave

San Jose, CA 95126

408 885 1501

From: "erwouters" <erwouters@yahoo.com>

Date: Tue Jan 3, 2006 1:35 pm

Subject: Concerns for the Diridon Ball Park Study Environmental Impact Report

Mr. Micheal Rhoades

Department of Planning, Building and Code Enforcement

City of San Jose

Via Electronic Mail

Dear Mr. Rhoades,

As home owners living close to the proposed project site of the Diridon Ball Park, we would like to voice our concerns for the Diridon Ball Park Study Environmental Impact Report. We live on South Morrison Avenue between West San Fernando Street and Park Avenue, four blocks West of the proposed project site of the Diridon Ball Park. We bought our house a little over a year ago in the quiet St Leo's neighborhood.

Letter
D25

Our main concern is the impact of the proposed stadium on the noise level in our neighborhood, especially during evening and weekend games. As an example, the San Francisco Giants Major league baseball team has 81 home games in the 2006 regular season, of which only 12 are on a weekday afternoon. Baseball games are well known to have almost continuous sound from the speaker, jingles, music, games between innings etc. This will be loud and invasive, and will prevent the quiet enjoyment of outside activities such as lunches and dinners with family and friends, backyard barbeques, gardening, reading a book etc. We are also concerned of how loud the sounds will be even /inside/ our house.

Regarding parking issues, for our Saint Leo's neighborhood the City has already had to implement permit parking restrictions to mitigate the impact of the HP Pavillon. We are concerned that the number of proposed new parking spaces (1500 + 150) is severely underestimating the parking needs for a seating capacity of up to 45,000 people. The fact that there are already 18,500 spaces available in the area does not take into account the possibility of a simultaneous event at the HP Pavillon (capacity 17,000), on top of the need for parking for the users of the multimode transportation links at the Diridon Station.

Another issue is that on top of the almost daily events at the HP Pavillon, and the baseball games, there is the request to use the proposed stadium for "other events (large and small)". This increases the noise impact of this outdoor stadium on our neighborhood even more, especially if music concerts are scheduled. Moreover, it increases the likelihood of overlapping events at the adjacent facilities putting severe strain on the available parking.

We are also concerned that it will become even harder to enter or leave our neighborhood by car than it is already at the moment before and after events at the HP Pavillon.

The proposed project site is adjacent to several recently constructed (or still under construction), high density housing developments constructed close to the Diridon Train Station, see the City's website Smart Growth Transit-Oriented Development page (http://www.sanjoseca.gov/planning/smartgrowth/tod_house.asp).

Examples include the 425 townhouse units Cahill Park, 218 apartment units Avalon at Cahill Park, 94 townhouse units Georgetown, Factory 51 (under construction). However, the casual observer of Figures 3 and 4 in the "Notice of preparation and notice of public scoping meeting for a draft EIR for the ballpark study" (as published on the City's web site http://www.sanjoseca.gov/planning/eir/BallparkStudy/NOP_SHORT.pdf),

would not notice that the site of this proposed stadium is adjacent to any housing, as the aerial photograph is at least a year out of date, the Cahill Park townhomes are not visible next to the railroad tracks. Also the map shows railroad tracks along McEvoy and Bush Streets that have since been developed with housing. This could give the erroneous impression that the only neighbors of the new stadium will be warehouses and such. The text in
http://www.sanjoseca.gov/planning/eir/BallparkStudy/NOP_112805.pdf

only refers to the fact that the area of the stadium /itself/ currently is developed for commercial, light-industrial, and office uses; it also states that it is in a transportation corridor.

As home owners who would be negatively impacted if the proposal for a stadium at this location would be accepted we are very worried that we would be forced out of this area by the negative impacts. If more people are of the same opinion this could very well negatively impact the value of our property, making it impossible to sell without suffering a severe financial loss.

We would appreciate to be informed of any future developments concerning this matter.

Sincerely,

Eloy R Wouters and Maria D. Saner

S Morrison Ave

Letter
D25

CC: Joe Bentley, Chair, Planning and Land Use, Shasta/Hanchett Park Neighborhood Association (joe.bentley@...)

CC: Shasta/Hanchett Park Neighborhood Association

(http://www.shpna.org)

CC: Ken Yaeger, Councilmember for District 6, San Jose City Council

(District6@...)

COMMENTOR D25
Eloy Wouters
May 4, 2006

D25-1: The comment is noted. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

D25-2: Traffic impacts under a simultaneous-event scenario are discussed beginning on page 126 of the Draft EIR. Parking impacts under a simultaneous-event scenario are discussed beginning on page 128 of the Draft EIR. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

D25-3: The comment is noted. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

D25-4: Emergency services would not be impeded in the project vicinity as the implementation of mitigation measures would reduce potential impacts to levels of service at intersections in the project vicinity to less than significant levels. If streets in the immediate vicinity were blocked off for traffic control, emergency vehicles could go through the blockades. The blockades may consist of sawhorses manned by a police officer or portable signs, which emergency vehicles can go around.

D25-5: The proposed project does not propose to have concerts located in the parking lot. Parking lot concerts would have a greater noise impact than those proposed at the stadium due to the absorption that the stadium building would provide in noise attenuation. As stated in Mitigation NOISE-2b, a detailed acoustic study would be conducted by the City of San Jose that would evaluate the accuracy of the predictions of the long-term noise levels at noise sensitive uses within the 60 dBA L_{eq} contour line. The contour line could be extended if the results of the study suggest that additional areas are impacted.

D25-6: It is the City of San Jose's understanding that Major League Baseball controls the scheduling of all baseball games and it is not possible for a local facility to restrict the times or days of games. However, if a stadium project moves forward, the City could research the commentor's suggestion of schedule in greater detail. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

D25-7: An impact associated with intoxicated pedestrians was not identified in the Draft EIR. However, it is the City of San Jose's understanding that alcohol is not served past the seventh inning at several baseball stadiums. If a stadium project moves forward, the City could research the commentor's suggestion of schedule in greater detail. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

D25-8: Please see Master Response Public Services and Facilities #1, Parks.

Letter
D26

Rhoades, Michael

From: Jamie Zucek (jzucek) [jzucek@cisco.com]
Sent: Wednesday, May 03, 2006 3:55 PM
To: michael.rhoades@sanjoseca.gov
Subject: San Jose resident concerns about the proposed Diridon/Arena ballpark

Dear Mr. Rhoades,

I am a resident of San Jose; my wife, 8-month old son and I live in Willow Glenn near the intersection of Bird & Willow street. We own a house there in a lovely community and participate in our local neighborhood association. My wife commutes north on highway 280 to Hewlett-Packard in Cupertino and I commute north via 87 and side streets to Cisco near 1st and Tasman.

I have reviewed the ballpark proposal for the Diridon/Arena area including the draft EIR and I have some concerns about the impact on our daily lives.

As it stands today Highway 87 is completely blocked at 280 southbound in the evening on weekdays. Highway 880 south near 101 is also very difficult and is rated one of the worst intersections in the bay area according to Federal reports. My commute routs basically runs down one or the other of these highways and then I exit onto surface streets just north of the HP Pavilion and then I take Bird street south. My wife takes 280 south and exits on Bird coming home.

We would both be dramatically impacted by the increased car traffic, parking congestion, and pedestrian traffic brought about on ball park game nights. According to the EIR, the impact to 87 as well as the intersection of Bird and San Carlos in this area would be "significant and unavoidable" due the the right-of-way constraints preventing widening of that highway. While the 280 and Bird ramps are only rated a LOS level of D, this is already a tough ramp to use during rush hour and I suspect that nearby ramps (280 at Meridian) will be negatively impacted as well. I am also sure that 880 south will be impacted in general as the east bay fans drive south so that will not be a good alternative for me. 1

Any way you look at it, getting from our places of work to home at Bird & Willow is going to get very difficult if the proposed ballpark plans as they stand today are put into place. We are opposed to the current plan and would like to see additional traffic mitigations proposed otherwise we are sure to vote against the proposal.

Thanks for your consideration,

Jamie Zucek

- These are my personal opinions and not those of Cisco. -

COMMENTOR D26
Jamie Zucek
May 3, 2006

D26-1: This comment is correct that the Draft EIR identifies significant, unavoidable impacts to SR 87 and I-280. Depending on when the commentor drives home, these impacts could affect individual travel time. Despite the project not having a significant impact at the I-280/Bird Avenue interchange, the traffic study recommends improvements. If implemented, these would reduce delays at the interchange. Also, please see Master Response Transportation, Circulation and Parking #4, I-880.

E. PUBLIC MEETINGS

Letter
E1

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

Was parking w/in 3/4 mile evaluated when there is also an event at the HP arena? 1

What about parking if the area S. of HP is converted into retail, as discussed? 2

If game begins at 7PM, people arrive & park earlier. What is parking situation at 6 PM 3

Are there going to be day games? What is parking situation mid day? 4

Will the Bird/Park intersection be rebuilt? If 'yes', can the Los Gatos Crk be restored, freed from the culvert? 5

Can the Los Gatos Crk trail be grade-separated at Bird and Park? 6

Is 50' setback from LG Crk adequate? City Policy recommends 100' in most areas 7

LG Crk Trail should be wide & convenient providing alternative access, especially during day games when parking is limited 8

Contact Information

Name: Lawrence Ames

Address: 1218 Willow St, S.J 95125

E-mail (optional: LAmes@AOL.com

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E1
Lawrence Ames

E1-1: In the scenario of simultaneous events, parking was evaluated within ¾ mile. There are about 18,367 parking spaces within the ¾ mile distance of the proposed site. Assuming both facilities sell out all of their seats, the arena would require up to 6,650 spaces and the stadium would fill the remaining 11,717 spaces within ¾ mile. Those parking spaces would have to be supplemented by 5,541 spaces outside of the ¾ mile distance.

E1-2: The traffic and parking analysis includes all approved downtown development. The cumulative analysis includes buildout of the Strategy 2000 Downtown Plan. Parking supply and demand for specific new projects would be addressed in the planning and environmental review process for each project.

E1-3: Downtown parking peaks at 2:00 p.m. in the afternoon and declines after that. Downtown employees typically leave between 5:00 p.m. and 6:00 p.m., which is when stadium patrons would begin to arrive. By 6:00 p.m., most downtown employees are gone, but most stadium patrons would not yet have arrived. There would be limited overlap between the two.

E1-4: Day games during the workweek are infrequent occurrences. Please see Master Responses Transportation, Circulation and Parking #3, Scenario Assumptions and #2, Daytime Games Parking.

E1-5: The intersection of Bird and Park Avenues would have to be realigned. Design details would be developed some time after an affirmative decision by San Jose voters to pursue the stadium project.

E1-6: Please see Response to Comment C9-7. The commentor's request that a grade separated trail segment be constructed in the vicinity of Bird and Park Avenues is noted.

E1-7: Please see Master Response Consistency with Plans and Policies Master Response #1, Los Gatos Creek Setback.

E1-8: Please see Master Response Consistency with Plans and Policies Master Response #1, Los Gatos Creek Setback.

Letter
E2

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at this EIR Meeting or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

I do not believe the ballpark issue is ready for the ballot as soon as June because I do not feel the impact issues have been eliminated as far as what the downtown or residential neighborhoods will do when hit with the run off from this new element. Night noise and traffic exhaust can turn a restaurant environment into an unpleasant experience. Also the drive going will become something to avoid by many who in the past have looked forward to a season of events. A ball game should be held in a more remote area + not in the center of living 1

2

3

Contact Information

Name: Betty Akers

Address: [redacted]

E-mail (optional): 1511 Hamlett, C.J.

EMAIL = BETMEMEI@ JUNO.COM

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E2
Betty Atkins

E2-1: The comment is noted. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E2-2: The comment is noted. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E2-3: The commentor has expressed opposition to the proposed project. Because this comment does not relate to the adequacy of the EIR, no further response is necessary.

Letter
E3

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

2 QUESTIONS:

1. ~~Does~~ Will the ballot measure ask yes/no about the ball park or does it (will it) offer a selection of uses such as park, retail or ballpark? 1

2. Assuming the Shark Tank, CPA and Convention Ctr are all busy on Friday nite @ ~~7~~ how would this impact traffic, parking, resident neighborhood noise, etc if the proposed ball park was also having an event? 2

Contact Information

Name: CYNTHIA BARNES

Address:

E-mail (optional: CinBarnes@gmail.com

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E3
Cynthia Barnes

E3-1: The City Council would develop the language of the ballot measure upon certification of the Final EIR. It is not known what the language of the ballot measure would be at this time. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E3-2: Please see Master Response Transportation, Circulation and Parking #3, Scenario Assumptions.

Letter
E4a

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

1. CAN YOU EXPLAIN HOW YOU DETERMINED THE SOUND CONTOUR? 1

2. ~~EXIST~~ ISN'T IT INCORRECT FOR A SINGLE POINT CONCERT? 2

3. CAN YOU DEMOSTRATE ~~THE~~ 45 DBA? MEANING THE INSIDE NOISE LEVEL. 3

Contact Information

Name: JOE BENTLEY

Address: 1281 MARTIN AVE

E-mail (optional: joe.bentley@shpra.org.

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

Letter
E4b

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at this EIR Meeting or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

THE SAN JOSE WATER LOTS (WEST & EAST) WERE RECENTLY SOLD TO ADOBE. THESE ACCOUNT FOR 855 SPACES. WILL THESE SPACES BE REMOVED FROM THE PARKING TOTALS? 1

SEE PAGE 108-109.

ALREADY DISCUSSED:

THE EIR SHOULD INCLUDE THE NUMBER OF CURRENT PARKING CITATIONS IN THE NEIGHBORHOODS, AND A PROJECTION HOW IT WILL INCREASE. 2

Contact Information

Name: JOE BENTLOT

Address: 1281 MARTIN AVE SJ 95126

E-mail (optional: joe.bentley@shpna.org

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

Letter
E4c

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at this EIR Meeting or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

IN THE NOISE STUDY:

THE LEQ INTEGRATION PERIOD APPEARS TO BE MEASURED OVER A 24-HOUR PERIOD? SINCE THE LEQ IS AN AVERAGE, THE STUDY SHOULD USE THE PERIOD OF AN AVERAGE BALL GAME OR CONCERT. 1

DO YOU HAVE A STUDY THAT SHOWS THE PEAK LEQS? 2

WILL THE FINAL EIR INCLUDE AN IMPROVED PERIOD? 3

Contact Information

Name: JOE BENTLEY

Address: 1281 MARTIN AVE SJ 95126

E-mail (optional: joe bentley@shpna.org.

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by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

Letter
E4d

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

1. PLEASE EXPLAIN WHY YOU DID NOT STUDY TRAFFIC IMPACTS WEST OF SITE? **1**

2. IF THE A'S COME TO SAN JOSE HOW DO EXPECT EAST BAY FANS TO GE THE BALL PARK! **2**

3. CAN THE AUTUM PARKWAY BE A MADE AS REQUIRED OF BUILDING THE BALL PARK? **3**

4. CAN THE EIR STUDY THE IMPACT OF TRASH IN THE NEIGHBORHOODS. **4**

~~5. YOU EXPECT PEOPLE TO STAY ON 280 AND 87, WONT PEOPLE FIND~~

Contact Information

Name: JOE BENTLEY

Address: 1281 MARTIN AVE SJ

E-mail (optional: joe.bentley@shpna.org

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

Letter
E4e

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at this EIR Meeting or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

IT TOOK 35 MIN TO GET FROM 1281 MARTIN TO CITY HALL BECAUSE THE SHARKS GAME.

CAN WE CONSIDER A CROSS TOWN EXPRESSWAY OF SYNCING THE LIGHTS

1

SYNCING

SYNCHRONIZING

Contact Information

Name: JOE BENTLEY

Address: joe.bentley@shpm.org

E-mail (optional:

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E4
Joe Bentley

E4a-1: Noise contours were determined by calculating the reduction in the noise level as noise moves from inside the stadium to outside the stadium. Geometric spreading causes the sound levels to attenuate. As noise spreads from a source, it looses energy. The formula to calculate this reduction is: decibels of change =20xlog(reference listening distance/new receiver distance). Calculations included monitored data from similar venues. Attenuation provided by the structure was also accounted for.

E4a-2: As stated on page 166 of the EIR, the concert configurations at the stadium would vary by event. The EIR analyzed the concert noise assuming maximum concert capacity and volume.

E4a-3: Sound levels vary by source. As shown in Table V.E-1 of the EIR, a rock band typically has a noise level of 120 dBA, freeway noise is about 70 dBA, while a soft whisper is faint at 30 dBA. The EPA has defined a 45 dBA L_{eq} for indoor residential areas as the noise level that protects public health and welfare with an adequate margin of safety. The L_{eq} is an equivalent average noise level for fluctuating noise levels over a specific period of time that is different from an instantaneous noise level measured in dBA.

E4b-1: The San Jose Water parking lots are specifically referenced in the Draft EIR on page 127. The comment is correct that Adobe Systems Inc. is contemplating development on those lots. The expectation is that about 3,000 parking spaces would be built and that these spaces would be available to the public after work hours. Adobe uses this practice with its other facilities in the downtown. The expectation is that these lots will be retained on the parking total list, and will increase in capacity in this one instance.

E4b-2: The Draft EIR analyzes potential adverse impacts to Public Services and Facilities in Chapter V, section N (pp. 291-300). One of those public services is that of City police services. For purposes of determining adverse impacts on police services, the City has established the following criterion:

- Result in an increased demand for police and fire services exceeding existing or planned staffing levels, facilities, or equipment.

Measuring the number of current parking citations on a Citywide basis, or by specific neighborhoods, would be a substantial data compilation effort. Establishing an EIR significance criteria for this metric (e.g., “Result in an increased number of parking citations”) would be a much more fine grained approach to public services impacts than the City has heretofore taken. In addition, it is likely that the Courts would not find an impact of increased parking citations or even the occasional full occupancy of all public on-street spaces in nearby neighborhoods (at times of simultaneous sold-out events) to be a physical impact under CEQA that would require mitigation. The Transportation, Circulation and Parking section of Chapter V addresses the larger question of whether a mismatch between parking supply and demand during simultaneous events would lead to indirect effects of more congestion and air pollution (while patrons circulate, looking for available spaces). The conclusion there is that the implementation of a detailed Traffic and Parking Management Plan (TPMP) could reduce any potential impacts to a less-than-significant level.

E4c-1: The noise analysis evaluated noise in terms of the L_{max} as well as the hourly L_{eq} during evening periods between 7:00 p.m. and 10:00 p.m., the likely hours of baseball games and events.

E4c-2: As described on page 154 of the EIR, L_{eq} is an average noise level of fluctuating noise for a measured time period. Peak noise (L_{max}) and average (L_{eq}) noise levels for a baseball game at a similar venue are shown in Table V.E-8 of the EIR. Existing noise levels in the project area in terms of L_{eq} and maximum noise levels are shown in Table V.E-5.

E4c-3: The Draft EIR evaluates the time periods during which activities at the proposed stadium would lead to the greatest potential impacts.

E4d-1: Based on the estimated traffic distribution of trips to the stadium, significant increases in traffic are not anticipated on streets west of the stadium. Most patrons will be coming from neighborhoods and communities outside of downtown and will utilize freeways and their exits onto arterials, which feed into the stadium and parking. Nevertheless, additional analysis has been undertaken to expand our understanding of these issues. Please see Master Response Transportation, Circulation and Parking # 1, Additional Intersections.

E4d-2: Please see Master Response Transportation, Circulation and Parking # 4, I-880.

E4d-3: The EIR states that the Autumn Street extension would be required for the stadium.

E4d-4: Please see Master Response Land Use #1, Increased Trash.

E4e-1: The City routinely studies certain corridors to see if any improvement in signal coordination can be made. If problems occur and if they are brought to the attention of City Department of Transportation staff, then they have the resources to improve signal timing and synchronization.

Letter
E5a

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

What alternate uses are planned if you build it and no one comes? 1

IF the ball park is built downtown, is the city considering or reserving an area for a soccer stadium? Does a ball park down town preclude a soccer stadium downtown? 2

How will the developers and team owners assure that a shark tank event will not be held at the same time as a ball game. Doubling the traffic and parking problems? 3

#1 Has any city ever first built a Major league baseball specific stadium before a team has committed to move there? 4

Since there is a significant parking impact, how many extra trains could Lite rail accomodate? 5

Traffic delays for Southbound 87 Hiway from 5 to 7 pm how long or additional times for commuters would be acceptable? 6

Same Question for North & South bound 280? 7

Contact Information

Name: Patrick Bernal

Address: 382 Herrick Ave, San Jose, Ca

E-mail (optional: prfecto@pacbell.net

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

Letter
E5a
cont.

DIRIDON/ARENA AREA STADIUM EIR

8

alternate location - why wasn't the I-Star property in south San Jose considered? It is between Hiway 87, Hiway 101, Monterey Highway, Caltrain, and light rail.
Monterey @ Bernal

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

Letter
E5b

4/1

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

Q Who is paying for the EIR study? 1

Q Sanfrancisco's ATT Park has 30 acres of public parking within 1/4 mile of their ballpark, even with all that immediate parking there is gridlock for two hours before the game and one hour after. How do you plan address is issue 2

Q Why wasn't the I-star property considered for the ball park? You have Hwy 101, Hwy 87, Monterey Hwy, Caltrans and light rail, all within 1/4 mile of the property. There is more than 150 acres available. 3

Contact Information

Name: Patrick Bernal

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E-mail (optional: prfecto@pacbell.net

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E5
Patrick Bernal

E5a-1: It is assumed that the commentor is referring to the need for a baseball team to use the proposed stadium. The stadium would not be built without first securing a major league baseball team to use the facilities as their home stadium. Because the comment does not relate to the adequacy of the Draft EIR, no further comment is necessary.

E5a-2: Please see Master Response Alternatives #1, Soccer Stadium. Soccer facilities are not considered as part of the proposed project and thus are not evaluated in the Draft EIR. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E5a-3: Please see Master Response Transportation, Circulation and Parking #2, Scenario Assumption. As noted on pages 95 to 96 of the Draft EIR there is the potential for some overlap of events at the proposed stadium and at the HP Pavilion. The traffic analysis in the Draft EIR did not identify any significant impacts due to the occurrence of simultaneous events.

E5a-4: The comment does not relate to the adequacy of the Draft EIR. Please refer to Response to Comment E5a-1.

E5a-5: The Traffic Study discusses potential transit impacts of the project on page 38. Each LRT "train" can carry about 300 passengers. There would be eight trains arriving in the 1 hour before a game (counting both directions). The estimated demand generated by a sold-out condition at the stadium, based on data from a Sharks game at the Arena, is 833 persons. The demand for LRT could reach nearly three times that projected and still be accommodated without adding trains.

E5a-6: The LOS for freeway segments is estimated based on vehicle density. Level of service (LOS) calculations are used to determine whether impacts would result. The DEIR speaks to the performance of freeway segments affected by the project. Please also see Master Response Transportation, Circulation and Parking #6, Freeway Traffic, 6:00 to 7:00 p.m.

E5a-7: Please see Response to Comment E5a-6.

E5a-8: The I –Star property was not considered as an alternate location as it is not in the Downtown Core area and development of that property is being actively pursued.

