IV. CONSISTENCY WITH PLANS AND POLICIES

This chapter of the EIR evaluates the consistency of the proposed Baseball Stadium in the Diridon/ Arena Area project with applicable land use plans and planning policies. This section includes a description of relevant plans and policies and a discussion of potential policy inconsistencies and potential conflicts between these documents and the proposed project.

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 this chapter of the EIR. Adverse physical impacts associated with such policy conflicts are addressed in the appropriate technical sections of this chapter (e.g., Air Quality, Noise).

A. REGIONAL PLANS AND POLICIES

1. Bay Area 2005 Ozone Strategy: ABAG/BAAQMD/MTC

The Bay Area 2005 Ozone Strategy is the joint responsibility of three agencies: Association of Bay Area Governments (ABAG); Bay Area Air Quality Management District (BAAQMD); and Metropolitan Transportation Commission. It establishes regional policies and guidelines to meet the requirements of the Clean Air Act, as amended. The Bay Area is a non-attainment area for ozone because federal standards have been exceeded for this pollutant. The updated 2005 Ozone Strategy, adopted in 2006, outlines measures and improvements to help the Bay Area comply with the State's ozone standard. The 2005 Ozone Strategy proposes the adoption of transportation, mobile source and stationary source controls on a variety of pollutant sources to offset population growth and provide improvement in air quality. The consistency of the proposed project with this regional plan is primarily a question of the consistency with the population/employment assumptions utilized in developing the 2005 Ozone Strategy. The 2005 Ozone Strategy is based on population and employment projections developed by ABAG.[1]

Consistency: The proposed project is the development of a major league stadium and related parking areas at a location with unsurpassed existing and potential future public transit facilities. The project is a public project, and responds to the need for additional recreational and entertainment facilities in the greater San Jose area. No direct population growth would result from the proposed project. In this way, the proposed project is consistent with growth anticipated under the City's General Plan and falls within the population projections prepared by ABAG. As a result, it will not conflict with the Bay Area 2005 Ozone Strategy.

2. Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was developed in accordance with the requirements of the 1986 San Francisco Bay Basin Water Quality Control Plan,

[1] Association of Bay Area Governments (ABAG), 2003. *Projections 2003, Forecasts for the San Francisco Bay Area to the Year 2030.* July.

for the purpose of reducing water pollution associated with urban stormwater runoff. This program was also designed to fulfill the requirements of Section 304(1) of the Federal Clean Water Act, which mandated that the Federal Environmental Protection Agency (EPA) develop National Pollutant Discharge Elimination System (NPDES) Permit application requirements for various stormwater discharges, including those from municipal storm drain systems and construction sites.

The State Water Resources Control Board implemented an NPDES general construction permit for the Santa Clara Valley. For properties of 1 acre or greater, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction. Development of the project site would be required to conform to the requirements of the NPDES permitting program. The project would comply with the City's National Pollutant Discharge Elimination System (NPDES) permit compliance guidance which requires development to incorporate construction and post-construction mitigation measures to control the discharge of pollutants into the storm drainage system to the maximum extent practicable.

Consistency: The proposed project would be designed to be consistent with the provisions of the Santa Clara Valley Urban Runoff Pollution Prevention Program. Detailed measures to reduce water quality impacts of development are proposed in Section V.H, Hydrology and Water Quality.

3. Santa Clara Valley Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Santa Clara County Congestion Management Program (CMP). This legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. The CMP legislation requires that each CMP contain five mandatory elements: (1) a system definition and traffic level of service standard element; (2) a transit service and standards element; (3) a trip reduction and transportation demand management element; (4) a land use impact analysis program element; and (5) a capital improvement element.

