

A. LAND USE

This section describes existing land uses at the proposed project site and vicinity and evaluates potential land use impacts that could result from the proposed project.

1. Setting

The following setting information provides an overview of the land uses within the project site and surrounding areas. The section begins by discussing the regional setting, and then provides more specific information about the project site and vicinity. A photo location map of project land uses is provided in Figure V.A-1.

a. Regional Setting. The project site is located in the Santa Clara Valley, situated at the southern part of the San Francisco Bay Area within the City of San Jose, as shown in Figure III-1. The Valley was historically used for agricultural production. However, due in part to the establishment and growth of the electronics industry, the Santa Clara Valley today consists largely of urban development.

b. Local Setting. The 23.1-acre project site is located along the western edge of Downtown San Jose, which is situated in the central portion of the City and occupies approximately 3 square miles of the 177 square-mile City. The Greater Downtown is generally divided by SR 87, which runs in a north-south direction. East of SR 87, the Downtown area is currently developed with a mix of office, commercial, hotel, residential, civic, and service uses. Building heights in the central business district of the Greater Downtown Area range from less than 25 feet to over 280 feet. The business district is dominated by commercial office and retail uses. Development west of SR 87 is characterized by residential neighborhoods, older industrial uses, and a limited amount of vacant land. Development is of lower intensity on larger parcels than development in the central business district. Many non-residential buildings are typically no taller than one- to three-stories.

Within the Greater Downtown Area, as described in Chapter IV, Consistency with Plans and Policies, the project site is situated within the Strong Neighborhoods Initiative (SNI) Redevelopment Area and the Diridon/Arena Strategic Development Plan Area (Diridon Area), which is located within the older, urbanized area of the City. The Diridon Area includes a mix of single- and multi-family residential units, commercial, office, and light industrial land uses. The project site is located within the northeastern corner of the Burbank/Del Monte Strong Neighborhoods Initiative Area, which consists of a variety of commercial, industrial, transportation, and residential uses. Prominent land uses in the Diridon Area include the historic Diridon Station (see Photo 1) and Water Company building, the San Fernando light-rail station, and the approximately 100-foot tall HP Pavilion. The area is also characterized by a number of large surface parking lots.

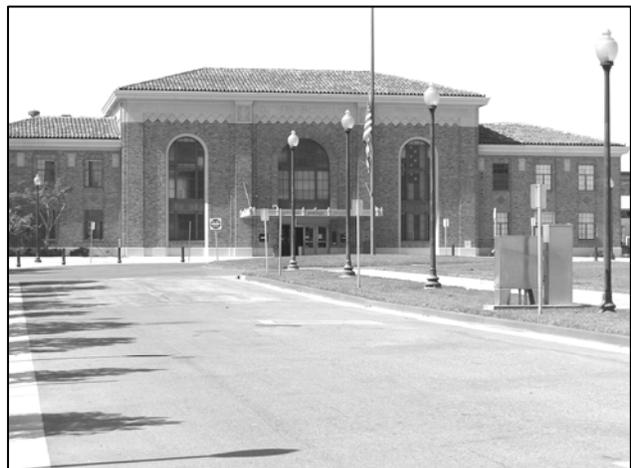


Photo 1: San Jose Diridon Station

The project site extends from W. San Fernando Street south to Los Gatos Creek (where the creek bends westward) and from Los Gatos Creek west to the railroad tracks. Figure V.A-2a and V.A-2b show the locations of minor streets within a ½-mile of the project site. Table V.A-1 lists these minor streets in alphabetical order as they correspond to the grids shown in Figure V.A-2b.

c. Existing Land Uses on the Project Site. The developed project site is comprised of a number of different land uses, including commercial, light industrial, transportation, utility and office uses. The project site is developed with 17 buildings, totaling 327,045 square feet, some of which are occupied. Information about existing businesses located throughout the project site – including building addresses, Assessor’s Parcel Numbers (APNs), site acreage, and approximate building area – is provided in Table V.A-2. An aerial photo of project parcels including project site and surrounding APNs is included in Figure V.A-3. A brief description of each major use on the project site is also included below.

