

Re: St. James Park Capital vision and Levitt Pavilion

Ross, Rebekah

Thu 6/2/2016 11:55 AM

To: David Peterson;

Cc: Mathur, Krinjal;

Hello Mr. Peterson,

Thank you for your email. We understand your position on the St. James Park Capital Vision and Levitt Pavilion project. Your comments will be included in the public record. I am including Krinjal Mathur (of the Planning Division's CEQA team) in this email so she can also include your comments in the draft Environmental Impact Report being prepared for the project.

The City is currently hosting a design competition for the park. It is anticipated three to five highly qualified landscape architecture firms will be selected to present different visions for the park and the Levitt Pavilion. We will forward your email to the finalists for consideration while they create their designs.

The public will be engaged to participate in the final process of selecting a winning design prior to any decisions. We will add your name to an email distribution list to ensure that you are informed of all public engagement/participation opportunities including the unveiling of the proposed designs. The Schedule of Events related to the Design Competition is available on the [City's St. James Park Design Competition website](http://www.sanjoseca.gov/index.aspx?NID=5032) : <http://www.sanjoseca.gov/index.aspx?NID=5032> .

We hope you will be able to attend the public community meeting on June 15, 2016 at the First United Methodist Church at 24 N 5th St, San Jose, CA 95112 between 6:30 p.m. and 8:30 p.m. to discuss the project and the scope of a draft Environmental Impact Report being prepared for the project.

If you have any additional comments or questions related to the project, please do not hesitate to contact me.

Sincerely, Rebekah Ross

Rebekah Ross, Planner III
Parks, Recreation & Neighborhood Services
Capital Improvement Projects - Planning Team
200 East Santa Clara Street, 9th Floor
San José, CA 95113-1903
408.535-3804

From: David Peterson
Sent: Wednesday, June 1, 2016 3:23 PM
To: Ross, Rebekah
Subject: St. James Park Capital vision and Levitt Pavilion

Dear Ms. Ross,

Having read the initial communication on this project I am 100% against it.

Of course, I believe, unlike the present design of City Hall, that all changes and designs should be decided in the voting booth with 3 to 5 design choices.

I favor placing a child size soccer field where the senior facility existed. In the recent past families and their children played soccer there. But I only guess that the homeless issue, drug sales, and such, ended that activity.

Re-gaining public control of the park so the neighborhood can use it. Many seniors in the area have given up on the park due to the homeless control of the park.

One senior friend said why not a croquette game field for the adults of the neighborhood. And access to the game systems (such as checker and chess tables) at night. And access to the night playing of croquette. Night access for the child sized soccer field.

And patrol control of the park from 6 a.m. Until 12 midnight. Adults, and children accompanied by adults, should have access after dark to enjoy a comfortable quiet time.

The downtown represents the chaos of failure as in San Francisco. Hodge Podge building construction of any design without any flowing design such as Santana Row.

Downtown has become an ugly mess, I exclude the Axis.

There is a neighborhood around St. James Park and I gather the City does not have that in consideration.

I understand 'music in the park' but I in no way support this destruction of the St. James Park.

But, I won't be surprised if this happens as the building of a City Hall that does in no way physically represent the ocean, mountains, or any of our local environment.

Why is a stature of Columbus in city hall when we have a history locally of 'native Americans'. Columbus never arrived on this continent to my understanding nor into the San Jose area.

An idea for the outside of city hall and that horrid round building. How about joining with movie producers and have giant characters placed on the outside of city hall and the rotunda (a building of total waist).

Sincerely,
David A Peterson

I favor repairing the 'history' and the fountain and statues.

If there is money for another destruction of history and an open park, why not use it to design and maintain a homeless camp with toilets/showers/ and a welfare service office.

Sent from the iPad of Ambassador ShaNeenSed

Re: Saint James Park Proposed Project

Ross, Rebekah

Tue 6/14/2016 9:34 AM

NOP Comments

To: Angelique Duysings;

Cc: LeVeque, Kathy; Mathur, Krinjal;

 1 attachment (548 KB)

1st Community Meeting Flyer.pdf;

Hi Angelique,

We welcome all comments! There are many ways you can share your ideas/thoughts.

You can email me or my supervisor Kathy LeVeque (included in this email) any design/programming ideas related to the park. All emails received become part of the public record and will be shared with the design finalists to consider when they approach the design of the park.

You can email the CEQA Project Planner, Krinjal Mathur (also included), any requests for topics/issues to be studied as part of the environmental document being prepared.

You can also submit a written letter attention to me or Krinjal at the address provided below.

Last, but not least, and certainly most importantly, we strongly encourage you to attend tomorrow night's community meeting at the San Jose First United Methodist Church at 24 North 5th Street (at Santa Clara Street, across from City Hall). The meeting includes a 'meet and greet' between 6:00 p.m. and 6:30 p.m. in the atrium. The meeting is between 6:30 p.m. and 8:30 p.m. in the sanctuary. A flyer for this event is attached to this email. We hope you will encourage others to attend as well.

I added your name to an email distribution list to be able to inform you of other upcoming events.

I am also always available by phone if you would like to have a conversation. Hope to see you at the meeting!
Thanks! ~ Rebekah

Rebekah Ross, Planner III

Parks, Recreation & Neighborhood Services

Capital Improvement Projects - Planning Team

200 East Santa Clara Street, 9th Floor

San José, CA 95113-1903

408.535-3804

From: Angelique Duysings

Sent: Monday, June 13, 2016 11:45 AM

To: Ross, Rebekah

Subject: Saint James Park Proposed Project

Hello

Is there a link where I can suggest my ideas for Saint James Park? the Proposed Project is a little Extravagant for what I see in the area...I work down the street from the park so I have been working off 4th Street for 10 years now and I have seen a lot and so I had a few Ideas I was hoping to propose.

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Fax (916) 373-5471
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>
Twitter: @CA_NAHC



June 14, 2016

Krinjal Mathur
City of San Jose
200 East Santa Clara Street Tower 3
San Jose, CA 95113

sent via e-mail:
krinjal.mathur@sanjoseca.gov

RE: SCH# 2016052074 St. James Park Capital Vision and Levitt Pavilion Project, draft Environmental Impact Report, City of San Jose, Santa Clara County, California

Dear M. Mathur:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a **separate subcategory of cultural resources**, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. **Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).
7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - I. Planning and construction to avoid the resources and protect the cultural and natural context.

- ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)). *This process should be documented in the Cultural Resources section of your environmental document.*

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

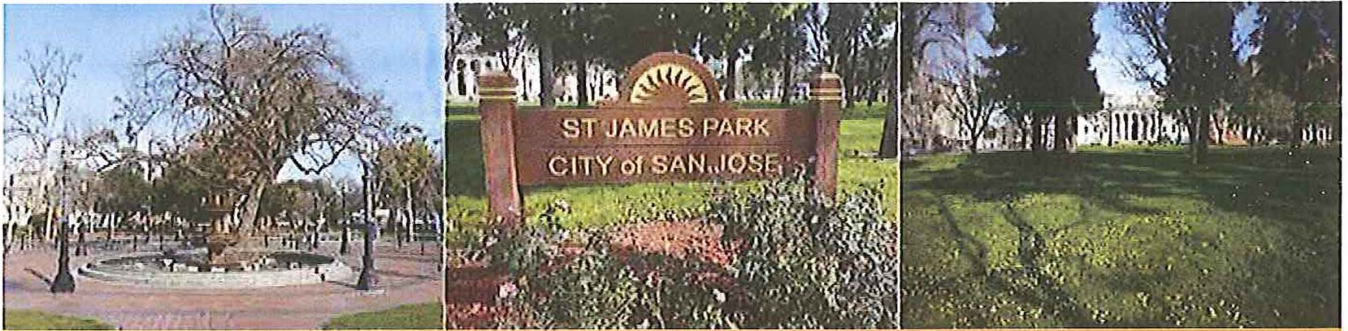
Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

Sincerely,



Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst

cc: State Clearinghouse



ST. JAMES PARK CAPITAL VISION AND LEVITT PAVILION
Department of Planning, Building & Code Enforcement
Public Comment Sheet

To be included in the public record for this project, all comments on the project and scope of the EIR must be made in writing and submitted to the City. Comments on the project only may be submitted at any time up until the public hearing. Please send comments to: Krinjal Mathur, the Assistant Environmental Project Manager via one of the following:

By Mail: 200 East Santa Clara Street, 3rd Floor Tower, San José, CA 95113-1905

By Email: Krinjal.Mathur@sanjoseca.gov (include "St. James Park Capital Vision and Levitt Pavilion – File No. PP16-037" in the subject line)

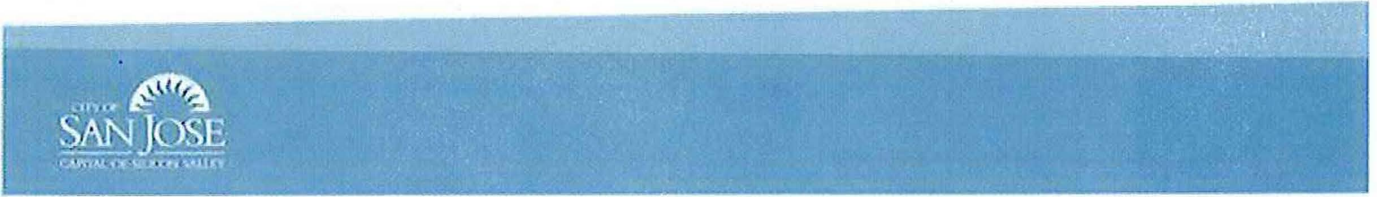
Name: Penny Jopl

Address: 96 N 5th Street

Comment on (please check one box): EIR Scope Project Both

Comments: I'm excited to see
San Jose grow into a more
family friendly, child
friendly, growing, a beautiful
destination for out of towners
place to live. A great place
to continue to enrich others
lives. P. Jopl

Written comments will be included in the public record.





ST. JAMES PARK CAPITAL VISION AND LEVITT PAVILION
Department of Planning, Building & Code Enforcement
Public Comment Sheet

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By Mail: 200 East Santa Clara Street, 3rd Floor Tower, San José, CA 95113-1905

By Email: Krinjal.Mathur@sanjoseca.gov (include "St. James Park Capital Vision and Levitt Pavilion – File No. PP16-037" in the subject line)

Name: DR. BEVERLEY B. BRYANT
Address: 16940 PLACER OAKS ROAD
LOS GATOS, CA 95032

Comment on (please check one box): EIR Scope Project Both

Comments:

Testify @ 6/15/16 Public Meeting
Letter will follow via US Mail

Please see attached comments presented at 6/15/16
Thank you - Beverly B. Bryant

Written comments will be included in the public record.

My name is Dr. Beverley Bryant. I stand before you this evening as a representative of the **Sainte Claire Historic Preservation Foundation**, a 501c-3 non-profit dedicated to the preservation of the historic character of the St. James Park area of San Jose.

During the past two years, the Sainte Claire Historic Preservation Foundation has spoken about our concerns about the plans construct a music venue in St. James Park. While we appreciate all of the hard work of the committee and the various boards and commissions on this issue, we have some major concerns and ask that these be carefully reviewed and examined as the City of San Jose prepares an Environmental Impact Report for the project.

1- St. James Square is a City Landmark and a National Register Historic District:

- St. James Park was listed on the National Register of Historic Places in 1979;
- St. James Park is eligible for the California Register of Historic Places;
- Saint James Square was designated as a City Historic District in 1984;
- St. James Park is an historic resource under the California Environmental Quality Act;
- Saint James Park is considered to be a Cultural Landscape

2- The Items that **Should be reviewed by the EIR before you tonight are Rehabilitation Proposals:**

- **Rehabilitation** is defined by the Secretary of the Interior as: “the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.”

3-There are Defined Standards for Rehabilitation, including the following:

- “A property will be used as it was historically or be given a new use that requires **minimal change** to its distinctive materials, features, spaces, and spatial relationships;”
- “The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.”

4- What Do These Facts Mean?

- Simply put, these facts mean any changes to Saint James Park and the surrounding structures in the National Register Historic District must follow the guidelines of the Technical Preservation Services of the National Park Service, US Department of the Interior;
- Plans for any site work to the Park must be reviewed for consistency with the United States Secretary of the Interior’s Standards for the Treatment of Historic Properties and the Guidelines for the Treatment of Cultural Landscapes;
- The Environmental Impact Report **must** take all of these issues into consideration.

In addition to all of the above, please know that the Sainte Claire Historic Preservation Foundation,

- **has as its primary goal to preserve and beautify the historical exterior of the building and grounds of the Sainte Claire Club for the enjoyment of all visitors and local community members in the Saint James Square National Register Historic District,**
- **is vitally concerned about the traffic, noise, and sanitation issues that will be raised.....**
- **If the proposals for the Levitt Pavilion and ancillary activities become reality.**

Thank you for your time. We will follow up with a letter articulating the points summarized here this evening.

St. James Park Community Meeting

Benjamin Williams

Wed 6/15/2016 7:20 PM

To:StJamesPark; Mathur, Krinjal; Cc:Adonis Galvão;

 1 attachment (219 KB)

IMG_7327.JPG;

Hi Krinjal and City of San Jose,

Hope you are doing well. I had wanted to attend the St. James Park Capital Vision Community and Public Scoping Meeting, but was unable to because of work.

I am interested in the part of the flier that says "The final design of the park will be a result of a Design Competition sponsored by the City." Do you have details around what the guidelines / deadlines are?

Thank you!