The Santa Clara County CMP includes subregional roadways within San Jose that are identified as CMP road facilities. The CMP intersections and the roadway segments that could be impacted by the proposed project are identified and analyzed in Section V.C, Transportation, Circulation and Parking.

a. CMP Intersections. The level of service results for the CMP intersections under project conditions are summarized in Section V.C, Transportation, Circulation and Parking. The traffic analysis shows that none of the CMP study intersections would be significantly impacted by the project.

b. CMP Freeway Segments. The analysis of the CMP freeway segments (see Table V.C-8) indicates that the proposed project will significantly impact four segments:

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

The mitigation necessary to reduce significant impacts upon these freeway segments would involve widening the freeway. This measure is not considered feasible because the State of California Department of Transportation (CalTrans) owns and maintains the freeways. In addition, significant

rights-of-way would need to be acquired and many homes and businesses would need to be demolished. These impacts are therefore designated significant and unavoidable in Section V.C, Transportation and Circulation, of this EIR.

While it is anticipated that the project would impact regional freeway segments on SR 87 and I-280, the project represents planning that is generally consistent with the CMP policies. The project is an infill project, located in an urban area that is extraordinarily well served by transit facilities. Please refer to Section V.C, Transportation and Circulation, for a more detailed discussion of transit.

Consistency: The analysis of CMP roadways and intersections that is called for by the Santa Clara Valley Congestion Management Program is provided in Section V.C, Transportation, Circulation and Parking. Its presentation, along with the various mitigation measures that are recommended in this EIR, lead to the conclusion that a baseball stadium at the proposed location would be consistent with this program.

B. LOCAL PLANS AND POLICIES

1. San Jose 2020 General Plan

The City's General Plan, *San Jose 2020 General Plan* (General Plan), was adopted in August 1994 by the City Council. The General Plan is an adopted statement of policies for the physical development of the City. As such, it seeks to determine the shape that future development will take within a broad environmental, social, and economic framework. It is intended for use by both City officials and private citizens in providing a structure for future growth. The General Plan contains each of the State-mandated elements, but since the elements are intrinsically interrelated, they are combined in the document and are not separated according to topic.

The General Plan identifies specific goals and policies for city concept; community development; housing; services and facilities; aesthetics, cultural and recreational resources; natural resources; hazards; and sustainability. One of the key elements of the General Plan is the Land Use/Transportation Diagram, which also includes a rail transit, bicycle network, and scenic routes and trails diagram. The Land Use/Transportation Diagram provides a geographical reference and a spatial context to the goals and policies of the General Plan. It identifies various land use designations, special strategy areas, and planned residential communities/planned communities. An overview of the land use designations and the special strategy area applicable to the proposed project is provided below. A discussion of the General Plan's major strategies and relevant policies and their relationship to the proposed project is also provided.

a. Land Use Designations. The General Plan Land Use/Transportation Diagram identifies the designated land uses for all property within the City's Sphere of Influence. The Diagram also illustrates the relationship between land uses and the transportation network.

The General Plan designates the majority of the properties located between W. San Fernando Street and Park Avenue as *Mixed Use*. The PG&E Substation is designated *Public/Quasi-Public*. Properties east of S. Autumn Street to Los Gatos Creek are designated *General Commercial*. The Los Gatos Creek Corridor is designated *Public Park Open Space.* South of Park Avenue, the Fire Training

Facility is designated *Public/Quasi-Public*. Figure IV-1 shows existing General Plan land use designations for the project site and vicinity.

The General Plan provides that only existing uses and ownerships and future uses for which substantial planning has been completed are designated Public/Quasi-Public. The ballpark is in the early stages of planning and the initial City actions are 1) the City Council's consideration of placement of a ballot measure before the voters of the City of San Jose on whether public funds should be used for a proposed ballpark, and 2) a decision by the voters of the City of San Jose to allow use of public funds for a proposed ballpark. Should the voters authorize use of public funds and the City Council then pursue development of a ballpark at the proposed site, General Plan Amendments would be initiated to change the General Plan designation of the project site to Public/Quasi-Public to reflect the planned ballpark use. The environmental impacts associated with such future General Plan Amendments, if initiated and moved forward for consideration by the City Council of the City of San Jose, would be reviewed by, and appropriate environmental clearance would be processed for consideration by, the recommending and decision-making bodies for such General Plan Amendments at that time.