(1) Pacific Gas and Electric Company (PG&E)

Substation. The existing PG&E substation is located adjacent to the railroad tracks on the project site and maybe relocated as part of the proposed project. This 1.5-acre facility includes 115-kV transmission lines, underground distribution lines, distribution transformers and electrical switching gear that serves the electrical needs of the Downtown area.

Connecting with the substation are single-mast towers supporting a high voltage 115-kV transmission line. These towers follow W. San Fernando Street, Los Gatos Creek, and Guadalupe Creek northward. South of the substation, 115-kV lines parallel the railroad tracks, where the lines then follow the Los Gatos Creek corridor.

(2) SBC Communications. The existing one-story SBC Communications installation and repair facility is located on S. Montgomery Street. The building, constructed in the 1930s, was built for use as a bakery. The building has been used for telecommunications uses since the 1970s.

(3) Former KNTV Television Studio. The one-story KNTV building is located at the corner of Park Avenue and S. Montgomery Street. KNTV was San Jose’s first television station and began broadcasting from this location in the 1950s. This building is currently vacant.

Table V.A-1: Minor Streets in the Project Vicinity

Minor Streets	Grid Location (Fig. V.A-2b)
Atlas Ave.	A2
Brown Ave.	C4
Bush St.	B1
Cahill St.	B2
Cinnabar St.	A1
Cleaves St.	A2
Clinton Place	A1
Columbia Ave.	B3
Drake St.	B4
Dupont St.	B3
Eugene Ave.	A2
Farle Ave.	A3
Florence Way	B2, C3
Garland Ave.	A2
Gifford Ave.	B2,C3
Gregory St.	B4
Hannah St.	B4
Harrison Ave.	B4
Harrison St.	B4
Helen St.	B4
Home St. (W.)	A4, B4
Hulet St.	B4, C4
Illinois Ave.	C3, 4
Jerome St.	C4
Josefa St.	B3, C3
Keeble Ave. (N.)	A1
Keeble Ave. (S.)	A2
Lakehouse Ave.	C2
Laurel Grove Way/Lane	B2
Lorraine Ave.	B3
Luther Ave.	A2
McEvoy St.	B3
Minor Ave.	C3, 4
Morrison Ave.	A2
Morrison Ave. (N.)	A1
Morrison Ave. (S.)	A2
Notre Dame Ave.	C1
Pacific Ave.	A3
Parkinson Ct.	A3
Post St.	C1
Rainier St.	A2
Rhodes Ct.	A1
River St.	C1
Royal Ave.	B3
Saint John St. (W.)	B1
Sonoma St.	C2
Sunol St.	A2, 3, 4
White St.	B1
Willis Ave.	C3, 4
Wilson St.	A2
Woz Way	C2

Source: LSA Associates, Inc., 2005.

Figure V.A-1: Aerial View of Project Site and Land Use Photo Location Map

8x11 color

back of Figure V.A-1

Figure V.A-2a: Minor Street Location Map

8x11 B&W

Figure V.A-2b: Minor Streets in the Project Vicinity

8x11 B&W

Figure V.A-3: APN Location Map

8x11 color

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Table V.A-2: Existing Land Uses on the Project Site

Current Land Uses	Address	APNs	Site Acreage	Building Area (Sq. Ft.)
PG&E Substation	630 W. San Fernando St.	261-35-002	1.5	—
Former Stephen's Meat Products	105 S. Montgomery St.	261-35-007, -003, -010, and -006	1.0	27,200
SBC Communications	145 S. Montgomery St.	261-35-027	4.5	150,000
Former KNTV television studio	645 Park Avenue	261-35-014	1.6	15,000
Patty's Inn and single-family residence	102 S. Montgomery St. and 530 W. San Fernando St.	259-48-012	0.15	2,900
Amtrak offices	510 W. San Fernando St. 114 S. Montgomery St. and 115 S. Autumn St.	259-48-011, and -013	1.0	22,964
Arc Gas Products	140 S. Montgomery St.	259-48-052	0.6	12,300
Pacific Blue Traders garden store	150 S. Montgomery St.	259-48-053	1.0	9,710
Creative Security Concepts Inc. Alliance for Community Care	150 and 150A S. Autumn St.	259-48-071, -074	1.0	28,314
CarQuest	170 S. Autumn St.	259-48-060	0.35	12,197
Multi-tenant office building	595 Park Avenue	259-48-073, and -057	0.55	4,500
City of San Jose Fire Department Field Operations and Vehicle Maintenance Facility	245 and 255 S. Montgomery St.	261-37-025	5.0	41,960

Source: City of San Jose and LSA Associates, Inc., 2005.