Best regards,
Ben

County of Santa Clara

Roads and Airports Department



101 Skyport Drive
San Jose, California 95110-1302
1-408-573-2400

June 15, 2016

Krinjal Mathur
Department of Planning, Building and Code Enforcement
City of San Jose
200 East Santa Clara Street, 3rd Floor Tower
San Jose, CA 95113-1905

**SUBJECT: Notice of Preparation of a Draft Environmental Impact Report
St. James Park Capital Vision and Levitt Pavilion**

Dear Ms. Mathur:

The County of Santa Clara Roads and Airports Department appreciates the opportunity to review to the Notice of Preparation (NOP) and is submitting the following comments.

Transportation Impact Analysis (TIA) should be prepared for the proposed project following the latest adopted Congestion Management Program (CMP) TIA Guidelines to identify significant impacts. The analysis should be conducted using County signal timing for County study intersections and the most recent CMP count and LOS data for CMP intersections. Please contact Ananth Prasad at (408) 494-1342 or Ananth.Prasad@rda.sccgov.org for the correct signal timing.

The TIA should assess impacts to intersections and roadways segments along Almaden Expressway from the project traffic. The preliminary Comprehensive County Expressway Planning Study – 2040 project list should be consulted for a list of mitigation measures for significant impacts to the expressways. Should the preliminary Expressway Plan 2040 project list not include an improvement that would mitigate a significant impact, the TIA should identify mitigation measures that would address the significant impact. Mitigation measures listed in the TIA should be incorporated into the EIR document.

Please provide a copy of the DEIR, TIA and future project related reports for County review.

If you have any questions or concerns about these comments, please contact me at (408) 573-2462 or aruna.bodduna@rda.sccgov.org

Sincerely,

A handwritten signature in blue ink, appearing to read "Aruna", with a horizontal line extending to the right.

Aruna Bodduna
Associate Transportation Planner

cc: DSC, MA, AP



Scott Brady
Land Agent

408.282.7543 (Office)
Scott.Brady@pgc.com

Land Management

111 Almaden Boulevard
Room 814
San Jose, CA 95113

June 15, 2016

Krinjal Mathur
Assistant Project Manager
City of San Jose
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
San Jose, CA 95113-1905

Subject: Notice of Preparation of a Draft Environmental Impact Report
The St. James Park Capital Vision and Levitt Pavilion, File PP16-037
PG&E Comments

Dear Krinjal:

Thank you for the opportunity to provide comment on the subject Notice of Preparation of a Draft Environmental Impact Report.

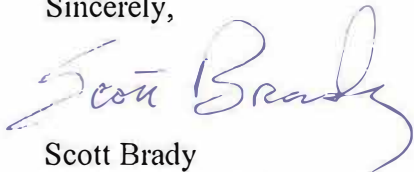
1. PG&E owns and operates electric and gas facilities which are located within the area of project. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access, and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.
2. Developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facilities relocations require long lead times and are not always feasible, developers should be encouraged to consult with PG&E as early in their planning stages as possible.
3. Please note that continued development consistent with your General Plan will have a cumulative impact on PG&E's gas systems and may require on-site and off-site additions to the facilities that supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads.

Krinjal Mathur
June 15, 2016
Page 2 of 3

4. We recommend that environmental documents for proposed development projects include adequate evaluation of cumulative impacts to utility systems, the utility facilities needed to serve those developments, and any potential environmental issues associated with extending utility service to the proposed project. This will assure the project's compliance with CEQA and reduce potential delays to the project schedule.
5. PG&E remains committed to working with the City of San Jose to provide timely, reliable and cost effective gas and electric services to the area. Please contact me at 408-282-7543 if you have any questions regarding PG&E's comments. We would also appreciate being copied on future correspondence regarding this property as things develop.

Thank you for the opportunity to provide comment.

Sincerely,



Scott Brady
Pacific Gas and Electric Company
Land Agent

cc: File

Review of Notice of Preparation of Draft EIR for St. James Park Capital Vision and Levitt Pavillion

Barton Ching

Mon 6/20/2016 5:11 PM

NOP Comments

To: Mathur, Krinjal

Mr. Krinjal Mathur,

The Santa Clara Valley Water District has reviewed your notice of preparation for the subject project. We have no comments at this time. We look forward to reviewing the draft EIR.

Thank you,
Barton



BARTON CHING, P.E. LEED AP
ASSISTANT CIVIL ENGINEER II
Community Projects Review Unit
[Watershed Stewardship and Planning Division 5750](#)
[Almaden Expy, San Jose, CA 95118](#)
(408) 630-3079
bching@valleywater.org

June 21, 2016

David Keyon
Environmental Project Manager
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113

RE: Notice of Preparation of a Draft Environmental Impact Report for the St. James Park Capital Vision and Levitt Pavilion (File # PP16-037)

Dear Mr. Keyon:

The City of San Jose Historic Landmarks Commission (Commission) is an advisory body to the City Council and City Manager on matters of historic preservation. The Commission discussed the Notice of Preparation of a Draft Environmental Impact Report for the St. James Park Capital Vision and Levitt Pavilion at its June 1, 2016 meeting. The subject project proposes modifications to St. James Park, which is listed as a Contributing Structure to the St. James Square National Register Historic District and City Historic District. In a 6-0-1 decision (Marcotte absent), the Commission voted to forward this comment letter to the Director of Planning, Building and Code Enforcement.

The Commission notes that St. James Park is a cultural resource of greatest importance to the City, therefore, the forthcoming EIR must include one of the most robust analysis of potential impacts to cultural resources resulting from this project that the City has ever prepared. The Commission offers the following recommendations regarding the scope and content of information related to cultural resources to be included in the Environmental Impact Report:

- Clarify the era of significance of the park and define the historic character defining features of the park.
- Include a copy of the original landscape design of the park in the historic analysis, should it be available.
- Provide documentation of efforts since 1955 to restore park to its turn of the century appearance, and evaluate the proposed plan for the park against efforts to restore the park. The Commission notes that less consideration may be given for structures and improvements outside of era of significance of the park.
- Analyze the history and age of the existing fountain to determine if it has become part of the historical fabric of the park, and analyze potential impacts to the spatial relationships of the park should it be proposed for removal.

- Provide detailed information regarding proposed programmatic changes to the park and the capacity of the proposed event space at the park. Analyze how large events and other programmatic changes may impact the historic integrity of the park.
- Conduct noise and vibration studies for potential impacts to nearby historic structures.
- Analyze visual impacts on adjacent historic structures, including analysis of the height of proposed structures in relation to the height of existing landscaping and nearby buildings. Renderings should be provided to assist with the assessment of potential visual impacts resulting from the Levitt Pavilion and other proposed park modifications.
- Study potential impacts to health of trees and other older landscape features.
- Provide information on the historical markers and analyze the impact of any proposed modification to those markers.

Thank you for the opportunity to comment on the Notice of Preparation. The Commission looks forward to reviewing the Draft Environmental Impact Report.