b. Special Strategy Areas. The project site is located within the Greater Downtown Area, as shown in Figure IV-2. The boundary of the Greater Downtown extends beyond San Jose's traditional downtown center to include the areas around Diridon Station, areas north to approximately Taylor Street, areas on the east that include San Jose State University, and areas on the south to approximately I-280. *Strategy 2000, San Jose Greater Downtown Strategy for Development,* provides the vision for this area, a prominent and vital 24-hour downtown that is a catalyst to bring new investment, residents, and visitors to the center of the City.

c. Major Strategies. The Major Strategies identify the principal objectives of the General Plan. They establish the basic framework for planning in San Jose. The strategies also express the philosophy that the City should take a leadership role in the planning process, while encouraging community and private sector participation. All of the strategies are interrelated and supportive of each other. A summary of the major strategies and policies that apply to the proposed project is presented below:

- Economic Development Major Strategy: The City of San Jose's Economic Development Strategy strives to make San Jose a more "balanced community" by: (1) encouraging more commercial and industrial growth to balance the existing residential development; (2) equitably distributing jobs and housing; and (3) controlling the timing of development.

  Consistency: The proposed project would provide employment opportunities within the City helping to balance the commercial and residential relationship, and would contribute to the financial base of the City.

- Growth Management Major Strategy: The Growth Management Major Strategy addresses the need to balance the urban service demand of new development with the need to balance the City's budget. One of the key components of this Major Strategy is to support infill development as a way of decreasing the costs associated with the provision of public services through increased efficiency.

  Consistency: The project is consistent with the Growth Management Major Strategy. It is an infill project, which would invigorate an underutilized area, and in doing so, possibly forestall development in outlying areas which would require increased expansion of services and costs to serve the development.

Figure IV-1: General Plan Land Use Designation

Color, 8X11
Replace with official City GP map exhibit

PRINT FIG IV-2 ON BACK OF IV-1

Figure IV-2: San Jose Greater Downtown Strategy for Development, Illustration

Color, 8X11

PRINT ON BACK OF IV-1

- Downtown Revitalization Major Strategy: The Downtown Revitalization Major Strategy emphasizes the importance of a prominent and attractive downtown as a catalyst that brings new investment, residents, businesses and visitors to the center city.

  Consistency: The proposed baseball stadium would support the Downtown Revitalization Major Strategy by providing a significant entertainment and civic venue that would attract substantial numbers of fans to Downtown, thereby supporting Downtown businesses, and stimulating ancillary private investment responding to the ballpark.

- Urban Conservation Preservation Major Strategy: The Strategy underscores the importance of protecting and enhancing San Jose's neighborhoods and historical resources to promote community identity and pride. This Strategy encourages infill development while recognizing that nearby neighborhoods should be protected from impacts. Encouraging economic development will enable the City to maintain current levels of service and help maintain the neighborhoods.

  Consistency: There are three neighborhoods in the project vicinity; however, uses adjacent to the project site are primarily transit-oriented mixed-use, public/quasi-public, and public park/open space. The proposed project would be consistent with this Strategy by promoting community identity and pride, but would unavoidably impact a historic resource (see Chapter V.J, Cultural Resources). Additionally, 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, Noise, and V.L, Shade/Shadow and Light/Glare, respectively.

- The Greenline Major Strategy: This is a strategy to define the ultimate perimeter of urbanization in San Jose and preservation of hillsides, the baylands and the rural/agricultural area in the south Coyote Valley.

  Consistency: See the discussion on the Growth Management Strategy above. Through the siting of the proposed project, views of downtown skyline and the hills that frame the valley would be highlighted for ballpark patrons, but the stadium would obscure existing views for some adjacent properties.

- Housing Major Strategy: The Housing Strategy is designed to promote housing opportunities.

  Consistency: Housing is not included as part of the proposed project. A single residential unit would be removed from the City housing stock. The portion of the site north of Park Avenue is planned for mixed uses, including the potential for transit-supportive high density housing, and the development of the site with the ballpark would eliminate that potential. However, substantial opportunities for development of transit-supportive mixed uses, including high density housing, exist within the immediate Diridon Area and the Downtown as a whole, such that the project would not impede future efforts to implement the Housing Major Strategy. The proposed project would be essentially neutral vis-a-vis this strategy.