E5b-1: The City of San Jose Redevelopment Agency is funding the environmental evaluation of the proposed project site. This comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E5b-2: As shown in the Draft EIR, streets surrounding the stadium and within the downtown area are projected to operate within acceptable standards. It is anticipated that police officers would assist with traffic control to keep traffic moving.

E5b-3: Please see Response to Comment E5a-8.

Letter
E6

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

Q: Can the Environmental Impact Report include an alternative of a smaller footprint and less impactful option, such as a 25,000 seat soccer specific stadium? 1

Since this is an alternate use of the site, does it make sense to "kill two birds with one stone", and include this option and impact details in the report. 2

Contact Information

Name: Leonardo Calderón

Address: 8400 Oceanview Tr. #314. San Francisco, CA. 94132

E-mail (optional: eleven2@mindspring.com

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E6
Loenardo Calderon

E6-1: Please see Master Response Alternatives #1, Soccer Stadium.

E6-2: Please see Master Response Alternatives #1, Soccer Stadium.

Letter
E7a

RECEIVED
MAY 03 2006
PLANNING DEPARTMENT

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

The majority of neighbors in the St. Leo's neighborhood are totally against having all this extra noise traffic & overall very intense problems the proposed Baseball stadium will cause. The Alameda San Carlos & little 2 lane park ave will be so inundated with traffic that our neighborhood will feel destroyed. This will totally disturb our peace. All of us in the West side of Diridon Station will be grievously affected by a huge stadium for 45,000 people! 1

The downtown parking shouldn't be abused by people needing parking for the ballpark either! Parking has to be there for all the businesses & the people who work or do business downtown! 2

I live 5 blks. from Montgomery just a ½ block from Park Ave & have been working at HP Pavilion since 1993 when it first opened as the San Jose Arena. Personally I have experienced all the terrible traffic, noise & traffic problems & that's been bad enough to live around & not be added to a few blocks away with a stadium with twice the capacity of the Pavilion. We also have to hear all the plane & train noises too! Enough is Enough. Would any of you committee members like to live near all this with noise & traffic congestion. I'm certain you wouldn't like it or tolerate it in anyway! 3 4 5

Furthermore we will fight this horrendous invasion of our privacy & peace anyway & everyway we can! So have 6

Contact Information

Name: Carole Campbell

Address: 155 Cleaves Ave SJ 95126

E-mail (optional: _____

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
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by e-mail to: Michael.Rhoades@sanjoseca.gov

Letter
E7a
cont.

DIRIDON/ARENA AREA STADIUM EIR

your unneeded & very expensive Stadium San Jose
can't afford somewhere else in San Jose but not
in our wonderful historic neighborhood of St Leo's and
Rose Garden Alameda! Orchard San Jose & the Stadium
developer will have to battle a class action lawsuit
from our affected Neighborhood Associations! 6 cont.
Also we are in San Francisco's district & they don't
want competition from some other major league team! 7

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

Letter
E7b

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at this EIR Meeting or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

Would any member on the committee want to live within a 1 mile radius of the Stadium? 1

How can you prove that all the condo, new townhouse owners plus all the old property owners West of the proposed Ballpark will not be affected by noise & terrible traffic on Park & Semlavos & the Alameda! 2

This would be a terrible disturbance of our peace & a real crime to live close to this Ballpark! 3

Contact Information

Name: Carole

Address: 155 Clarence Ave

E-mail (optional:

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E7
Carole Campbell

E7a-1: The comment is noted. Please see Master Response Transportation, Circulation and Parking #1, Additional Intersections. No project impacts to The Alameda, San Carlos, or Park Avenue have been identified.

E7a-2: The comment is noted. Please see Master Response Transportation, Circulation and Parking #1, Additional Intersections.

E7a-3: The comment is noted. Please see Master Response Transportation, Circulation and Parking #1, Additional Intersections.

E7a-4: The commentor notes that the neighborhood is already subject to high levels of noise due to airplane and train traffic. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary

E7a-5: The commentor questions whether or not committee members would like to live near the proposed stadium. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E7a-6: The commentor has expressed opposition to the proposed project. Because this comment does not relate to the adequacy of the EIR, no further response is necessary.

E7a-7: The commentor has expressed opposition to the proposed project. Because this comment does not relate to the adequacy of the EIR, no further response is necessary.

E7b-1: Please see Response to Comment E7a-5.

E7b-2: Impacts related to noise from motor vehicles, crowds and fireworks are discussed in Section V.E., Noise, of the Draft EIR. Noise impacts identified primarily east of the project site include increased traffic noise, noise from baseball events and noise from concert events. Increased traffic noise east of the site is related to the location of parking and primary access routes east of the project site. Noise from baseball and concert events spilling east of the project site is correlated to stadium design. Noise impacts from fireworks and project construction would extend east and west (and north and south) of the project site and while mitigation measures are proposed, they would not reduce impacts to less-than-significant levels.

Please see Master Response Transportation, Circulation and Parking #1, Additional Intersections, regarding traffic on Park Avenue, San Carlos Street and The Alameda west of the project site.

E7b-3: The comment is noted. The commentor has expressed opposition to the proposed project. Because this comment does not relate to the adequacy of the EIR, no further response is necessary.

Letter
E8a

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

Could a demonstration of the noise of a Baseball stadium be provide at the next (two) Project and EIR Public Information Meetings? 1

Why does or does not a soccer stadium not meet the project objectives with a lesser environmental impact? 2

Why does the city council not request study of Soccer stadium at the site 3

~~I want to be included when the decision to direct the Economic Impact Report ~~ is made. Ple~~

Contact Information

Name: Lloyd Danon

Address: 3214 Heritage Oaks Ct

E-mail (optional: ldanon@teikokuUSA.Com

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

Letter
E8b

DIRIDON/ARENA AREA STADIUM EIR

4/1

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

Whereas MLB considers SJ part of the SF Giants territory therefore a Baseball ~~Stadi~~ Team (MLB) would not be allowed in SJ what are the other ~~uses~~ potential uses for the site. 1 2

What are the Environmental Impacts of ~~the~~ a Soccer stadium at the site? 3

Contact Information

Name: Lloyd Danon

Address: 3214 Heritage Oaks Ct SJ 95148

E-mail (optional: ldanon@yahoo.com

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E8
Lloyd Danon

E8a-1: The commentor requested a demonstration of noise that would occur at the stadium at the subsequent public information meeting. Such a request, and its implementation, aims more at the question of whether the City's noise standards are appropriate than whether the EIR's analysis is valid and its findings useful. Because the comment does not relate to the adequacy of the EIR, no further response is necessary.

E8a-2: Please see Master Response Alternatives #1, Soccer Stadium.

E8a-3: Please see Master Response Alternatives #1, Soccer Stadium.

E8b-1: The comment relates to the potential to the proposed project to move forward under certain territorial agreements of Major League Baseball. Because the comment does not relate to the adequacy of the Draft EIR, no further comment is necessary.

E8b-2: Alternative uses of the site are not required for analysis in the Draft EIR. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E8b-3: Please see Master Response Alternatives #1, Soccer Stadium.

Letter
E9a

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

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THE TRAFFIC STUDIES ONLY LOOK EAST UNLESS YOUR INVENT A FORCE FIELD NORTH WEST & SOUTH THERE WILL BE TRAFFIC & PARKING ISSUES IN THESE AREAS 1

THE LOS GATOS CREEK TRAIL WHEN COMPLETED WILL BE A NATURAL PATH INTO GREGORY PLAZA / WILLOW GLEN. 2

YOU DIDN'T INCLUDE PATTY'S INN A 100 YR OLD BUILDING WITH A 70+ year BUSINESS IN HISTORIC RESOURCES 3

YOU DIDN'T INCLUDE THE STEVEN'S PIG SIGN ON MONTGOMERY AS A HISTORIC RESOURCE 4

~~YOU~~ WHAT ARE THE CHANGES TO DIRIDON STATION HISTORIC BUILDINGS & OUT BUILDINGS? WHAT OF THE SOUTHERN WOODEN BUILDING? 5

Contact Information

Name: HARVEY DARNELL

Address: 897 DELMAS

E-mail (optional: HARVEYDARNELL@EARTHLINK.NET

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

Letter
E9a
cont.

DIRIDON/ARENA AREA STADIUM EIR

IS THE BRICK STRUCTURE @ THE INTERSECTION OF AUTUMN & MONTGOMERY HISTORIC? 6

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

Letter
E9b

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

THE NOISE STUDIES PROBABLY DO NOT CONSIDER THE REFLECTED NOISE OFF NEWLY CONSTRUCTED OR PLANNED HIGHRISE BUILDINGS ~~NOISE~~ BACK INTO THE NEIGHBOR HOODS. WEST & SOUTH OF THE BALL PARK. 1

TRAFFIC & PARKING:
WORSE CASE SCENARIO IS BALLPARK, ARENA EVENTS & DOWNTOWN FESTIVAL / AUTO RACE 2

BASEBALL IS MUCH HIGHER CROWDS THAN HOCKEY WILL VTA HAVE CAPACITY TO ACCOMODATE RUSH HOUR & FULL BALL PARK EVENT. 3

Contact Information

Name: HARVEY DARNELL
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Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
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Letter
E9c

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

WAS A POTENTIAL RETAIL ENTERTAINMENT DISTRICT IE "SANTANA ROW & DOWNTOWN" INCLUDED IN THE TRAFFIC ANALYSIS 1

BIOLOGICAL STUDIES DO NOT CONSIDER EFFECT OF STADIUM SHADING ON DIRIDON LANDSCAPING TREES NORTH OF FACILITY 2

THE LOS GATOS CREEK TRAIL @ 12 FEET WILL NOT BE WIDE ENOUGH TO ACCOMODATE THE INCREASED FOOT TRAFFIC IN THE AREA. 3

THE PROPOSED 50 FOOT RIPARIAN SETBACK IS ~~INADEQUAT~~ IN VIOLATION OF ~~THE~~ 100 FOOT RIPARIAN SETBACK CITY POLICY. 4

Contact Information

Name: HARVEY DARNELL

Address: 897 DELMAS

E-mail (optional: HARVEYDARNELL@EARTHLINK.NET

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E9
Harvey Darnell (3)

E9a-1: Please see Master Response Transportation, Circulation and Parking #5, Neighborhood Traffic and Parking.

E9a-2: The comment is noted. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E9a-3: Please see Response to Comment D6-12.

E9a-4: Please see Master Response Cultural and Paleontological Resources #1, Stephen's Meat Sign.

E9a-5: The proposed stadium would not physically alter any structures associated with the Diridon Station. The Draft EIR identifies significant unavoidable impacts to the character of the station as well as significant unavoidable shading impacts in the morning hours throughout most of the year. Please also see Response to Comment C5-3, regarding significant unavoidable impacts.

E9a-6: It is assumed the commentor is referring to the structure located at 150 S. Montgomery Street. Page 232 of the Draft EIR describes the existing and past uses of this structure. The structure is also identified on Figure V.J-1 on page 230 of the Draft EIR. Page 242 of the Draft EIR notes that this structure lacks integrity and is therefore not considered a historic resource. Please also see Response to Comment C3-12 for further explanation.

E9b-1: Please see Response to Comment C5-24.

E9b-2: Please see Master Response Transportation, Circulation and Parking #3, Scenario Assumptions.

E9b-3: Based on a survey of Sharks fans, the Draft EIR estimates negligible usage of VTA buses and about 800 riders on the LRT service during a sold-out event at the stadium. Given 8 LRT trains in the hour before a game (capacity=2,400 riders), it appears that existing service will be capable of accommodating the demand.

E9c-1: The traffic analysis includes all approved downtown development. The cumulative analysis includes buildout of the Strategy 2000 Downtown Plan.

E9c-2: Please see Response to Comment D6-12.

E9c-3: Please see Master Response Cultural and Paleontological Resources #1, Stephen's Meat Sign.

E9c-4: The proposed stadium project area is adjacent to the Diridon Station and there will be no direct impacts or changes to any of the buildings, out buildings, or to the southern wooden building.

Letter
E10

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS 4/1/06

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

With the analysis & planning efforts surrounding the proposed baseball ballpark, I find a lack of discussion on mass transit use and too much focus on parking spaces. This seems to only encourage more traffic. 1

Because of professional soccer's game scheduling & stadium requirements, it makes more sense to have a soccer stadium on the site because there will be fewer events scheduled each year that adversely affect the neighborhoods, and because a smaller & less expensive stadium could be built. 2

Contact Information

Name: Jeff Dickard

Address: 1374 Palm St San Jose 95110

E-mail (optional: jeffdmail@juno.com

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E10
Jeff Dickard

E10-1: The transit share percentage was obtained from a survey of Sharks fans. Other studies of other major league baseball facilities indicate that transit usage varies greatly by city, ranging from 1.5 to 23.5 percent of patrons' transportation to and from the various stadiums. The attention to parking reflects the estimated preference of patrons for travel by car to sporting events in this area.

E10-2: Please see Master Response Alternatives #1, Soccer Stadium.

Letter
E11

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

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In view of the fact that CEQA requires an EIR to "describe a range of reasonable alternatives to the project, ... which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate comparative merits of the alternatives" (14 CCR § 15126.6 (a)); and 1

in view of the letter from Soccer Silicon Valley (SSV) dated March 24, 2006, identifying a soccer stadium as a reasonable alternative which attains most of the basic objectives while substantially lessening the environmental effects; and in view of the city council's alleged support for bringing back soccer to San Jose, 2

Why have city staff not been directed by the city council to study a soccer stadium alternative as part of the baseball EIR??

Contact Information

Name: Don Gagliardi

Address: 591 N. 17th St, San Jose, CA 95112

E-mail (optional: dpg2003@aol.com

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E11
Don Gagliardi

E11-1: Please see Master Response Alternatives #1, Soccer Stadium.

E11-2: Please see Master Response Alternatives #1, Soccer Stadium.

Letter
E12

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

Has parking been evaluated when simultaneous events are taking place at the HP Pavilion, the ballpark and during set up and running of the Grand Prix? 1

How will traffic thru neighborhood streets be mitigated? 2

How will residential areas have parking controlled? 3

How will parking on the west side of the railroad tracks be prevented? 4

Are the parking spaces in the adjacent garage reserved for employees and are they counted in total spaces available? 5

Has the HP Pavilion surface parking lot been considered for a parking garage? 6

Contact Information

Name: Sabina Hall

Address: 134 Gifford Ave San Jose 95110

E-mail (optional:

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E12
Sabina Hall

E12-1: Please see Master Response Transportation, Circulation and Parking #3, Scenario Assumptions.

E12-2: Please see Master Response Transportation, Circulation and Parking #5, Neighborhood Traffic and Parking.

E12-3: Please see Response to Comment D6-3.

E12-4: Please see Response to Comment E12-3.

E12-5: The parking spaces in the proposed adjacent garage are in excess of the number of spaces needed for employees. It is not known whether any would be reserved for employees. Employee parking demand and these new spaces are included in the parking analysis.

E12-6: The HP Pavilion surface parking lot is being studied for a possible parking garage in conjunction with the proposed BART station.

Letter
E13

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at this EIR Meeting or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

~~How t~~

(1) Why does LSA feel the ballpark won't detract from the neighborhood appearance? 1

(2) Haven't the As decided to build in Fremont? What team do you feel will come here. What if you can't get a team here? 2

Contact Information

Name: Mary Hernan

Address: 95 Cleare Ave

E-mail (optional: mhernan@nvidia.com

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E13
Mary Hernon

E13-1: Pages 256-257 of the Draft EIR evaluate the projects potential impact to the existing visual character of the project area (including surrounding neighborhoods) and identify this impact as less-than-significant. As stated on page 257 of the Draft EIR, the proposed stadium would contribute to the overall visual character of the area by reinforcing an entertainment and sports related district in what is currently an underutilized mixed-use area. In addition, the proposed stadium would include public open space and landscaping that would be visually compatible with the area and would tie into the planned Los Gatos Creek trail system. Please also see Response to Comment C9-9.

E13-2: It is uncertain whether the team that would occupy the stadium would be the A's. The stadium would not be built without first securing a major league baseball team to use the facilities as their home stadium. Because the comment does not relate to the adequacy of the Draft EIR, no further comment is necessary.

Letter
E14a

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

Since we have already had a soccer team in the area & know the financial impact it may have, what studies have been done to show the significance of having an MLB Stadium & team? 1

Which team would be brought to San Jose & what information can be provided to ensure a team would be here & that the project is not a waste? 2

What studies are out there to show that an open ended base ball stadium is more sound proof than a stadium/venue built to direct noise in words? 3

With a parking structure being built are there going to be more than one exit or are the people in the parking structure all leaving @ one time going to face serious gridlock? 4

Since this can mean a relocation of PG&E, what is being done to look into their interests & job security to the employees during the move 5

Contact Information

Name: Trevor Holmes

Address: 581 Union Ave Campbell CA 95008

E-mail (optional: tdh bunt cake @ yahoo.com

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

Letter
E14b

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

What ~~[illegible]~~ has been done to ensure that MLB is okay with having an Alleged team in San Jose? 1

With talks about the owner of the Oakland A's looking at Fremont as a possible new home for the ~~[illegible]~~ A's is the EIR going to continue with its directions of housing an alleged team in San Jose or would the gears shift to other possibilities 2

Contact Information

Name: Trevor Holmes

Address: ~~[illegible]~~ 581 Union Ave Campbell 95008

E-mail (optional: tdh buntcake@yahoo.com

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E14
Trevor Holmes

E14a-1: The City is currently preparing a *Neighborhood Economic Impacts of the Proposed San Jose Stadium* study to evaluate the financial and economic impact of the project. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E14a-2: Please see Response to Comment E13-2.

E14a-3: The EIR authors are unaware of studies that show an open ended baseball stadium is more soundproof than a stadium built to direct noise inwards.

E14a-4: There would be two exits from the proposed parking structure, each with the ability to accommodate about 1,000 vehicles per hour. Thus, if the entire facility were filled and if all vehicles attempted to leave simultaneously, it would take about 36 minutes to empty the structure. Such delays are experienced at other urban parking garages under similar conditions.

E14a-5: As described throughout the Draft EIR, the existing PG&E substation may either be modified or relocated to accommodate the proposed project. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E14b-1: Major League Baseball would need to approve a Major League Baseball team's move to San Jose. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E14b-2: Local media (print and broadcast) have presented a variety of stories on the question of whether the A's may leave Oakland, where they may or may not relocate, and potential concerns with the San Francisco Giants territorial rights. As of January 2007, many of these issues are still highly dynamic and subject to much speculation. Until otherwise directed, the San Jose Redevelopment Agency will continue to move forward to best position the City of San Jose to draw a Major League Baseball team. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

Letter
E15a

DIRIDON/ARENA AREA STADIUM EIR

4/1

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

(1) Need to find a location in open space | 1

(2) Will create congestion nightmares downtown | 2

(3) Not enough parking presently for residents and guests | 3

(4) Residents will see more garbage on streets | 4

(5) Presently HP Pavilion traffic clogs / arteries into city | 5

(6) Noise, pollution will be greater | 6

(7) Summer (Grand Prix) car race is not conducive for downtown access and the ballpark will drive residents from their home to find other residences | 7

(8) Why are downtown streets exempt from LOS evaluation? | 8

(9) Do not want more traffic at Delmas/Park | 9

Contact Information

Name: Carol Irwin

Address: 411 Park Ave #318 S.J 95110

E-mail (optional:

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

over

Letter
E15a
cont.

DIRIDON/ARENA AREA STADIUM EIR

10

(10) Construction noise will decrease quality of life for residents creating a very stressful environment

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

Letter
E15b

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at this EIR Meeting or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

(1) How will surrounding property values be affected? 1

(2) Has a study been conducted to evaluate downtown event, theatre, opera, performing art, etc and congestion with a simultaneous 45,000 seat stadium event. 2

(3) The neighbors using street parking now have limited space. how will the city remedy this if Delmas adds an additional traffic lane 3

(4) Who will clean the street from garbage after games? 4

(5) Is Taylor St an option? 5

Contact Information

Name: Carol Irwin

Address: 411 Park Ave #318 SJ

E-mail (optional:

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

Letter
E15c

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at this EIR Meeting or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

1 How much do you anticipate this project will cost?
(a) Where will that money come from? 1
(b) Will there be an increase in taxes to fund this project?
2 How much money has been spent to date on this project? 2

Contact Information

Name: Carol Ireni

Address: 411 Park Ave #318 S.J.

E-mail (optional:

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E15
Carol Irwin

E15a-1: The comment is noted. It is assumed that the commentor believes the proposed project should be located in an area currently utilized as open space. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E15a-2: The comment is noted, but the commentor's use of the term "nightmare" is not accurate. Chapter V.C, Transportation, Circulation and Parking of the Draft EIR evaluates traffic and parking impacts in the Downtown area. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E15a-3: Please see Master Response Transportation, Circulation and Parking #5, Neighborhood Traffic and Parking.

E15a-4: Please see Master Response Land Use #1, Increased Trash.

E15a-5: The comment is noted. Please also see Response to Comment C1-1. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E15a-6: The comment is consistent with the findings of the Draft EIR. Chapters V.D, Air Quality and V.E, Noise evaluate the noise and air quality impacts of the proposed project.

E15a-7: Please see Master Response Transportation, Circulation and Parking #3, Scenario Assumptions.

E15a-8: By way of an ordinance adopted by the City Council, the downtown core area is exempt from the City's Level of Service Policy. The logic behind the exemption is that downtown streets serve many functions, only one of which is to carry traffic, and not necessarily at speeds and conditions that are similar to suburban or rural areas. Building wide streets exclusively to serve traffic would be detrimental to other land use and transportation goals.

E15a-9: The intersection of Delmas and Park is projected to experience congestion as a result of the project. Mitigations are proposed which will restore the operation of the intersection to LOS D or better.

E15a-10: It is assumed that the commentor believes noise, dust or truck and equipment traffic associated with construction of the proposed stadium and associated structures would decrease the quality of life for residents. Pages 168-172 of the Draft EIR identify noise associated with project construction as a significant unavoidable impact. Mitigation measures are recommended to reduce this impact, although not to a less than significant level. Please see Response to Comment C5-3, regarding significant unavoidable impacts.

Pages 148-150 of the Draft EIR also identify air quality impacts associated with project construction; however these impacts would be reduced to a less than significant level with implementation of the recommended mitigation measures.

E15b-1: Please see Response to Comment B2a-2, with relation to the discussion of property values under CEQA.

E15b-2: Please see Master Response Transportation, Circulation and Parking #3, Scenario Assumptions.

E15b-3: Widening of Delmas Avenue to provide an additional lane is a required mitigation measure for the proposed development project on the San Jose Water Co. site and would be required, also, for the stadium. The design of the widening is not finalized, but the intent would be to maintain existing on-street parking.

E15b-4: Please see Master Response Land Use #1, Increased Trash.

E15b-5: The meaning of the comment is unclear. No further response is necessary.

E15c-1: The City of San Jose Redevelopment Agency has begun a *Neighborhood Economic Impacts of the Proposed San Jose Stadium* study to the proposed project that would include an estimate of project costs and potential funding scenarios. Before public funds could be spent on a baseball stadium, the voters of San Jose would need to approve a specific ballot measure outlining the proposed project and associated costs. The comment does not relate to the adequacy of the Draft EIR, therefore no further response is necessary.