Sincerely,

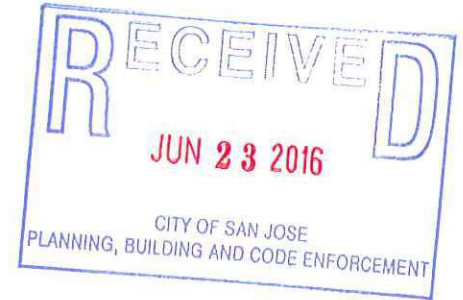


Edward Saum
Chair
City of San Jose Historic Landmarks Commission



1888

THE SAINTE CLAIRE CLUB
65 EAST SAINT JAMES STREET
SAN JOSE, CA 95112



Tuesday, June 21, 2016

Mr. Krinjal Mathur
Assistant Environmental Project Manager, City of San Jose
200 East Santa Clara Street, 3rd Floor Tower
San Jose, CA 95113-1905
(408) 535-7874
Krinjal.Mathur@sanjoseca.gov

RE: Levitt Pavilion and St. James Park

Dear Mr. Mathur,

The Sainte Claire Club, a historical private social club located on St. James Park, is concerned about several aspects of the proposed Levitt Pavilion in St. James Park and requests that the following items and actions be taken into consideration in the Environmental Impact Report for the St. James Park Capital Vision and Levitt Pavilion:

1) Noise:

A noise and vibration study shall be included as part of the EIR. Events held at the proposed Levitt Pavilion would cause substantial noise and vibration impacts to surrounding buildings, including the Sainte Claire Club. Because the concerts in St. James Park are expected to be held during Sainte Claire Club operating hours (for dinner events), noise and vibration impacts are very concerning. It shall be demonstrated by the noise technical study that acoustic impacts will not exceed the new noise ordinance code (established with full input from residents and business owners around the park). Furthermore, mitigation measures for noise and vibration impacts shall be identified and implemented.

2) Traffic:

Construction of a Levitt Pavilion is expected to result in an increase in traffic around St. James Park. This project would also increase the need for parking. The EIR should identify and address the volume of increased traffic and the need for increased parking around St. James Park.



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THE SAINTE CLAIRE CLUB
65 EAST SAINT JAMES STREET
SAN JOSE, CA 95112

3) Sanitation and Public Safety:

Due to the increase in foot traffic and the proposed alcohol and food sales in St. James Park, sanitation and public safety needs to be addressed in the EIR. The sale of alcohol in this neighborhood park causes much concern to our community.

4) Aesthetics:

Construction of the large pavilion structure is an aesthetic concern in terms of the historic integrity of the park. Any new structure shall be in compliance with all national historic rehabilitation guidelines.

5) Maximum Attendance and Number of Events:

The City of San Jose through various staff members and (Mayor appointed) community steering committees has steadily increased the number of the projected entertainment programs along with the maximum attendees allowed in the park for shows (now 7,000 people). The EIR should review the prolonged and compounded mental and physical effect this will have on residents and business operations surrounding the park.

6) Cultural Resources (Historic):

St. James Square (which includes the Sainte Claire Club and St. James Park) is listed on the National Register of Historic Places, and the historic integrity of St. James Park is important to the character of this historic district. Additionally, St. James Park is considered a historic resource as defined by the California Environmental Quality Act. The Sainte Claire Club requests that any impacts to the historic character of St. James Park be carefully evaluated in the EIR.

The Sainte Claire Club is available to participate in this EIR upon request. If you have any questions, please do not hesitate to contact me.

Sincerely,

Michael Craig
President
Sainte Claire Club

TO: Marybeth Harasz
San Jose Park and Recreation Department

RE: Scoping meeting for St. James Park
Comments for EIR

June 22, 2016

We all feel that San Jose is a place where history is made every day. The City of San Jose now has another opportunity to shape how we tell the story of our history. The St. James Park Capital Vision is an opportunity for the City of San Jose to make an important statement about the history of the Santa Clara County community and how we treat our most important cultural assets. Is it going to be a destination for travelers...a place that must be seen to capture the heart of life in the Valley? Or is this just going to be another park like any other - pleasant enough but certainly not memorable.

This park is no ordinary place - it is the heart and soul of our city. It is also a significant part of the most important early settlement in Western America. It is important because it is still mostly intact and very pleasant, unlike the early plazas and parks in San Francisco, Los Angeles and Monterey. And finally, plans for this park must be handled carefully because this park and its surrounding area are listed on the National Register of Historic Sites. The St. James Square site was one of the first areas to be listed after Congress enacted the supporting preservation legislation in the early 1970s.

I have participated in and reviewed a number of previous studies about St. James Park including the former Redevelopment Agency's proposal for underground parking and the student studies of San Jose State's Environmental Design classes. I have led the informational walking tours of the park led by the Preservation Action Council and by SPUR.

St. James Park will be one of the most important features of the new National Historic District for Santa Clara County, an effort that is just starting to get underway through the Board of Supervisors. We want to show the rest of America how we support and respect our heritage, so now is the time to look at a much larger role for the park.

Some considerations for the Environmental Impact Report. I am sure I am not the only person who has mentioned the following items.

First - I will be looking for a substantive discussion in the EIR of the project alternatives. Specifically, is there a better place in San Jose to locate an outdoor music pavilion with a potential of attracting thousands of spectators.

The project description mentions both physical and programmatic changes to the park. Since the impetus for locating a pavilion in park seems to be to counter the homeless population who loiters there, I expect the EIR to address the issue of the potential social impacts of the project.

Second - The project description mentions closure of North Second Street to private vehicles. The potential of a permanent closure of North Second should be studied as a separate Environmental Impact Report. Transportation and circulation issues of this magnitude become political issues in themselves and might obscure the issues related to the impacts on the historic park.

Third - the EIR should include the history of the amenities such as public restrooms that were once provided in the park, and comment on the reasons these amenities were removed.

Fourth - Once again - St. James Park is not like any other park in San Jose. It is the only park in San Jose that is listed on the National Register of Historic Sites.

The purpose of an EIR is to identify the potential impacts of a project, physical and social, and outline ways to minimize or mitigate the negative impacts. A good EIR can be a great tool to help make good decisions and result in a project that is of benefit. An incomplete EIR overlooks or misses critical information and frequently results in time-consuming litigation.

I have always thought that St. James Park deserves to be treated like a garden oasis in the middle of an urban center. We are supposed to be the "Garden of Eden". Instead, there is not a flower or shrub in place and few birds, other than pigeons, live here. The current park has been designed to make police surveillance easy. We can do better.

Thank you for your attention.

April Halberstadt

The Sainte Claire Historic Preservation Foundation
PO Box 1327, San Jose, CA 95109

Wednesday, June 22, 2016



Mr. Krinjal Mathur
Assistant Environmental Project Manager, City of San Jose
Mail: 200 East Santa Clara Street, 3rd Floor Tower
San Jose, CA 95113-1905
Phone: 408-535-7874

Subject: St. James Park Capital Vision and Levitt Pavilion--File No PP16-037
Email: Krinjal.Mathur@sanjoseca.gov
Subject Line: "St. James Park Capital Vision and Levitt Pavilion--File No PP16-037" line

Dear Mr. Mathur:

The **Sainte Claire Historic Preservation Foundation** has been carefully following the issues related to the Public Scoping for the Environmental Impact Report regarding the St. James Park Capital Vision and Levitt Pavilion--File No PP16-037. EIR will study the St. James Park, bordered by East St. James Street to the north, East St. John Street to the south, North 1st Street to the west, and North 3rd Street to the east.