- Sustainable City Major Strategy: The Sustainable City Strategy reflects San Jose's desire to become an environmentally and economically sustainable city, minimizing waste, and efficiently using its natural resources.

  Consistency: The project site is in Downtown San Jose, within walking distance of the central downtown area and in close proximity to several forms of public transit. The proposed project includes the development of a major league baseball stadium to allow for local presentation of that form of entertainment/recreation. These components of the project support the City's strategy related to developing a sustainable city.

d. General Plan Goals and Policies. The key goals and policies that are relevant to the proposed project are discussed below.

- Urban Conservation Policy 2: The City should encourage new development which enhances the desirable qualities of the community and existing neighborhoods.

  Consistency: 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.

2. Downtown Strategy 2000: San Jose Greater Downtown Strategy for Development

Strategy 2000: San Jose Greater Downtown Strategy for Development (*Strategy 2000*) was adopted in June 2005 and provides a long-range conceptual program for redevelopment. *Strategy 2000* focuses on revitalizing the traditional Downtown by allowing higher density infill development and replacement of underutilized uses, and expanding the Greater Downtown Core Area and land use intensities to the west and north into areas that are presently undeveloped and underutilized. *Strategy 2000* is an update of the San Jose *Downtown Strategy Plan 2010*, adopted by the San Jose City Council and the Redevelopment Agency Board in 1992.

The Guiding Principles of *Strategy 2000* are as follows:

- Make the Greater Downtown a memorable urban place to live, work, shop and play
- Promote the identity of Downtown San Jose as the Capital of Silicon Valley
- Create walkable, pedestrian-friendly Greater Downtown
- Promote and prioritize development that serves the needs of the entire City and Valley

Another objective of the Plan is to promote the development of a prominent and vital 24-hour downtown that is a catalyst to bring new investment, residents, and visitors to the center of the City. The Plan envisions Downtown as a regional focus for employment, cultural activities, entertainment, civic uses, and retail activity at the center of an expanding transit network, and near to existing and planned residential areas.

Consistency: The proposed project is located within the Greater Downtown Area, and would generally meet the goals of *Strategy 2000*. The project would allow for the development of a major league baseball stadium, along with associated commercial and retail opportunities on an infill site within the downtown. It would help enhance Greater Downtown San Jose's reputation as a memorable place, on par in terms of entertainment and recreation opportunities, with the other two major cities of the Bay Area (San Francisco and Oakland), both of whom currently have major league baseball franchises.

3. Diridon/Arena Area Strategic Development Plan[2]

The project site is included in the *Diridon/Arena Area Strategic Development Plan* (Figure IV-3). The *Diridon/Arena Strategic Development Plan* includes strategies and actions that aim to: (a) complete the Downtown Riverfront Park encompassing the Guadalupe River and Los Gatos Creek as local and regional open space amenities; (b) expand Diridon Station to create a grand transit station of archi-

[2] San Jose, City of, 2005. *Diridon/Arena Strategic Development Plan*. June 6

tectural and functional significance; (c) enhance existing residential neighborhoods and reinforce downtown living with additional high density residential development; (d) create a high activity, lively pedestrian environment with excellent connectivity to downtown destinations and regional transit; (e) provide a variety of commercial and mixed use development opportunities, ranging from larger scale corporate or institutional sites to incremental, infill development zones; and (f) encourage future development in three development zones: (i) Diridon Station Area (Transit Oriented/Downtown District); (ii) Station South (Transit Oriented Neighborhood District); and (iii) Arena North (Mixed Use District). The Plan calls for Transit Oriented Mixed-Use development on the proposed project site.

