

Appendix A: Draft SEIR Comment Letters

RE: NOTICE OF CEQA POSTING: Milligan Parking Lot Project SEIR (ER20-049)

Lisa Brancatelli [REDACTED] >

Tue 7/18/2023 10:49 AM

To: Van Der Zweep, Cassandra <Cassandra.VanDerZweep@sanjoseca.gov>

Cc: Colleen Haggerty <chaggerty@valleywater.org>

[External Email]

Hello Cassandra van der Zweep,

Valley Water has reviewed the Draft Supplemental Environmental Impact Report (DSEIR) for the Milligan Parking Lot Project located at the corner of W. St. John Street and N. Autumn Street, received by Valley Water on June 2, 2023.

The Guadalupe River runs along the easterly property line and Valley Water has an easement and fee title property directly adjacent to the project site. Per Valley Water's Water Resources Protection Ordinance, any work proposed on Valley Water's easement, fee title property or that may impact the Valley Water facilities, including the Guadalupe River, will require the issuance of a Valley Water encroachment permit prior to the start of construction. Additionally, as the issuance of an encroachment permit is a discretionary act, Valley Water will be considered a responsible agency under California Environmental Quality Act (CEQA) if a permit is required. [Comment A.1](#)

Based on our review of the DSEIR, we have the following comments:

1. Section 2.2.1 on pages 9 and 12, MM BIO-3.3 on pages 55 and 58, and Section 3.6.2.1 (c) on page 118 mention a 600-foot future Guadalupe River Trail extension to be constructed between the proposed parking lot and the Guadalupe River. This alignment would place the future trail extension within Valley Water's fee title property and easement. Continued development of the trail system along the river will require close coordination with Valley Water to avoid impacts to the flood control improvements, mitigation areas, the riparian corridor, and creek hydraulics. The DSEIR should note that any new trails will require a Valley Water permit as well as a joint use agreement in addition to permits for the use of Valley Water property or easement. Improvements to the existing trails adjacent to the site may require an amendment of an existing joint-use agreement. [Comment A.2](#)
2. Section 3.2.1.2 on page 41, references Figure 3.3-1 which does not appear to exist in the document. The text needs to be revised to reference the correct figure. [Comment A.3](#)
3. It is unclear if some of the 28 trees identified in Figure 3.2-2 on page 46 are within Valley Water's fee title property and easement directly adjacent to the project site. Section 3.2.2.1 (e) on page 60, notes that there are a total of 28 trees on or adjacent to the site and that all 28 trees would be removed during project construction. Valley Water has fee title property and easement immediately adjacent to the project site. As noted above, any work proposed on Valley Water's easement, fee title property, or that may impact the Valley Water facilities, including the Guadalupe River, will require the issuance of a Valley Water encroachment permit prior to the start of construction. [Comment A.4](#)
4. MM BIO-3.3 on page 55, refers to the Guidelines & Standards for Land Use Near Streams (Guidelines and Standards) as a Valley Water document. The Guidelines and Standards were developed cooperatively by the Santa Clara Valley Water Resources Protection Collaborative (Collaborative) to streamline the permitting process and to protect streams and streamside resources. The members of the Collaborative include Valley Water, Santa Clara County, and all 15 cities with citizens, business, and agricultural interests. Valley Water uses its Water Resources Protection Manual which is based on the Guidelines and Standards as the primary method to protect the county's creeks where a permit is necessary from Valley Water. The text under this section needs to be revised to correctly reference the Collaborative who developed the document. [Comment A.5](#)
5. MM BIO-C-4.3 on page 65, under Off-site Mitigation it is noted that if adequate riparian habitat mitigation cannot be restored on-site, the riparian habitat will be enhanced or restored to native habitat along the immediately adjacent riparian corridor. As noted above, Valley Water's fee title property and easement are immediately adjacent to the project site. Valley Water does not allow mitigation for non-Valley Water projects on Valley Water property due to the significant mitigation needs of Valley Water. It should also be noted that all proposed plantings within Valley Water's easement are subject to review and approval by Valley Water. [Comment A.6](#)

6. Section 3.6.1.1 on page 111, the discussion under Municipal Regional Permit Provision C.3, should note that the Regional Water Quality Control Board (RWQCB) re-issued the Municipal Regional Stormwater NPDES Permit on May 11, 2022 (Order No. R2-2022-0018, NPDES Permit No. CAS612008) which became effective July 1, 2023. [Comment A.7](#)
7. Section 3.6.1.1 on page 111, Valley Water should be included in the discussion under Regional and Local Agencies since Valley Water operates as the County's flood control agency and wholesale water supplier. The language used to describe Valley Water's Water Resources Protection Ordinance and Well Ordinance should include the following text:
- “Valley Water operates as the flood protection agency for Santa Clara County. Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which includes the groundwater recharge program. In accordance with Valley Water's Water Resources Protection Ordinance, any work within Valley Water's fee title right of way or easement or work that impacts Valley Water facilities requires the issuance of a Valley Water permit. Under Valley Water's Well Ordinance 90-1, permits are required for any boring, drilling, deepening, refurbishing, or destroying a water well, cathodic protection well, observation well, monitoring well, exploratory boring (45 feet or deeper), or other deep excavation that intersects the groundwater aquifers of Santa Clara County.” [Comment A.8](#)
8. Section 3.6.1.2 on page 115 and Section 3.6.2.1 (d) on page 119, the DSEIR should be revised for accuracy to note that in addition to the Leroy Anderson Dam, the project site is also subject to inundation from the James J. Lenihan Dam and the Calero Dam. [Comment A.9](#)
9. Section 3.6.2.1 (d) on page 119, the discussion under this section should also include the easterly portion of the site that is within Zone A, a Special Flood Hazard Area (SFHA) subject to inundation in the event of the one percent annual chance flood. [Comment A.10](#)
10. Valley Water records indicate there is one (1) active well on the proposed project site (APN 259-29-102). If the current active well will continue to be used following the development of the site, it must be protected so that it does not become lost or damaged during construction. If the well will not be used following the development of the site, it must be properly destroyed by first obtaining a well permit from Valley Water. It should be noted that while Valley Water has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water records. All wells found at the site must be either destroyed or registered with Valley Water as noted above. Property owners or their representatives should call the Wells and Water Measurement Unit at (408) 630-2660 for more information regarding well permits and registration for the destruction of wells. [Comment A.11](#)