E15c-2: Please see Response to Comment D14-1.

Letter
E16

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

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---

why can't a soccer stadium be added to the EIR if a baseball stadium is not built? 1

Why can't the baseball stadium be used for soccer? 2

what is wrong with multi use?

Contact Information

Name: John Jossen

Address: 1108 Allston Way

E-mail (optional: jussen1@netzero.net

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E16
John Jassen

E16-1: Please see Master Response Alternatives #1, Soccer Stadium.

E16-2: Please see Master Response Alternatives #1, Soccer Stadium.

Letter
E17

DIRIDON/ARENA AREA STADIUM EIR

4/1

EIR COMMENTS

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Has any analysis and/or research been done on the possible drop in residential property values when a sports arena of this scope is built in an area surrounded by private residences? **1**

You've reviewed possible traffic issues on 280, 87 and 880, but what about surface streets such as San Carlos and the Alameda? These streets can't be closed - has a workaround been proposed for this? **2**

Contact Information

Name: Cathy Jones

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E-mail (optional: mzjoneshome@yahoo.com

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by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E17
Cathy Jones

E17-1: Please see Response to Comment B2a-2, with relation to the discussion of property values under CEQA.

E17-2: The traffic analysis (pp. 93-138 in the Draft EIR) includes evaluation of operations on surface streets, including The Alameda and San Carlos Street. Also, please see Master Response Transportation, Circulation and Parking #1, Additional Intersections.

Letter
E18

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

1) Re. the 6 significant unavoidable impacts:
a. please discuss at a slower pace
b. what is being done about these 6 — 1

2) Re. Exempt intersections
a. as above
b. " " — 2

3) Re. reduced water pressure
a. as above
b. " " — 3

4) Camden Parks
Please show in detail HOW it is a comparable park. — 4

5) Scope of Issues
a. were any omitted from EIR — 5

6) CPA impacts
please discuss all included in EIR — 6

Contact Information

Name: Maureen Jones

Address: 1205 Sierra Ave S.J 95126

E-mail (optional:

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E18
Maureen Jones

E18-1: The Draft EIR provides analysis of each significant unavoidable impact. Pages 7 and 347 of the Draft EIR list these significant unavoidable effects. Please also see Response to Comment C5-3, regarding significant unavoidable impacts.

E18-2: Although intersections within the downtown core are exempt from the City's Level of Service Policy, nevertheless the Draft EIR includes an analysis of all intersections that might be impacted by the project. Impacts and mitigation measures are identified, regardless of each intersection's exemption status.

E18-3: As noted on page 288 of the Draft EIR, the project site is located in one of the San Jose Water Company's largest water pressure zones and experiences lower than average water pressure. The proposed stadium would cause a reduction in downtown water pressure, and those land uses located at the lower end of the pressure range could experience a decrease in existing water pressure. As noted on pages 288-289, implementation of Mitigation Measure UTIL-1 would reduce this potential impact to a less-than-significant level.

E18-4: The initial stadium design provided by the project architect is comparable to Camden Yard (in Baltimore, Maryland). The proposed San Jose stadium is only a concept at this time and may change in the future. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E18-5: As stated on page 63 of the Draft EIR, "Preliminary analysis included in the Initial Study… determined that the proposed project would not result in significant impacts to agricultural and mineral resources." These issues were not examined in the EIR. Please see the Initial Study, included as Appendix B to the EIR for evaluation of these issues.

E18-6: It is unclear what the commentor means by "CPA impacts" (Center for Performing Arts impacts) and what substantive issue is being raised regarding the relationship of the proposed baseball stadium with the CPA. Therefore, a substantive response to this comment is not possible.

Letter
E19

DIRIDON/ARENA AREA STADIUM EIR

OK to ho onto these and not answer tonight

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

(1) Are all four meetings going to follow the same format? 1

(2) "Artist rendering" does not show relocation of PG&E Substation - where is it on rendering? later you show it at Fire Training site - how is that compatible with parking? 2

(3) Why was 3/4 mile parking radius not a whole circle How do you plan to discourage or control area excluded? Why are you presuming everyone will know to avoid area on one side of tracks? 3

(4) Can we begin answering questions? While the "process" is to gather all questions and answer them all at once, it doesn't leave room for follow up questions 4

(5) How are you addressing the request at 12/05 scoping meeting concerning data be supplied from neighborhoods in other communities with urban ballparks? 5

(6) While the Planning memo of 3/16/06 lists a method under which people were supposed to have been notified, it was obvious at the 12/05 scoping meeting (and subsequent meetings) that the 11/28/05 Notice was not mailed in accordance with statements in the memo or Council Policy 6-30. Is there a copy of original mailing list? Was this ever remedied with a follow up mailing? In particular, as NAC president, as someone who commented on Del Monte EIR I should have received multiple notices and did not. 6

Contact Information

Name: RANDI KINMAN

Address: 801 Richmond Ave 95128

E-mail (optional: randikinman@yahoo

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

Letter
E19
cont.

DIRIDON/ARENA AREA STADIUM EIR

(7) Presumption on traffic data is connection of Autum/Coleman but there are no indications in analysis on impact of SSO traffic. If we are assuming traffic is using Autum/Coleman aren't we assuming impact on SSO? 7

(8) Why are you assuming pedestrian improvements on Bird when they are not called out? 8

(9) Parking/occupancy of existing spaces @ 7pm does not include what would happen when proposed developments are done 9

(10) When during these presentations can you make the files available? 10

(11) Please address shading - wouldn't the shadowing of businesses & homes - especially during winter months - be a significant impact? Many of the newer buildings are ~~prep~~ built w/assumption of light for energy purposes. 11

(12) Are these meetings being taped so people can 12

(13) Are you going to keep copies of all of these 13

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E19
Randi Kinman

E19-1: The commentor is referring to the format of the public information meetings. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E19-2: Please see Response to Comment C2-2 regarding the conceptual nature of the stadium at this time. If the proposed PG&E substation were to be relocated to the Fire Training site, the design of the parking garage might need to be modified to accommodate the substation.

E19-3: Please see Master Response Transportation, Circulation and Parking #5, Neighborhood Traffic and Parking.

E19-4: The commentor is referring to the proceedings of the public information meeting at which the subject comment card was submitted. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E19-5: Please see Response to Comment C5-48, regarding scoping meeting requests.

E19-6: Please see Response to Comment C5-48, regarding scoping meeting notification.

E19-7: Please see Master Response Transportation, Circulation and Parking #4, I-880.

E19-8: Improvements to pedestrian facilities on Bird Avenue are recommended as a result of the EIR, not assumed. While Bird Avenue's pedestrian facilities are not deficient to the point of requiring mitigation, they merit recommendation for improvement.

E19-9: All proposed developments of which the city is aware will be providing their own parking. It is likely that the availability of parking at 7:00 p.m. will increase in the future.

E19-10: It is assumed the commentor is referring to the availability of Draft EIR documents. Please see Response to Comment C3-4. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E19-11: The Draft EIR addresses shade and shadow impacts on nearby public open spaces in Section V.L, Shade/Shadow and Light/Glare. As shown in the Project Shadow Pattern figures, new shadows would be cast by the proposed project, with the greatest shadows cast in the winter. As noted on pages 261 and 262 of the Draft EIR, implementation of the proposed project would have a significant shade and shadow impact if it would result in a 10 percent or greater increase in the shadow cast onto a major public space in the Downtown San Jose area or other public open space. A small number of residences and businesses in the project area would experience a limited increase in shading from the proposed stadium. However, under the City's significance criteria, this is not considered to be a significant impact of the proposed project.

E19-12: The commentor is referring to the proceedings of the public information meeting at which the subject comment card was submitted. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E19-13: Comment cards submitted at the public information meetings are incorporated into this First Amendment (Response to Comments) document. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

Letter
E20

DIRIDON/ARENA AREA STADIUM EIR

4/1

EIR COMMENTS

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It is my understanding that EIRs commonly include alternatives.

? Why is a Soccer stadium Not included as an alternative in this report? 1

? If a citizen group SSV requests an alternative to be added, in this case - a Soccer stadium, can this request be rejected summarily, or must it be voted on by the council? 2

? If a Soccer stadium will not be included in this report, when will an EIR be issued for a San Jose Soccer stadium in the future? 3

Contact Information

Name: Leila Manning

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E-mail (optional: leilamanning@yahoo.com)

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by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E20
Leila Manning

E20-1: Please see Master Response Alternatives #1, Soccer Stadium.

E20-2: Please see Master Response Alternatives #1, Soccer Stadium.

E20-3: Please see Master Response Alternatives #1, Soccer Stadium.

Letter
E21

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

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(1) What about a Soccer Stadium? (& other events such as Olympics, World Cup etc) 1

This wouldn't be JUST a "1" sport facility. 2

We had a Soccer team here!

What baseball team are you thinking about? 3

"Bring back San Jose Earthquakes."

Contact Information

Name: Betty Moore

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COMMENTOR E21
Betty Moore

E21-1: Please see Master Response Alternatives #1, Soccer Stadium.

E21-2: Please see Master Response Alternatives #1, Soccer Stadium.

E21-3: Please see Response to Comment E13-2.

Letter
E22

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

IS A SOCCER STADIUM A BETTER FIT CONSIDERING

1) SMALLER FOOTPRINT

2) LESS ENVIRONMENTAL IMPACT

3) LESS DATES

4) MORE SPACE FOR PARKING

5) LESS CAPACITY 22,000 VS 45,000

6) LESS TRAFIC

7) LESS NOISE IF DESIGNED LIKE A SOCCER STADIUM

8) LESS SPECULATIVE CONSIDERING THE SOCCER COMMISIONER HAS APPROVED A FRANCHISE FOR S. JOSE, THE BASEBALL COMMISIONER HAS NOT

9) THE COST WOULD BE 1/5 OF THE COST

10) WHY IS SOCCER NOT A BETTER ALTERNATIVE

1

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COMMENTOR E22
Johnny Moore

E22-1: Please see Master Response Alternatives #1, Soccer Stadium.

Letter
E23a

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

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See Attached.

Contact Information

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by e-mail to: Michael.Rhoades@sanjoseca.gov

Comments on EIR: Traffic

1. The draft EIR should be revised to include a full analysis of freeway traffic between 6 and 6:30 PM, and between 6:30 and 7 PM.

   The stated reason for ignoring these later time periods is that the city defines the peak travel period to be between 5:00 and 6:00 PM, and because the stadium is not expected to generate much traffic relative to the background condition between 5 and 6. This is an invalid reason - the EIR analysis must be based on reality, not policy declarations, and it should analyze if this proposed project will change reality (and thus presumably the policy).

   A rough calculation, using assumptions and numbers contained in the draft EIR, summarized in Table A, indicates that as a result of this project, freeway traffic volumes from 6 to 7 PM will be comparable to, if not higher, than the volumes between 5 and 6 PM. This almost certainly understates the impact on freeway traffic caused by the stadium project, because the stadium traffic will likely be concentrated in the earlier part of this time period, not distributed evenly through it.

1

Table A: Estimated Freeway Traffic From 6 to 7 PM

Freeway Segment	Direction	Base Volume		New Trips		Total Volume	
		5 -6 PM	6 - 7 PM	Stadium	Pavilion	Single Event	Concurrent Events
SR87: Julian to Coleman	SB	3200	2240	994	378	3234	3612
SR87: I-280 to Julian	SB	2160	1512	628	239	2140	2379
I-280: Meridian to Bird	EB	7380	5166	2386	907	7552	8459
I-280: Bird to SR87	EB	6990	4893	2204	838	7097	7935

Notes: Base Volume for 5 - 6 PM time period is from EIR Table V.C - 5.
Base volume for 6 -7 PM = 70% of 5 -6 PM volume (per EIR assumption for street intersection traffic).
Stadium project trips for 6-7 PM = twice the EIR numbers for 5-6 PM (from Table V.C - 11), based on EIR estimated time distribution (59% for 6 - 7 PM versus 29% for 5 - 6 PM).
Pavilion project trips = 38% of stadium trips (from total seating: 45000/17100)

EIR Comments: Traffic

2. The freeway congestion identified by the Draft EIR, and the widely dispersed parking lots to be used by baseball fans, will cause people to use alternate routes as they approach the stadium, putting much more traffic onto local streets in the surrounding neighborhoods. This is predictable, and should be covered in the EIR. Some examples:

   a. Fans traveling south on I-280 will exit at Meridian or Bascom to avoid the heavy congestion on I-280 between Meridian and Bird. This traffic will go onto Meridian, Race, and Lincoln, and then onto Auzerais, San Carlos, Park, The Alameda, and Julian. It seems very likely these streets will reach or exceed their maximum capacity as a result.

   b. Fans traveling north on I-280 will exit at 7th street or earlier, to avoid congestion on the freeways and at the SR-87 exits, and to have a more direct route to the parking lots east of SR-87. This traffic will go through the downtown grid, on San Salvador St., 3rd St., San Carlos, and San Fernando St., among others. Another possible route is E. Virginia St. to SR-82. **2**

   c. Fans traveling north on SR-87 will exit at Taylor to avoid the heavy congestion on SR-87 south of Coleman. This traffic will likely go onto Coleman, Autumn, 2nd, and 4th St. to reach parking lots.

3. The draft EIR assumes a very low percentage (0.6%) of drop-off and pick-up traffic at the baseball stadium, based on a survey of traffic at the HP Pavilion. However, much more of the stadium parking will be at a much greater distance from the stadium than is the case with the HP Pavilion, so this assumption is likely to be wrong. The EIR authors should find a more plausible parallel, and redo these numbers. An increase in drop-off and pick-up traffic will change the traffic trip distribution, and require that the traffic analysis be redone. **3**

4. The draft EIR, in predicting traffic loads, assumes that baseball fans will follow the same zip code distribution as Sharks fans,. However, if the A's move to San Jose, it is reasonable to expect a significant number of their fans will follow them. It seems likely that many of these fans come from the East Bay, and will use I-880 or I-680/I-280 to reach San Jose. The EIR should reconsider its assumption on the geographic distribution of fans, and include at least I-880, Coleman, and The Alameda in its traffic analysis. This analysis should include traffic to and from the new shopping center on Coleman. **4** **5**

EIR Comments: Traffic

5. As part of the traffic analysis in the EIR, trip estimates are assigned to the various parking lots, in Table V.C - 9. However, these trip estimates assume perfect knowledge of available parking conditions by drivers - i.e. everybody drives directly to their parking place; nobody has to look for a parking space. In reality, that obviously doesn't happen, particularly when the parking is widely distributed, as is the case here. Some (probably significant) search factor must be applied to the trip numbers in Table V.C - 9, increasing the number of both pre-game in and out trips. And then the traffic analysis must be recalculated. **6**

6. The background traffic analysis included the estimated volume for approved but not yet constructed developments "in the vicinity of the site". However, a corrected parking analysis indicates that all of downtown will be impacted by baseball, and a realistic result of the predicted freeway congestion will be much more traffic on local streets in and surrounding the entire downtown core. The background traffic analysis should include the estimated traffic for planned projects throughout this larger impacted area. **7**

   Further, the background traffic analysis should anticipate future traffic based on the city's land use designation for these areas. Otherwise, the baseball stadium may have the effect of precluding desirable future development (development that would enhance the city's tax base, which a city owned stadium will not do).

7. In the draft EIR, there is no analysis of the impact of the baseball stadium on transit schedules. Multiple bus routes run through the effected area - won't buses be delayed by the predicted traffic congestion? Commuters using trains already are impacted by crowds around the HP Pavilion; the baseball stadium will make this worse. **8**

8. The draft EIR specifically excluded intersections outside a fairly small downtown core study area, and says after the fact studies may be required to analyze spillover effects. However, based on earlier comments, it is reasonable to expect significant increases in traffic volumes in areas to the north, west, and east of the study area. The EIR should expand its study area to cover these areas in its traffic analysis. The causes of increased traffic will be: **9**

   a. Shortage of parking
   b. Wider distribution of parking
   c. Freeway congestion, leading to alternate routes
   d. Likely traffic routes for A's fans.

Letter
E23b

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

more Too involved for this meeting, will expand in writing

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See Attached.

4 page letter re: Parking

Contact Information

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Letter
E23b
cont.

Comments on EIR Parking

1. The numbers used in the Draft EIR for available off-site parking spaces are wrong.

   a. First, the number of spaces to be provided in the proposed stadium and in the proposed new parking garage are counted twice. Specifically, on page 127, these spaces (150 plus 1200) are subtracted from the total number of required spaces to get the required number of off-site spaces. But, in Table V.C-6, on page 110, these spaces are counted again as part of the spaces to satisfy the off-site demand.

   b. Second, the EIR states "It is not the intent of the City to rely on any on-street parking, especially west of Bird Avenue, to serve the stadium". However, Table V.C-6 includes 1,355 on-street spaces in the parking spaces available to satisfy the off-site demand. If the City wants to change its policy to indeed count on these on-street spaces, then:
      i. Where are these spaces? The EIR provides no information.
      ii. How many of these spaces will be lost to the proposed street changes included in the EIR (e.g. on Delmas, to widen the street)?
      iii. There is no study indicating that these spaces are only 25% used. An informal survey indicates that on-street parking is used at a higher rate than 25%.
      iv. What effect will there be on traffic circulation, from people cruising for spaces, parallel parking, etc.?

   These numbers must be corrected. This also invalidates the traffic trip assignment analysis, and requires that the traffic analysis and pedestrian analysis be redone, to reflect an accurate parking distribution.

Letter
E23b
cont.

EIR Comments: Parking

2. In the concurrent event scenario, the parking demand used in the EIR for an event at HP Pavilion is wrong.

   The study uses only the number required contractually by the HP Pavilion, within the specified distances - a total of 6,650 spaces. However, using the study criteria of 90.5% auto usage, and 2.3 occupants per vehicle, a capacity hockey crowd (17,500) requires 6,885 parking spaces, and a capacity concert crowd (19,100) requires 7,515 parking spaces.

3. The parking scenarios in the EIR assume 100% effective utilization of available parking spaces. This is extremely implausible, especially when the parking lots are widely dispersed, as they are in this study.

   Instead, the study should use the 'effective supply' concept, which applies a factor - other studies have used 85%; San Jose's own Downtown Parking Management Plan uses 90% - to more realistically reflect parking spaces lost to improperly parked vehicles, construction and other factors, and to reduce the search time and resulting traffic for the last few available parking spaces.

   The result is a further reduction in the available spaces and a further change in the parking distribution. The new numbers should be used in redoing the traffic and pedestrian analysis.

4. After correcting the errors in the count of required and available parking spaces, and using the EIR's own stated criteria, the parking is inadequate.
   a. The EIR says "Baseball fans are expected to walk a maximum 3/4 mile from parking spaces . . . this distance is typical of other stadiums". But calculations show (see Tables 1 and 2), even assuming the implausible 100% effective utilization:
      i. In the single event scenario, 13.4% of the needed parking - over 2,000 spaces - is more than 3/4 mile from the stadium
      ii. In the concurrent events scenario, there is not enough parking in the entire downtown area. Almost half of the baseball fans will either not find parking at all (4.9%), or will be more than 3/4 miles from the stadium (44.8%).
   b. Using a more plausible 'effective supply' factor of 85%, in the concurrent event scenario, over 3,000 vehicles will not find a parking space anywhere in downtown. This is a recipe for chaos.

The demand for immediate additional and closer parking can reasonably be anticipated. This would probably result in parking in neighborhoods not covered by this study, and/or new parking structures. This would change traffic and pedestrian flow. The analysis in the EIR does not cover this reality, and is inadequate.

Table 1: Parking Distribution for Single Event Scenario

Total off-site spaces required: 15,908.
Note: uses EIR criteria that 75% of parking lot capacity is available.

Distance	Effective supply = 100%		Effective supply = 85%	
	Number Used	% of Need	Number Used	% of Need
1/3 mile	2,461	15.5%	2,092	13.2%
2/3 mile	9,414	59.2%	8,002	50.3%
3/4 mile	1,902	12.0%	1,617	10.2%
> 3/4 mile	2,131	13.4%	4,197	26.4%

Table 2: Parking Distribution for Concurrent Events Scenario

Total off-site spaces required: 16,773 (15,908 for baseball + 865 for HP Pavilion excess).
Note: uses EIR criteria that 75% of parking lot capacity is available.
Note: lots identified by EIR as dedicated to HP Pavilion have been removed.

Distance	Effective supply = 100%		Effective supply = 85%	
	Number Used	% of Need	Number Used	% of Need
1/3 mile	223	1.3%	190	1.1%
2/3 mile	6,716	40%	5,709	34.0%
3/4 mile	1,509	9%	1,283	7.6%
> 3/4 mile	7,507	44.8%	6,381	38.0%
Not Available	818	4.9%	3,210	19.1%

5. The parking analysis in the EIR assumes "an ambient average occupancy of 25% for parking spaces downtown". This assumption is based on occupancy counts taken at 7 PM, probably on a weekday (although the EIR doesn't say what days were evaluated). This is a faulty assumption, based on an inappropriate survey.

   On weekdays, 7 PM is the wrong time to measure parking occupancy, in the context of baseball parking. According to the EIR, 88% of baseball game attendees will arrive before 7PM, and only 9% after 7PM. The vast majority will be looking for parking well before 7PM. It is also reasonable to expect that regular weekday downtown parking demand from office workers is heavier earlier than 7 PM.

   Table 3 shows the critical importance of this assumption. If the average occupancy is 50% instead of 25%, even in the single event scenario, there is a shortage of 3,846 parking spaces (assuming 85% effective supply).

   The EIR should redo the parking survey, at a more appropriate time, such as 6 PM.

Table 3: Parking Distribution for Single Event Scenario

Total off-site spaces required: 15,908.
Note: assumes 50% of parking lot capacity is available.

Distance	Effective supply = 100%		Effective supply = 85%	
	Number Used	% of Need	Number Used	% of Need
1/3 mile	1,641	10.3%	1,395	8.8%
2/3 mile	6,276	39.5%	5,335	33.5%
3/4 mile	1,268	8.0%	1,078	6.8%
> 3/4 mile	5,005	31.5%	4,254	26.7%
Not Available	1,718	10.8%	3,846	24.2%

6. The parking analysis in the EIR and its assumption of current 25% average occupancy also conflicts with a more thorough analysis in the San Jose Redevelopment Agency's Downtown Parking Management Plan.

   The Downtown Parking Management Plan identifies the peak periods for downtown parking as midday on weekdays and evenings on weekends. To quote from the Plan, " by the year 2007, downtown parking demand was expected to reach 89% of the supply -- a point very close to the 'practical capacity' of the entire system " . This Plan did not contemplate any baseball stadium parking.

   Will the city prohibit baseball games during the day on week days, and on weekend evenings? If not, the EIR should cover these periods, and it should explain the discrepancy between its assumptions and the measurements and projections contained in the Downtown Parking Management Plan.

Letter
E23b
cont.

EIR Comments: Parking

7. The corrected parking numbers show that all available downtown parking will be heavily stressed, if not overwhelmed. The study does not seem to have considered other downtown events and venues that require parking, such as the Center for Performing Arts, Civic Auditorium, Convention Center, Tech Museum, and Children's Discovery Museum.