(4) Former Stephen's Meat Products. The one-story building located at the corner of W. San Fernando Street and S. Montgomery Street was formerly occupied by a family-owned meat processing facility, and is shown in Photo 2. This property was purchased by the San Jose Redevelopment Agency in February 2006. Processing at the site was discontinued in 2002 and the site was used only for distribution activities until September 2005. The building has since been vacant. The building contains several walk-in coolers and freezers, former processing rooms, spice storage rooms, a shipping area and general office space. Several brick and metal smoke houses are also located within the building. A canopy-covered loading area is located along the southern side of the building.



Photo 2: Stephen's Meat Products, 105 S. Montgomery St.

An asphalt and concrete paved parking area on the southern side of the building is surrounded by chain-link fencing. A small customer parking area is located on the eastern side of the building.

(5) **National Railroad Passenger Corporation (Amtrak) Offices.** The Amtrak offices located at W. San Fernando Street, S. Montgomery Street and S. Autumn Street occupy approximately 22,694 square feet of the 1-acre parcel. The larger of the two buildings is located at the north-east corner of the site and is used mainly for general office purposes. A connected two-story structure at the northwest corner of the building is also used for office space on the second floor; the ground floor is open to the north and south and is used as a vehicle drive/entrance and for covered vehicle parking. The southern portion of this building is used as a warehouse area for storage of various Amtrak and State of California Department of Transportation (Caltrans) maintenance items. The second of the two main buildings is located on the western portion of the site and is used by Amtrak as a computer center for railway control and operations purposes. The remaining portions of the site are used for outdoor storage and vehicle parking.

(6) **Patty's Inn and Single-Family Residence.** Patty's Inn, a local corner bar, is located at the corner of W. San Fernando Street and S. Montgomery Street, as shown in Photo 3. The building consists of a bar, small kitchen area, storage area with a cooler, and customer seating areas. A storage shed is also located in the parking lot to the south of the building. The one-story, wood-framed residence located behind the bar is currently rented and also includes a small shed or garage at the southwest corner of the parcel. One resident currently rents the property.



Photo 3: Patty's Inn

(7) **Arc Gas Products.** This one-story building is located at S. Autumn Street. Arc Gas Products operates a specialty gas analytical lab and fills pure and mixed gas canisters. The business also operates a welding supply store, maintenance, and repair shop.

(8) **Pacific Blue Traders.** This site is located at the intersection of S. Montgomery Street and S. Autumn Street. The site is developed with a single-story, brick-sided warehouse building that has been converted for retail and office uses. The building is currently occupied by Pacific Blue Traders, a home and garden store. A billboard is also located on the roof of the building.

(9) **Creative Security Concepts and Alliance for Community Care.** This one-story commercial building is located along S. Autumn Street, and borders Los Gatos Creek to the east. The building is currently occupied by a securities business and the Alliance for Community Care, which provides vocational mental health services. Before being renovated for commercial uses, the building was used for medical purposes, including a plasma center, tissue bank and processing facility, and a medical laboratory. The site includes surface parking accommodating approximately 58 parking spaces.

(10) **Carquest.** This approximately 12,197 square foot one-story commercial building is located along S. Autumn Street. The building is currently occupied by Carquest, a retail auto parts

store. Past uses have included machine shop and auto repair businesses. The site includes a small surface parking lot for business employees and customers.

(11) Three-Story Office Building. This site is located at the corner of S. Autumn Street and Park Avenue. The three-story building contains a number of office suites. Our City Forest, a non-profit group sponsored by the City of San Jose Department of Streets and Traffic, currently occupies one of these office suites. A variety of other businesses occupy the remaining office space.