We appreciate the opportunity to comment on the DSEIR and would also appreciate the opportunity to review any subsequent documents as they become available. If you have any questions or need further information, you can reach me at (408) 630-2479, or by e-mail at LBrancatelli@valleywater.org. Please reference Valley Water File No. 34525 in future correspondence regarding this project.

Thank you,
LISA BRANCATELLI
ASSOCIATE ENGINEER (CIVIL)
Community Projects Review Unit



Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection



www.valleywater.org

From: CPRU-Dropbox <CPRU@valleywater.org>

Sent: Friday, June 2, 2023 3:32 PM

To: Lisa Brancatelli

Subject: FW: NOTICE OF CEQA POSTING: Milligan Parking Lot Project SEIR (ER20-049)

LISA BRANCATELLI

ASSOCIATE ENGINEER (CIVIL)

Community Projects Review Unit

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

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From: Van Der Zweep, Cassandra <Cassandra.VanDerZweep@sanjoseca.gov>

Sent: Friday, June 2, 2023 12:14 PM

Subject: NOTICE OF CEQA POSTING: Milligan Parking Lot Project SEIR (ER20-049)

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PUBLIC REVIEW DRAFT SEIR: MILLIGAN PARKING LOT PROJECT (ER20-049)

FILE NO: ER20-049

PROJECT DESCRIPTION

The approximately 2.5-acre project site consists of five parcels and is in downtown San José. The site is occupied by an automobile repair shop with an attached warehouse, a vacant commercial building and additions, and a vacant single-family residential structure and garage. The project site currently contains 118 surface parking spaces used for SAP Center events. The City of San José, as the owner of the subject property, proposes to remove all existing on-site buildings and construct an approximately 300-space surface parking lot. The intent of the project is to provide a temporary surface parking lot during the construction activities occurring for the other projects in the vicinity. Driveways onto North Autumn Street and West St. John Street would provide ingress and egress to the proposed parking lot. Vehicles would access the site via two new 26-foot wide full-access driveways. One driveway would be located on West St. John Street (160 feet east of North Autumn Street) and the second driveway would be located on North Autumn Street (approximately 240 north of West St. John Street). The project would remove 28 trees, including 20 ordinance-sized trees and plant 26, 24-inch-box replacement trees. A 600-foot-long future pedestrian trail or Class I paved bicycle and pedestrian trail would be constructed within the 35-foot setback area located between the proposed parking lot and the Guadalupe River. The trail would be approximately 12 feet wide, with two-foot-wide shoulders.

LOCATION

The approximately 2.5-acre project site consists of five parcels and is located in Downtown San José. The site is bordered by North Autumn Street to the west, West St. John Street to the south, the Guadalupe River to the east, and existing residential development to the north. The SAP Center at San José is

located approximately 300 feet southwest of the site, and the Guadalupe Freeway (CA-87) is located approximately 650 feet to the east of the site. (405-407, 447 W. St. John Street and 130 & 150 Autumn Street).

ASSESSOR'S PARCEL NUMBERS

259-29-032; 259-29-033; 259-29-071; 259-29-072; 259-29-102

PUBLIC CIRCULATION PERIOD

June 2, 2023 through July 18, 2023

The public is welcome to review and comment on the draft documents. Public comments must be submitted to the Environmental Project Manager no later than 5:00 p.m. on Tuesday July 18, 2023.

PROJECT DOCS

- [NOA](#)
- [Draft SEIR Milligan Parking Lot 5.31.23](#)
- [AppA NOP Comment Ltrs Milligan Lot Aug-Oct 2021](#)
- [AppB Construct HRA Milligan Parking Lot 3.2.23](#)
- [AppC Biological Resources Report Milligan Parking 3.7.23](#)
- [AppD Historic Report 405-407 W St. John St 8.20.21 final](#)
- [AppE San Jose GHGRS Checklist 5.31.23](#)
- [AppF1 Phase I ESA Update \(150 N Autumn St\) 8.6.19](#)
- [AppF2 Phase I ESA Update \(407 St John\) 8.5.19](#)
- [AppF3 Phase I ESA Update \(447 W. St. John\) 8.6.19](#)
- [AppF4 Phase II ESA \(150 N. Autumn\) 12.13.19](#)
- [AppF5 Phase II ESA \(447 W. St. John\) 12.11.19](#)
- [AppF6 Phase I ESA and UST Scan Milligan Site 03.16.17](#)
- [AppG Local Transportation Analysis Milligan Lot 12.17.21](#)

Project website: [Milligan Parking Lot Project | City of San Jose \(sanjoseca.gov\)](#)

ENVIRONMENTAL PROJECT MANAGER

Cassandra van der Zweep

408-535-7659

Cassandra.vanderZweep@sanjoseca.gov

Cassandra van der Zweep

Supervising Planner | Planning, Building & Code Enforcement

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Email: cassandra.vanderzweep@sanjoseca.gov | Phone: (408)-535-7659

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July 18, 2023

Cassandra van der Zweep, Supervising Environmental Planner
City of San Jose
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, Tower 3rd Floor
San Jose, CA 95113

Re: Public Review Draft SEIR | Milligan Parking Lot Project (ER20-049)

Dear Cassandra van der Zweep and Department of Planning, Building, and Code Enforcement,

The Guadalupe River Park Conservancy (GRPC) submits this letter providing commentary on the Milligan Lot Draft SEIR from the context of stewards of one of San Jose's urban parks, the Guadalupe River Park and Gardens. We thank you for the opportunity to comment on this SEIR, and we hope that you will take into consideration our concerns for the Guadalupe River and its associated riparian corridor. We recognize the cultural, ecological, and economic importance of rivers and riparian corridors (especially in urban environments such as San Jose) and we hope that the utmost protections will be applied to the Guadalupe River and adjacent lands to help ensure that this valuable amenity remains in the highest possible quality for years to come.