The Sainte Claire Historic Preservation Foundation is a 501 (c) 3 non-profit entity, founded in 2004, with the primary goal of preserving and beautifying the historical exterior of the building and grounds of the Sainte Claire Club (65 East St. James Street, San Jose CA 95112), for the enjoyment of all visitors and local community members. The Sainte Claire Club, as part of the St. James Square Historic District, proudly displays a historical marker on the front sidewalk. The Club is prominently featured in the City of San Jose historical information and the Downtown Association History Walk literature.

We understand that the St. James Park Capital Vision and Levitt Pavilion Project:

“includes both physical and programmatic changes to St. James Park, a seven-acre urban park in downtown San Jose, which includes the development of an outdoor performing arts pavilion (Levitt Pavilion). Potential physical changes include, but are not limited to: construction of the Levitt Pavilion, removal or relocation of existing historical markers and fountains, removal and replacement of non-Heritage Trees, hardscape improvements, construction of structures for restrooms and commercial uses (i.e. cafes and vendors), and the temporary or permanent closure of N. 2nd Street to private vehicles. Potential programmatic changes include music and performing arts events at the Levitt Pavilion, the introduction of commercial uses into the park (i.e. a cafe or vendors), street performers, festivals, and a farmers market, all in an urban park setting.

As you might imagine, our organization, which emphasizes the preservation of historical resources in our community, and particularly within the boundaries of the St. James Historic District, is vitally concerned about the scope of the present Environmental Impact Report. The scope and vision presented in your report will impact the environs of the Sainte Claire Club, and will change the fundamental nature of St. James Park. As you know, the park area has been deemed by the citizens of San Jose has a historic

The Sainte Claire Historic Preservation Foundation
PO Box 1327, San Jose, CA 95109

district, and is so recognized by both the State of California and the United States government through the work of the Department of the Interior.

In 1848, two years before California was granted statehood, St. James Park was plotted by Chester Lyman Survey of San Jose. Throughout the 19th Century the park was the focus for many of San Jose's most important civic and religious buildings, many of which are still standing at the park's edge today. The Sainte Claire Club, organized in 1888, constructed its building at the Northwest Corner of the Park in 1894. St. James Park was listed on the National Register of Historic Places in 1979; it is eligible for the California Register of Historic Places. The Saint James Square was designated as a City Historic District in 1984, and is considered to be an historic resource under the California Environmental Quality Act, as well a Cultural Landscape.

The changes proposed for St. James Park are Rehabilitation Proposals. **Rehabilitation** is defined by the Secretary of the Interior as: "the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values."

Documents from the Office of the Secretary of the Interior provide defined Standards for Rehabilitation, including the following: "A property will be used as it was historically or be given a new use that requires **minimal change** to its distinctive materials, features, spaces, and spatial relationships;" **and** "The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided."

The Sainte Claire Historic Preservation Foundation will therefore be following any changes to Saint James Park and the surrounding structures in the National Register Historic District in order to ensure that they meet the guidelines of the Technical Preservation Services of the National Park Service, US Department of the Interior, as well as the guidelines and laws of other governmental entities.

The United States Secretary of the Interior's Standards for the Treatment of Historic Properties and the Guidelines for the Treatment of Cultural Landscapes define a cultural landscape as "a geographic area[...]associated with a historic event, activity[...]exhibiting other cultural or aesthetic values." Cultural landscapes include "historic sites, historic designed landscapes, [and] historic vernacular landscapes." We request that any plans for any site work to the Park be reviewed for consistency with these guidelines.

The Environmental Impact Report **must** take all of these issues into consideration.

If you have any questions regarding these issues, please contact me at the address above or by phone: 408-294-1242 or by email at satkisson@ymail.com.

Respectfully submitted,



Shawn Atkisson
Executive Director

DEPARTMENT OF TRANSPORTATION

DISTRICT 4
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
FAX (510) 286-5559
TTY 711
www.dot.ca.gov



*Serious Drought.
Help save water!*

June 23, 2016

SCL087114
SCL/87/PM 6.1
SCH# 2016052074

Ms. Krinjal Mathur
Department of Planning
City of San Jose
200 E. Santa Clara Street, Tower 3
San Jose, CA 95113

Dear Ms. Mathur:

St. James Park Capitol Vision and Levitt Pavilion Project – Notice of Preparation

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's State Transportation Network (STN), in which we seek to reduce statewide vehicle miles traveled (VMT) and increase non-auto modes of active transportation. Caltrans plans to increase non-auto mode shares by 2020 through tripling bicycle, and doubling both pedestrian and transit. Also, these targets support the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy, which promotes the increase of non-auto mode shares by ten percentage points and a decrease in automobile VMT per capita by ten percent. Our comments are based on the Notice of Preparation (NOP).

Project Understanding

The proposed project is located approximately 0.25 mile northeast of the State Route (SR) 87/W. St. James Street intersection with access from E. St. James Street, N. 1st Street, E. St. John Street, N. 1st Street, N. 2nd Street, and N. 3rd Street. It would include both physical and programmatic changes to St. James Park, a seven-acre urban park in downtown San Jose, which includes the development of an outdoor performing arts pavilion (Levitt Pavilion). Potential physical changes include, but are not limited to: construction of the Levitt Pavilion, removal or relocation of existing historical markers and fountains, removal and replacement of non-Heritage Trees, hardscape improvements, construction of structures for restrooms and commercial uses (i.e. cafes and vendors), and the temporary or permanent closure of N. 2nd Street to private vehicles.

The proposed Levitt Pavilion is an approximately 7,000-spectator outdoor music and performance venue with lighting and sound amplification. The final physical park design will be determined through a design competition. Potential programmatic changes include music and

performing arts events at the Levitt Pavilion, the introduction of the commercial uses, street performers, festivals, and a farmers market, all in an urban park setting.

Lead Agency

As the lead agency, the City of San Jose (City) is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Traffic Impact Analysis

During construction or starting "opening day", this project may generate traffic at volumes sufficient to impact the operations of nearby State highway facilities, and it may be necessary to prepare a Traffic Impact Analysis (TIA). If it is found that a TIA is not required, please provide a verifiable explanation for this finding. The following criteria are among those that may be used to determine whether a TIA is warranted:

1. The project will generate over 100 peak hour trips assigned to a State highway facility.
2. The project will generate between 50 and 100 peak hour trips assigned to a State highway facility, and the affected highway facilities are experiencing noticeable delay; approaching unstable traffic flow conditions.
3. The project will generate between one to 49 peak hour trips assigned to a State highway facility, and the affected highway facilities are experiencing significant delay; unstable or forced traffic flow conditions.

