

I. INTRODUCTION

A. PURPOSE OF THE EIR

In compliance with the California Environmental Quality Act (CEQA), this report describes the environmental consequences of the Baseball Stadium in the Diridon/Arena Area Project (proposed project).

This Environmental Impact Report (EIR) is designed to fully inform City of San Jose decision-makers, other responsible agencies, and the general public of the proposed project and the potential environmental consequences of its approval. This EIR also examines various alternatives to the proposed project, and recommends a set of mitigation measures to reduce or avoid potentially significant impacts. The City of San Jose is the lead agency for the environmental review of the proposed project. This EIR will be used by the City of San Jose, in its consideration of the proposed project and the various approvals required as described in Chapter III, Project Description.

B. PROPOSED PROJECT

The proposed project consists of the development of an approximately 1.5 million square-foot, 45,000-seat, open-air major league baseball stadium, a parking structure, and a future commercial development site on approximately 23.1 acres in the City of San Jose. An in-depth description of the project appears in Chapter III, Project Description.

C. EIR SCOPE

On November 29, 2005, the City circulated a Notice of Preparation (NOP) to help identify the types of impacts that could result from the proposed project, as well as potential areas of controversy. The NOP was mailed to public agencies (including the State Clearinghouse) and neighborhood organizations considered likely to be interested in the proposed project and its potential impacts. Additionally, a community meeting/public scoping session was held on December 15, 2005, to introduce the proposed project and CEQA process. Comments received by the City on the NOP were taken into account during the preparation of this EIR. The NOP, verbal comments taken at the scoping meeting, written comments, and the distribution list are provided in Appendix A.

This EIR focuses on the areas of concern identified in the NOP, comments submitted on the NOP, and comments provided at the public scoping session. The following environmental topics are addressed in this EIR:

- A. Land Use
- B. Population, Employment and Housing
- C. Transportation, Circulation and Parking
- D. Air Quality

- E. Noise
- F. Biological Resources
- G. Geology, Soils and Seismicity
- H. Hydrology and Water Quality
- I. Hazards and Hazardous Materials
- J. Cultural and Paleontological Resources
- K. Visual and Aesthetic Resources
- L. Shade/Shadow and Light/Glare
- M. Utilities
- N. Public Services and Facilities
- O. Energy

D. REPORT ORGANIZATION

This EIR is organized into the following chapters:

- *Chapter I – Introduction:* Discusses the overall EIR purpose; provides a summary of the proposed action and environmental review process; identifies potentially significant issues and concerns; and summarizes the organization of the EIR.
- *Chapter II – Summary:* Provides a summary of the impacts that would result from implementation of the proposed project, and describes mitigation measures recommended to reduce or avoid significant impacts.
- *Chapter III – Project Description:* Provides a description of the project’s objectives, location and site conditions, details of the project itself, required approval process, and uses of the EIR.
- *Chapter IV – Consistency with Plans and Policies:* Identifies relevant regional and local plans and evaluates the proposed project’s consistency with these plans and policies.
- *Chapter V – Setting, Impacts and Mitigation Measures:* Describes the following for each environmental technical topic: existing conditions (setting); potential environmental impacts and their level of significance; and mitigation measures recommended to mitigate identified impacts. Potential adverse impacts are identified by levels of significance, as follows: less-than-significant impact (LTS), significant impact (S), and significant and unavoidable impact (SU). The significance of each impact is categorized before and after implementation of any recommended mitigation measure(s).
- *Chapter VI – Cumulative Impacts:* Provides the required analysis of potential environmental impacts that are individually limited, but cumulatively significant, resulting from the proposed project alone, or together with other projects.
- *Chapter VII – Alternatives:* Provides an evaluation of seven alternatives to the proposed project, including the No Project alternative.
- *Chapter VIII – Significant Effects Which Cannot Be Avoided:* Identifies any significant adverse impacts which, even after implementation of any and all recommended mitigation measures, would not be reduced to levels that would be less than significant.

- *Chapter IX – Growth-Inducing Impacts:* Discusses the ways in which the proposed project could foster economic or population growth, either directly or indirectly, in the surrounding environment.
- *Chapter X – Irreversible Environmental Changes:* Identifies any significant irreversible environmental changes that would be caused by the proposed project being analyzed. Irreversible environmental changes may include current or future commitments to the use of non-renewable resources, or secondary or growth-inducing impacts that commit future generations to similar uses.
- *Chapter XI – Authors and Consultants:* Identifies the authors and consultants involved in the preparation of this EIR.
- *Chapter XII – References and Contacts:* Provides a list of the reference documents, publications, and literature reviewed and cited, and identifies the persons and agencies contacted during report preparation.

E. CEQA PROCESS

The EIR is being circulated for public review and comment for 45 days. During this review period, all parties interested in the baseball stadium are encouraged to read the document to inform their understanding of the project and its anticipated environmental effects, and to submit written comments regarding the environmental issues and analysis presented in the EIR.

Every comment letter received on the EIR during the 45-day comment period will be reviewed by the City staff and environmental consultant team, and the City will provide a written response for every substantive comment received addressing environmental issues associated with the baseball stadium. The EIR will be revised as appropriate in response to comments received, and the City will prepare a Final EIR, consisting of the EIR, the public comments received, the City's responses to substantive environmental issues raised in the public comments, and any EIR text revisions resulting from the responses to comments.

The Final EIR will be released, and a copy provided to all commentors, a minimum 10 days prior to the public hearing before the Planning Commission of the City of San Jose to consider certification of the Final EIR. If the Planning Commission certifies the Final EIR as complete and in compliance with CEQA, the Commission may then hold a public hearing regarding any recommendations related to the proposed baseball stadium. The decision of the Planning Commission to certify the Final EIR may be appealed to the City Council. Instructions on filing an EIR Appeal can be obtained by calling (408) 535-3555 or at <http://www.sanjoseca.gov/planning/applications/>.

The City Council will hold a public hearing to consider certification of the EIR, in the event of an appeal. If the Council upholds the Planning Commission decision and certifies the EIR as complete and in compliance with CEQA, the Council can then consider proceeding with further work on a stadium. It is anticipated that the City Council will consider placement of a ballot measure before the San Jose electorate approving the use of public funds toward construction of a stadium. If the ballot measure is placed by the Council and ultimately approved by the electorate, only then could development of the stadium, including negotiations with Major League Baseball, and design and construction of the facility proceed.