Consistency: The proposed project would compliment the vision set forth in the *Diridon/Arena Area Strategic Development Plan*. However, a baseball stadium is not specifically included in the Plan. The ballpark is in the early stages of planning and the initial City actions are: 1) the City Council's consideration of placement of a ballot measure before the voters of the City of San Jose on whether public funds should be used for a proposed ballpark, and 2) a decision by the voters of the City of San Jose to allow use of public funds for a proposed ballpark. 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 Diridon/Arena Area Strategic Development Plan to reflect the planned ballpark use. The environmental impacts associated with such future Amendments, if initiated and moved forward for consideration by the City Council of the City of San Jose, would be reviewed by, and appropriate environmental clearance would be processed for consideration by, the recommending and decision-making bodies for such Strategic Plan Amendments at that time.

4. Midtown Specific Plan[3]

The project site is included in the *Midtown Specific Plan* (MSP), which provides development guidelines for a 210-acre industrial and commercial service area situated to the south of W. Santa Clara Street and west of Los Gatos Creek (Figure IV-4). The goal of the MSP is to create a mixed-use community that includes high-density commercial and residential areas that are geared towards public transit while at the same time maintaining some existing service and industrial uses in the area. The MSP, which is consistent with the General Plan, was adopted by San Jose City Council in December 1992, and amended as recently as June 2005.

The MSP specifically calls for the intensification of development immediately adjacent to Cahill (now Diridon) Station and to the W. San Carlos Light Rail Transit (LRT) Station; the creation of a new residential community with a wide range of housing choices; the preservation and intensification of industrial and commercial-service uses within Midtown; the reinforcement of existing neighborhood business districts; the creation of a network of open space and pedestrian walkways; the development of a street pattern that enhances neighborhoods; and the design of development that is compatible with surrounding areas.

To achieve these goals, the MSP provides generalized land use guidelines for the overall neighborhood, and specialized plans for individual sub-areas. The document also sets policy for the design of parks and community centers, traffic routes, and utility service. It also includes a chapter on implementation of the MSP to ensure consistency with the *City of San Jose 2020 General Plan* and existing land use regulation, financing alternatives for development, and administrative protocol.

[3] San Jose, City of, 1992. *Midtown Specific Plan*, Final Draft. December 8.

The MSP proposes Transit Oriented Mixed Use for the project site north of Park Avenue and a potential future 5-acre neighborhood park/playing fields south of Park Avenue on the City-owned property currently utilized by the City of San Jose Fire Department as a training facility. This location is well suited for a more active recreational park, which could serve Midtown residents as well as residents across Los Gatos Creek in the Parkside Neighborhood (Delmas Plan Area). The park would also contribute to the enhancement of Los Gatos Creek within the Midtown and provide for the implementation of a portion of the regional creek trail system. The Plan acknowledged implementation of this park would necessitate relocation of the Fire Training Facility. More specifically, the plan provides the following design criteria for this park:

- The park is proposed to include formalized playing (sport) fields, including a softball diamond and a hardball and tennis court, as appropriate and required.
- The park should incorporate a bicycle and jogging trail along Los Gatos Creek, and should maintain the riparian character and habitat along the creek corridor."

Consistency: A baseball stadium is not specifically included in the Plan and would necessitate relocation of the Fire Training Facility and eliminate the potential for development of the 5-acre park envisioned by the Plan upon relocation of the Fire Training Facility. The ballpark is in the early stages of planning and the initial City actions are 1) the City Council's consideration of placement of a ballot measure before the voters of the City of San Jose on whether public funds should be used for a proposed ballpark, and 2) a decision by the voters of the City of San Jose to allow use of public funds for a proposed ballpark. 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 planned ballpark use. The environmental impacts associated with such future Amendments, if initiated and moved forward for consideration by the City Council of the City of San Jose, would be reviewed by, and appropriate environmental clearance would be processed for consideration by, the recommending and decision-making bodies for such Midtown Specific Plan Amendments at that time.

Development of the proposed project would result in the elimination of the planned park site at the Fire Training Facility, contributing to the overall shortfall in parkland area for the Midtown/Diridon area. In order to ensure that the loss of the future park site at the Fire Training Facility does not contribute to the overall shortfall in park space for this area, 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, as shown in Figure V.N-1. Should the City pursue development of the Fire Training Facility in association with the ballpark, and identify a preferred location(s) to pursue additional park facilities to offset the loss of the planned park at the Fire Training Facility, additional environmental review would be conducted prior to, and to inform, the City decision to develop a park at that location(s).