Caltrans recommends using the Caltrans *Guide for the Preparation of Traffic Impact Studies* for determining which scenarios and methodologies to use in the analysis. It is available at the following website address: www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf.

Vehicle Trip Reduction

Caltrans encourages the City to promote mass transit use thereby reducing regional VMT and traffic impacts. Transportation Demand Management (TDM) programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. Suggested TDM strategies include working with the Santa Clara Valley Transportation Authority (VTA) to decrease headway times and improve way-finding on bus lines to provide a better connection between the project, and the College Park Station and Diridon Station.

Traffic Impact Fees

Given the project's contribution to area traffic and its proximity to SR 87, the project should contribute fair share traffic impact fees to the planned improvements to the SR 87/W. St. James Street ramps. These contributions would be used to lessen future traffic congestion and improve transit in the project vicinity.

Ms. Krinjar Mathur/City of San Jose

June 23, 2016

Page 3

Traffic Control Plan

Since it is anticipated that vehicular, bicycle, and pedestrian traffic will be impacted during the construction of the proposed project requiring traffic restrictions and detours, a Caltrans-approved Traffic Control Plan (TCP) is required to avoid project-related impacts to the STN. The TCP must also comply with the requirements of corresponding jurisdictions. In addition, pedestrian access through the construction zone must be in accordance with the Americans with Disabilities Act (ADA) regulations (see Caltrans' *Temporary Pedestrian Facilities Handbook* for maintaining pedestrian access and meeting ADA requirements during construction at: www.dot.ca.gov/hq/construc/safety/Temporary_Pedestrian_Facilities_Handbook.pdf) (see also Caltrans' Traffic Operations Policy Directive 11-01 "Accommodating Bicyclists in Temporary Traffic Control Zones" at: www.dot.ca.gov/hq/traffops/policy/11-01.pdf). All curb ramps and pedestrian facilities located within the limits of the project are required to be brought up to current ADA standards as part of this project.

For further TCP assistance, please contact the Caltrans District 4 Office of Traffic Management Operations at (510) 286-4579. Further traffic management information is available at the following website:
www.dot.ca.gov/hq/traffops/trafmgmt/tmp_lcs/index.htm.

Should you have any questions regarding this letter, please contact Brian Ashurst at (510) 286-5505 or brian.ashurst@dot.ca.gov.

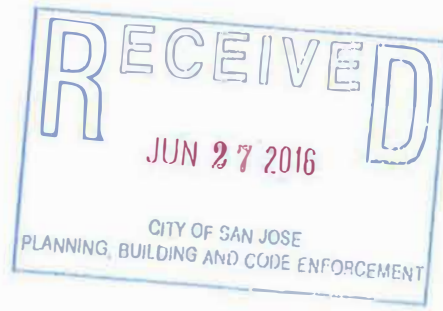
Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: Scott Morgan, State Clearinghouse

6/23/16



memo to Krijal Mathur, Assistant Environmental Project Manager
from Elaine Evans
re PP16-037

Krijal,

Thank you for taking the time to answer my questions on the phone. It was especially helpful to learn what should or should not be an environmental impact vs. a parks & recreation issue.

Enclosed is a copy of my comments RE impacts, alternative site and alternative use. None of the pages shows the referencing project file no. or name - just the content.

I briefed you by phone that my comments would be handwritten, since the wrist of one hand, fractured & healing, prevents the ability to type.

I'd like to phone you in a month or so to ask if the draft EIR is completed.

Thank you once again for your time and help.

Preface to this writer's input addressing environmental impacts should implementation of the proposed project take place.

St. James Park is far more than an "urban park", as it is referenced in the city planning dept's NOTICE (of community and public scoping meeting) dated 5/24/16.

It is a historically designated site, so designated with the intention of protecting the lands within its boundaries from encroaching commercial activity and to preserve it as a park in the conventional sense of the term.

To bring to it continuous year-round entertainment, street performers, enhanced sound, food and drink commercially vended reduces the level of the park to that of a county fairgrounds.

Environmental Impacts

Nullification of the park's role as a contributor to local history and culture and to a city's image

Every city of importance has set aside a place for parklands in or near the city center. It retains the site as a park both as a symbol of the city's

Nullification of the park's role..., cont'd

grandeur and as a showcase of beauty amidst the hub-bub of surrounding city life. For those reasons, some parks in Europe's cities that were established centuries ago remain today, untouched by any hand except that of the gardener.

St. James Park's boundaries were set in the mid-1800's and have encompassed the lands within for use as a park through to the present day, thanks to those who had the foresight to eventually designate it a historic site. They must have foreseen that someone, someday, would attempt to overturn the intended use. That "someday" is today.

The impact is that the nearby community as well as the city at large, if "environment" does extend to the city as a whole, will lose, as a park, the first park to be created in San Jose, the most expansive park near city center, its historical significance and its contribution as a symbol of grandeur and showcase of beauty (with the help of a caretaker!) to San Jose's standing.

Utilization

Development of land in the nearby downtown has produced and continues ever denser, ever taller buildings, thereby attracting to the commercial center employers, employees and residents in numbers unprecedented.

The same thrust has and continues to take place on every available site surrounding St. James Park, bringing, as to downtown, numerous workers and residents, their vehicles and a daily stream of servicers and their vehicles to the vicinity of the park.

Utilization, cont'd

Residents in the area will be subject not only to the activity, sounds and sights generated on the streets but also to those that emanate from the park situated directly across the street.

The last thing that an area replete with development needs is even more stimuli—and that coming even from the park—the place meant to provide peace and quiet enjoyment.

What is needed is a place to go, even if only for a short break, to find relief from the inevitable stream of non-stop activity on every surrounding square foot. That place is subject site. The park, if kept free of the uses proposed, offers stark contrast to the highly-used and soon-to-be-used surrounds. The "stark contrast" is the very non-utility the park provides to both workers and residents in nearby downtown and to those in direct proximity, all of whom are those who would benefit most from the park kept as a park.

The writer in the publication of year 1896¹, "Sunshine, Fruit and Flowers," describes² the character and uses of St. James Park:

"The most beautiful park in the city is the Saint James. It is near the commercial center and is therefore largely resorted to. The magnificent buildings by which it is surrounded add to its attractiveness, as the broad, open lawn is thereby brought into contrast with the entire utilization of adjoining space." (italics added)

¹original publisher: The San Jose Mercury
Reprinted 1986 by The San Jose Museum Association
ISBN 0-914139-03-7

² pg. 46

Utilization, cont'd

Developers of condominium developments and clustered homes today dedicate, voluntarily or by regulation, a common-area space for use as a park by its residents. Others pay an in-lieu fee if unable to provide parkspace. The value of a park to the community was understood in 1896 and is recognized today.