Comment
B.1

Below are report comments for consideration:

- We oppose the Milligan surface parking lot project that places surface parking adjacent to the Guadalupe River. This project would be contrary to many goals set forth by the Downtown Transportation Plan, and the mention of a potential future trail is an insufficient commitment. We encourage reviewing recommendations outlined in the [Guadalupe River Park & Gardens Urban Design Guidelines](#) that was approved by the Redevelopment Agency and City Council in 2003.
- San Jose's Downtown Transportation Plan emphasizes a vision to make walking and cycling trips safe, comfortable, and connecting in order to ensure that localized trips are completed via active transportation modes whenever possible. Strategy 8 of the Downtown Transportation Plan places emphasis on creating additional car-free connections across Downtown in order to support the goal of having transit, walking, biking, and micromobility trips constituting 50% of trips taken within the Downtown Core. The installation of the trail connector as outlined in the draft SEIR for the Milligan Lot project serves as a critical nexus to ensure that this project is in alignment with other work already being undertaken by the City of San Jose. The trail connector along the existing Guadalupe River Trail Network should therefore be a high-priority component of the Milligan Lot Project should it proceed, as it is the component of this project that is the most conducive to various other goals generated by the City of San Jose's Downtown Transportation Plan.
 - Given the alignment of the trail component of this project with the goals associated with the Downtown Transportation Plan as well as various other city goals pertaining to emissions and climate protection, we request that should the Milligan Parking Lot Project proceed that there be a firm commitment to build the trail within the project, not simply a

Comment
B.2

Comment
B.3

suggestion for future development. We also request that this project prioritizes the development of a high-quality trail first (with appropriate setbacks and plantings) and then configure parking in the remaining area.

Comment
B.3

- In light of recent changes to the timeline of the Downtown West Project, and the progress of other nearby developments that will increase parking supply, the development of the Milligan Parking Lot may not be a necessary step in order to meet the parking minimum for the SAP Center. The approvals process for the Milligan Parking Lot Project should be paused until construction begins on the other parking lots within a third of a mile of the SAP Center.

Comment
B.4

- In the event that additional parking is created within the boundaries associated with the City of San Jose's parking obligation agreement with SAP Center, the parking component of the Milligan Lot Development should be canceled in its entirety. This additional parking may be realized by upcoming developments in the near future, such as via the development of the Platform 16 project.

Comment
B.5

- We implore the City of San Jose to prioritize high-value land uses in place of the Milligan Parking Project. Such high value land uses may include the preservation of natural resources along the Guadalupe River and its associated riparian corridor, park activation, historic preservation, improved park stewardship capacity, and quality streetscaping and trail infrastructure.

Comment
B.6

- As denoted by Management Measure BIO-3.2, this project aims to minimize impacts to riparian trees and habitat during and post construction, however it is denoted that the primary measure being implored to revegetation would be implementation of native or sterile non-native trees. Older trees are critical to the health and well-being of riparian ecosystems given that they shade river waters to keep them at optimum temperatures for fish/aquatic organisms, provide habitat for terrestrial species and avian species, and perform various ecosystem services that become exponentially more beneficial with later succession canopies. Tree replacements on-site in association with the Milligan lot should include older trees and trees closer to maturation, so as to promote faster regeneration of the ecosystem benefits associated with the trees removed with this project; furthermore, tree maintenance should be added into the scope of this project to ensure higher survival rates of the replanted trees. Emphasis should continue to be placed on maintaining the trees that exist on site, as existing trees require less establishment costs and are already generating the quality ecosystem services that would otherwise need to be replaced by new trees. Should existing mature trees cannot remain on-site, the project should prioritize relocation of those trees along the Guadalupe River in addition to replacing them on-site.

Comment
B.7

- Management Measure BIO-C-4.1 suggests the potential for mitigating disturbed riparian habitat with off-site habitat restoration at a 1:1 ratio, noting that this action would have a less than significant impact with mitigation measures incorporated. While a singular off-set onset may result in a less than significant impact to the Guadalupe River and its associated riparian corridor, it is critical to note that the Milligan Lot development is not a project occurring in isolation along the Guadalupe River. A ratio of 2:1 restoration to impact acreage should be considered, and that this work be done in close proximity to the site and along the Guadalupe River watershed.

Comment
B.8

- While Section 14130(b)(3) of CEQA guidelines states that the lead agency for any given project should define the geographic scope of the areas being affected by the cumulative

effect of projects, the geographic considerations in cumulative analysis for this project's biological resources area is ill-defined as "project site and adjacent parcels", which is in opposition of the interconnectedness of riparian ecosystems. Given the inherent and undeniable interconnectedness associated with the Guadalupe River system as a whole, arbitrarily defining "biological resource impacts" to a cluster of parcels creates a mechanism for the Guadalupe River ecosystem to be irreversibly damaged while still being deemed environmentally compliant. This definition of biological resource areas is therefore insufficient.