5. Burbank/Del Monte Neighborhood Improvement Plan[4]

The project site is the northeast corner of the Burbank/Del Monte neighborhood (see Figure V.A-4, Neighborhoods Within the Project Vicinity). The *Burbank/Del Monte Neighborhood Improvement Plan* expresses the community's vision and includes goals that would bring about positive changes and help the neighborhood achieve its vision: (a) develop parks and open space; (b) provide commun-

[4] San Jose, City of, 2002. *Burbank/Del Monte Neighborhood Improvement Plan*, June.

Figure IV-3: Diridon/Arena Area Strategic Development Plan, Proposed Land Use

8x11, Color

Print Figure IV-4 on back of IV-3

Figure IV-4: Midtown Specific Plan, Proposed Land Use

8x11, Color

print on back of IV4

ity facilities in the neighborhood; (c) create a pedestrian-friendly environment; (d) improve circulation, transportation and parking; (e) strengthen economic development; (f) revitalize housing; (g) beautify the neighborhood; (h) encourage maintenance and stewardship; and (i) improve programs, services and community organization.

Consistency: The SNI plan developed by the community did not contemplate or envision a ballpark.

6. Delmas Park Neighborhood Plan

The Delmas Park Neighborhood is located immediately east of the project site and is generally bounded by Autumn Street/Bird Ave to the west and Highway 87 to the east. West Santa Clara Street forms the northern boundary of the neighborhood, with Interstate 280 forming the approximate southern boundary. The *Delmas Park Neighborhood Improvement Plan* was developed under the Strong Neighborhoods Initiative (SNI). The goal of the SNI is to improve neighborhood conditions, enhance community safety, facilitate community services and strengthen neighborhood associations. The community's vision for the neighborhood is expressed in a prioritized list of "action items" in *Delmas Park Neighborhood Improvement Plan*, including improving residential parking conditions, creating a neighborhood traffic plan, modifying current land use policy, implementing streetscape improvements, improving streets and sidewalks, and generally improving pedestrian circulation.

Consistency: The SNI plan developed by the community did not contemplate or envision a ballpark.

7. Riparian Corridor Policy Study[5]

The Riparian Corridor Policy in the City of San Jose's General Plan is specifically tied to the policies of the *Riparian Corridor Policy Study* (RCPS). The Study provides a guide to protect biotic resources when development occurs along creek systems. The RCPS is designed to minimize impacts to riparian resources and help protect riparian habitat.

The project site is adjacent to the western bank of Los Gatos Creek, approximately ½-mile south of the confluence of Los Gatos Creek and the Guadalupe River. The northern portion of the project site, north of Park Avenue, is separated from the creek by S. Montgomery Street and S. Autumn Street. South of Park Avenue, the project site is immediately adjacent to the creek, which forms the southeast boundary of the site. Los Gatos Creek passes under the intersection of Park Avenue and Bird Avenue/S. Autumn Street through a culvert that daylights just east of the commercial buildings on S. Autumn Street.

The project would realign S. Autumn Street between Park Avenue and W. San Fernando eastward, towards Los Gatos Creek. Existing commercial buildings and parking lots located between S. Autumn Street and Los Gatos Creek would be removed to provide an average 50-foot buffer between the realigned S. Autumn street and the creek. The setback for the realigned Autumn Street may be less than 50 feet as Los Gatos Creek crosses streets at a diagonal. It is expected that the buffer area would contain a multi-use trail (part of the Los Gatos Creek Trail) and landscaping.
South of Park Avenue, the project would construct a five-story, 1,200-space parking garage. A pedestrian bridge across Park Avenue would connect the garage with the stadium. Access to the garage

[5] The Habitat Restoration Group and Jones and Stokes Associates, Inc., 1999. *City of San Jose Riparian Corridor Policy Study.* Approved by City Council May 17, 1994, revised March 1999.

would be from Park Avenue, and from S. Autumn Street /Bird Avenue. The garage would be oriented toward Park Avenue and the stadium, and would maintain an average 50-foot buffer from Los Gatos Creek.

a. Guideline 1A: Orientation. The RCPS states that new urban development areas and street patterns should be oriented to provide views of the corridor for the purposes of visibility, habitat protection and public safety. Further, the policy states that sites should be designed to draw activity away from riparian areas and that noise generating activities and activities requiring night lighting should be located away from the riparian area.

