

FIRST AMENDMENT TO ENVIRONMENTAL IMPACT REPORT
(RESPONSES TO COMMENTS)

SAN JOSE DOWNTOWN STRATEGY 2000
ENVIRONMENTAL IMPACT REPORT



STATE CLEARINGHOUSE NO. 2003042127

LSA

May 2005

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ENVIRONMENTAL IMPACT REPORT**

STATE CLEARINGHOUSE NO. 2003042127

Submitted to the:

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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 Strategy 2000: San Jose Greater Downtown Strategy for Development (*Strategy 2000*). 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 *Strategy 2000* was made available for public review on March 25, 2005, 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 May 9, 2005. The City received a total of nine comment letters from federal, State, regional and local agencies during this period. Eleven comment letters were received from community organizations and individuals. 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 June 6, 2005 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. 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 comments 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. A copy of the revised Draft EIR summary table is also included in this chapter. As mentioned previously, this document is an amendment to the Draft EIR; the Final EIR consists of this amendment and the August 2005 Draft EIR.

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: federal agencies (A); State agencies (B); local and regional agencies (C); organizations (D); and individuals (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:

Federal Agencies:	A1-#
State Agencies:	B1-#
Local and Regional Agencies:	C1-#
Organizations:	D1-#
Individuals:	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 AND INDIVIDUALS COMMENTING ON THE DRAFT EIR

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

Comment Received From	Date of Letter	Response Required
Federal Agencies		
A-1 U.S. Department of Transportation, Federal Aviation Administration	May 6, 2005	Yes
State Agencies		
B-1 State of California, Department of Health Services	April 21, 2005	Yes
B-2 State of California, Department of Toxic Substances Control	May 6, 2005	Yes
B-3 State of California, Department Transportation	May 9, 2005	Yes
B-4 State of California, Department Transportation	May 12, 2005	Yes
Local and Regional Agencies		
C-1 City of San Jose Historic Landmarks Commission	May 6, 2005	Yes
C-2 Santa Clara Water District	May 9, 2005	Yes

Comment Received From	Date of Letter	Response Required
C-3 Bay Area Air Quality Management District	May 9, 2005	Yes
C-4 County of Santa Clara, Roads and Airports Department	May 2, 2005	Yes
Organizations		
D-1 Pacific Gas and Electric Company	April 5, 2005	Yes
D-2 Brooks & Hess, A Professional Corporation	April 27, 2005	Yes
D-3 Civic Plaza Parking and Traffic Committee	May 5, 2005	Yes
D-4 San Jose Downtown Association	May 9, 2005	Yes
D-5 Horace Mann Neighborhood Association	May 8, 2005	Yes
D-6 Vendome Neighborhood Association	May 9, 2005	Yes
D-7 Preservation Action Council of San Jose	May 8, 2005	Yes
Individuals		
E-1 Ken Hayes	March 31, 2005	Yes
E-2 Ann Ditko	March 31, 2005	Yes
E-3 Lenora Porcella	May 9, 2005	Yes
E-4 Kathy Sutherland	May 4, 2005	Yes