(12) City of San Jose Fire Department Field Operations and Vehicle Maintenance Facility. This 5-acre facility extends south of Park Avenue to W. San Carlos Street. The site is bounded by Bird Avenue and Los Gatos Creek to the east and the rail line to the west. Photo 4 looks north across the Fire Training Facility, from the W. San Carlos Street overpass. (The light colored roof of the HP Pavilion is visible in the distance.) The training site includes approximately 11,680 square feet of offices, classrooms, and locker rooms, 11,732 square feet of vehicle repair and storage space, 5,688 square feet of general storage space, and a seven-story, 4,860 square foot training tower.



Photo 4: Fire Training Site

The site also includes a specialized piece of concrete called a “Drafting Pit,” which acts as a cistern. The Fire Department uses this to draw water through fire truck pumps when testing equipment. There is also a building on the site which houses a water pump to keep the Park Avenue railroad underpass free of standing water during heavy rain events.

(13) Streets and Roadways. Streets traversing the project site include: S. Montgomery Street, a two-lane, south-running one-way street; S. Autumn Street, a two-lane, north-running one-way street; Otterson Street, a two-way street that dead ends at the PG&E substation site; and Park Avenue, a four-lane, east-west running street. A landscaped median is located between S. Autumn and S. Montgomery Streets where they meet at Park Avenue.

(14) Planned Los Gatos Creek Trail. A portion of Reach 5 of the Los Gatos Creek Trail would be located on the eastern portion of the project site. Reach 5 is planned as an approximately $\frac{2}{3}$ -mile-long multi-use trail located between Auzerais Avenue and W. Santa Clara Street which would connect to Reach 4 on the south and Confluence Park on the north. The trail will consist of a Class 1, 12-foot-wide paved path with portions of the trail extending along existing sidewalks that will be improved to accommodate the trail.

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.

(15) Land Use Designations. The San Jose 2020 General Plan designates the majority of the properties located between W. San Fernando Street and Park Avenue as *Neighborhood/Community Commercial*. 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 and the Fire Training site are designated *Public Park and Open Space*. Figure IV-1 shows existing General Plan land use designations for the project site and vicinity.

The majority of the project site is zoned *LI, Light Industrial*. The three-story office building located at the intersection of S. Autumn Street and Park Avenue is zoned *CG, Commercial General*.

d. Land Uses in the Vicinity of the Project Site. A variety of land uses are found in the vicinity of the project site. These land uses are described below. Figure V.A-4 shows existing neighborhoods located within the project vicinity.

(1) Land Uses to the North. W. San Fernando Street, a two-lane road, forms the northern boundary of the project site. North of W. San Fernando Street are commercial, light industrial, and transportation related uses including under- and above-ground light rail lines and Diridon Station, which is on the National Register of Historic Places. Uses along W. San Fernando Street in the vicinity of the project site include a restaurant, commercial establishments, and a two-story tri-plex residence at the corner of W. San Fernando Street and S. Montgomery Street. The Diridon Station and associated surface parking lots are also located north of W. San Fernando Street. Beyond these uses, north of the underground light rail line, are large expanses of surface parking lots serving the area, as well as the 17,000 seat HP Pavilion, which is approximately a ¼-mile from the project site.

The approximately 100-foot tall HP Pavilion is the dominant feature in the area and hosts hockey games as well as concerts and other sports and musical events. Potential impacts resulting from simultaneous events occurring at the HP Pavilion and the proposed stadium are discussed in Sections V.C, Transportation, Circulation, and Parking, V.D, Air Quality, and V.E, Noise of this EIR. Photo 5 looks north of the project site at the intersection of W. San Fernando Street and S. Autumn Street; the HP Pavilion can be seen in the distance. Directly east of the HP



Photo 5: View North of W. San Fernando Street

Pavilion is the Arena Green, which includes a segment of the Guadalupe River Trail along the confluence of the Guadalupe River and Los Gatos Creek, lawn and picnic areas, and a carousel. The light rail line continues above-ground northeast of the project site and continues to the San Fernando Street light rail station, just east of Los Gatos Creek, where it continues south and then east through the central downtown area. Southeast of the project site, on W. Santa Clara Street, is the San Jose Water Works building, a City Landmark Structure. Industrial and commercial uses are located beyond the HP Pavilion, north to Coleman Avenue. The airport approach zone (described and analyzed in detail in Chapter IV, Consistency with Plans and Policies) begins northwest of W. Santa

Clara Street and continues west to the Norman Y. Mineta San Jose International Airport, which is located approximately 1½ miles northwest of the project site.