Comment
B.8

- Management Measure BIO-C-4.2 outlines an on-site mitigation and maintenance plan to help ensure that restored habitats along the Guadalupe River Park result in no net loss of habitat function and values. It is noted that monitoring of the restored habitat shall be implemented by the City of San Jose and that these monitoring efforts will continue post-construction for 10 years or more. It is critical that this monitoring be held at high priority through the decade of its tenure, and it is invaluable that entities such as ours who serve as additional stewards of the Guadalupe River and associated riparian corridor have contact with the entities responsible for oversight in order to ensure accountability in this restoration process.
- As demonstrated by Figure 3.2-1 on Page 40 of the Supplemental Environmental Impact Report, the Milligan Parking Lot Project fails to meet the 35-foot Habitat Plan Minimum Setback for Previously Developed Areas. This raises significant concerns for the future of development along the City's critical waterways, and we do encourage you to respect the minimum setbacks designations under the Habitat Plan.

Comment
B.9

Comment
B.10

The Guadalupe River Park Conservancy appreciates the opportunity to comment on the Supplemental Environmental Impact Report for the Milligan Parking Lot Project, and we thank you for taking our letter into consideration on this project.

Regards,



Gillian Naegele, Project Manager

Cc:
Councilmember Dev Davis
Avi Yotam
Andrew Sandler
Lisa Bankosh
Jason Su
Joseph Salvato

Cassandra van der Zweep
 Supervising Planner | Planning, Building & Code Enforcement
 City of San José | 200 East Santa Clara Street
 via email: cassandra.vanderzweep@sanjoseca.gov, sent July 17, 2023

re: Draft Supplemental Environmental Impact Report (DSEIR) on Milligan Parking Lot Project
 File No. ER20-049

Dear Environmental Project Manager,

In response to the Notice of Preparation (NOP) of a Draft Supplemental Environmental Impact Report (DSEIR) on “the Milligan Parking Lot Project,” File No. ER20-049, in September of 2021 I wrote to Thai-Chau Lee, Environmental Project Manager. I wrote as a private citizen to give comments that fell into four broad categories: site considerations, riparian setbacks, transportation, and historic resources. I write to you now regarding the DSEIR itself, again as a private citizen and again on the four categories.

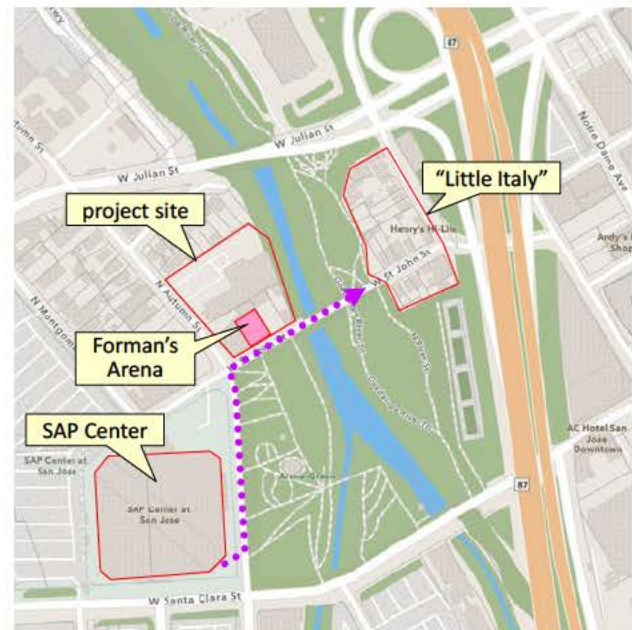
Site Considerations

I’d like to repeat some of my questions from the NOP:

- Is the planned parking lot consistent with the plans worked out with the Diridon Station Area Advisory Group (SAAG), and with the City-adopted Diridon Station Area Plan (DSAP) and the Downtown West Design Standards and Guidelines (DWDSG)?
- Does a walled-in surface parking lot make an area more livable, walkable, and/or vibrant?
- Does the City consider a surface parking lot to be “the highest and best use” of this site? Or is this a “temporary place-holding” proposal, and, if so, for what and for how long?
- What are the impacts to the future BART and potential High Speed Rail of having the nearby 2.5 acres used for surface parking rather than for high-density housing, commercial, or passenger-generating attractions? Will these impacts be considered in the Vehicle Miles Traveled (VMT) Analysis?

I would like to add the observation that, as is apparent in the diagram, the project site is on the direct path taken by patrons of the SAP Center who walk over to the “Little Italy” entertainment district after an event. Accordingly, I would like to also ask the following questions:

- Will the sidewalk in front of the project on the north side of St. John St. be improved so as to be inviting to pedestrians? Will it be wide enough to accommodate street vendors and food carts to help “activate” the street and make it a “vibrant” area?
- Will whatever wall, fencing, or other façade facing St. John St. be compatible with the planned activated, vibrant area?



Comment
C.1

Comment
C.2

- Can the Forman’s Arena, which faces St. John St., be preserved, stabilized, and opened to the public on event nights to add to the vibrancy of the area?

Comment
C.2

Riparian Setback

I’m pleased to see that the plans have been modified from the earlier NOP version and now incorporate a setback for the riparian corridor, along with its restoration.

- Who will maintain the setback area, both during its establishment phase and long term: the City, the Sharks, or the Water District?
- The DSEIR has several sections on the control of “invasive non-native species,” even including the washing of “ground disturbing equipment” to avoid the spread of invasive species. Given that this project is for a public parking lot, how will the project be designed to protect the riparian habitat area against the spread of invasive species once the project is opened to the public? Will rainwater that might wash seeds from parked vehicles be collected and filtered prior to discharge into the stream?