In juxtaposition, St. James Park, already in place as a park, will disappear in that capacity if used as proposed.

The impact, in short, is to strip away the only expanse of land remaining to counterbalance the effects of busy activity and full development on the lives of many more people than those inhabiting any single planned development.

Noise

Not everyone will recall that an establishment called Club Oasis once operated on the N.E. corner of N. 1st and St. James Sts. The sounds of live entertainment within the nightclub could be heard well into the night and heard up to blocks away.

Patrons returned to their cars and pick-ups, up to blocks away, in early-morning hours, all along the way engaging in loud discourse, throwing empty containers of glass or metal onto the hard surface of sidewalks, often swearing and bringing on fights. Some sat in their vehicles, passenger door open, to play more music, talk, drink, break more glass and use the nearest spot available as a bathroom, all up through hours more.

All of the sounds were magnified because they reverberated against the hard surface of buildings' walls—stone, cement or stucco.

Noise, cont'd.

Fortunately, the club was most heavily used on weekend nights, limiting the impact of the noise to those nights of the week when one didn't have to get up early for work the next day. More fortunately, the club eventually ceased operations.

But a source of deafeningly-high decibels persists. It is the blare of sirens used on the trucks of the San Jose Fire Dept, louder than any heard in other local cities. Their already-loud sounds echo and intensify as they hit the same hard-surfaced walls.

St. James St. is the principal egress from fire station no. 1, located at Market and St. James Sts. for calls to eastward locations. During any of the 24-hour day fire trucks respond to calls, resulting in frequent disruptions from noise, an impact in itself upon those near the path of the fire trucks, and the ambulance to follow.

One need only be present along the stretch of St. James St. between Market St. and N. 4th St. as a siren-enabled fire truck passes to experience in advance the impact of noise magnified as it hits hard-surfaced walls, to which sounds from the park—amplified-sound performance, the roar of spectators, the siren of the emergency vehicle responding to a crisis within the park will only add; and the post-event behavior exhibited by patrons of Club Oasis may take place, further increasing the impact of noise.

The reverberations of sound are occurring when they hit the hard surfaces of low- to mid-height buildings. High-rises have yet to be built in the area. Their greater mass and taller height, coupled with the fact that noise travels upward, will subject them to even more impact whether the sound originates in the park or not.

Noise, cont'd.

To summarize, the presence of noise is abundant everywhere in the area except within the park.

The effect of introducing and imposing upon the community brand new sources of sound administered in continuous doses throughout the year is to ratchet up the impact that already exists to a level that becomes a significant impact.

Traffic congestion

Plan as one might that the audience targeted for events—families with toddlers, babies in strollers, mothers-to-be, perhaps mothers and fathers taking time off from work—will use tricycles, bicycles and public transit to reach events, the reality is that they will arrive and leave in their own cars and pick-ups. If seating at the site isn't available, they will be bringing portable chairs or blankets along with whatever paraphernalia a family needs. That would be impossible to do without a private vehicle.

Streets near the park are clogged now, even before the 220-unit Park View Tower, Marshall Square, and family courthouse come into service.

Should a typical event draw, say, 3000 spectators and a family of 3 arrives, 1000 cars or trucks will circle the surrounding streets, awaiting red lights at each corner and stopping for crossing pedestrians mid-block. Added to the present use of the streets, their use when new construction of surrounding residential development takes place, when they become occupied upon completion

Traffic congestion, cont'd.

and when new ground-floor retail spaces open for business, altogether further taxes the ability of local streets on any given event day to handle the overload.

Multiply the effect of a typical event x 50, the suggested number of events proposed throughout a year, to realize the contribution that the proposed use will make, year-round, to traffic congestion.

To encapsulate, the impact is to exacerbate the degree of congestion throughout the area.

AIR QUALITY

To use the park as proposed is to bring more vehicles to the area, increasing the inevitable impact of traffic and congestion that results from traffic, in turn increasing the impact upon air quality.

The park in use as a "park" is a neutral factor and does not contribute to the degradation of air quality.

Should its use change to that proposed, the site becomes the magnet—the reason for—attracting a new contingent of vehicles to the area. St. James Park now changes roles from that of a non-contributor to that of a catalyst in spearheading the sequence of events that trickle down to eventually impact air quality.

Parking

The garages at N. 3rd and St. John Sts. and at Market and St. John, along with the parking lot opposite the garage on Market St. may or may not meet the capacity needed to accommodate attendees arriving by private vehicle: it depends on how many spaces are being used at the time and day of the event by attendees of other events, such as at the SAP arena, by businesses and their clients, restaurant-goers, San Pedro Square

Parking, cont'd

and those headed to other downtown destinations, including the courthouses.

Metered curbside parking in the area is very limited and expensive as well. The relatively few spaces available have limits on the length of time a given vehicle can use it and the rate is 25¢ for about an 8-minute period.

Neighborhood streets beyond those with metered parking have parking spaces, mostly occupied by residents.

The impact of the dearth of available places to park is that spectators simply have no place to park.

Alternate Sites for proposed Use

Infrastructure complete with lighting, sound system, permanent seating, restrooms and commercial vending already exists. Some are adjacent to plentiful parking areas. Any among the following would so much better serve as a venue for family-friendly entertainment:

the county fairgrounds
San Jose's convention center
SAP arena
Avaya Stadium

And these are ready to use.

Alternate Use of Subject Site

The present desolated state of St. James Park is by itself an impact upon the environment, and thus is uninviting, in its state of neglect, to those most in need of a place of contrast to "resort to."

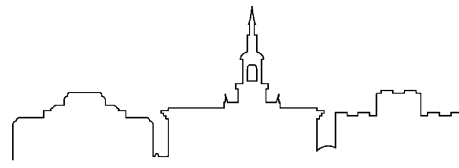
At the same time, the city lacks one element present in major, important cities worldwide—the presence of a "showcase of beauty" near city center, the area of highly-utilized land. While adding such an amenity to the city's image, it would retain the park's use as intended. It would be a welcome destination to the nearby population and to visitors from all over the globe.

What is it?

AN EXPANSE of BOTANICAL GARDENS

designed, cared for and with plaocards describing the specific plantings.

The ongoing caretaking of such an undertaking would bear a monetary cost, but the value derived from the investment would be overwhelming.



PRESERVATION ACTION COUNCIL OF SAN JOSE

Dedicated to Preserving San Jose's Architectural Heritage

June 24, 2016

Krinjal Mathur
City of San Jose
200 East Santa Clara Street – 3rd Floor Tower
San Jose, CA 95113

VIA EMAIL - RE: St. James Park Capital Vision and Levitt Pavilion Draft EIR -- File No. PP16-037

Dear Krinjal:

Thank you for the opportunity to provide comments in response to the Notice of Preparation for the above named Draft EIR.