The stadium would be located approximately 100 to 120 feet west of Los Gatos Creek, taking into account the average 50-foot riparian setback and the width of realigned Autumn Street. Stadium entry plazas would be located facing W. San Fernando Street and Park Avenue, thereby orienting visitor activity to the north and south sides of the stadium, away from Los Gatos Creek. Lighting immediately outside of the stadium would consist of sidewalk and street lighting, typical of lighting in urban areas. Stadium lighting and the public address system for the stadium would be directed inward, toward the seats and playing field, and would not be oriented towards the nearby riparian area. The parking garage located across Park Avenue, south of the stadium, would be located closer to Los Gatos Creek, but would have driveways fronting Park Avenue and S. Autumn Street. Lighting for the garage would be designed to avoid spillover to Los Gatos Creek.

Appropriate design measures would be implemented into the sound and lighting systems for the stadium and the ingress/egress points of the garage to reduce the project's adverse affects on surrounding areas, including the Los Gatos Creek riparian corridor. See Sections V.E, Noise, and V.L, Shade/Shade and Light/Glare, for complete discussions of potential noise and light/glare impacts from the project.

b. Guideline 1B: Incompatible Land Uses. The RCPS identifies land uses that are discouraged within and adjacent to riparian setback areas to preserve the health of existing vegetation and wildlife, protect water quality, and preserve recreation uses in the riparian corridor. Incompatible uses include those that generate dumping and littering, allow off-road vehicle use, create noxious odors and/or involve the use of toxic materials and those that generate high volumes of vehicle traffic. The project is consistent with this guideline as it would remove a retail auto parts store, commercial buildings and surface parking lots immediately adjacent to Los Gatos Creek. The removal of those land uses would allow for the establishment of an average 50-foot setback area between the creek and the realigned S. Autumn Street. The setback of S. Autumn Street would be incrementally reduced at the various points the street crosses the creek, due to the diagonal trend of the creek relative to the grid street system. It is anticipated that the Los Gatos Creek Trail would be located within the new setback area, thereby enhancing recreational uses in the riparian area. While the stadium would increase traffic, the majority of traffic and parking associated with stadium events would occur across the greater Downtown area, and not specifically adjacent to the Riparian Corridor. Pedestrian volumes moving along sidewalks that cross the creek are expected to increase substantially as described in Section V.C, Transportation, Circulation and Parking.

The project would construct a 1,200-space parking garage with ground floor commercial space south of the stadium and Park Avenue, on the Fire Training Facility site, which abuts Los Gatos Creek. The PG&E substation may also be relocated to this site. Current Fire Department training activities

involve the operation of fire fighting apparatus, including fire engines, mobile pumps, etc. Based on the conceptual site plan, the parking garage would be accessed via Park Avenue and S. Autumn Avenue/Bird Avenue, thereby concentrating traffic away from the riparian corridor.

c. Guideline 1C: Setback Area. The RCPS states development adjacent to riparian habitats generally should be set back 100 feet from the outside edge of the riparian habitat (or top of bank, whichever is greater) to reduce anticipated impacts to riparian setback communities and hydrologic regimes. The establishment of an appropriate riparian setback area between the corridor and urban development can prevent loss of groundwater recharge; reduced stormwater detention and filtration; disturbance to wildlife breeding and/or foraging from excessive noise and/or night lighting; loss of edge habitat that reduces value of the corridor for many wildlife species; and the introduction of non-native plant and animal species that reduce riparian habitat quality.

According to the 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 setback.