Comment
C.3

Transportation

I’m also pleased to see that the plans have been modified from the earlier NOP version to now include the construction of a segment of the Guadalupe River Trail: “A 600-foot-long future pedestrian trail or Class I paved bicycle and pedestrian trail would be constructed within the 35-foot setback area...”

- This trail segment will serve to connect the Los Gatos Creek Trail to the Guadalupe River Trail and is a key connection in the region’s trail network. If the trail is limited to pedestrians only, how would cyclists make the connection? (There were once plans for the connection to be made by on-street bike lanes on a future Autumn Parkway extension, but I understand those plans have been dropped.) The trail segment here is critical for recreational and commuter cyclists alike as it connects residential areas to Downtown, the Diridon area, the airport, employment districts in north San Jose, and the Alviso Baylands.
- Given its central location and proximity to numerous attractions and amenities, I would imagine that the trail will be well used. Is “12 feet wide, with two-foot-wide shoulders” adequate? Should the shoulders be wider so as better handle the anticipated usage and also to help alleviate pedestrian/cyclist interactions?
- A well-designed trail is a joy to use. Please involve the various user communities in the design process so as to avoid hazards such as blind curves and sharp turns.
- Please construct the trail to high standards, with an appropriate base and pavement and with other appropriate measures to reduce settling or tree-root intrusion so that the trail will last for years with minimal maintenance.

Comment
C.4

Historic Resources

I am truly disappointed by how San José treats its historic heritage, and now here it wants to demolish two century-old structures, one of which is worthy of National listing, just to build a surface parking lot?!

- **the House**

“The house located on the rear northeast quadrant of the property was constructed around 1915, as seen on the Sanborn Maps.” The historic report (Appendix D) says the house didn’t appear on the 1891 map, and therefore it must be newer.

Comment
C.5

- If the dating is based solely on those two maps, couldn't the house have been built as early as 1892?
- I have heard it said that the house was actually built earlier (in the 1860's?) and then moved to the site sometime between 1891 and 1915: was that possibility explored?
- Per the report, the house "holds some importance within the pattern of residential development of 'Little Italy'..." – could the house be relocated there to add to the ensemble?
- The report continues, "but there are other better examples." But if only the best examples are preserved, won't that give a biased view of the past?

Comment
C.5

- **the Arena**

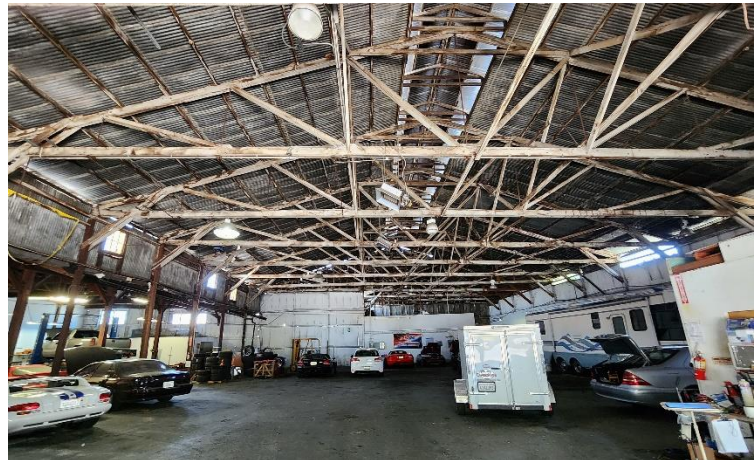
"Implementation of the proposed project would result in the demolition of the historic Forman's arena building and a significant impact to the historic resource", which, according to the NOP, is a "building [that] is listed in the City's Historic Resources Inventory as Eligible for [the] National Register ..."

The arena building may not look like much from the outside, but it's a fascinating space inside. It is sort of like an old rustic barn: scenic, but maybe not all that practical. One wouldn't want to "restore" it, "rebuild" it, "modernize" it or try to "bring it up to code" – don't, for example, retrofit it by adding insulation or double-pane windows – because then it would lose much of its charm and character: use it "as is."



Comment
C.6

- Can the arena structure be "stabilized" by, say, installing a steel frame inside to protect for earthquakes, installing fire sprinklers, and encapsulating contaminants by painting exposed surfaces with latex paint?
- Can the arena structure be made useful? It could never be upgraded enough to be housing or office space, but it could serve as shelter for the staging of food trucks and outdoor dining venues during events at the nearby SAP Center. I feel that it definitely would add to the desired "vibrancy" of the area, and also help encourage foot traffic to nearby Little Italy.



Additional Questions

- For those portions of the parcel that are to be converted to surface parking, how about providing solar-panel shade structures, and use the land for both parking and power generation?
- What's the rush? Given the change in the post-Covid work environment, I've heard that Google may be stretching out its development schedule, and that it might be many years before it

Comment
C.7

would need to use the land under the parking lots west of SAP Center, and so it also might be many years before the City of San José would need to provide parking here as recompense for the western lots. Why not let the site continue to operate in its present configuration in the meanwhile?

Comment
C.7

The DSEIR considers “Analyzed Alternatives” in Section 7.4.2. If the City does have to proceed with this project at this time, I urge it to implement the **“Forman’s Arena Building Retention Alternative”** and to “Retain existing historic Forman’s Area building and utilize it for parking.”

Comment
C.8

I look forward to reading the response to the various public comments.