   What impact will they have on parking and traffic, during both the single event (baseball) and concurrent event (baseball and HP Pavilion) scenarios? Conversely, what impact will the downtown parking shortage have on these venues? Will the baseball stadium effectively cannibalize other downtown activities?

8. Heavy downtown parking demand for baseball can be anticipated to force an end to the 'free after 6 PM' parking policy in public lots, or at a minimum, to cause these lots to fill up quickly.

   What effect will this have, on existing downtown movie theaters, clubs, restaurants, museums, and theaters?

9. San Jose regularly holds downtown festivals of various sorts on summer weekends. The draft EIR does not consider the possibility that these may occur at the same time as a baseball game. Will these be discontinued? If not, what would be the combined effect on traffic, parking, and pedestrian flow?

10. The draft EIR mentions that continuous pedestrian flows could make it difficult for vehicles accessing cross-streets and driveways along Park Ave. and San Fernando St. between Autumn and SR-87. But given the likely more far ranging locations of parking east of SR-87, won't intersections and driveways east of SR-87 also have this problem? For example, won't there be problems at the Almaden intersections?

11. If the response to the parking problems outlined in these comments is to build more parking, note that the Downtown Parking Management Plan estimates the cost of each additional parking space is $40,000.An additional 1,000 spaces would cost $40 Million. Who would pay for this?

COMMENTOR E23
Marc Morris

E23a-1: Please see Master Response Transportation, Circulation and Parking #6, Freeway Traffic 6:00-7:00p.m.

E23a-2: Please see Response to Comment D6-3.

E23a-3: Significant time would be lost in dropping someone off at the stadium and then going to park a car, especially if the parking were far away. It would be much faster to go straight to the parking and then walk to the stadium. The EIR authors believe that the drop-off and pick-up assumptions, based on a survey at the HP Pavilion, are valid for purposes of this analysis. Other stadiums around the country were contacted, but none keep statistics on the number of drop-offs and pick-ups.

E23a-4: Please see Master Response Transportation, Circulation and Parking #4, I-880.

E23a-5: Traffic generated by the new San Jose Market Center project on Coleman is accounted for in the analysis of cumulative impacts.

E23a-6: As this comment suggests, given that the parking would be dispersed over a large area, it would be necessary to provide a good signage and traffic control program to insure that patrons approaching from all directions can find available parking. That is the purpose of the Traffic and Parking Management Plan (TPMP) that is recommended in the Draft EIR. It would be the function of such a plan to streamline operations such that patrons are most effectively guided to parking facilities. A TPMP was prepared for the San Jose Grand Prix, which similarly relied on parking dispersed throughout downtown. Implementation of the TPMP resulted in no problems with vehicles looking for parking. Please also see Master Response Transportation, Circulation and Parking # 5, Neighborhood Traffic and Parking.

E23a-7: The City of San Jose maintains a list of all approved development throughout the city and tracks the projected traffic associated with that development through all intersections in the city. Thus, all approved development are accounted for in the traffic study. With regard to land use plans, rather than approved development, those are accounted for in the Cumulative section of the Draft EIR. The Cumulative analysis includes buildout of downtown San Jose and surrounding areas in accordance with adopted land use plans.

E23a-8: With mitigation, traffic operations are expected to remain within the City's standard of LOS D. Thus, transit vehicles would not be delayed by traffic congestion.

E23a-9: Please see Master Response Transportation, Circulation and Parking #1, Additional Intersections.

E23b-1: Please see Response to Comment C5-50.

E23b-2: The 1,355 on-street parking spaces referred to in the Draft EIR all are east of the stadium site. Losses due to the recommended mitigation measures would be negligible. The 75 percent availability factor (25 percent used) is an average derived from a survey taken by the Redevelopment Agency in 2005. Some parking facilities, such as the on-street spaces, are more than 25 percent utilized, but others, such as the private garages are much less utilized. The 25 percent utilization is an average. Please see Response to Comment E23a-5 to the issue of traffic circulating looking for parking.

E23b-3: The parking analysis on page 128 of the Draft EIR states that the simultaneous-events scenario would have a combined parking demand of "about 24,000 spaces." This estimate is comprised of about 17,200 spaces for the stadium and about 6,800 spaces for the Pavilion. These numbers are in line with those suggested in this comment. A scenario with a sold-out concert on the same night as a sold-out baseball game would be a rare occurrence. Please also see Master Response Transportation, Circulation and Parking #3, Scenario Assumption.

E23b-4: It is not reasonable to assume that parking facility operators, if offered the opportunity to sell parking spaces, would settle for anything less than 100 percent occupancy. In fact, some operators might find it profitable to implement valet parking, in which case they could stack parking and achieve up to a 25 percent increase in their capacity.

E23b-5: Please see Response to Comment C5-50. For those patrons having to park at distances of more than ¾ mile from the stadium, it is recommended that a shuttle be considered from parking areas to the facility. In the simultaneous events scenario, the demand of 24,000 spaces could essentially be met within downtown San Jose. This comment uses an "effective supply" factor of 85 percent to calculate a shortage of 3,000 spaces for the simultaneous-events scenario. As noted in Response to Comment E23b-4 this assumption likely errs on the low side because those selling short term parking spaces would be attempting to maximize their profits.

E23b-6: This comment uses incorrect assumptions to conclude that parking would be deficient, as noted in Response 3 (above). This comment also incorrectly assumes that if parking spaces are available at 7:00 p.m., they must not be available before 7:00 p.m. In fact, the stadium would make good use of the parking supply because stadium patrons would be arriving as downtown workers were leaving. Downtown parking peaks at 2:00 p.m. in the afternoon and declines after that. Downtown employees typically leave between 5:00 p.m. and 6:00 p.m., which is when stadium patrons would begin to arrive. By 6:00 p.m., most downtown employees are gone, but most stadium patrons would not yet have arrived. There would be little overlap between the two.

E23b-7: Please see the master response for Daytime Games Parking. The existing parking utilization was derived from a field survey done by the Redevelopment Agency in Fall 2005. The parking utilization factors used in the Draft EIR are not assumptions, but represent the measured existing parking conditions. The future parking supply and demand situation is subject to many forces. The answer to this question would involve unwarranted speculation about supply, demand, the economy, prices, and timing of development. New parking structures are planned for downtown, and new development also is planned. The parking demand created by a stadium could favor the creation of more parking lots or garages to serve that demand, whereas now development of parking lots is not economically viable. It would not be prudent to suggest that additional parking should be built for the stadium now when parking demand can only be estimated, and a significant amount of existing parking is vacant.

E23b-8: Please also see Master Response Transportation, Circulation and Parking #3, Scenario Assumption.

E23b-9: The occupancy rates used include ambient parking usage for downtown businesses. It is conjecture to anticipate an end to 'free after 6:00 p.m.' parking.

E23b-10: Please also see Master Response Transportation, Circulation and Parking #3, Scenario Assumption.

E23b-11: Pedestrian activity would be heaviest along San Fernando Avenue and Park Avenue near the stadium. Farther away from the stadium within the downtown the parking lots are sufficiently dispersed that pedestrian crossing needs would not affect intersections operations.

E23b-12: The Draft EIR concludes that the existing parking is adequate. No additional parking is recommended.

Letter
E24

April 1, 2006

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

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Who requested the EIR for a Baseball Stadium? 1

Who pays for it? 2

Can the public request that a Soccer Stadium be included in this EIR for the Baseball Stadium? 3

How can an EIR for a Soccer stadium be requested? 4

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COMMENTOR E24
Dorothy Morton

E24-1: The City of San Jose Redevelopment Agency is the project applicant. Agency staff were directed to undertake this analysis by the Mayor and City Council. Upon receiving the proposal for the stadium project, the City of San Jose Department of Planning, Building, and Code Enforcement determined that an EIR would be required to evaluate the impacts of the proposed project. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E24-2: Please see Response to Comment E15c-1.

E24-3: Please see Master Response Alternatives #1, Soccer Stadium.

E24-4: Please see Master Response Alternatives #1, Soccer Stadium.

Letter
E25

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

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I understand the intent of using worst-case scenarios for the EIR. However, given recent news the stadium concept may not paint a realistic picture of what may occur. To that end I have some suggest

1. Consider an alternative that has a smaller capacity stadium - 35-38,000 1
   - A's have floated this number as their preferred capacity
   - A smaller stadium should have built-in mitigation measures for traffic, pollution, light, and noise

2. Would changing the stadium's orientation (15-30 degrees) potentially mitigate impacts? 2

3. What impact would a dual-stadium complex have (baseball/soccer)? 3

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COMMENTOR E25
Rhamesis Muncada

E25-1: One of the project objectives included on page 33 of the Draft EIR is "an open-air stadium of 45,000 seats and associated facilities meeting major league standards for size and quality of improvements expected in modern stadium." This seating capacity was based upon other recently constructed stadiums. The commentor is correct, environmental impacts associated with the number of people (and vehicles) coming to the project site and frequency of events at the project site might be reduced under the development of a smaller stadium. The decrease in project size (20 percent) but maintenance of the same baseball use is similar enough to the proposed project that it would negate its value as an alternative.

E25-2: Changing the orientation of the stadium would not mitigate impacts to noise, but could shift the impacted areas slightly to a different location. While the stadium layout is presented in concept only, it should be noted that the facility's orientation (more precisely, the baseball diamond's orientation) is constrained by the angle of the sun.

E25-3: Please see Master Response Alternatives #1, Soccer Stadium.

Letter
E26

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

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MARCH 28, 2006

COMMENTS ARE REGARDING PARKING, NOISE AND LIGHT.

PARKING - THE STUDY APPEARS TO BE INADEQUATE. APPROXIMATELY 15,000 ARE REQUIRED FOR A SOLD-OUT EVENT AND ONLY 14,000 ARE AVAILABLE - ACCORDING TO THE STORY. 1st THE ASSUMPTION OF 15,000 REQUIRED SPACES SEEMS VERY LOW FOR A 45,000 SEAT STADIUM. HOW WAS THIS NUMBER DETERMINED? ARE THERE ANY EXAMPLES TO VALIDATE IT? WHAT IF IT'S OFF BY 25-100%? 1

THE PROJECT STARTS OFF 1000 SHORT ON THE REQUIRED NUMBER BUT DOES NOT DETAIL HOW TO FILL THIS GAP. HOW WOULD THIS DEFICIT BE FILLED AND WHAT IS THE ASSOCIATED TRAFFIC IMPACT? 2

FINALLY ON TRAFFIC A SOLD-OUT EVENT AT BOTH STADIUM AND PAVILLION WOULD YIELD A DEFICIT of UP TO 10,000 SPACES. WHY DOES THE STUDY NOT ARTICULATE THIS? WHAT IS THE EXACT NUMBER OF SPACES THAT WOULD BE REQUIRED IN A SOLD OUT EVENT IN BOTH LOCATIONS? HOW WOULD THIS DEFICIT BE FILLED? WHAT IS THE TRAFFIC IMPACT OF THIS SCENARIO? 3

NOISE - THE NOISE PERMIATION ARE DEFINED BY THE STUDY APPEARS INADEQUATE. HOW WAS THIS PERMITER DETERMINED? WHAT PRECEDENT AND EVIDENCE WAS 4

Contact Information

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Letter
E26
cont.

DIRIDON/ARENA AREA STADIUM EIR

USED TO VALIDATE THIS FINDING? MITIGATION PROPOSALS FOR EXCESSIVE NOISE APPEAR INADEQUATE. GIVEN THAT NOISE LEVELS ARE NOT ADEQUATELY PROJECTED AND CANNOT BE ADEQUATELY MITIGATED WHY IS THE PROJECT ALLOWED TO CONTINUE AS PLANNED? **4 cont.** **5**

LIGHT – AGAIN THE IMPACT ON BOTH LICK AND THE AIRPORT DO NOT APPEAR TO BE ADEQUATE. WHAT REFERENCES WERE CHECKED WITH RESPECT TO SIMILAR PROJECTS ADJACENT TO AND IN-LINE WITH ~~AN~~ A MUNICIPAL/COMMERCIAL AIRPORT TO DETERMINE AND CROSS CHECK POTENTIAL IMPACT? **6**

IN THE EVENT AIR TRAFFIC IS SUBSEQUENTLY FOUND TO BE SIGNIFICANTLY IMPACTED WHAT IS THE MITIGATION PLAN? **7**

WHAT IS THE IMPACT OF NOISE AND AIR POLLUTION IF AIR TRAFIC NEEDS TO BE RE-ROUTED? **8**

WHAT IS THE DETAILED MITIGATION PLAN FOR LIGHT INTERFERENCE WITH LICK? **9**

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E26
Richard Niesei

E26-1: Analysis of parking supply and demand is provided in the Draft EIR in Chapter V, pages 127-128. The estimated off-site parking demand is approximately 16,200 spaces. This is derived from the assumed sold-out attendance (45,000), factored by the percentage of patrons who would drive to the stadium (90 percent), additionally factored by the average number of patrons per vehicle (2.3). This number is reduced by the proposed new onsite parking (1,350 spaces) to obtain the demand for offsite spaces. The percentage of patrons driving to the facility was estimated from a survey of Sharks patrons, and is, if anything, conservatively high in that other stadiums in the country have higher use of transit than assumed herein.

E26-2: The Draft EIR shows no parking deficit within the downtown for a single event scenario. If there is a simultaneous sold-out event at the HP Pavilion, the downtown deficit would be around 700 spaces. It is expected that this deficit would be made up by a greater transit share or more carpooling.

E26-3: The study makes clear the parking situation for simultaneous events at HP Pavilion and at the stadium. Simultaneous events at the HP Pavilion and at the stadium would create a demand for 23,908 parking spaces. Within the downtown there are 31,081 parking spaces. Surveys have shown that about 75 percent of these spaces (23,310) are unoccupied at 7:00 p.m. Thus, the estimated parking demand would be met. Some fans would park beyond ¾ mile away. A shuttle bus service is recommended, as is encouragement of transit use or ridesharing.

E26-4: The noise contours were determined based on crowd and concert noise monitored at similar venues (see pages. 166-167 of the Draft EIR).

E26-5: Mitigation measures would lessen the noise impacts; however noise impacts were determined to be significant and unavoidable as shown in the EIR (pages 161-172).

E26-6: Please see Responses to Comments C6-13 and D2-5.

E26-7: Please see Response to Comment C6-13.

E26-8: There is no expectation that the proposed project would lead to flights being re-routed. No further response is necessary.

E26-9: Please see Response to Comment D2-5.

Letter
E27

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

① WHAT STEPS DOES IT TAKE TO GET A SOCCER SPECIFIC STADIUM INCLUDED FOR REVIEW AS: "AN ENVIRONMENTALLY SUPERIOR ALTERNATIVE"? 1

② RHETORICAL QUESTION:

IF A SOCCER SPECIFIC STADIUM IS NOT INCLUDED IN THIS STUDY — WOULD NOT THE STUDY BE OPEN TO UNDESIRABLE PRESUMPTIONS OF BEING INCOMPLETE AT THE TIME OF THE FINAL 2007 BALLOT VOTE (?) 2

Contact Information

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by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E27
Bill Nicci

E27-1: Please see Master Response Alternatives #1, Soccer Stadium.

E27-2: Please see Master Response Alternatives #1, Soccer Stadium.

Letter
E28

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

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What is the visual impact to Independence Day Fireworks as viewed from Cahill Park? 1

what will be the impact to public parking west of the tracks? The Billy DeFrank Center on the Alameda has a free public lot that will be overloaded. 2

Contact Information

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COMMENTOR E28
Brian Pirhl

E28-1: Please see Response to Comment D16-8.

E28-2: Please see Master Response Transportation, Circulation and Parking #5, Neighborhood Traffic and Parking.

Letter
E29

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

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How will the height of the stadium and it's impact on the air space be solved. 1

To destroy the sunlight on the Diridon station is an aesthetic crime. If you do that San Jose has NO style! No way to mitigate – it is significant! You take away all our beauty. 2

Contact Information

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by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E29
Adele Poenisch

E29-1: Please see Response to Comment A1-1.

E29-2: The comment is noted. The Draft EIR identifies significant unavoidable shading impacts to Diridon Station in the morning hours throughout most of the year. Please also see Response to Comment C5-3, regarding significant unavoidable impacts.

Letter
E30a

DIRIDON/ARENA AREA STADIUM EIR

Yes

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

CEQA Requires that All Reasonable Alternative uses be included in DEIR for a property under Review / Analysis.

Why does the DEIR Not include detailed site Alternative Uses especially if the Ballpark vote Authorizing expenditure of Public funds is Not approved for example Additional Mixed use / Residential high rise development. 1

Contact Information

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Letter
E30b

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

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(1) The Redevelopment Agency had a aerial photo on their web site with approved / proposed building simulations in the Arena / Wixen Co (S Autrose) and Diridon / Downtown extension that showed the public what the area would look like but removed that aerial photo and ~~no longer~~ (ER) only shows an aerial photo that shows existing buildings that does not show public the future skyline / buildings in the area

Please put back to simulated building aerial photo

(2) Diridon Specific Plan reads as Draft on web site / printed out copy which leads to public confusion since the Diridon SP has been approved.

(3) Why was the 880 / Coleman Traffic Analysis not include in DEIR from Autumn / Bird?

Contact Information

Name: Ed Rast

Address: 1019 Spencer Ave SJ CA 95125

E-mail (optional:

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COMMENTOR E30
Ed Rast

E30a-1: Please see Response to Comment C9-13.

E30b-1: Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E30b-2: Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E30b-3: Please see Master Response Transportation, Circulation and Parking #4, I-880.

Letter
E31

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

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(1.) WHAT STEPS HAS THE PLANING DEPARTMENT TAKEN TO ABATE THE NOISE GENERATED BY THE PROPOSED BALLPARK TO THE EXISTING RESIDENTIAL NEIGHBORHOODS. (SEE MORE BELOW) 1

(2) INSPITE OF EXISTING PERMIT PARKING REQUIREMENTS (W. SAN FERNANDO ST. OR SUNOL ST FOR EXAMPLE) A NUMBER OF FANS ATTENDING FUNTIONS AT HP PAVILION USE THE EXISTING NEIGHBORHOODS TO PARK FOR SAID FUNTIONS. ALTHOUGH THE PLANNING DEPARTMENT OMITTED THESE AREAS FROM THE POSIBLE FAN PARKING AREAS FOR THE PROPOSED BALLPARK, THERE IS A NOW EXISTING PEDESTRIAN TUNNEL CONNECTING FOOT TRAFFIC FROM THE ST. LEO'S NEIGHBORHOOD TO THE DIRIDON TRAIN STATION. WHAT STEPS HAS THE PLANNING DEPT TAKEN TO PREVENT FANS ATTENDING THE PROPOSED BALL PARK FROM PARKING IN THESE NEIGHBORHOODS 2

(1A) NOISE FROM FUNTIONS AT INDEPENDANE PARK ALLREADY TRAVELS FAR PAST THE IMPACTED AREAS INDICATED BY THE STUDY 3

Contact Information

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COMMENTOR E31
Edward Reyes

E31-1: The EIR identifies potential residential neighborhoods in which noise exposure would increase, either temporarily during construction or over the long term operation of a baseball stadium. Should the proposed project move forward, the City of San Jose would undertake mitigation measures shown in Chapter V.E, Noise, of the EIR.

E31-2: Please see Master Response Transportation, Circulation and Parking #5, Neighborhood Traffic and Parking.

E31-3: The EIR looked at the noise levels that would exceed the levels of significance identified by City standards as presented in the EIR significance criteria. Noise from the stadium may be audible in other areas outside the 60 dBA noise contour. However, noticing such noise does not necessarily constitute a significant adverse impact.

Letter
E32a

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

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Has there been any discussion as to how the rest of the property will be acquired to build the stadium? 1

Contact Information

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Letter
E32b

DIRIDON/ARENA AREA STADIUM EIR

4/1

EIR COMMENTS

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Please adjust your noise projection circle to include those areas on the opposite side of the Train station and west of the Stadium. It is completely inaccurate for this EIR to claim that homes in this area will not be affected by the noise from the stadium. I know because I live less than a block away from the Dirdon Train Station and have already suffered from an EIR that failed to mention the nightly racket caused from the Train CaL maintenance yard that works from 11:30 PM to 5:30 AM 5 nights a week. 1

Thank you

Joan Samuels

April 1, 2006

Contact Information

Name: Joan Samuels

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by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E32
Joan Samuels

E32a-1: As has occurred to date for several properties within the project site boundaries, the City of San Jose would negotiate with respective property owners for the purchase of their properties. If negotiations are unsuccessful, the City could use eminent domain to acquire the property. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E32b-1: The noise contour line shown in Figure V.E-2 of the EIR indicates the concert and ballgame 60 dBA L_{eq} impact area. Unlike the train maintenance yard activity that is not only closer to the homes west of the train tracks but also without any shielding, the stadium would attenuate noise from the public address system and lessen the impacts to areas west of the project site. Spectator noise (yelling and cheering) would be directed northeast and have less impact to areas west of the project site. Noise from the stadium may be audible, however it would not exceed City standards that are applied throughout the city.

Letter
E33a

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

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You said it was single use but then you refer to concerts, so I am confused about that. Please clarify. 1

I am also not sure how people walking in the neighborhoods will affect property if they suffer. I have that problem where I lived - near DMV 2

Contact Information

Name: Claudia Shope

Address:

E-mail (optional:

TEACH TOLERANCE

Ms. Claudia Shope
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San Jose, CA 95110

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Letter
E33b

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

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Based on the answer about concerts - that would be great I would like to see some really cool rock concerts! 1

I am very concerned about litter and garbage that people leave on property owners houses. 2

Contact Information

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COMMENTOR E33
Claudia Shope

E33a-1: The proposed project is for a major league baseball stadium. It is "single-use" in that the field and orientation of the stadium would not be designed to accommodate the use of a sporting activity other than baseball, such as soccer or football, which would have different design requirements. Concerts would be temporary events in which stages and other such facilities could be temporarily erected to accommodate such events. Please see Chapter III, Project Description of the EIR (pages 33-46), for a more detailed description of the proposed project.

E33a-2: Please see Master Response Land Use #1, Increased Trash.

E33b-1: The comment is noted. The commentor has expressed support for concert events at the proposed stadium. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E33b-2: Please see Master Response Land Use #1, Increased Trash.

Letter
E34

DIRIDON/ARENA AREA STADIUM EIR

4/1

EIR COMMENTS

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The traffic Parking & Circulation studies were completed prior to the City Support & long term (9 year) contract with the Grand Prix.

Parking lots along Almeden will be used and out of service for approximately 2 months during baseball season while bleachers are constructed & removed

Light rail service will be disrupted with bus bridges thru down town

The Grand Prix creates huge impacts on Downtown traffic, parking & circulation.

The Draft EIR Traffic, Parking & Circulation study needs to be completely re examined and studied to include the impact of the Grand Prix which has significant long term impacts on Roads & parking lots in the Downtown Core

1

Contact Information

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COMMENTOR E34
Kathy Sutherland

E34-1: Please see Response to Comment C5-10.