The project is generally consistent with this guideline as it would create an average 50-foot setback area between the Los Gatos Creek and the realigned S. Autumn Street where no setback between the commercial buildings and parking lots exists. The proposed parking garage with ground floor commercial space south of the stadium would create a new, 50-foot setback between the creek and the proposed garage and PG&E substation. Currently, the paving on the Fire Training Facility site extends clear to the edge of the riparian habitat.

Other recent projects along this reach of Los Gatos Creek have been approved by City Council with less than a 100-foot setback. The San Jose Water Company project at West Santa Clara Street included setbacks of 50 feet along both Los Gatos Creek and the Guadalupe River. The KB Home project at Auzerais Avenue was approved with minimum riparian setback of 40 feet (with a 50-foot average for the length of the riparian corridor north of Auzerais Avenue).

The proposed ballpark average 50-foot riparian setback from Los Gatos Creek can be found to be generally consistent with the RCPS objectives. The proposed setback is considered sufficient by the project's consulting wildlife biologist to protect sensitive species and buffer the habitat from impacts resulting from the operation of the stadium. This conclusion is based on: 1) the existing biological conditions of the riparian corridor adjacent to the site; 2) the presence of pavement up to the edge of the riparian canopy; and 3) the presence of urban land use on both sides of the creek. The removal of existing pavement and commercial buildings and parking lots on both northern (realigned S. Autumn Street) and southern (Parking garage) portions of the project site will provide for a greater creek setback than currently exists and the proposed project is generally consistent with the goal in the RCPS related to the protection of valuable riparian resources without unreasonably limiting the economic and recreational use of adjacent lands. Best Management Practices would be implemented during site preparation and project (see Section V.H, Hydrology and Water Quality).

8. Los Gatos Creek Trail Master Plan

The Los Gatos Creek Master Plan was adopted in 1985, and calls for the enhancement of the creek corridor as part of a regional open space trail system connecting the San Francisco Bay to the Santa Cruz Mountains. While portions of the trail have been implemented, the area within the Diridon/ Arena Area has not yet been constructed. Reach 5 of the Los Gatos Creek Trail is planned as an approximately ⅔-mile long multi-use trail located between Auzerais Avenue and W. Santa Clara Street. Reach 5 will connect to Reach 4 of the Los Gatos Creek Trail to the south and will extend to Confluence Park to the north. The trail will consist of a Class 1, 12-foot-wide paved path, with 2-foot wide compacted base rock shoulders on each side where space allows. Portions of the trail will extend along existing sidewalks that will be improved to accommodate the trail.

A portion of Reach 5 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. (In the event that the stadium is not constructed, the Reach 5 project would assume land acquisition for the trail alignment). At the time of preparation of this EIR, the Reach 5 project was in early planning stages.

9. The Greenprint

The City's *Greenprint*, adopted in 2000, is a 20-year strategic plan for parks, community facilities and recreational programs. The Capital Action Plan of the *Greenprint* calls for the development of three new parks in the Midtown Area, including a future park at the Fire Training Facility site. The *Greenprint* notes that the project site is within Council District 6, which is expected to experience a substantial increase in residential population by 2020, which will require an additional 70.54 acres of neighborhood/community serving parkland in order to serve this population with adequate levels of park space.[6] The park planned at the Fire Training Facility site would represent 5 acres of this needed parkland. Development of the proposed project would result in the elimination of the planned park site at the existing Fire Training Facility site, contributing the overall shortfall in parkland area for the Midtown/Diridon area. In order to ensure that the loss of the future park site at the Fire Training Facility site does not contribute to the overall shortfall in park space for this area, 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, as shown in Figure V.N-1. Should the City pursue development of the Fire Training Facility site in association with the ballpark, and identify a preferred location(s) to pursue additional park facilities to offset the loss of the planned park at the Fire Training Facility, additional environmental review would be conducted prior to, and to inform, the City decision to develop a park at that location(s).

[6] David Mitchell, 2006. Parks Planning Manager, City of San Jose Department of Parks, Recreation and Neighborhood Services. Personal communications with the City of San Jose Department of Planning, Building and Code Enforcement. January.