~Larry Ames

Dr. Lawrence Ames – longtime creek-, trail-, environmental-, and community advocate.

cc: Liz Sewell, City of San José Trails Coordinator
Dana Peak, SJ Historic Preservation Officer
Ben Leech, Preservation Action Council of San José (PAC*SJ)
Bill Rankin, Save Our Trails
Jean Dresden, SJ Parks Advocates
SJ District 6 Neighborhood Leaders Group (D6NLG)



PAC* SJ

**PRESERVATION ACTION
COUNCIL OF SAN JOSE**

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July 18, 2023

Cassandra van der Zweep
Environmental Project Manager
City of San José Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
San José CA 95113-1905

VIA EMAIL (Cassandra.vanderZweep@sanjoseca.gov)

RE: MILLIGAN PARKING LOT PROJECT (ER20-049)

Dear Ms. van der Zweep,

The Preservation Action Council of San Jose (PAC* SJ) submits the following comments on the Draft Supplemental Environmental Impact Report for the Milligan Lot Project (ER20-049), which proposes the demolition of at least one recognized historic resource (the Candidate City Landmark Forman’s Arena at 447 W. St. John Street), multiple other structures, and 28 trees for a temporary 2.5-acre, approximately 300-space surface parking lot. The project is an undertaking of the City of San José, which is also acting as the lead agency for the project’s environmental review. PAC* SJ is strongly opposed to the project as presented and challenges the DSEIR’s sufficiency in addressing feasible project alternatives that would avoid impacts to recognized and potential historic resources, including alternative project locations and alternative site configurations. We further challenge the DSEIR determination that a second potentially impacted structure, the single-family residence at 407 W. St. John Street, fails to qualify as a historic resource for the purposes of CEQA and/or a Structure of Merit under applicable City policies. We look forward to reviewing a revised DSEIR that includes a sufficient level of detail and alternatives analysis to meet the threshold required by CEQA Guideline §15126.6(d) that an EIR “shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.”

PAC* SJ BOARD

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[Comment D.1](#)

Comment 1: Timing of Public Circulation Period

PAC* SJ objects to the timing of the DSEIR’s period of public circulation and comment (June 2, 2023 through July 18, 2023), given the fact that this 45-day public review period precluded the notification of or comment by the San Jose Historic Landmarks Commission (HLC), a City-chartered expert body whose input is entirely appropriate and necessary for a City-led project proposing the demolition of City-owned identified and potential historic resources. This review period unfortunately coincided with the HLC’s annual July recess, and the HLC was never formally notified of its circulation (the HLC’s June 7 agenda, which was publicly released on May 31, references “no items” under Agenda 8.9, “Status of Circulating Environmental Documents.”

[Comment D.2](#)



PRESERVATION ACTION
COUNCIL OF SAN JOSE

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PAC* SJ therefore requests an extension of the DSEIR circulation period to allow the notification of and comment by the HLC, whose next scheduled meeting is August 2, 2023. We specifically seek the HLC’s input on the DSEIR’s alternatives analysis relative to 447 W. St. John (Forman’s Arena) and its determination that 407 W. St. John Street does not qualify as either a CEQA-recognized historic resource nor a City-recognized Structure of Merit.

Comment
D.2

Comment 2: Overly-Broad Project Summary

According to the DSEIR’s project summary, “The proposed parking lot is intended to replace existing parking serving events at the nearby SAP Center at San José that would be lost due to future planned development within downtown San José (e.g., the Diridon Station area)” (DSEIR p. iii). For the purposes of meaningful alternatives evaluation and analysis by decision-makers and the general public, this project summary should be amended to include quantifiable project goals and identify specific project variables, e.g. “The proposed parking lot is intended to replace *[a specific number of parking spaces]* serving events at the nearby SAP Center at San José that would be lost due to *[a specific development project]* within downtown San José (e.g., the Diridon Station area).” The exact location, construction timeline, and number of impacted parking spaces should also be specifically identified in this project description.

Comment
D.3

Comment 3: Clarification of the Coleman Avenue and Autumn Street Improvement Project Status

Please clarify the current status of the Coleman Avenue and Autumn Street Improvement Project referenced throughout the DSEIR. For example, the project description included in Section 2.2 of the DSEIR states, “When the project’s surface parking is no longer needed, the project site is intended to be redeveloped *with the roadway alignment and extension envisioned in the Coleman Avenue and Autumn Street Improvements Project*” (p.9). The DSEIR “Project Objectives” in Section 2.3 likewise include the goal to “develop the parking in a manner that allows easy conversion of the parking lot to a future use *such as the Autumn Street widening, partial realignment, and extension.*” It is PAC* SJ’s understanding that this once-planned improvement project is no longer envisioned for the project area, as it does not appear in either the certified Downtown West Mixed Use Plan EIR (GP19-009, PDC19-039, AND PD19-029) nor the San Jose Downtown Transportation Plan (adopted November 15, 2022). Given the fact that two potential location alternatives (456 Autumn Court and 406 Autumn Court) were specifically rejected from consideration due to the future “realignment” and “relocation” of Autumn Street (DSEIR p. 142), current status and anticipated timeline of this project is directly relevant to the DSEIR’s alternatives analysis.

Comment
D.4

Comment 4: Specificity of Project Objectives

PAC* SJ questions the prescriptive nature of the stated project objective that the undertaking “maximize *surface* parking spaces available to provide off-street parking within one third mile of the San José SAP Center” (p. 12) Why does this objective require “surface” parking spaces (as opposed to multi-level or underground spaces) when the vast majority of other applicable City guidelines specifically **discourages** surface parking lots? And why is a

Comment
D.5



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multi-story parking structure considered appropriate and feasible for the adjacent and related “Lot E Parking Structure” project (ER20-011), but not for this site?

Comment
D.5

Comment 5: Arena Management Agreement Requirements

The DSEIR’s project objectives specifically reference an “Arena Management Agreement” and the City’s obligations to provide required parking for the San José SAP Center. The applicable specifics of this agreement should be included in the DSEIR to allow for meaningful, transparent analysis of project objectives and alternatives.