(2) Land Uses to the East. Los Gatos Creek forms the eastern boundary of the project site. Bird Avenue, a six-lane road, and a segment of Los Gatos Creek form the eastern and southeastern boundary of the San Jose Fire Training Facility site. The Delmas Park neighborhood is located immediately east of and adjacent to the creek, as shown in Figure V.A-4. The Delmas Park neighborhood consists predominantly of low- to medium-density residential uses, mixed with some general commercial and some light industrial uses southeast of Park Avenue. Photo 6 looks north from the Delmas Park neighborhood; the peak of the HP Pavilion roof is visible in the distance. Farther to the east, SR 87 runs in a north-south direction, separating the Diridon Area from the Core Area of Downtown San Jose. The Guadalupe River Park and Children’s Discovery Museum are located immediately east of SR 87, and the San Jose Convention Center is located east of the Guadalupe River. The Downtown Core Area is characterized by hotel and office buildings ranging from less than 25 feet to over 280 feet tall. Service, transportation, and public/quasi public-related uses and surface parking lots also dominate the area. San Jose State University is located on the eastern edge of the Downtown Core Area, and encompasses several city blocks. The City Hall complex is also located in this area. Beyond the university, land uses transition to low- and medium-density residential uses.



Photo 6: Gifford Avenue in the Delmas Park neighborhood, east of the project site

(3) Land Uses to the West. The project site is bordered on the west by railroad tracks running south of Diridon Station. There are approximately seven sets of tracks at the station’s widest point; the right of way ranges from 120 to 290 feet. These lines continue southeast of the project site and accommodate Caltrain, Altamont Commuter Express (ACE), and Amtrak trains, which run frequently through the area. Diridon Station is also a light rail stop and the Vasona Corridor light rail lines parallel the rail-road tracks south to W. San Carlos Street where they continue in a southwestern direction. Immediately west of the tracks, and north of Park Avenue, medium-density residential townhomes are currently being constructed. Photo 7 shows these townhomes beyond the



Photo 7: Townhomes, west of the railroad tracks

rail line, looking west from Diridon Station. Farther west, and north of Park Avenue land uses consist primarily of medium-density residences. South of Park Avenue medium-density residential uses are mixed with general commercial and office uses. As shown in Figure V.A-4, the established Burbank/Del Monte neighborhood extends west of the site, and is characterized by medium-low density and commercial uses. The neighborhood is bordered on the west by Interstate 880 (I-880), which runs in a north/south direction approximately 2 miles from the project site.

(4) Land Uses to the South. The southern boundary of the project site is formed where Los Gatos Creek meets W. San Carlos Street, a four-lane road. The creek continues upstream south of the Fire Training Facility and west of Bird Avenue and extends throughout San Jose into the City of Los Gatos. Land uses immediately southeast of Los Gatos Creek to the intersection of W. San Carlos Street and Bird Avenue consist of industrial and commercial uses. Immediately southwest of the project site, across W. San Carlos Street and west of Los Gatos Creek, approximately 150 townhomes and approximately 235 multi-family condominiums are currently under construction. The future San Carlos Street light rail station is also located in this area. Farther south of W. San Carlos Street and west of Los Gatos Creek, land uses consist primarily of light to heavy industrial uses including large industrial and research and development parks. As shown in Figure V.A-4, the Gardner neighborhood is located in the area southeast of the project site. East of Los Gatos Creek, land uses consist of medium-density residential and regional commercial uses. High density townhomes and condominiums are being developed east of the site, at the corner of W. San Carlos Street and Bird Avenue. Beyond these uses, Interstate 280 (I-280) curves in a northeast/southwest direction approximately a ½-mile south of the project site. South across I-280, land uses transition to medium-low density uses east of Los Gatos Creek and medium-high density uses west of the creek. The Willow Glen neighborhood is located farther south, and is characterized by lower density single-family uses.

2. Impacts and Mitigation Measures

The following section presents a discussion of the impacts related to land use that could result from implementation of the proposed project. The section begins with the criteria of significance, establishing the thresholds to determine whether an impact is significant. The latter part of this section presents the land use impacts from the proposed project and the mitigation measures, if required. Impacts are delineated into separate categories based on their significance according to the criteria listed below: less-than-significant impacts, which do not require mitigation, and significant impacts, which do require mitigation.