Letter
E35

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

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1. Nothing in the presentations seems to address the area on the other side of the railroad tracks. However, the stadium site is on one edge of the EIR subject area. Doesn't this require a revised EIR to address the effects on this area? **1**

2. What will be the impact of the accellerated high-density development brought about by the construction of the ballpark? Has this been addressed? Traffic, utilities, safety, sanitation etc.? **2**

3. Has a "dollar" figure been placed on the extra cost of the mitigation measures? **3**

4. What will be the impact effects of "normal" development on this area? **4**

5. What are the bases for the assumptions on traffic — (a) Dual Event affects pedestrian traffic only (b) available space for parking not assuming any non-lot (paid space) or on street parking effects? **5** **6**

Contact Information

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COMMENTOR E35
Michael Ward

E35-1: The area west of the project site, west of the railroads tracks is considered throughout the entire Draft EIR. Potential impacts to existing uses west of the project site are explicitly discussed in the following sections:

- Land Use
- Transportation, Circulation and Parking
- Air Quality
- Noise
- Hazards and Hazardous Materials
- Cultural and Paleontological Resources
- Visual and Aesthetic Resources
- Shade/Shadow and Light/Glare

Other environmental issue topics, such as geologic resources, consider the project area (north, south, east, and west) as a whole.

E35-2: Individual development applications received by the City of San Jose would be subject to subsequent environmental review, as necessary.

E35-3: Mitigation measures are recommended to reduce potentially significant impacts of the proposed project. The additional cost, if any, of incorporating these mitigation measures into the proposed project would be considered by the City as part of project development.

E35-4: It is unclear what the commentor believes to be "normal" development for the area. It is assumed that the commentor is referring to development of the project area without development of the proposed project. Please see Response to Comment B4-8 for a description of the Existing Plan Alternative.

E35-5: Simultaneous events will affect the distribution of traffic surrounding the area, both pedestrian and vehicular. The traffic analysis (pages 93-137) takes this into account.

E35-6: Please see Response to Comment C5-50, in regard to parking. The parking analysis is explained in the Draft EIR (pages 127-128) and the traffic study (pages 75-80). Parking availability was surveyed with the assistance of the Redevelopment Agency. An average availability was derived from the survey. On street parking in non-permit-parking areas and unrestricted/no-time-limit areas was included. Please also see Master Responses Transportation, Circulation and Parking #2, Daytime Games Parking and #5, Neighborhood Parking and Traffic.

Letter
E36

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

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Any proposal to build a stadium in San Jose should also consider the alternative of building a stadium for Major League Soccer. A soccer-specific stadium (SSS) would be smaller, thus less costly and with less environmental impact and yet would be available for a wider range of uses than a Baseball-only stadium as is currently being considered. The alternatives presented in the EIR include only no-build and other locations, not other types of stadia which could be built. 1

I do not oppose baseball but I do think San Jose needs to consider all possible stadium options, not just baseball. The EIR should include traffic and other kinds of impact for a 30,000-seat soccer facility as an alternative option.

Contact Information

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COMMENTOR E36
William Ward

E36-1: Please see Master Response Alternatives #1, Soccer Stadium.

Letter
E37

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

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(1) WAS THE ANALYSIS of TRAFFIC / PARKING ETC. CONSIDERED on DAY VERSUS Night GAMES? 1

(2) HOW MANY HOMES ARE ACTUALLY IMPACTED ~~within AREA FOR~~ 2

Contact Information

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E-mail (optional:

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COMMENTOR E37
Randy Zechman

E37-1: Peak period traffic volumes do not occur until early evening. The typical game time is at night or weekends. Day games were not analyzed for traffic. Parking was analyzed for all these scenarios. Please see Master Responses Transportation, Circulation and Parking #2, Daytime Games Parking and #3, Scenario Assumption.

E37-2: It is unclear what the commentor is requesting in "how many homes are actually impacted." Different environmental impacts would occur for each topic and would affect different numbers of homes to different degrees. As summarized on page 5 of the Draft EIR, impacts in the following topical areas would be significant without the implementation of mitigation measures, but would be reduced to a less-than-significant level if the mitigation measures noted in this report are implemented:

- Land Use
- Transportation, Circulation and Parking
- Air Quality
- Noise
- Biological Resources
- Geology, Soils and Seismicity
- Hydrology and Water Quality
- Hazards and Hazardous Materials
- Cultural and Paleontological Resources
- Visual and Aesthetic Resources
- Shade/shadow and Light/glare
- Utilities

Implementation of the proposed project would result in the following significant unavoidable adverse impacts:

- State Route 87 would experience a significant impact from project traffic along two of the analyzed segments; I-280 would experience a significant impact from project traffic along two of the analyzed segments.
- Long-term project-related regional emissions would exceed the BAAQMD thresholds of significance for ozone precursors.
- Traffic noise levels along W. San Fernando Street would exceed the City's short-range noise quality standards.
- Stadium events would increase the ambient noise level resulting in impacts to nearby residential land uses.
- Construction activities would result in short-term increases in noise.

- Temporary fireworks displays would result in isolated increases in noise.
- A structure listed on the *City of San Jose Historic Resources Inventory* as Structures of Merit, which also appears to be both a candidate City Landmark and eligible for the California Register would be demolished.
- The San Jose Diridon Station, a City landmark listed in the National Register, would sustain indirect impacts due to demolition of adjacent buildings and direct impacts due to the alteration of the character of the Station's setting.
- Nighttime operation of the stadium would increase light and glare in the area and present a nuisance to surrounding land uses.

Letter
E38a

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

(1) Have you received the 3/24/06 letter to Michael Rhodes from Don Gagliardi of Soccer Silicon Valley? (Don Gagliardi) 1

(2) Why is a soccer stadium not examined as an alternative? 2

(3) Why is there no "soccer and baseball" alternative? 3

(4) Why is the closure of Park Street not examined? 4

(5) With no baseball team here who did you consult with for a stadium's needs? Could a new future team require a new EIR due to different real-world needs? 5

Contact Information

Name: Ned Zuparko

Address: 15443 Corinne Dr LG 95032

E-mail (optional): nedz@mindspring.com

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

Letter
E38b

DIRIDON/ARENA AREA STADIUM EIR

4/1

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

(1) Will you have a City attorney at your next EIR meeting to answer questions about legal deficiencies about your study? 1

(2) If you are directed to study soccer what would be involved? (How long would it take, is it a supplement or a whole new process, etc?) 2

Contact Information

Name: Ned Zuparko

Address: 15443 Corinne Drive LG 95032

E-mail (optional:

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E38
Ned Zuparko

E38a-1: The letter referred to by the commentor is included as Letter C8. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E28a-2: Please see Master Response Alternatives #1, Soccer Stadium.

E38a-3: Please see Master Response Alternatives #1, Soccer Stadium.

E38a-4: Closing Park Avenue is not being proposed and was not found to be necessary. Closing Park Avenue would shift vehicle volumes to other streets and would unnecessarily create impacts for those locations. Pedestrians crossing Park Avenue could be accommodated with widened crosswalks.

E38a-5: As noted on page 34 of the Draft EIR, the firm hired to do conceptual development studies was HOK Sport. This firm has designed urban ballparks such as AT&T Park in San Francisco and PETCO Park in San Diego, among others. Please also see Response to Comment C6-1.

E38b-1: The commentor is referring to the proceedings of the public information meeting at which the subject comment card was submitted. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E38b-2: Please see Master Response Alternatives #1, Soccer Stadium.

Letter
E39

DIRIDON/ARENA AREA STADIUM EIR

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the Diridon Arena Area Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/28/06) or to Michael Rhoades via the methods listed below by 5:00P.M. on May 4, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

- Where will the 1500 - 1800 employees park? 1

- You have not accounted for other downtown activities that require parking such as symphony, CPA events and other high traffic games 2

- There appears to be no analysis of existing peak hour traffic after 6 pm - You must look at the other off ramps of 280. 3

Contact Information

Name: _____

Address: _____

E-mail (optional: _____

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E39
Commentor Unknown #1

E39-1: Please see Response to Comment E12-5.

E39-2: Please see Master Response Transportation, Circulation and Parking #3, Scenario Assumption.

E39-3: Please see Master Response Transportation, Circulation and Parking #6, Freeway Traffic 6:00 to 7:00 p.m. The analysis looked at every off-ramp that reasonably would be used. After 7:00 p.m. there would be little to no stadium traffic until the game was over. At the time that night games typically end, there is little ambient traffic in the downtown area.

Letter
E40

DIRIDON/ARENA AREA STADIUM EIR

The traffic Congestion is going to affect this whole area. !! Not just the intersections close to the stadium that you mentioned.

We already have traffic Congestion from our normal five o'clock traffic through our freeways and streets.

How can you improve it after the stadium is built and thousands more cars pour into this small area ?? please answer.

You say you can control noise from concerts. I really don't think so. How can you do that ?? Please answer !!! I live in Condominium Complex at Park avenue and Delmas. This is a nightmare, air pollution is already very bad in the summer.

1

2

3

4

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E40
Commentor Unknown #2

E40-1: Please see Master Response Transportation, Circulation and Parking #1, Additional Intersections.

E40-2: The DEIR includes a complete traffic study with analysis of intersections and freeways, including impacts and mitigations. There is a recommendation for the city to develop a Traffic and Parking Management Plan, which would discourage non-resident traffic and parking on neighborhood streets. Please see Master Response Transportation, Circulation and Parking #5, Neighborhood Traffic and Parking.

E40-3: Event noise from the stadium has been identified as a significant unavoidable impact. To reduce impacts to the extent possible, Mitigation Measure NOISE-3 would limit the maximum sound level the sound board for concerts to 95 dB.

E40-4: Referencing Table V.D-5 of the EIR. Localized carbon monoxide air pollution concentrations at the intersection of Delmas and Park Avenue would not exceed State or federal air pollution standards with the proposed stadium. Existing air pollution levels in the project area are shown in Table V.D-3 and Table V.D-4 of the EIR. Ambient monitoring indicates that California ozone standards were exceeded one time in 2004 and PM_{10} standards were exceeded four times in 2004.

Letter
E41

DIRIDON/ARENA AREA STADIUM EIR

1. How did the city decide what property to build stadium on? **1**

2. How many parking spaces does AT+T stadium in LA have? **2**

3. Suggest San Jose gets a team first and then ~~build a stadium for that team~~, let that team build their own stadium. **3**

4. How many parking lot spaces are definitely designated for ballpark parking? 1 space on 4th street 3/4 miles away ~~seem~~ sounds like not enough parking not enough customers **4**

5. Suggest city use FMC area instead of this small area; or the fairgrounds. **5**

Please return EIR comment card during meeting, or
by mail to: Michael Rhoades, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: Michael.Rhoades@sanjoseca.gov

COMMENTOR E41
Commentor Unknown #3

E41-1: The City of San Jose has considered many locations for a baseball stadium. The site selection criteria are incorporated into Project Objectives, on page 33 of the Draft EIR, and include:

- a site that is at least 14 acres, located within the Greater Downtown area of San Jose, and of a configuration capable of accommodating the above-described stadium and associated facilities;
- a site that is readily accessible (within ¾ mile) by substantial public transportation opportunities, especially regional transit;
- a site that offers potential for using a high number of existing parking facilities (within ¾ mile) and offers the potential for dedicating up to 150 spaces on-site for exclusive use by the stadium ;
- a site that possesses views of the Downtown San Jose skyline and the sense of Silicon Valley between the Santa Cruz and Diablo Mountain Ranges; and
- a site that can provide an appropriate context for designing a modern structure in the architectural tradition of old ballparks.

E41-2: Some informal research indicates the stadium in San Francisco has 6,500 spaces within 5 to 10 minutes' walk and another 5,000 spaces dedicated to baseball events on site.

E41-3: The comment is noted. Please see Response to Comment E5a-1. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

E41-4: There are 1,350 parking spaces in proposed new facilities that would be built for the stadium and designated for use by the stadium. There would then be over 30,000 parking spaces in the downtown area.

E41-5: The comment is noted. Pages 331-335 of the Draft EIR evaluate the impacts of locating the proposed project at the FMC/Coleman Avenue location. Because the comment does not relate to the adequacy of the Draft EIR, no further response is necessary.

IV. DRAFT EIR TEXT REVISIONS

Chapter IV presents specific changes to the text of the Draft EIR that are being made to clarify any errors, omissions, or misinterpretation of materials in the Draft EIR, in response to comments received during the public review period. In no case do these revisions result in a greater number of impacts or greater severity than those set forth in the Draft EIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with underlined text. Text deleted from the Draft EIR is shown in ~~strikeout~~. Pages numbers correspond to the page numbers of the Draft EIR.

These revisions to the Draft EIR derive from two sources: (1) comments raised in one or more of the 86 comment letters received by the City of San Jose on the Draft EIR; and (2) staff-initiated changes that correct minor inaccuracies or typographical errors found in the Draft EIR subsequent to its publication and circulation.

In no case do these revisions result in a greater number of impacts, or impacts of a greater severity than those set forth in the Draft EIR.

Pages 9, 15 and 26, Table II-1, Summary of Impacts and Mitigation Measures, are revised as shown on the following pages.

Page 43 is revised as follows:

> **a. Reconfiguration.** Reconfiguration would ~~largely~~ involve ~~minor~~ substantial above ground changes to the existing substation. ~~However, i~~ In order to keep the substation operational during construction, reconfiguration would take place in phases and a new bank of electrical switch-gear to accommodate future electrical demand would also be required. With this addition, there would be a total of ~~four~~ five electrical banks (three standard transformers and two smaller transformers) resulting in a slightly larger substation footprint. The additional size has not yet been determined and it is possible that ~~the fourth electrical bank may fit within the existing enclosure~~ additional land to the north and east of the existing substation would be needed to accommodate the reconfiguration. Additions to the existing substation would be appropriately screened.
>
> **b. Relocation.** If necessitated by stadium site design, the PG&E substation would be relocated on the project site south of the proposed parking garage. Under this option, the substation would also be comprised of ~~four~~ five electrical banks (three standard transformers and two smaller transformers) and would permit a more efficient configuration of equipment. The relocated substation would be enclosed in an area approximately 250 feet by 340 feet. Most of the equipment would be less than 20 feet in height except as required for the necessary

Table II-1: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
A. LAND USE			
LU-1: Fireworks displays occurring during stadium events could present a hazard to the safe operation of the San Jose International Airport.	S	LU-1: In addition to obtaining the required City permit, fireworks sponsors shall coordinate events in advance with airport staff, the air traffic control tower, and the FAA (if requested by FAA) to ensure that the activity (timing, height, and materials) does not pose a hazard to the safe operation of the San Jose International Airport.	LTS
B. POPULATION, EMPLOYMENT AND HOUSING			
There are no significant population, employment and housing impacts.			
C. TRANSPORTATION, CIRCULATION AND PARKING			
TRANS-1: The level of service at Delmas Avenue and Park Avenue would degrade from the already unacceptable LOS F under background conditions. This condition constitutes a significant impact by City of San Jose standards.	S	TRANS-1: The impact at this intersection could be mitigated by adding a second southbound through lane on Delmas Avenue. The recommended lane addition would require widening the curb-to-curb roadway width by approximately 2 feet. This could be accomplished by acquiring additional right-of-way (ROW) along the east side of Delmas Avenue, or, if additional ROW cannot be acquired, by removing on-street parking on the east side of Delmas Avenue. It should be noted that the same improvement was identified as a mitigation measure for the San Jose Water Project. Based on the City's standards, the recommended improvements would satisfactorily mitigate the project impact.	LTS
TRANS-2: The level of service at Delmas Avenue and W. San Fernando Street would degrade from the already unacceptable LOS F under background conditions. This condition constitutes a significant impact by City of San Jose standards.	S	TRANS-2: The impact at this intersection could be mitigated by adding a second southbound through lane on Delmas Avenue. The recommended lane addition would require widening Delmas north of San Fernando by approximately 12 feet and south of San Fernando by two feet. It should be noted that the same improvement was identified as a mitigation measure for the San Jose Water Project, from which ROW dedication would be required. With the recommended improvement, the average vehicular delays at this intersection would be reduced to the LOS C range during the analysis period. Based on the City's standards, the recommended improvements would satisfactorily mitigate the project impact.	LTS
TRANS-3: State Route 87 would experience a significant impact from project traffic along two of the analyzed segments; I-280 would experience a significant impact from project traffic along two of the analyzed segments.	S	TRANS-3: Improvements to mitigate significant project impacts on freeway segments are infeasible due to right-of-way constraints and the land use impacts associated with acquiring additional right-of-way. These impacts are therefore considered significant and unavoidable.	SU

Table II-1 *continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
NOISE-5 *continued*		• Evaluate the feasibility of noise control at the receptor(s) by temporarily improving the noise reduction capability of those buildings; and • Monitor the effectiveness of noise attenuation measures by taking noise measurements once the measures are in place. • Residents within 1,000 feet of the pile-driving activity will be notified of the schedule for their use while they are in use. Portable acoustical barriers will be installed around pile driving equipment. • A name, address, and phone number of a contact person will be posted on the site to handle noise complaints. Implementing the basic measures required by Mitigation Measure NOISE-5~~4~~a would reduce potential impacts from construction activities. In addition, Mitigation Measure NOISE-5~~4~~b will further reduce the potential impacts from pile driving activities and other extreme noise generating construction activities in the vicinity of the construction site. However, even with the implementation of these mitigation measures, noise associated with the construction of the proposed project would be considered significant and unavoidable.	
F. BIOLOGICAL RESOURCES			
BIO-1: Construction of the proposed project would result in the removal of 45 ordinance-size trees.	S	BIO-1: Loss of ordinance size trees will be mitigated by implementation of landscaping plans approved by the City of San Jose, in conformance with the City of San Jose Landscape and Irrigation Guidelines and City of San Jose Planning Department specifications. For private projects, the City of San Jose requires tree replacement for those trees greater than 18 inches in diameter with 24-inch box trees at a ratio of 4:1 (trees planted to trees removed). Trees planted within the riparian corridor shall be native trees grown from Los Gatos Creek watershed stock. As a City proposed project, the City would commit to meeting the tree replacement ratio, but given the footprint of redevelopment on the site, replacement trees may be planted beyond the project site in the project area.	LTS

Table II-1 *continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
CULT-1 *continued*		~~CULT-1b: **Relocation.** If feasible, the building shall be stabilized and relocated to another nearby site appropriate to its historic character. After relocation, preservation, rehabilitation, and restoration, as appropriate, shall follow the Secretary of the Interior's Standards to ensure that the building retains its integrity and historical significance.~~	~~LTS~~
		CULT-1b~~e~~: **Incorporation.** If preservation or relocation is not possible, the building, or portions thereof, shall be incorporated into the ballpark to the extent feasible, following the Secretary of the Interior's Standards to ensure that the building retains its integrity and historical significance.	LTS
		CULT-1c: **Relocation.** If feasible, the building shall be stabilized and relocated to another nearby site appropriate to its historic character. After relocation, preservation, rehabilitation, and restoration, as appropriate, shall follow the Secretary of the Interior's Standards to ensure that the building retains its integrity and historical significance.	LTS
		CULT-1d: **Salvage.** If relocation, preservation, or incorporation are not possible, the building shall be offered to an appropriate agency or museum, such as History San Jose, for salvage of its architectural elements.	SU
CULT-2: The structure at 65 Cahill Street, adjacent to the project area, is a City Landmark and listed in the National Register.	S	CULT-2a: Prior to demolition or alteration of the proposed project area buildings HABS documentation of the exterior of the 1935 National Register Southern Pacific Depot and its setting shall be prepared. A brief historical overview of the depot and its relationship to the project area shall be prepared to accompany the photographic documentation. A brochure shall be prepared that presenting the history of the Depot, and made available for distribution to local libraries, museums, and schools.	SU
		CULT-2b: A historic preservation architect will be retained to minimize project impacts to the Diridon Station.	
		CULT-2c: The project will be referred back to the Historic Landmarks Commission for review.	
		CULT-2~~b~~d: Consultation with the Peninsula Corridor Joint Powers Board and the City shall be conducted to determine if these proposed mitigations are sufficient or if additional mitigations are necessary.	

Table II-1 *continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
CULT-5 *continued*		activities within 25 feet of the discovery to review the possible paleontological material and to protect the resource while it is being evaluated. If avoidance is not feasible, adverse effects to such resources shall be mitigated. Mitigation can include data recovery and analysis, preparation of a report and the accession of fossil material recovered to an accredited paleontological repository, such as the UCMP. Monitoring shall continue until, in the paleontologist's judgment, paleontological resources are no longer likely to be encountered. Upon project completion, a report shall be prepared documenting the methods and results of monitoring. Copies of this report shall be submitted to the City of San Jose Planning, Building, and Code Enforcement director and to the repository to which any fossils were transmitted.	
		CULT-5b: If paleontological resources are encountered during project activities, and a paleontologist monitor is not present, all work within 25 feet of the discovery shall be redirected until a qualified paleontologist has evaluated the discoveries, prepared a fossil locality form documenting the discovery and made recommendations regarding the treatment of the resources. If the paleontological resources are found to be significant, adverse effects to such resources shall be avoided by project activities. If project activities cannot avoid the resources, adverse effects shall be mitigated. At a minimum, mitigation shall include data recovery and analysis, preparation of a report, and the transmittal of any fossil material recovered to a paleontological repository, such as the UCMP. Upon completion of project activities, a report documenting the methods and findings of the mitigation shall be prepared and copies submitted to City of San Jose Planning, Building, and Code Enforcement director as well as to the paleontological repository to which fossils were transmitted. Project personnel should not collect or move any paleontological materials and associated materials. Fill soils used for construction purposes should not contain paleontological materials.	
K. VISUAL AND AESTHETIC RESOURCES			
VIS-1: The proposed project would alter the visual character of historic San Jose Diridon Station.	S	VIS-1: Implementation of Mitigation Measure CULT-2~~1~~a and CULT-2~~1~~b would somewhat reduce this impact. However, the alteration of the station's visual setting and feeling would remain a significant impact.	SU

Table II-1 *continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
VIS-2: The removal of all ordinance sized trees on the project site would substantially damage scenic resources.	S	VIS-2: Mitigation Measure BIO-1 requires the loss of ordinance sized trees would be mitigated by implementation of landscaping plans to be reviewed and approved by the City of San Jose. For private projects, the City of San Jose requires tree replacement for those trees greater than 18 inches in diameter with 24-inch box trees at a ratio of 4:1. As a City proposed project, the City would commit to meeting the tree replacement ratio, but given the footprint of redevelopment on the site, replacement trees may be planted beyond the project site in the project area. Implementation of Mitigation Measure BIO-1 would reduce impacts to scenic resources through the loss of trees to a less-than-significant level.	LTS
L. SHADE/SHADOW AND LIGHT/GLARE			
SHADE-1: Throughout most of the year in the morning hours, the proposed project would increase the shade and shadow cast on the historic San Jose Diridon Station.	S	SHADE-1: Implementation of Mitigation Measure CULT-2~~1~~a and CULT-2~~1~~b would somewhat reduce this impact. However, shadows cast over the station, particularly those that would occur during winter mornings (as exemplified by the shadow simulation for December 21), would remain a significant impact.	SU
SHADE-2: Obtrusive light and glare resulting from nighttime operation of the proposed stadium could present a nuisance to surrounding land uses, specifically nearby residences and the Lick Observatory.	S	SHADE-2a: The proposed project shall incorporate lighting controls at the proposed stadium to reduce the potential nuisance associated with obtrusive light and glare resulting from nighttime stadium operation. Lighting banks shall be placed and designed to minimize obtrusive spill light and glare as much as possible (e.g. shielding at the source) and shall be directed towards the playing field and away from the sky. SHADE-2b: After nighttime events, when nighttime stadium cleanup is necessary, the field lights shall be reduced to one-third of their standard intensity and shall remain on no more than one hour after the event to provide lighting for cleanup activities.	SU
SHADE-3: Light and glare associated with the proposed scoreboards and lighting structures and fireworks displays could interfere with the safe operation of the San Jose International Airport during nighttime events.	S	As discussed in Section V.A, Land Use, of this EIR, a Determination of No Hazard from the FAA would be required for the proposed project prior to development approval. In addition, implementation of Mitigation Measure LU-1 requires FAA consultation (if required by FAA) for the coordination of fireworks displays. Implementation of this mitigation measure, as well as Mitigation Measures SHADE-2a and SHADE-2b, discussed above, would reduce this significant impact to a less-than-significant level.	LTS

clearances for a safe design. The relocated substation would be partially screened to limit its visibility on the site. The existing substation site would be cleared of all equipment and materials.