Comment
D.6

Comment 6: Cumulative Impacts

The DSEIR rightly identifies the proposed demolition of the National Register-eligible and Candidate City Landmark Forman’s Arena to be a substantial adverse change to the environment, but fails to identify or mitigate against the *cumulative* negative impacts the project contributes to: namely, the disproportionate recent losses of multiple identified historic resources and Structures of Merit within or adjacent to the Downtown West area. These losses include the recent demolitions of the Candidate City Landmark Sunlite Bakery (145 S. Montgomery) and the HRI Structure of Merit Patty’s Inn (102 S. Montgomery), the approved (but not yet undertaken) demolitions of the Candidate City Landmark Circus Ice Cream Building (345 N. Montgomery), National Register-eligible Democracy Hall (580 Lorraine), and HRI Structure of Merit Puccio Machine and Welding Works (357 N. Montgomery), the relocation of the Candidate City Landmark Stephen’s Meat Project Neon Sign (105 S. Montgomery) and HRI Structure of Merit Poor House Bistro (91 S. Autumn) out of the project area, and the approved but not yet undertaken significant alterations to the Candidate City Landmark Hellwig Ironworks (150 S. Montgomery).

Comment
D.7

Comment 7: Miscaptioned photo p. 78

The photograph on p. 78 captioned as “407 West St. John Street Former Residence” does not appear to depict the subject property.

Comment
D.8

Comment 8: Construction Date and Historic Status of 407 West St. John Street

PAC* SJ acknowledges a potential difference of professional opinion regarding the age and integrity of 407 West St. John Street, which the DSEIR identifies as a c.1915 Queen Anne-style cottage. The basis of this dating by the project’s Historic Resource Evaluation (Garavaglia Architecture, Inc., Aug. 20, 2021) appears to be limited to a review of published fire insurance atlases, and did not involve a detailed site inspection of construction details that could corroborate or refute this determination. Evidence suggests at least the possibility of a significantly earlier date of construction, and PAC* SJ does not believe the level of physical or archival analysis presented in the HRE is sufficient to support the stated construction date nor the determination that the structure is ineligible for listing in the California Register of Historical Resources. For example, the HRE identifies a similar structure standing at this exact location in 1884 (HRE p. 25) but claims that this older structure was subsequently replaced

Comment
D.9

by the current structure between 1891 and 1915. While admittedly anecdotal, there exists a common belief among former residents and neighbors that the house actually dates to the 1860s, potentially making it a rare surviving example of mid-nineteenth-century domestic architecture in San Jose. For example, in a recent interview, former resident Shirley Christiansen told KTVU Fox reporter Ann Rubin that she had evidence for the earlier date:

For nearly 50 years, Shirley Christiansen lived here, in a home she says dates back to the Civil War. City officials dispute the date, but she says she's sure. "1865. And it said so on the wall. They had, you know, the paperwork for it, permit for it, had it there," says Christiansen. (<https://www.ktvu.com/news/preservationists-angry-historic-buildings-to-be-demolished-for-san-jose>)

Comment
D.9

Relevant alternative possibilities include the current structure being an alteration or addition to the earlier structure, which may remain extant, or that an older structure was relocated to the present site between 1891 and 1915, as was common for its era. These possibilities could and should be further investigated through physical inspection before the building can definitively be dated and its historic significance accurately assessed.

Furthermore, irrespective of potential CRHR eligibility, and admittedly outside the bounds of CEQA review, PAC* SJ requests that the HRE render an opinion on the structure's eligibility for HRI Structure of Merit status, as this is directly relevant to other applicable City policies (i.e. LU 14.4: "Discourage demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource.")

Comment 9: Insufficient Location Alternatives Analysis

PAC* SJ challenges the DSEIR's claim that alternative locations for the project are infeasible, and objects to the cursory level of analysis provided to support this determination. Significant recent media coverage has highlighted the "paused" status of the Downtown West projects cited as the primary reason for this project undertaking, and the DSEIR lacks any corroborating evidence that the "anticipated development" that both necessitates this project and supposedly renders alternative locations infeasible is actually anticipated within the next 10 years (the period of projected use for this "temporary" surface parking lot). PAC* SJ requests that the DSEIR be revised to include a formal statement or corroborating evidence from Google that either supports or refutes the availability of the following Google-owned alternative locations, all of which equally satisfy the project objectives for a **temporary** surface parking lot within 1/3 mile of the San Jose SAP Center:

Comment
D.10

- 145 South Montgomery (APN 261-35-027): The recently demolished NRHP-eligible and Candidate City Landmark Sunlite Baking Company Building, now a vacant lot.
- 102 S. Montgomery Street (APN 259-48-012): The recently-demolished Structure of Merit Patty's Inn, now a vacant lot.
- 510 W. San Fernando Street (APN 259-48-011): Vacant lot



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- 140 S. Montgomery Street (APN 259-48-052): The recently-demolished former Airgas Welding, now a vacant lot).
- 105 S. Montgomery Street (APN 261-35-003) The former Stephen’s Meat Products site, now a vacant lot/decommissioned surface parking lot)

Comment
D.10

Comment 10: Insufficient Site Alternatives Analysis

PAC* SJ likewise challenges the DSEIR’s claim that a multi-level parking structure on a portion of the project site is an infeasible project alternative. We likewise challenge the claim that a surface parking lot on just the 150 North Autumn Street parcel of the project site, demolishing the extant Milligan News Building but leaving 407-447 West St. John Street intact, would not sufficiently meet the stated project goals, as an unquantified “maximization” of surface parking should take multiple priorities and environmental concerns into account. If, for example, the site could potentially accommodate a 200+ surface parking lot without requiring the demolition of the Forman’s Arena, the DSEIR must conclusively explain why this reduced project alternative is either infeasible or categorically fails to meet the City’s stated project goals.