This land use section addresses issues of land use compatibility. The related issues of aesthetics and shade/shadow and light/glare are separately addressed in sections that follow (Sections V.K and V.L).

a. Criteria of Significance. The proposed project would have a significant impact if it were to:

- Divide the physical arrangement of an established community;
- Introduce new land uses that would conflict with established or proposed uses; or
- Conflict with applicable land use plans, policies, or regulations adopted by agencies with jurisdiction over the project (including, but not limited to, the general plan, specific plans or zoning ordinance), adopted for the purpose of avoiding or mitigating an environmental effect.

Figure V.A-4: Neighborhoods within the Project Vicinity

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b. Less-than-Significant Land Use Impacts. Less-than-significant impacts of the proposed project are discussed below.

(1) Property Acquisition and Relocation of Existing Businesses. The Redevelopment Agency is in the process of negotiating with individual property owners to purchase these properties. To date 5 of 16 properties are owned or are in negotiations with the San Jose Redevelopment Agency. In compliance with State Redevelopment Law, businesses displaced by the proposed project would receive placement assistance from the Redevelopment Agency in finding new locations to operate their businesses.

In addition, the billboard on the roof of Pacific Blue Traders would need to be relocated.

(2) Divide an Established Community. The project site is generally bounded by W. San Fernando Street to the north, Los Gatos Creek to the east, Los Gatos Creek and W. San Carlos Street to the south, and the railroad tracks to the west. The railroad tracks to the west and Los Gatos Creek to the east currently serve as major boundaries from surrounding development on either side of the project site. The project site is currently disconnected from the core of the Downtown area by both Los Gatos Creek and SR 87.

Construction of the proposed stadium and associated parking structure would require demolition of 17 existing buildings totaling 327,045 square feet. Demolition of 12 buildings south of W. San Fernando Street to Park Avenue and east of the railroad tracks to Los Gatos Creek, on the location of the proposed stadium, would be required. These one- to three-story structures total approximately 285,085 square feet of existing commercial, light industrial, and office uses, and one residence. Demolition of four one-story buildings and the seven-story live fire training tower, totaling 41,960 square feet, south of Park Avenue and west of Los Gatos Creek, on the location of the proposed parking garage and PG&E substation may also be required. Demolition of these structures would not break up an existing community as there are few residences in the area and only one residence on the project site. Additionally, the Diridon/Arena Area Strategic Development Plan and Midtown Specific Plan designated this area for redevelopment, with the intention of creating new uses in the area that would better connect the community to the traditional downtown center.

Once demolition is complete, construction of the proposed stadium and garage would not divide the physical arrangement of an established community. The project site is separated from residential uses on the west by the railroad tracks and on the east by Los Gatos Creek. The proposed stadium would be of a similar scale as the HP Pavilion and would connect with existing uses north of the site, specifically the HP Pavilion, which would reinforce the concept of a sports and entertainment district at the western edge of the Downtown. Proposed year-round restaurant, retail, and community facilities at the stadium would draw residents west of the Downtown to the Diridon Area. Year-round activity at the stadium could result in an increase in the development of pedestrian-serving uses in the project vicinity. This would serve to better connect the Diridon Area to the Downtown and would encourage pedestrian activity in the area. In this way, development on this site would serve to better connect the urban fabric of the area.

(3) Land Use Conflicts. Land uses on the project site, and in the immediate vicinity of the project site, have historically been industrial and commercial in nature. The proposed project would include the development of a baseball stadium with a height of approximately 165 feet. Scoreboard

and lighting structures would increase the total height of the structure to approximately 200 and 235 feet, respectively. This change in land use and increase in land use intensity would substantially alter the existing character of the project area; however, the proposed project would not substantially conflict with established or proposed uses surrounding the site.

It should be noted that the types of land use conflicts that would be considered significant here are those that have an intrinsic land use basis. In today's world of advanced design solutions and building materials (in which creative site planning and sensitive building massing can ameliorate many conflicts of adjacency, and noise suppressing window treatments, landscaping, and air conditioning can reduce physical impacts), land use impacts *per se* are rare.