Page 82, end of the fourth paragraph, is revised as follows:

Although the baseball stadium and associated structures would exceed the FAA's imaginary surface standards by as much as 125 feet, they would not present a hazard to the safe operation of the airport as the appropriate FAA clearances would be obtained prior to project approval. In addition, the FAA may require a temporary flight restriction (TFR) for certain events held at the stadium.

Page 83, Mitigation Measure LU-1, is revised as follows:

Mitigation Measure LU-1: In addition to obtaining the required City permit, fireworks sponsors shall coordinate events in advance with airport staff, the air traffic control tower, and the FAA (if requested by the FAA) to ensure that the activity (timing, height, and materials) does not pose a hazard to the safe operation of the San Jose International Airport. (LTS)

Page 93 is revised as follows:

The traffic analysis is based on peak-hour levels of service for 18 signalized intersections and 14 directional freeway segments. The study intersections include signalized intersections in and around the Diridon/Arena area that may be significantly impacted by the proposed project due to either substandard operations under background conditions or the magnitude of project-generated trips expected at the intersection. Other intersections outside the study area – specifically to the west – were not included because based on the proposed distribution, significant increases in traffic volumes are not anticipated on these surrounding local streets. However, additional operational studies may be required after the project is operational to determine any 'spillover effects' to the surrounding neighborhoods (and potential remedies such as permit parking requirements, police traffic control, and temporary barricades). There would be no parking facilities located west of the stadium and the trip distribution pattern, derived from San Jose Sharks hockey games attendance pattern and data, shows that the vast majority of trips would enter the study area from the surrounding freeways. The freeway segments analyzed include those segments on which the project is expected to have the greatest effect.

Page 95 is revised as follows:

Study Freeway Segments

SR 87 northbound between Alma Avenue and I-280
SR 87 southbound between Alma Avenue and I-280
SR 87 northbound between I-280 and Julian Street

SR 87 southbound between I-280 and Julian Street
SR 87 northbound between Julian Street and Coleman Avenue
SR 87 southbound between Julian Street and Coleman Avenue
I-280 eastbound between Meridian Avenue and Bird Avenue
I-280 westbound between Meridian Avenue and Bird Avenue
I-280 eastbound between Bird Avenue and SR 87
I-280 ~~eastbound~~ westbound between Bird Avenue and SR 87
I-280 eastbound between SR 87 and 10th Street
I-280 westbound between SR 87 and 10th Street
I-280 eastbound between 10th Street and McLaughlin Avenue
I-280 westbound between 10th Street and McLaughlin Avenue

Page 99 is revised as follows:

- **Montgomery Street**. Montgomery Street immediately adjacent to the project site is a two-lane, one-way arterial street (southbound) that provides a connection from Santa Clara Street to Bird Avenue. (Portions of Montgomery Street in the project area are three lanes.)

Page 103, Figure V.C-3, has been revised as shown following:

Page 128, first paragraph, is revised as follows:

Within ¾ miles from the stadium, a total supply of 19,722 ~~21,072~~ parking spaces currently exist to the north and east of the project site. Assuming these spaces normally are 25 percent occupied in the evening without an event at the HP Pavilion, there are an estimated 14,791 ~~15~~,804 available spaces for the stadium.

Page 128, second paragraph, is revised as follows:

(1) Single-Event Scenario. ~~Thus, for the single-event scenario,~~ Existing parking facilities in the Diridon/Arena area as well as garages and lots in the Downtown Core Area east of SR 87 would be short 1,117 spaces, or 7 percent of off-site ~~exceed the estimated project parking~~ demand. ~~For a typical weekday evening game without an event at the HP Pavilion, baseball fans are expected to walk a maximum of three-quarters of a mile from their parking location to the stadium. Such a maximum walking distance is typical of that planned for and experienced at other downtown stadiums.~~ These patrons would have to seek parking outside of the ¾-mile distance from the ballpark. There are an additional 10,009 spaces in this area. Under such circumstances it might be desirable to operate a shuttle bus from outlying parking areas to the ballpark. Alternatively, the City may wish to encourage transit usage and carpooling as a way to reduce the number of cars brought downtown.

LSA

LEGEND

* = PROJECT SITE

0 1000 2000
FEET

FIGURE V.C-3
(Revised)

Baseball Stadium in the Diridon/Arena Area
Existing Transit Services

SOURCE: HEXAGON TRANSPORTATION CONSULTANTS, INC., 2006

I:/SJO530 ballpark/figures/RTC FIGURES/Fig_VC3.ai (05/30/06)

Page 172, Mitigation Measure NOISE-5b, is revised as follows:

Mitigation Measure NOISE-5b:

. . . Implementing the basic measures required by Mitigation Measure NOISE-5~~4~~a would reduce potential impacts from construction activities. In addition, Mitigation Measure NOISE-5~~4~~b will further reduce the potential impacts from pile driving activities and other extreme noise generating construction activities in the vicinity of the construction site. However, even with the implementation of these mitigation measures, noise associated with the construction of the proposed project would be considered significant and unavoidable.

Page 175, Figure V.F-1, is revised as shown following.

Page 187, is revised as follows:

Impact BIO-1: Construction of the proposed project would result in the removal of 45 ordinance-size trees. (S)

All of the 45 ordinance-sized trees in the project area are listed for removal.

Mitigation Measure BIO-1: Loss of ordinance size trees will be mitigated by implementation of landscaping plans approved by the City of San Jose, in conformance with the City of San Jose Landscape and Irrigation Guidelines and City of San Jose Planning Department specifications. For private projects, the City of San Jose requires tree replacement for those trees greater than 18 inches in diameter with 24-inch box trees at a ratio of 4:1 (trees planted to trees removed). Trees planted within the riparian corridor shall be native trees grown from Los Gatos Creek watershed stock. As a City proposed project, the City would commit to meeting the tree replacement ratio, but given the footprint of redevelopment on the site, replacement trees may be planted beyond the project site in the project area. (LTS)

Page 202, is revised as follows:

The project site could be impacted if one or more of the several dams in the vicinity were to fail catastrophically. Catastrophic structural dam failure can be caused by an earthquake or overflow. The dams include Lexington (renamed James H. Lenihan Dam at Lexington Reservoir in 1996)~~,~~ and Leroy Anderson~~, and Cherry Flat Dam in Alum Rock Park~~. Each of these dams is under the jurisdiction of the California Department of Water Resources, Division of Safety of Dams (DWR). Existing dams under DWR's jurisdiction are periodically inspected to assure that they are adequately maintained and to direct the owner to correct any identified deficiencies. Regular inspections and required maintenance of the dams substantially reduces the potential for catastrophic failure. Dam failure inundation hazard maps for this area can be viewed at the Association of Bay Area Governments website.

Page 203 is revised as follows:

In addition, projects disturbing more than one acre of land during construction are required to file a Notice of Intent (NOI) with the RWQCB to be covered under the State NPDES General Construction Permit for discharges of storm water associated with construction activity. A developer must propose control measures that are consistent with the State General Permit. A Storm Water Pollution Prevention Plan (SWPPP) must be developed and implemented for each site covered by the general permit. A SWPPP should include Best Management Practices (BMPs) designed to reduce potential impacts to surface water quality during the construction of the project.

According to records maintained by the Santa Clara Valley Water District (District), up to two abandoned wells and up to nine "other" wells are located at the project site. Installation, maintenance, and destruction of wells are regulated by the Department of Water Resources California Well Standards (Bulletin 74-90). The main purpose of these regulations is the protection of groundwater quality. Under existing regulations, any wells not in use (or where the owner has not demonstrated an intention to use the well) must be properly destroyed. A permit from the District is required for well destruction. If the wells are to be maintained, the owner must demonstrate this intention by ensuring that the well cover is secured, sealed, identified as a well, and the area around the well be kept clear of wastes that could impact groundwater quality.

Page 235 is revised as follows:

e. Development Adjacent to the Project Area. Areas adjacent to the project area had development patterns similar to that of the project area. The area north of West San Fernando is currently a mix of residential and commercial buildings. The areas south and west of the project area are primarily commercial. The area east of Los Gatos Creek, however, continues to be a residential area.

The Delmas Park neighborhood, which includes the Lakehouse and the Auzerais/Bird residential areas, is east and southeast of the project area on the east side of Los Gatos Creek.

Page 243 is revised as follows:

Impact CULT-1: The KNTV Broadcast Facility, 645 Park Avenue, appears eligible for listing in the California Register and as Candidate for City Landmark (CCL) and would sustain direct impacts due to the proposed project. (S)

Since the building is the birthplace of TV in San Jose, is still identified as the KNTV building, and continues to house TV station KNTV3, the building appears eligible for the California Register. Preservation in place is always the preferred mitigation measure for such a historic resource; however, the building must be removed for construction of the proposed stadium. Four mitigation measures are included below. Mitigation Measure CULT-1a shall be

LSA

FIGURE V.F-1
(Revised)

PROJECT BOUNDARY

GENERAL LOCATIONS OF ORDINANCE SIZE TREES

N

0 150 300
FEET

Baseball Stadium in the Diridon/Arena Area
Ordinance Size Trees
on the Project Site

SOURCE: GLOBEXPLORER; LSA ASSOCIATES, INC., 2005.

I:/SJO530 ballpark/figures/Fig_VF1 (Revised).ai (05/31/06)

undertaken in conjunction with Mitigation Measure CULT-1b, 1c or 1d. Implementation of Mitigation Measures CULT-1b, Relocation, or CULT-1c, Incorporation, would reduce this significant impact to a less-than-significant level. Implementation of CULT-1d, Salvage, would *not* reduce this significant impact to a less-than-significant level.

~~Mitigation Measure CULT-1b: **Relocation.** If feasible, the building shall be stabilized and relocated to another nearby site appropriate to its historic character. After relocation, preservation, rehabilitation, and restoration, as appropriate, shall follow the Secretary of the Interior's Standards to ensure that the building retains its integrity and historical significance. (LTS)~~

~~*or*~~

Mitigation Measure CULT-1b~~c~~: **Incorporation.** If preservation or relocation is not possible, the building, or portions thereof, shall be incorporated into the ballpark to the extent feasible, following the Secretary of the Interior's Standards to ensure that the building retains its integrity and historical significance. (LTS)

or

Mitigation Measure CULT-1c: **Relocation.** If feasible, the building shall be stabilized and relocated to another nearby site appropriate to its historic character. After relocation, preservation, rehabilitation, and restoration, as appropriate, shall follow the Secretary of the Interior's Standards to ensure that the building retains its integrity and historical significance. (LTS)

or

Mitigation Measure CULT-1d: **Salvage.** If relocation, preservation, or incorporation are not possible, the building shall be offered to an appropriate agency or museum, such as History San Jose, for salvage of its architectural elements. (SU)

Page 244 is revised as follows:

Impact CULT-2: The structure at 65 Cahill Street, adjacent to the project area, is a City Landmark and listed in the National Register. (S)

The Southern Pacific Depot, the Diridon Train Station, will sustain indirect impacts due to the demolition of adjacent buildings. The proposed project will result in the alteration of the character of the depot's setting and feeling. The following ~~two~~ four-part mitigation measure shall be implemented.

Mitigation Measure CULT-2a: Prior to demolition or alteration of the proposed project area buildings HABS documentation of the exterior of the 1935 National Register Southern Pacific Depot and its setting shall be prepared. A brief historical overview of the depot and its relationship to the project area shall be prepared to accompany the photographic documentation. A brochure shall be prepared that presenting the history of the Depot, and made available for distribution to local libraries, museums, and schools.

Mitigation Measure CULT-2b: A historic preservation architect will be retained to minimize project impacts to the Diridon Station.

Mitigation Measure CULT-2c: The project will be referred back to the Historic Landmarks Commission for review.

Mitigation Measure CULT-2~~b~~d: Consultation with the Peninsula Corridor Joint Powers Board and the City shall be conducted to determine if these proposed mitigations are sufficient or if additional mitigations are necessary. (SU)

Page 245, after paragraph four, has been revised as follows:

Prehistoric and historic archaeological sites may extend into State Right-of-Way (R/W). Should ground disturbing activities within State R/W take place as part of this project and there is an inadvertent archaeological or burial discovery, the Caltrans Cultural Resource Study Office, District 4, shall be immediately contacted.[1] A Caltrans staff archeologist evaluates the finds within one business day of being contacted.

Page 247, end of page, is revised as follows:

d. Policy Conflicts. The proposed project would be inconsistent with several San Jose General Plan Historic, Archeological and Cultural Resources policies regarding the historic buildings. As discussed in Impact CULT-1, implementation of the proposed project would likely result in the demolition or relocation of one historic building on the project site. As discussed in Impact CULT-2, the proposed project would also alter the character of the historic San Jose Diridon Station, a designated City Landmark. To the extent feasible, the stadium would be designed to be visually compatible with adjacent historic structures; however, due to the lack of design details for the proposed project, a positive policy determination in regard to that compatibility cannot be made at this time.

Page 258, Mitigation Measure VIS-1, is revised as follows:

Mitigation Measure VIS-1: Implementation of Mitigation Measure CULT-2~~1~~a and CULT-2~~1~~b would somewhat reduce this impact. However, the alteration of the station's visual setting and feeling would remain a significant impact.

Page 263, Mitigation Measure SHADE-1, is revised as follows:

Mitigation Measure SHADE-1: Implementation of Mitigation Measure CULT-2~~1~~a and CULT-2~~1~~b would somewhat reduce this impact. However, shadows cast over the station, particularly

[1] The Caltrans Cultural Resource Study Office can be contacted at (510) 286-5618 or (510) 286-5615.

those that would occur during winter mornings (as exemplified by the shadow simulation for December 21), would remain a significant impact.

Appendix G, page 24, is revised as follows:

- **102 South Montgomery Street** (APN 259-48-012). Patty's Inn was recorded on Historic Resources Inventory forms in 1992 (Laffey 1992b) and was not evaluated. The current LSA study has concluded that Patty's Inn does not appear to be eligible for listing on the National or California registers under any of the applicable criteria, ~~but does meet the criteria as a Candidate City Landmark and is therefore~~ nor to be a historical resource for the purposes of CEQA.

V. MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the February 2006 Draft Environmental Impact Report (Draft EIR) and First Amendment thereto for the proposed Baseball Stadium in the Diridon/Arena Area project. This MMRP is in compliance with Section 15097 of the *CEQA Guidelines*, which requires that the Lead Agency "adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects." The MMRP lists mitigation measures recommended in the EIR for the proposed project and identifies mitigation monitoring requirements. These requirements are provided only for mitigation measures that would avoid or reduce significant impacts of the proposed project.

Table V-1 presents the mitigation measures identified for the proposed project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, TRANS-3 is the third mitigation measure identified in the Transportation, Circulation, and Parking analysis.

The first and second columns of Table V-1 provide the significant impacts and corresponding mitigation measure(s), as identified in Chapter V of the Draft EIR for the proposed project. The third column, "Implementation Responsibility," identifies the party(ies) responsible for carrying out the required action(s) and approximate time period over which the action will be implemented. The fourth column, "Oversight Responsibility," identifies the party(ies) ultimately responsible for ensuring that the mitigation measure is implemented and outlines the steps for monitoring the action identified in the mitigation measure and the approximate timeframe for the oversight agency to ensure implementation of the migration measure.

Table V-1: Mitigation Monitoring and Reporting Program

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
A. LAND USE			
LU-1: Fireworks displays occurring during stadium events could present a hazard to the safe operation of the San Jose International Airport.	LU-1: In addition to obtaining the required City permit, fireworks sponsors shall coordinate events in advance with airport staff, the air traffic control tower, and the FAA (if requested by the FAA) to ensure that the activity (timing, height, and materials) does not pose a hazard to the safe operation of the San Jose International Airport.	Prior to fireworks events, fireworks sponsors shall be responsible for coordinating such events with airport staff, air traffic control tower and the FAA.	The Director of Planning, Building and Code Enforcement[1] (PBCE) shall verify that airport staff, air traffic control tower and the FAA have been notified and confirm that the events do not pose a hazard to the airport prior to issuance of a fireworks event permit.
B. POPULATION, EMPLOYMENT AND HOUSING			
There are no significant population, employment and housing impacts.			
C. TRANSPORTATION, CIRCULATION AND PARKING			
TRANS-1: The level of service at Delmas Avenue and Park Avenue would degrade from the already unacceptable LOS F under background conditions. This condition constitutes a significant impact by City of San Jose standards.	TRANS-1: The impact at this intersection could be mitigated by adding a second southbound through lane on Delmas Avenue. The recommended lane addition would require widening the curb-to-curb roadway width by approximately 2 feet. This could be accomplished by acquiring additional right-of-way (ROW) along the east side of Delmas Avenue, or, if additional ROW cannot be acquired, by removing on-street parking on the east side of Delmas Avenue. It should be noted that the same improvement was identified as a mitigation measure for the San Jose Water Project. Based on the City's standards, the recommended improvements would satisfactorily mitigate the project impact.	The City shall ensure that a second southbound through lane at the Delmas Avenue and Park Avenue intersection, as described in the mitigation measure, is constructed.	The Director of PBCE shall ensure that the improvement outlined in Mitigation Measure TRANS-1 is constructed prior to project operation.

[1] Wherever the Director of Planning, Building and Code Enforcement (PBCE) is charged with oversight responsibility, an officially-designated representative of the Director could fulfill this role.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
TRANS-2: The level of service at Delmas Avenue and W. San Fernando Street would degrade from the already unacceptable LOS F under background conditions. This condition constitutes a significant impact by City of San Jose standards.	TRANS-2: The impact at this intersection could be mitigated by adding a second southbound through lane on Delmas Avenue. The recommended lane addition would require widening Delmas north of San Fernando by approximately 12 feet and south of San Fernando by two feet. It should be noted that the same improvement was identified as a mitigation measure for the San Jose Water Project, from which ROW dedication would be required. With the recommended improvement, the average vehicular delays at this intersection would be reduced to the LOS C range during the analysis period. Based on the City's standards, the recommended improvements would satisfactorily mitigate the project impact.	The City shall ensure that a second southbound through lane at the Delmas Avenue and W. San Fernando Street intersection, as described in the mitigation measure, is constructed.	The Director of PBCE shall ensure that the improvement outlined in Mitigation Measure TRANS-2 is constructed prior to project operation.
TRANS-3: State Route 87 would experience a significant impact from project traffic along two of the analyzed segments; I-280 would experience a significant impact from project traffic along two of the analyzed segments.	TRANS-3: Improvements to mitigate significant project impacts on freeway segments are infeasible due to right-of-way constraints and the land use impacts associated with acquiring additional right-of-way. These impacts are therefore considered significant and unavoidable.	N/A (This mitigation measure is not considered feasible)	N/A
D. AIR QUALITY			
AIR-1: Construction period activities could generate significant dust, exhaust, and organic emissions.	AIR-1: Implementation of the following steps would reduce the construction period air quality impacts to a less-than-significant level. (a) The following multi-part mitigation shall be incorporated into the construction plans and implemented for the proposed project. The City shall review the construction plans to ensure these measures have been incorporated: • Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives;	The City shall require that the project proponent and construction contractor develop a construction work plan and be responsible for implementing the control measures throughout the construction period.	The Director of PBCE shall ensure the control measures are included in construction work plans prior to the start of demolition, site preparation, or grading activities. The Director of PBCE shall periodically monitor the site so as to ensure that all control measures are properly followed during the construction period.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
AIR-1 *continued*	• Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard; • Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites; • Sweep daily (or more often if necessary) to prevent visible dust from leaving the site (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality; • Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets; • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more); • Enclose, cover, water at least twice daily, or apply not-toxic soil binders to exposed stockpiles (dirt, sand, etc,) to prevent visible dust from leaving the site; • Limit traffic speed on unpaved roads to 15 mph; • Install sandbags or other erosion control measures to prevent silt runoff to public roadways; • Replant vegetation in disturbed areas as quickly as possible; • Install wheel washers for all existing trucks, or wash off the tires or tracks of all trucks and equipment leaving the site;		

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
AIR-1 *continued*	• Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas; • Suspend excavation and grading activities when winds instantaneous gusts exceed 25 mph; and • Limit the area subject to excavation grading, and other construction activity at any one time. (b) Any temporary haul roads to soils stockpiles areas used during construction of projects shall be routed away from existing neighboring land uses. Any temporary haul roads shall be surfaced with gravel and regularly watered to control dust or treated with an appropriate dust suppressant. (c) Water sprays shall be utilized to control dust when material is being added or removed from soils stockpiles. If a soils stockpile is undisturbed for more than one week, it shall be treated with a dust suppressant or crusting agent to eliminate wind-blown dust generation. (d) All neighboring properties located within 1,000 feet of property lines of a construction site shall be provided with the name and phone number of a designated construction dust control coordinator who will respond to complaints within 24 hours by suspending dust-producing activities or providing additional personnel or equipment for dust control as deemed necessary. The phone number of the BAAQMD pollution complaints contact shall also be provided. The dust control coordinator shall be on-call during construction hours. The coordinator shall keep a log of complaints received and remedial actions taken in response. This log shall be made available to City staff upon its request.		