Comment
D.11

Comment 11: Additional Mitigation

PAC* SJ appreciates the inclusion of digital (3D scanning) documentation of the Forman’s Arena as a proposed mitigation measure but requests that, if pursued, such mitigation include both interior and exterior documentation, and that a clear, feasible strategy for making such documentation available to the public be identified.

Comment
D.12

Sincerely,

Ben T. Leech
Executive Director
Preservation Action Council of San Jose

Cc: Dana Peak (Dana.Peak@sanjoseca.gov)

Larry Ames [REDACTED]

Re: NOTICE OF CEQA POSTING: Milligan Parking Lot Project SEIR (ER20-049)

Mike Sodergren [REDACTED] >

Fri 6/2/2023 12:54 PM

To: Van Der Zweep, Cassandra <Cassandra.VanDerZweep@sanjoseca.gov>

Cc: Mike Sodergren [REDACTED]

[External Email]

Hi Cassandra,

Thanks for sending this... Given that the "construction activities occurring for the other projects in the vicinity" are effectively on hold and that Google has not taken its option within the DT West project for Parking Lots at the Arena, how adding 172 temporary surface level parking spaces make sense? I think I've got this right. If so, I'm wondering if there is some other driver for going forward that isn't obvious for doing this? The Civil War era home and the Foreman Arena building are unique and valuable places that we should figure out how to preserve, activate and celebrate. I know the City process takes a lot of time, and the City can always decide not to proceed after going through the public process, but this just doesn't feel right. We will of course go through the normal process on commenting, but it would be great if we could synch this project up with actual development that drives the demand for more parking. It would be great if we can get our friends in the development community to help with this. If we are going to add parking, it seems like we ought to go for high density parking (a multi-story long term structure) as this would enable an option to integrate the historic buildings into the project site in a meaningful way that honors San Jose's rich history..

[Comments E.1-E.3](#)

Thank you,

Mike Sodergren
Vice President & Advocacy Committee Chair
PAC*SJ

On Friday, June 2, 2023 at 12:13:55 PM PDT, Van Der Zweep, Cassandra <cassandra.vanderzweep@sanjoseca.gov> wrote:

PUBLIC REVIEW DRAFT SEIR: MILLIGAN PARKING LOT PROJECT (ER20-049)

FILE NO: ER20-049

PROJECT DESCRIPTION

The approximately 2.5-acre project site consists of five parcels and is in downtown San José. The site is occupied by an automobile repair shop with an attached warehouse, a vacant commercial building and additions, and a vacant single-family residential structure and garage. The project site currently contains 118 surface parking spaces used for SAP Center events. The City of San José, as the owner of the subject property, proposes to remove all existing on-site buildings and construct an approximately 300-space surface parking lot. The intent of the project is to provide a temporary surface parking lot during the construction activities occurring for the other projects in the vicinity. Driveways onto North Autumn Street and West St. John Street would provide ingress and egress to the proposed parking lot. Vehicles would access the site via two new 26-foot wide full-access driveways. One driveway would be located on West St. John Street (160 feet east of North Autumn Street) and the second driveway would be

located on North Autumn Street (approximately 240 north of West St. John Street). The project would remove 28 trees, including 20 ordinance-sized trees and plant 26, 24-inch-box replacement trees. A 600-foot-long future pedestrian trail or Class I paved bicycle and pedestrian trail would be constructed within the 35-foot setback area located between the proposed parking lot and the Guadalupe River. The trail would be approximately 12 feet wide, with two-foot-wide shoulders.

LOCATION

The approximately 2.5-acre project site consists of five parcels and is located in Downtown San José. The site is bordered by North Autumn Street to the west, West St. John Street to the south, the Guadalupe River to the east, and existing residential development to the north. The SAP Center at San José is located approximately 300 feet southwest of the site, and the Guadalupe Freeway (CA-87) is located approximately 650 feet to the east of the site. (405-407, 447 W. St. John Street and 130 & 150 Autumn Street).

ASSESSOR'S PARCEL NUMBERS

259-29-032; 259-29-033; 259-29-071; 259-29-072; 259-29-102

PUBLIC CIRCULATION PERIOD

June 2, 2023 through July 18, 2023

The public is welcome to review and comment on the draft documents. Public comments must be submitted to the Environmental Project Manager no later than 5:00 p.m. on Tuesday July 18, 2023.

PROJECT DOCS

NOA

[Draft SEIR Milligan Parking Lot 5.31.23](#)

[AppA NOP Comment Ltrs Milligan Lot Aug-Oct 2021](#)

[AppB Construct HRA Milligan Parking Lot 3.2.23](#)

[AppC Biological Resources Report Milligan Parking 3.7.23](#)

[AppD Historic Report 405-407 W St. John St 8.20.21 final](#)

[AppE San Jose GHGRS Checklist 5.31.23](#)

[AppF1 Phase I ESA Update \(150 N Autumn St\) 8.6.19](#)

[AppF2 Phase I ESA Update \(407 St John\) 8.5.19](#)

[AppF3 Phase I ESA Update \(447 W. St. John\) 8.6.19](#)

[AppF4 Phase II ESA \(150 N. Autumn\) 12.13.19](#)

[AppF5 Phase II ESA \(447 W. St. John\) 12.11.19](#)

[AppF6 Phase I ESA and UST Scan Milligan Site 03.16.17](#)

[AppG Local Transportation Analysis Milligan Lot 12.17.21](#)

Project website: [Milligan Parking Lot Project | City of San Jose \(sanjoseca.gov\)](#)

ENVIRONMENTAL PROJECT MANAGER

Cassandra van der Zweep

408-535-7659

Cassandra.vanderZweep@sanjoseca.gov

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