- North of the site, across W. San Fernando Street land uses are primarily entertainment oriented, including the HP Pavilion and associated surface parking lots; the proposed stadium would complement this use, and create more activity in the area. Due to the proximity of the aircraft flight paths for the Norman Y. Mineta San Jose International Airport, development on the project site is subject to height restrictions pursuant to Federal Aviation Regulations, Part 77. These federal regulations define a set of imaginary surface restrictions which radiate out several miles from an airport's runways. The entire project site north of Park Avenue is limited to a maximum elevation of 208 feet above mean sea level, with the portion of the site south of Park Avenue limited to a maximum elevation ranging from 208 to 240 feet above mean sea level. As the ground elevation of the site is roughly 95 to 100 feet, 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.

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. Proposed development which includes structures exceeding the FAA's imaginary surface standards are required to include incorporation of any FAA requirements specified in a Determination of No Hazard (to be obtained prior to development approval) as well as dedication of avigation easements to the City of San Jose in compliance with General Plan Aviation Policy #49. 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.

- East of the site is Los Gatos Creek. The eastern edge of the realigned S. Autumn Street would be set back an average of 50 feet from the top of the creek bank, and riparian-type landscaping would be planted in this area. A multi-use trail is proposed on this setback as part of another project planned to implement the Los Gatos Creek Trail Master Plan.

The proposed project would increase pedestrian and vehicular activity in the area, thereby increasing potential disturbances to nearby Delmas Park residences, east of Los Gatos Creek (for example, along Gifford Avenue and Florence Way). These residents are already subject to major entertainment related activity in the area, due to events at the HP Pavilion.

In addition to increased activity in the area, potential noise disturbances could occur due to stadium events. However, this is an urban neighborhood located on the edge of the Greater Downtown and surrounded by some of the highest density development in the City. Potential adverse effects on nearby residential uses due to increased pedestrian and vehicular activity and increased

noise levels are discussed in Section V.C, Transportation, Circulation, and Parking, and Section V.E, Noise, respectively. In terms of land use conflicts per se, the impact would be less than significant (i.e. residential and large scale civic and entertainment uses can exist in close proximity to one another).

- South of the site land uses primarily include active rail lines and light to heavy industry. Proposed stadium uses would not conflict with these established uses. However, future residents of the townhomes and multi-family condominiums currently under construction south of the project site, across W. San Carlos Street, would be subject to increased pedestrian and vehicular activity and increased noise levels due to operation of the proposed project. As discussed above, these potential adverse effects are discussed in Section V.C, Transportation, Circulation, and Parking and Section V.E, Noise, respectively. In terms of land use conflicts per se, the impact would be less-than-significant.
- West of the site, across the railroad tracks, land uses are primarily medium density residential and commercial; the proposed stadium would be separated from these areas by the railroad tracks. As discussed above, potential adverse effects are discussed in Section V.C, Transportation, Circulation, and Parking and Section V.E, Noise, respectively. In terms of land use conflicts per se, the impact would be less-than-significant.

(4) Conflict with Applicable Land Use Plans. An in-depth discussion of the proposed project relationship with applicable plans can be found in Chapter IV, Consistency with Plans and Policies. The City and other partner jurisdictions are preparing a Santa Clara Valley Habitat Conservation Plan, anticipated for adoption in 2009. This plan is also discussed in Chapter IV, Consistency with Plans and Policies.

c. Significant Land Use Impacts. Implementation of the proposed project would result in the following significant land use impact.

Impact LU-1: Fireworks displays occurring during stadium events could present a hazard to the safe operation of the San Jose International Airport. (S)

Occasional fireworks displays at the stadium could interfere with the safe operation of the San Jose International Airport. The proposed stadium currently does not have a proposed schedule for fireworks displays. However, ballparks typically have a three minute mini-display at the end of each ballgame, several longer shows for special nights that do not exceed ten minutes, and an occasional major show that may last for up to 30 minutes, such as might occur on the 4th of July. The City would require fireworks sponsors to obtain a permit as they are temporary events. The following mitigation measure would ensure that fireworks displays would have a less than significant impact on the operation of the San Jose International Airport.

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)