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
AIR-1 *continued*	(e) In order to address particulate emissions from diesel-powered equipment and vehicles, the following measures shall be implemented: (i) properly maintain vehicle and equipment engines; (ii) minimize the idling time of diesel powered construction equipment; (iii) consider requiring construction equipment that is fueled by alternative energy sources; and (iv) consider requiring add-on control devices such as particulate traps.		
AIR-2: Regional emissions of criteria air pollutants from new development would exceed BAAQMD thresholds.	AIR-2: The *BAAQMD CEQA Guidelines* document identifies potential mitigation measures for various types of projects. The following are considered to be feasible and effective in further reducing vehicle trip generation and resulting emissions from the Downtown Stadium project: • Maximize the use of existing transit facilities and incorporate additional facilities (e.g., bus bulbs/turnouts, benches, shelters) into the project's design. • Provide bicycle lanes and/or paths, connected to community-wide network. • Provide sidewalks and/or paths, connected to adjacent land uses, transit stops, and/or community-wide network. • Provide secure and conveniently located bicycle storage. • Implement feasible transportation demand management (TDM) measures including a ride-matching program, coordination with regional ridesharing organizations and provision of transit information.	The City shall require the project proponent to include as many of the measures listed in Mitigation Measure AIR-2 as would be feasible in order to reduce vehicle trip generation and associated emissions from the project.	The Director of the PBCE shall review project plans to ensure the inclusion of feasible and effective measures listed in Mitigation Measure AIR-2.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
AIR-2 *continued*	The implementation of an aggressive trip reduction program with the appropriate incentives for non-auto travel can reduce project impacts by approximately 10 to 15 percent. A reduction of this magnitude would provide a reduction in emissions, however project emissions would still exceed the significance threshold. There is no mitigation available with currently feasible technology to reduce the project's regional air quality impact by an additional 75 percent to a less-than-significant level. Therefore, the project's regional air quality impacts would remain significant and unavoidable.		
AIR-3: Fireworks displays may cause spikes in air pollution.	AIR-3: The City shall require that the point of launch and the fallout area for fireworks be located so as to ensure the safety of the public from the discharge of pyrotechnic devices, exposure to toxic air pollutants or any other hazard from fireworks displays.	Prior to fireworks events, fireworks sponsors shall provide the City with fireworks event plans for safety review.	The Director of PBCE shall ensure that fireworks events are located and directed skyward so as to prevent the creation of hazardous conditions prior to issuance of a fireworks event permit.
E NOISE			
NOISE-1: Increases in traffic noise to surrounding roadways would be significant.	NOISE-1: With affected property owner's consent, prior to opening day of the stadium, measures taken to reduce significant noise impacts associated with increased traffic for residences located along W. San Fernando Street from Autumn Street to Delmas Avenue or Autumn Street from W. San Fernando Street to W. Santa Clara Street may include, but are not limited to installation of dual-pane windows, mechanical air conditioning and improved ceiling and wall insulation.	Prior to project operation, the City shall install the appropriate noise-reduction improvements to participating residences.	The Director of the PBCE shall ensure that the appropriate noise reduction improvements are installed prior to project operation.
NOISE-2: Baseball game events could result in noise impacts on adjacent residential uses.	NOISE-2a: The stadium public address system shall be comprised of a distributed speaker system on-site, which would locate speakers around each section of the park to minimize the need for extra-loud and high-mounted units.	The project sponsor shall ensure that the appropriate public address system is incorporated into the project design.	The Director of PBCE shall review project plans to ensure that the appropriate public address system is incorporated into the project design, prior to the issuance of a building permit.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
NOISE-2 *continued*	NOISE-2b: Prior to the first ballpark event, a detailed acoustic study shall be conducted by the City of San Jose to confirm the predictions of the long-term noise levels at noise sensitive uses within the 60 dBA L_{eq} contour line shown in Figure V.E-2 of the ballpark, which have been made in this EIR. The study shall be used to determine noise attenuation measures to achieve a 45 dBA L_{eq} interior noise level at nearby residences. Attenuation measures at the stadium shall include, but not be limited to, distributed speakers for the public address system and limitations placed on sound levels associated with various activities. Measures taken with affected property owner's consent, at receptor locations may include, but are not limited to installation of dual-pane windows, mechanical air conditioning, sound walls and improved ceiling and wall insulation. Necessary remedial measures shall be implemented, or otherwise assured to be implemented within one year to the satisfaction of the City Manager. Implementation of mitigation measures NOISE-1a and NOISE-1b would reduce impacts associated with baseball games. However, impacts would remain significant and unavoidable.	Prior to project operation, the City shall conduct a detailed acoustical study to determine the appropriate noise attenuation measures. Necessary remedial measures shall be implemented or assured by the City within one year of project operation.	The Director of PBCE shall verify completion of the acoustical study prior to project operation. The City Manager shall verify that the necessary remedial measures are implemented or otherwise assured within one year of project operation.
NOISE-3: Proposed on-site concert events could result in noise impacts on adjacent residential uses.	NOISE-3: A maximum sound level of 95 dB L_{eq} shall be maintained at the sound board for concerts. Implementation of the multipart mitigation measures NOISE-1 and NOISE-2 would reduce impacts from concert noise. However, noise impacts would be significant and unavoidable.	Concert event operators shall not exceed the maximum sound level of 95 dB L_{eq} during concert events.	The Director of PBCE shall ensure that concert event operators do not exceed the maximum sound level of 95 dB L_{eq} during concert events by periodically monitoring actual sound levels at concerts.
NOISE-4: Explosions associated with fireworks displays at the proposed project would create significant peak noise impacts.	NOISE-4: Implementation Mitigation Measure NOISE-2b would reduce impacts from firework displays for residences located adjacent to the proposed stadium. Implementation of the Mitigation Measure NOISE-2b would help to minimize this impact but not reduce it to a less-than-significant level.	The City shall ensure that necessary noise attenuation measures are implemented or assured within one year of project operation.	The Director of the PBCE and the City Manager shall ensure that necessary noise attenuation measures are implemented or assured within one year of project operation.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
NOISE-5: Construction period activities could create significant short-term noise impacts.	NOISE-5a: The following measures shall be implemented during construction of the proposed project: • All construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers. • City will develop a Construction Impact Mitigation Plan with input from neighbors to determine a construction activity schedule including construction days and hours of construction. • Unnecessary idling of internal combustion engines will be prohibited. All stationary noise generating construction equipment, such as air compressors and portable power generators, will be located as far as practical from existing residences.	The City shall develop a Construction Impact Mitigation Plan to determine the construction activity schedule prior to commencement of construction activities at the site. The construction contractor shall implement Mitigation Measure NOISE-5a, and shall adhere to the hours and days of construction in the Construction Impact Mitigation Plan throughout the construction period.	The Director of PBCE shall ensure that the noise reduction and control measures listed in Mitigation Measure NOISE-5a are incorporated into the construction work plan prior to permit issuance.
	NOISE-5b: In the event that pile-driving and/or other extreme noise generating construction vehicles or equipment are required, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. These attenuation measures shall include as many of the following control strategies as feasible and shall be implemented prior to any pile-driving or extreme noise generating activities: • Implement "quiet" pile-driving technology, where feasible, in consideration of geotechnical and structural requirements and conditions; • Utilize noise control blankets on the building structure as it is erected to reduce noise emission from the site; • Evaluate the feasibility of noise control at the receptor(s) by temporarily improving the noise reduction capability of those buildings; and • Monitor the effectiveness of noise attenuation measures by taking noise measurements once the measures are in place.	If pile driving or other extreme noise-generating machinery will be used on the site, the project proponent shall retain a qualified acoustical consultant to develop site-specific noise attenuation measures. The construction contractor shall implement these measures prior to initiating pile driving activities (or other extreme noise-generating activities).	The Director of the PBCE shall ensure that, if pile driving or other extreme noise-generating machinery would be used on the site, site-specific noise attenuation measures are developed. The Director of PBCE shall ensure that the noise attenuation measures are incorporated into the construction work plan prior to permit issuance.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
NOISE-5 *continued*	• Residents within 1,000 feet of the pile-driving activity will be notified of the schedule for their use while they are in use. Portable acoustical barriers will be installed around pile driving equipment. • A name, address, and phone number of a contact person will be posted on the site to handle noise complaints. Implementing the basic measures required by Mitigation Measure NOISE-5a would reduce potential impacts from construction activities. In addition, Mitigation Measure NOISE-5b will further reduce the potential impacts from pile driving activities and other extreme noise generating construction activities in the vicinity of the construction site. However, even with the implementation of these mitigation measures, noise associated with the construction of the proposed project would be considered significant and unavoidable.		
F. BIOLOGICAL RESOURCES			
BIO-1: Construction of the proposed project would result in the removal of 45 ordinance-size trees.	BIO-1: Loss of ordinance size trees will be mitigated by implementation of landscaping plans approved by the City of San Jose, in conformance with the City of San Jose Landscape and Irrigation Guidelines and City of San Jose Planning Department specifications. For private projects, the City of San Jose requires tree replacement for those trees greater than 18 inches in diameter with 24-inch box trees at a ratio of 4:1 (trees planted to trees removed). Trees planted within the riparian corridor shall be native trees grown from Los Gatos Creek watershed stock. As a City proposed project, the City would commit to meeting the tree replacement ratio, but given the footprint of redevelopment on the site, replacement trees may be planted beyond the project site in the project area.	The City shall meet the tree replacement ratio for the loss of ordinance size trees within the project area.	The Director of PBCE shall ensure that the City of San Jose landscaping guidelines and City of San Jose Department specifications concerning landscaping and tree replacement are adhered to prior to the issuance of permits.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
BIO-2: Construction activities adjacent to the Los Gatos Creek riparian corridor may disturb nesting Cooper's hawks and other raptors.	BIO-2: Surveys to determine the presence of active raptor nests on or adjacent to (i.e., along Los Gatos Creek) to the construction area shall be conducted by a qualified biologist no more than 30 days prior to the initiation of construction-related activities, including removal of existing vegetation or facilities. If raptors are observed nesting on or near the site, exclusion zones will be established around all active nests. The size of the exclusion zone will be determined based on consultation with the CDFG, which typically requires a zone of 100 to 300 feet around the nest. No activity will be allowed inside the exclusion zone until a qualified biologist has determined that the young have successfully fledged from the nest or that the nest is no longer active.	No more than 30 days prior to initiation of construction activities on or adjacent to the site, a qualified biologist hired by the project proponent shall undertake pre-construction surveys for active raptor nests. If active raptor nests are identified, the construction contractor, in consultation with the CDFG, shall create exclusion zones around all nests.	The Director of PBCE shall ensure that pre-construction nesting surveys are conducted no more than 30 days prior to initiation of construction activities, and if bird nests are identified, the appropriate exclusion zones around nests are created. This action shall occur prior to issuance of demolition permits.
G. GEOLOGY, SOILS AND SEISMICITY			
GEO-1: Seismically-induced ground shaking at the project could result in damage to life and/or property.	GEO-1: Prior to the issuance of any site-specific grading or building permits, a design-level geotechnical investigation shall be prepared by a licensed professional and submitted to the City of San Jose Public Works Department for review and confirmation that the proposed development fully complies with the California Building Code (Seismic Zone 4). The report shall determine the project site's geotechnical conditions and address potential seismic hazards such as liquefaction. The report shall identify building techniques appropriate to minimize seismic damage. In addition, the following requirement for the geotechnical and soils report shall be met: • Analysis presented in the geotechnical report shall conform with the California Division of Mines and Geology recommendations presented in the *Guidelines for Evaluating Seismic Hazards in California*. All mitigation measures, design criteria, and specifications set forth in the geotechnical and soils report shall be followed.	The project proponent shall retain a certified geologist to prepare and submit a design-level geotechnical investigation, as described in Mitigation Measure GEO-1.	The Director of PBCE shall ensure that a design-level geotechnical investigation is submitted to the City of San Jose Public Works Department prior to project approval.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
GEO-2: Structures or property at the project could be adversely affected by expansive soils or by settlement of project site soils.	GEO-2: In locations underlain by expansive soils and/or non-engineered fill, the designers of stadium foundation and other improvements (including the electrical substation, sidewalks, roads, and underground utilities) shall consider these conditions. The design-level geotechnical investigation to be prepared by a licensed professional and approved by the City of San Jose Public Works Department (required in Mitigation Measure GEO-1), shall include measures to minimize potential damage related to expansive soils and non-uniformly compacted fill. Mitigation options may range from removal of the problematic soils and replacement, as needed, with properly conditioned and compacted fill to design and construction of improvements to withstand the forces exerted during the expected shrink-swell cycles and settlement. All mitigation measures, design criteria, and specifications set forth in the geotechnical and soils report shall be followed to reduce impacts associated with shrink-swell soils to a less-than-significant level.	The design-level geotechnical investigation (required as part of Mitigation Measure GEO-1) shall consider underlying expansive soils and/or non-engineered fill conditions and include measures to ensure that potential damage related to expansive soils and non-uniformly compacted fill are minimized.	The Director of PBCE shall ensure that the design-level geotechnical investigation considers underlying expensive soils and/or non-engineered fill conditions and includes measures to ensure that potential damage related to expansive soils and non-uniformly compacted fill are minimized prior to project approval.
GEO-3: Differential settlement at the project site could result in damage to project buildings and other improvements.	GEO-3: Prior to issuance of a grading permit, a site-specific grading plan shall be prepared by a licensed professional and submitted to the City of San Jose Public Works Department (see Mitigation Measure GEO-1). The plan shall include specific recommendations for mitigating potential settlement associated with fill placement and areas of different fill thickness.	The project proponent shall retain a licensed professional to prepare and submit a site-specific grading plan, as described in Mitigation Measure GEO-3.	The Director of PBCE shall ensure that a site-specific grading plan is submitted to the City of San Jose Public Works Department prior to project approval.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
GEO-4: Liquefaction at the project site could result in damage to buildings and other improvements.	GEO-4: Project design shall be in accordance with the recommendations contained in a site-specific geotechnical report prepared by a licensed professional and reviewed and approved by City of San Jose Public Works Department. (see Mitigation Measure GEO-1). The San Jose Public Works Department shall approve all final design and engineering plans. Project design and construction shall be in conformance with current best standards for earthquake resistant construction in accordance with the California Building Code (Seismic Zone 4), applicable local codes, and the generally-accepted standard of geotechnical practice for seismic design in Northern California. The design-level geotechnical investigation shall include measures to minimize that potential damage related to liquefaction.	The design-level geotechnical investigation (prepared as part of Mitigation Measure GEO-1) shall include measures to minimize potential damage related to liquefaction.	The Director of PBCE shall ensure that the design-level geotechnical investigation includes measures to minimize potential damage related to liquefaction prior to project approval. All final design and engineering plans shall be reviewed and approved by the Public Works Department prior to issuance of permits.
H. HYDROLOGY AND WATER QUALITY			
HYD-1: Alteration of the local drainage patterns could potentially result in exceedance of the capacity of downstream stormwater conveyance structures, resulting in localized flooding.	HYD-1: As a condition of approval of the final grading and drainage plans for the project, it shall be demonstrated through detailed hydraulic analysis that implementation of the proposed drainage plans would include drainage components that are designed in compliance with City of San Jose standards. The grading and drainage plans shall be reviewed for compliance with these requirements by the City of San Jose Department of Public Works. Any improvements deemed necessary by the City shall be made a part of the conditions of approval. Implementation of this mitigation measure would reduce potential impacts associated with increased peak runoff volumes to a less-than-significant level.	The project proponent shall retain a qualified professional to conduct a detailed hydraulic analysis and incorporate appropriate drainage components into project design.	The Director of PBCE shall verify completion of the hydraulic analysis and ensure that grading and drainage plans comply with Public Works Department recommendations and City standards prior to final grading and drainage plan approval.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
HYD-2: Construction activities and post-construction site uses could result in degradation of water quality in the receiving waters by reducing the quality of storm-water runoff.	HYD-2a: **Construction-Period Impact Mitigation.** The project proponent shall comply with the City of San Jose's Post-Construction Urban Runoff Management Policy (Policy Number 6-29), which requires: *... all new and redevelopment projects to implement Post-Construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs) to the maximum extent practicable. This Policy also establishes specified design standards for Post-Construction TCMs for Major Projects and minimum Post-Construction BMPs for all Land Uses of Concern, including Expansion Projects. This Policy further establishes the criteria for determining the situations in which it is impracticable to comply with the Major Project design standards, including the criteria for evaluating the equivalency of Alternative Compliance Measure(s)* In addition, the project proponent shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period of the project. The SWPPP must be maintained on-site and made available to City inspectors and/or RWQCB staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.	The project proponent shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) that includes specific and detailed Best Management Practices (BMPs). The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor.	The Director of PBCE shall ensure that project proponents have prepared and implemented a SWPPP prior to issuance of permits. The Director of PBCE shall ensure a monitoring program is implemented by the construction site supervisor during project construction activities.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
HYD-2 *continued*	An important component of the stormwater quality protection effort is the knowledge of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of stormwater quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP. The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, which must include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046, monitoring would be required during the construction period for pollutants that may be present in the runoff that are "not visually detectable in runoff." BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control (i.e., keeping sediment on the site). End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. Entry and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.		

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
HYD-2 *continued*	HYD-2b: **Operation-Period Impact Mitigation.** The design-level storm water control plan shall demonstrate through detailed hydraulic analysis that implementation of the proposed drainage plan would result in treatment of the appropriate percentage of the runoff from the site (in compliance with the County NPDES permit). The amount of runoff that is typically required to be treated is about 85 percent of the total average annual runoff from the site. The qualified professionals (a professional engineer with experience in the design of stormwater BMPs that is acceptable to the City) preparing the design-level storm water control plan shall consider additional measures designed to mitigate water quality degradation of runoff from all portions of the completed development. In general, passive, low-maintenance BMPs (e.g., grassy swales, porous pavements) are preferred. The City shall ensure that the project design includes features and operational BMPs to reduce potential impacts to surface water quality associated with operation of the project to the maximum extent practicable. These features shall be included in the storm water control plan and final development drawings. The final design team for the development project shall review and incorporate as many concepts as practicable from Start at the Source, Design Guidance Manual for Stormwater Quality Protection and the California Stormwater Quality Association's Stormwater Best Management Practice Handbook, Development and Redevelopment The final design team should also consider installing "end-of-pipe" treatment systems, including, but not limited to, baffle boxes, catch basins, and hydrodynamic vortex-type separators. Any use of end-of-pipe treatment systems must be accompanied by a viable maintenance program. Specifically:	The project proponent shall retain a qualified professional to prepare a design-level storm water control plan which includes features and operational BMPs to reduce potential operational impacts to surface water quality.	The Director of PBCE shall ensure that the storm water control plan and final development drawings include features and operational BMPs to reduce potential operational impacts to surface water quality prior to approval of the grading plan. The Department of Public Works shall review and approve the SWPPP and drainage plan prior to approval of the grading plan.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
HYD-2 *continued*	• Drainage from the stadium playing surface and seating areas should be treated prior to discharge to Los Gatos Creek. • The enclosed parking areas shall not be drained to the stormwater conveyance system. The garages should be dry-swept or, if washdown water is used the effluent should be discharged to the sanitary sewer system under permit from the San Jose/Santa Clara Water Pollution Control Plant. The City of San Jose Department of Public Works shall review and approve the SWPPP and drainage plan prior to approval of the grading plan. City staff may require more stringent stormwater treatment measures, at their discretion. Implementation of this mitigation would reduce the level of significance of this impact to a less-than-significant level.		
HYD-3: Dewatering may contain contaminants and if not properly managed could cause impacts to construction workers and the environment.	HYD-3: The SWPPP shall include provisions for the proper management of construction-period dewatering activities. At minimum, all dewatering shall be contained prior to discharge to allow the sediment to settle out, and filtered, if necessary to ensure that only clear water is discharged to the storm or sanitary sewer system, as appropriate. In areas of suspected groundwater contamination (i.e., underlain by fill or near sites where chemical releases are known or suspected to have occurred), groundwater shall be analyzed by a State-certified laboratory for the suspected pollutants prior to discharge. Based on the results of the analytical testing, the project proponent shall acquire the appropriate permit(s) prior to discharge of the dewatering effluent. Discharge of the dewatering effluent would require a permit from the RWQCB (for discharge to the storm sewer system) and/or the San Jose/Santa Clara Water Pollution Control Plant (for discharge to the sanitary sewer system). Proper implementation of the mitigation measure described above would reduce this impact to a less-than-significant level.	The project proponent shall ensure that the SWPPP includes provisions for the proper management of construction-period dewatering activities, as outlined in Mitigation Measure HYD-3, and shall obtain the appropriate permits prior to discharge of any dewatering effluent.	The Director of PBCE shall verify that the SWPPP includes provisions for the proper management of construction-period dewatering activities, as outlined in Mitigation Measure HYD-3. The Director of PBCE shall also ensure that the appropriate permits are obtained prior to discharge of any dewatering effluent.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
I. HAZARD AND HAZARDOUS MATERIALS			
HAZ-1: Development of the project could expose construction workers and/or the public to hazardous materials from contaminants in soil and groundwater during and following construction activities.	HAZ-1a: As a condition of approval for any permit for demolition, grading, or construction at any parcel at the project site, a Phase I Environmental Site Assessment shall be conducted by a qualified professional (e.g., a California-registered environmental assessor) to identify current or historical land uses that have or may have included the storage or generation of hazardous materials and the potential for releases of hazardous materials to have occurred that might impact the site. The assessments shall be performed in conformance with the current standard of care established by ASTM and EPA for Phase I Environmental Assessments and shall be submitted to the City Environmental Services Department (ESD) Environmental Compliance Officer for review and approval. The Phase I ESA assessments shall identify the potential presence of any environmental impacts to the subject site related to any historic and/or present uses of hazardous materials at the subject site and/or at any sites in the vicinity of the subject site, and present recommendations for further investigation of the parcel, if warranted. Recommendations for investigation shall be implemented in Phase II investigations at the project site. The Phase II(s) shall include sampling of site soils and groundwater in areas of suspected contamination, based on the findings of the Phase I assessments. Additional groundwater samples shall be collected to establish baseline groundwater quality at the site and determine if previously unreported off-site contamination has migrated and affected the project site. The Phase II investigations shall also characterize the chemical quality of undocumented fill materials at the project site. Soil and groundwater sampling results shall be compared to RWQCB Environmental Screening Levels (ESLs) for commercial/industrial land uses for	The project proponent shall retain a qualified environmental professional to conduct Phase I and any subsequently recommended Phase II ESAs, HHRAs, or IC/EC-related Operation and Maintenance Programs. Phase I and II ESAs, HHRAs, and Operation and Maintenance Programs shall meet the requirements described in Mitigation Measure HAZ-1a and shall be submitted to the City's Environmental Services Department.	The Director of PBCE shall verify that the Environmental Compliance Officer has reviewed and approved Phase I ESAs and any required Phase II ESAs, HHRAs, and Operations and Maintenance Programs prior to the issuance of permits.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
HAZ-1 *continued*	shallow soils for sites underlain by a potential drinking water source. The Phase II investigations shall be submitted to the ESD Environmental Compliance Officer for review and approval. If hazardous materials are identified in site soils or groundwater in excess of RWQCB ESLs for commercial/industrial land uses, a Human Health Risk Assessment (HHRA) shall be performed by a qualified environmental professional. The HHRA shall describe measures that must be implemented to ensure that any potential added health risks to construction workers, maintenance and utility workers, site users, and the general public as a result of hazardous materials are reduced to a cumulative risk of less than 1×10^{-6} (one in one million) for carcinogens and a cumulative hazard index of 1.0 for non-carcinogens, or as required by a regulatory oversight agency. The HHRA would be subject to review and/or approval by the City ESD Environmental Compliance Officer and/or regulatory oversight agencies. The potential risks to human health in excess of these goals would be reduced either by remediation of the contaminated soils or groundwater (e.g., excavation and off-site disposal and/or extraction/treatment of groundwater) and/or implementation of institutional controls and engineering controls (IC/EC). IC/EC may include the use of hardscape (buildings and pavements), importation of clean soil in landscaped areas to eliminate exposure pathways, and deed restrictions. If IC/EC are implemented, an Operations and Maintenance Program must be prepared and implemented to ensure that the measures adopted are maintained throughout the life of the project. If IC/EC are implemented, the Operations and Maintenance Program would be subject to review and approval by the City ESD Environmental Compliance Officer and/or regulatory oversight agencies.		

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
HAZ-1 *continued*	HAZ-1b: Prior to approval for any demolition, grading, or construction permits at the project site, a Construction Risk Management Plan (CRMP) shall be prepared with provisions to protect construction workers, the nearby public, and future workers and nearby residents from health risks from residual contaminants in site soils and groundwater during project construction and subsequent maintenance activities. The CRMP shall summarize previous environmental investigations and health risk assessments conducted for the project site (Mitigation Measure HAZ-1a). The CRMP shall include provisions for protection of human health both for the construction phase of the development as well as for the operational phase. In accordance with State and federal laws and regulations, the CRMP shall describe required worker health and safety provisions for all workers potentially exposed to contaminated soil and groundwater. The CRMP shall include all necessary controls to mitigate short-term risks from releases of constituents of concern to the environment in the form of dust, vapors, and/or water runoff during construction activities. Real-time air monitoring for contaminants of concern shall be required during all activities with the potential to disturb contaminated materials at the site. Action levels for contaminants of concern shall be established, with detailed descriptions of corrective actions to be taken in the event that the action levels are reached during monitoring. The CRMP shall also provide procedures to be undertaken in the event that previously unreported contamination or subsurface hazards are discovered during construction; incorporate construction safety measures for excavation and other construction activities; establish detailed procedures for the safe storage, stockpiling, use, and disposal of contaminated soils and groundwater and other hazardous materials at the project site; provide emergency response procedures; and designate personnel responsible for implementation of the CRMP during the construction and operational phases of the project.	The project proponent shall retain a qualified environmental professional to prepare and submit a Construction Risk Management Plan. The CRMP shall meet the requirements described in Mitigation Measure HAZ-1b and shall be submitted to the City's Environmental Services Department for review.	The Director of PBCE shall verify that the Environmental Compliance Officer has reviewed and approved the CRMP and determine if site remediation requires further regulatory oversight prior to issuance of permits.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
HAZ-1 *continued*	The CRMP shall also include an Operations and Maintenance Plan component, to ensure that health and safety measures required for future construction, utility trenching, and maintenance at the project site shall be enforced in perpetuity. The CRMP shall be submitted to the City ESD Environmental Compliance Officer for review and approval. If regulatory oversight is required for site remediation, the CRMP would also be subject to review and approval by regulatory oversight agencies. Implementation of this two-part measure would reduce this impact to a less-than-significant level.		
HAZ-2: Improper use or transport of hazardous materials during construction activities could result in releases affecting construction workers and the general public.	HAZ-2: The CRMP for the project site shall include emergency procedures and the management and disposal of contaminated soils and groundwater (see Mitigation Measure HAZ-1b). Use, storage, disposal, and transport of hazardous materials during construction activities shall be performed in accordance with existing local, State, and federal hazardous materials regulations. Implementation of this measure would reduce this impact to a less-than-significant level.	The project applicant shall include emergency procedures and provisions for the management and disposal of contaminated soils and groundwater in the CRMP. The construction contractor shall use, store, and dispose of hazardous materials in accordance with applicable hazardous materials regulations.	The Director of PBCE shall review the CRMP to ensure it includes the procedures described in Mitigation Measure HAZ-2. This review shall occur prior to the issuance of permits. The Director of PBCE shall ensure the construction plan includes provisions for the use, storage, and disposal of hazardous materials that are consistent with applicable hazardous materials regulations.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
HAZ-3: Demolition of any structures containing lead-based paint, asbestos-containing building materials, or other hazardous materials could release airborne particles of hazardous materials, which may affect construction workers and the public.	HAZ-3: As a condition of approval for any demolition permit for a structure at the project site, a lead-based paint and asbestos-containing material survey shall be performed at the structure by a qualified environmental professional. Based on the findings of the survey, identified asbestos hazards shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the BAAQMD. Federal and State construction worker health and safety regulations shall be required during renovation or demolition activities, and any required worker health and safety procedures shall be incorporated into the project. CRMP (per Mitigation Measure HAZ-1b). If loose or peeling lead-based paint are identified, they shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations. Other hazardous wastes generated during demolition activities, such as fluorescent light tubes, mercury switches, and computer displays, shall be managed and disposed of in accordance with existing hazardous waste regulations. Implementation of this measure would reduce this impact to a less-than-significant level.	The project proponent shall retain a qualified environmental professional to conduct a lead-based paint and asbestos-containing material survey for all structures on the project site. If asbestos, lead, and/or other hazardous materials are found within the project site buildings, the project proponent and construction contractor shall implement remediation or worker safety measures, as required by existing hazardous materials regulations.	The Director of PBCE shall ensure that a lead-based paint and asbestos-containing material survey is completed for all structures on the project site and that the construction work plan includes appropriate remediation and/or worker safety protection measures (if asbestos, lead, or other hazardous materials are present in existing buildings). These actions shall occur prior to the issuance of permits.
HAZ-4: Future land uses at the project site may potentially create a significant hazard to the public or the environment as a result of routine transport, use, production, upset, or disposal of hazardous materials.	HAZ-4: Compliance with existing hazardous materials plans, programs, and permits would serve to mitigate potential hazardous materials impacts related to proposed future land uses.	The project proponent shall comply with existing hazardous materials plans, programs, and permits.	The Director of PBCE shall verify compliance with existing hazardous materials plans, programs, and permits prior to issuance of permits.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
J. CULTURAL AND PALEONTOLOGICAL RESOURCES			
CULT-1: The KNTV Broadcast Facility, 645 Park Avenue, appears eligible for listing in the California Register and as Candidate for City Landmark (CCL) and would sustain direct impacts due to the proposed project.	CULT-1a: **Documentation.** The building shall be documented to Historic American Buildings Survey (HABS) Level 3 standards, according to the Outline Format described in the *Historic American Buildings Survey Guidelines for Preparing Written Historical Descriptive Data*. Photographic documentation shall follow the *Photographic Specifications – Historic American Building Survey*, including 15-20 archival quality large-format photographs of the exterior and interior of the building and its architectural elements. Construction techniques and architectural details shall be documented, especially noting the measurements of structural members, hardware, and other features that tie the architectural elements to a specific date. A copy of the documentation, with original photo negatives and prints, shall be placed in a historical archive or history collection accessible to the general public. Five copies of the documentation with archival photographs shall be produced for distribution to local and regional repositories. One copy shall be provided to the Northwest Information Center of the California Historical Resources Information System, Sonoma State University, Rohnert Park, California. A brochure shall also be prepared that includes a brief historical overview and photographs of the buildings and is made available for distribution to local libraries, museums, and schools. If only documentation were undertaken for mitigation, impacts to this resource would be significant unavoidable.	The project proponent shall retain a qualified professional to document the KNTV Broadcast Facility as described in Mitigation Measure CULT-1a. Copies of the documentation shall be submitted to the appropriate repositories.	The Director of PBCE shall verify that the required documentation of the KNTV Broadcast Facility is performed, and that copies of the documentation are distributed to the appropriate repositories. This action shall occur prior to issuance of permits.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
CULT-1 *continued*	CULT-1b: **Incorporation.** If preservation or relocation is not possible, the building, or portions thereof, shall be incorporated into the ballpark to the extent feasible, following the Secretary of the Interior's Standards to ensure that the building retains its integrity and historical significance.	If preservation or relocation is not possible, the project proponent shall incorporate the KNTV Broadcast Facility into the proposed project design, to the extent feasible, as described in Mitigation Measure CULT-1c.	The Director of PBCE shall ensure that the KNTV Broadcast Facility is incorporated into project design, to the extent feasible, if preservation or relocation is not possible. This action shall occur prior to issuance of permits.
	CULT-1c: **Relocation.** If feasible, the building shall be stabilized and relocated to another nearby site appropriate to its historic character. After relocation, preservation, rehabilitation, and restoration, as appropriate, shall follow the Secretary of the Interior's Standards to ensure that the building retains its integrity and historical significance.	If feasible, the project proponent shall relocate the KNTV Broadcast Facility as described in Mitigation Measure CULT-1b.	The Director of PBCE shall ensure that the KNTV Broadcast Facility is relocated as described in Mitigation Measure CULT-1b, if feasible. This action shall occur prior to issuance of permits.
	CULT-1d: **Salvage.** If relocation, preservation, or incorporation are not possible, the building shall be offered to an appropriate agency or museum, such as History San Jose, for salvage of its architectural elements.	If relocation, preservation, or incorporation is not possible, the project proponent shall salvage the KNTV Broadcast Facility as described in Mitigation Measure CULT-1d.	The Director of PBCE shall ensure that the KNTV Broadcast Facility is salvaged as described in Mitigation Measure CULT-1d if relocation, preservation, or incorporation is not possible. This action shall occur prior to issuance of permits.
CULT-2: The structure at 65 Cahill Street, adjacent to the project area, is a City Landmark and listed in the National Register.	CULT-2a: Prior to demolition or alteration of the proposed project area buildings HABS documentation of the exterior of the 1935 National Register Southern Pacific Depot and its setting shall be prepared. A brief historical overview of the depot and its relationship to the project area shall be prepared to accompany the photographic documentation. A brochure shall be prepared that presenting the history of the Depot, and made available for distribution to local libraries, museums, and schools.	The project proponent shall retain a qualified professional to document the exterior of the San Jose Diridon Train Station as described in Mitigation Measure CULT-2a.	The Director of PBCE shall verify that the appropriate documentation of the exterior of the San Jose Diridon Train Station is completed prior to demolition or alteration of the proposed project area.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
CULT-2 *continued*	CULT-2b: A historic preservation architect will be retained to minimize project impacts to the Diridon Station.	The project proponent shall retain a historic preservation architect to minimize impacts to the Diridon Station prior to ground disturbing activities at the site.	The Director of PBCE shall ensure that a historic preservation architect has been retained prior to initiation of ground-disturbing activities at the site.
	CULT-2c: The project will be referred back to the Historic Landmarks Commission for review.	The City shall consult with the Historic Landmarks Commission prior to project approval.	The Director of PBCE shall ensure consultation with the Historic Landmarks Commission prior to project approval.
	CULT-2d: Consultation with the Peninsula Corridor Joint Powers Board and the City shall be conducted to determine if these proposed mitigations are sufficient or if additional mitigations are necessary.	The City shall consult with the Peninsula Corridor Joint Powers Board prior to demolition or alteration of structures in the proposed project area.	The Director of PBCE shall ensure consultation with the Peninsula Corridor Joint Powers Board prior to demolition or alteration of structures in the proposed project area.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
CULT-3: The project area may contain buried archaeological resources.	CULT-3: Due to high sensitivity for both prehistoric and historical archaeological resources, a qualified archaeologist shall monitor all ground-disturbing activities within the project area for historical and prehistoric archaeological resources. Monitoring should continue until, in the archaeologist's judgment, cultural resources are not likely to be encountered. A cultural resources monitoring plan shall be prepared prior to the issuance of a grading or building permit. The monitoring plan shall describe how project construction will be monitored to reduce impacts to cultural resources which may be identified within the project site. The monitoring plan shall also include a review of Sanborn fire insurance maps, historical photographs, and other appropriate historical materials to identify potentially archaeologically sensitive areas for monitoring. Limited subsurface testing may be appropriate prior to construction to identify archaeological deposits. If deposits of prehistoric or historical archaeological materials are encountered during project activities, all work within 25 feet of the discovery shall be redirected until the archaeological monitor can review the finds and make recommendations. Monitoring shall continue until, in the archaeologist's judgment, archaeological resources are no longer likely to be encountered. It is	The project proponent shall retain a qualified archeologist to prepare a monitoring plan and monitor all ground disturbing activity within the project site, as described in Mitigation Measure CULT-1.	The Director of PBCE shall ensure that an archeologist has been retained and that an adequate monitoring plan has been prepared prior the initiation of ground disturbing activities at the site. The Director shall also ensure that the appropriate reporting occurs in the event that cultural resources are uncovered.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
CULT-3 *continued*	recommended that such deposits be avoided by project activities. If such deposits cannot be avoided, they shall be evaluated for their California Register eligibility. Archaeological monitors must be empowered tohalt construction activities within 25 feet of the discovery to review the possible archaeological material and to protect the resource while it is being evaluated. If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, they will need to be avoided or adverse effects must be mitigated. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the archaeological materials discovered. The report shall be submitted to City of San Jose Planning, Building, and Code Enforcement director, and the NWIC. Prehistoric materials can include flaked-stone tools (e.g. projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone milling equipment (e.g., mortars, pestles, hand stones). Prehistoric archaeological sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal, and other refuse. Project personnel shall not collect or move any archaeological materials or human remains and associated materials. Fill soils used for construction purposes should not contain archaeological materials.		

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
CULT-4: Ground disturbance associated with the demolition, grading, site preparation and construction of the proposed project may disturb human remains, including those interred outside of formal cemeteries.	CULT-4: If human remains are encountered, work within 25 feet of the discovery shall be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to City of San Jose Planning, Building, and Code Enforcement director, and the NWIC.	The project proponent shall follow the procedures outlined in Mitigation Measure CULT-2 in the event that human remains are identified within the project site.	The Director of PBCE shall ensure that the appropriate procedures and reporting requirements are followed in the event that human remains are identified within the project site.
CULT-5: Ground disturbing activities within the project area could adversely impact paleontological resources.	CULT-5a: A qualified paleontologist shall be present during initial project ground-disturbance at or below 5 feet from original ground surface. The paleontologist shall determine if further monitoring of project ground-disturbing activities below the soil layer is necessary, or if periodic site inspections are appropriate. If site inspections are recommended, each subsequent inspection shall determine if more thorough paleontological monitoring is necessary. Prior to project ground-disturbing activities, pre-field preparation by a qualified paleontologist shall take into account specific details of project construction plans for the project area as well as information from available paleontological, geological, and geotechnical studies. Limited subsurface investigations may be appropriate for defining areas of paleontological sensitivity prior to ground disturbance.	The project proponent shall retain a qualified paleontologist to monitor all ground disturbing activity at or below 5 feet original ground surface within the project site, as described in Mitigation Measure CULT-5a.	The Director of PBCE shall ensure that a paleontologist has been retained prior the initiation of ground disturbing activities at the site. The Director shall also ensure that the appropriate reporting occurs in the event that paleontological resources are uncovered.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
CULT-5 *continued*	If paleontological resources are encountered during project activities, all work within 25 feet of the discovery shall be redirected until the paleontological monitor can evaluate the resources and make recommendations. If paleontological deposits are identified, it is recommended that such deposits be avoided by project activities. Paleontological monitors must be empowered to halt construction activities within 25 feet of the discovery to review the possible paleontological material and to protect the resource while it is being evaluated. If avoidance is not feasible, adverse effects tosuch resources shall be mitigated. Mitigation can include data recovery and analysis, preparation of a report and the accession of fossil material recovered to an accredited paleontological repository, such as the UCMP. Monitoring shall continue until, in the paleontologist's judgment, paleontological resources are no longer likely to be encountered. Upon project completion, a report shall be prepared documenting the methods and results of monitoring. Copies of this report shall be submitted to the City of San Jose Planning, Building, and Code Enforcement director and to the repository to which any fossils were transmitted.		
	CULT-5b: If paleontological resources are encountered during project activities, and a paleontologist monitor is not present, all work within 25 feet of the discovery shall be redirected until a qualified paleontologist has evaluated the discoveries, prepared a fossil locality form documenting the discovery and made recommendations regarding the treatment of the resources. If the paleontological resources are found to be significant, adverse effects to such resources shall be avoided by project activities. If project activities cannot avoid the resources, adverse effects shall be mitigated. At a minimum, mitigation shall include data recovery and analysis, preparation of a report, and the	In the event that paleontological resources are encountered during construction activities, and a paleontological monitor is not present, the construction manager shall ensure that project activities within 25 feet of the discovery are redirected until a qualified paleontologist has evaluated the discovery and made recommendations.	The Director of PBCE shall verify that the construction work plans provide measures for the treatment of paleontological discoveries in the event that a paleontological monitor is not present at the site. This shall be verified prior to prior to the initiation of ground disturbing activities at the site.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
CULT-5 *continued*	transmittal of any fossil material recovered to a paleontological repository, such as the UCMP. Upon completion of project activities, a report documenting the methods and findings of the mitigation shall be prepared and copies submitted to City of San Jose Planning, Building, and Code Enforcement director as well as to the paleontological repository to which fossils were transmitted. Project personnel should not collect or move any paleontological materials and associated materials. Fill soils used for construction purposes should not contain paleontological materials.		
K. VISUAL AND AESTHETIC RESOURCES			
VIS-1: The proposed project would alter the visual character of historic San Jose Diridon Station.	VIS-1: Implementation of Mitigation Measure CULT-2a and CULT-2b would somewhat reduce this impact. However, the alteration of the station's visual setting and feeling would remain a significant impact.	The project applicant shall implement Mitigation Measures CULT-2a and 2b.	The Director of PBCE shall verify that Mitigation Measures CULT-2a and 2b are implemented prior to demolition or alteration of the proposed project area.
VIS-2: The removal of all ordinance sized trees on the project site would substantially damage scenic resources.	VIS-2: Mitigation Measure BIO-1 requires the loss of ordinance sized trees would be mitigated by implementation of landscaping plans to be reviewed and approved by the City of San Jose. For private projects, the City of San Jose requires tree replacement for those trees greater than 18 inches in diameter with 24-inch box trees at a ratio of 4:1. As a City proposed project, the City would commit to meeting the tree replacement ratio, but given the footprint of redevelopment on the site, replacement trees may be planted beyond the project site in the project area. Implementation of Mitigation Measure BIO-1 would reduce impacts to scenic resources through the loss of trees to a less-than-significant level.	The City shall implement Mitigation Measure BIO-1.	The Director of PBCE shall verify that Mitigation Measure BIO-1 is implemented prior to issuance of permits.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
L. SHADE/SHADOW AND LIGHT/GLARE			
SHADE-1: Throughout most of the year in the morning hours, the proposed project would increase the shade and shadow cast on the historic San Jose Diridon Station.	SHADE-1: Implementation of Mitigation Measure CULT-2a and CULT-2b would somewhat reduce this impact. However, shadows cast over the station, particularly those that would occur during winter mornings (as exemplified by the shadow simulation for December 21), would remain a significant impact.	The project applicant shall implement Mitigation Measures CULT-2a and 2b.	The Director of PBCE shall verify that Mitigation Measures CULT-2a and 2b are implemented prior to demolition or alteration of the proposed project area.
SHADE-2: Obtrusive light and glare resulting from nighttime operation of the proposed stadium could present a nuisance to surrounding land uses, specifically nearby residences and the Lick Observatory.	SHADE-2a: The proposed project shall incorporate lighting controls at the proposed stadium to reduce the potential nuisance associated with obtrusive light and glare resulting from nighttime stadium operation. Lighting banks shall be placed and designed to minimize obtrusive spill light and glare as much as possible (e.g. shielding at the source) and shall be directed towards the playing field and away from the sky.	The project proponent shall incorporate appropriate lighting controls into the project design.	The Director of PBCE shall verify that appropriate lighting controls are incorporated into the project design prior to project approval.
	SHADE-2b: After nighttime events, when nighttime stadium cleanup is necessary, the field lights shall be reduced to one-third of their standard intensity and shall remain on no more than one hour after the event to provide lighting for cleanup activities.	Event operators shall implement lighting controls described in Mitigation Measure SHADE-2b after nighttime events.	The Director of PBCE shall verify that lighting controls described in Mitigation Measure SHADE-2b are implemented prior to project operation.
SHADE-3: Light and glare associated with the proposed scoreboards and lighting structures and fireworks displays could interfere with the safe operation of the San Jose International Airport during nighttime events.	SHADE-3: As discussed in Section V.A, Land Use, of this EIR, a Determination of No Hazard from the FAA would be required for the proposed project prior to development approval. In addition, implementation of Mitigation Measure LU-1 requires FAA consultation (if required by FAA) for the coordination of fireworks displays. Implementation of this mitigation measure, as well as Mitigation Measures SHADE-2a and SHADE-2b, discussed above, would reduce this significant impact to a less-than-significant level.	The project proponent shall implement Mitigation Measures LU-1 and SHADE-2a and 2b.	The Director of PBCE shall verify that Mitigation Measures LU-1 and SHADE-2a and 2b are implemented prior to project approval.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
M. UTILITIES			
UTIL-1: The water demand of the proposed project could cause a reduction in water pressure for surrounding land uses being served at the lower end of the pressure range.	UTIL-1: Prior to the issuance of a certificate of occupancy, the City shall either 1) install one new well in an easement within the area with access to the existing water lines, or 2) install inter-zone regulators at two existing SJWC facility stations to supply water from an adjacent, higher pressure zone. The SJWC preferred mitigation would be a new well facility located near the stadium (possibly in an easement on the southerly portion of the site adjacent to Los Gatos Creek). The well site would be required to meet all setbacks and requirements of the California Department of Health Services and the SCVWD. This well would pump water from the same basin as all of the SJWC's existing wells, the Santa Clara Valley Groundwater Subbasin. A new well would require approximately 5 feet by 5 feet of space for the above-ground well head with sufficient over-head space for well drilling and pump maintenance. The pump would be located in the well and would connect to existing water transmission line adjacent to the site. An alternative to providing an additional well would be installing inter-zone regulators at two of the SJWC's existing facility locations. This would not require additional space, but would require additional piping, telemetry, and site modifications funded by the City. This option is not preferred by the SJWC as it would reduce operational flexibility.	The City shall install the appropriate facilities in coordination with SJWC as described in Mitigation Measure UTIL-1.	The Director of PBCE shall ensure that the appropriate facilities are installed as described in Mitigation Measure UTIL-1 and verify consultation with SJWC prior to issuance of a certificate of occupancy.
UTIL-2: The solid waste generated during the demolition, land clearing and construction could interfere with waste diversion goals mandated by the California Integrated Waste Management Act.	UTIL-2: Prior to the demolition of any structure on the site, the City shall prepare a waste management plan for the recycling of construction and demolition materials. The waste management plan shall ensure that a minimum of 50 percent (by weight) of construction, demolition, and land clearing waste is recycled or salvaged.	The City shall prepare a waste management plan as described in Mitigation Measure UTIL-2 prior to demolition activities at the site.	The Director of PBCE shall verify that a waste management plan has been prepared as described in Mitigation Measure UTIL-2, prior to demolition activities at the site.

Table 1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
UTIL-3: The proposed project may require the relocation of the existing PG&E substation.	UTIL-3: The City shall work with PG&E to provide a new substation and transmission and distribution infrastructure.	The City shall work with PG&E as described in Mitigation Measure UTIL-3.	The Director of PBCE shall ensure coordination with PG&E is conducted for sub-station relocation/re-design prior to project approval.
N. PUBLIC SERVICES AND FACILITIES			
There are no significant public services and utilities impacts.			
O. ENERGY			
There are no significant energy impacts.			

Source: LSA Associates, Inc., 2006.