Several important City Landmarks are located in close proximity to the park, and could be adversely affected as a result of proposed construction in the park. Combined with the historic resources that are within the Saint James Square Historic District, these uniformly low-rise buildings established an atmosphere that enhances and defines the character of this neighborhood. These buildings include:

- The **Saint James Hotel/Moir Building** located at 227-241 North First Street. This 1892 building is a National Register and San Jose City Landmark;
- The **Beatrice Building** (Teske's restaurant and offices) is at 255 North First Street. This c. 1890's building is on the northwest corner of North First and Devine Streets and is a City Landmark;
- The **Tognassi Building** (Trial's Pub and residences), at 261-265 North First Street is a City Landmark and is eligible for the National Register;
- **Germania Hall**, located at 259-261 North Second Street. Originally constructed in 1895, and rebuilt according to guidelines for historic restoration, is a City Landmark;
- The **National Guard Armory**, at 240 North Second Street, is a Spanish Revival building built in 1933. It abuts the Sainte Claire Club, and is a City Landmark.

We do not believe these resources have ever been fully evaluated in prior environmental analysis as would be required for an adequate EIR review under CEQA. The historic analysis should include an analysis of the project's impact on the Historic District and its National Register listing.

It is also important that the document review various project alternatives. These should include a project that would minimize impacts on historic structures as well as a "No Project" alternative. Presumably the latter will be included as a matter of course, however if not, we are requesting at this time that it be included. Project alternatives should also consider locations for the Levitt Pavilion other than St. James Park.

Thank you again for this opportunity to comment.

Sincerely,

Brian K. Grayson
Executive Director

June 24, 2016

David Keyon
Planner
Planning Building and Code Enforcement
City of San Jose

RE: St. James Park EIR

Dear Mr. Keyon.

Please consider these scoping comments for the St. James Park EIR. For 35 years, I have lived adjacent to a business district that has sponsored a variety of activation events including concerts, dances, face painting, parades, horse-drawn carriage rides, and other activities. The impacts of the events vary according to their design. One major event "Dancing on the Avenue" was redesigned to be more "Family Friendly" after neighborhood complaints of noise, drunken rowdiness, and human waste throughout the neighborhood. Subsequently, the number of alcohol booths were reduced, less popular bands invited, and noise volume reduced. Attendance dropped and the business association plans to discontinue after 2017. A family friendly concert series runs on summer Thursday nights. Neighbors within the noise envelope report tolerating the series because it is only six nights per year. From this perspective, I make these comments.

Alternatives

Please evaluate three alternatives: 1) no project, 2) project with pavilion at Northeast, 3) project with pavilion at Southeast, 4) Music venue with seating area for 2500 (rather than 5000). Please include a discussion of what other sites in the city might accommodate the Leavitt Pavilion with fewer impacts to residents and sensitive receivers.

Project

Please clarify the project description and separate the impacts. It appears that there is a proposed Leavitt Pavillion program with seating for 5000 and about 50 to 60 required events. Additionally, it appears that up to 250 events per year could be scheduled via the City of San Jose's permitting process. Please clarify whether those events (if music) would be required to use the Pavilion speaker system or whether they could set up their own. Please clarify whether alcohol will be sold and at which events. Please clarify the time of day events would occur. Please analyze with and without alcohol use allowed (picnic BYOB) and alcohol sales.

Noise and Vibration Analysis

For the Noise and Vibration Analysis, please engage a consultant who is familiar with noise analysis of music venues with multi-point sources of noise. The consultant should be familiar with computing reflective noise and should have a

database of noise impacts for human behavior—groups of persons dancing, cheering, using alcohol or not, coming and going from events and celebrating. The noise consultant should prepare a comprehensive technical analysis that shows the overlapping noise impacts of each speaker and whether the noise effects are cancelling or cumulative. The consultant should be familiar with state of the art speakers as well as the speakers that are typical of “road bands” that bring their own equipment. Few consultants have this level of expertise and staff is urged to select the consultant carefully.

For the noise analysis, please compute noise estimates based on two endpoints: 1) family friendly concerts for 50 to 60 days per year, such as those provided by the Leavitt circuit, and 2) those that are part of the City’s special permit process. Please use the Sriacha concert as the baseline as an example approved by the City previously –since a similar event could be approved in the future by a future staff manager.

Please take 3 baseline noise measurements representing the different likely impacts: 1) on Sunday afternoon, 2) Saturday evening, 3) Thursday evening. Please take baseline measurements inside the sensitive receivers, i.e. each of the church sanctuaries and representative residences.

Please compute an Leq for the time period of the concert, without intermission. Please do not report an Leq that includes the quiet periods before and after the concert and during intermission. Please report L1, L25, L75, and L90. Please report the noise associated with peak events and a discussion of the frequency and duration of peak events.

Please conduct a noise evaluation beyond a single central point for the noise source. As you know, speakers will be distributed around the pavilion. Thousands of patrons will use the sidewalks that surround the park to move about during the concert. Please discuss the impacts of a sound system with speakers pointing in different directions combined with hundreds of persons at the perimeter. Please include estimates of the noise impacts of persons coming and going to the concert during the event. Please include the impact of those hanging out on the sidewalk across the street. Please include the impact of staff and others hanging out behind the Pavilion (and the reflection of their noise to neighbors).

Please analyze the noise impacts based on the proposed sound system for the Leavitt Pavilion. Please discuss how the placement of the speakers affects sound leakage outside the seating area. Please discuss how speaker placement affects vibration. Please discuss the difference in different models under consideration.

Please provide a separate analysis for speaker system that does not use the optimized Leavitt speaker system. Please discuss how the placement of those speakers can impact the experience of noise impacts. Use as a model the Sriacha festival.

Please discuss the noise impacts of setup/take down of temporary fences.

Please discuss the estimated difference in noise level between excited high-energy human participation and quiet receptive audiences. Please estimate how alcohol use can affect the noise level. Please give an estimate of a worst-case scenario.

Please analyze line of sight noise impacts and discuss reflective impacts as well. How might noise bounce off walls and impact structures that are not line of sight?

Please discuss noise impacts of patrons coming and going from the event with focus on after an event with alcohol. Please discuss in light of parking analysis.

Please discuss whether noise impacts within interior residential areas can be mitigated to 45 dB. Please discuss what could be done, considering age of structure. Please discuss the expected DB level within the sensitive receivers, e.g. churches.

Churches and other community organization provide services to the community outside of the traditional Sunday morning operation. Please provide a discussion of how the noise from concerts will impact their worship services and their community services. For example, will the self-help groups be able to hear each other speak during a concert?

Please identify the historic structures, whether they are part of the National Historic District, whether they are on the National Register or a City Landmark. Which of the properties are limited by their designation to internal changes only? Please analyze how each of these properties would mitigate the noise impacts considering their historic status. Would residents be required to place interior windows inside their homes to mitigate the noise?

Please discuss what noise levels there would be inside all of the residential homes if they open their windows.

Vibration. Please discuss vibration. As you know, the Sriacha concert was criticized for the bass amplification that caused the windows of homes and historic structures to vibrate. Residents reported feeling the vibration in their homes. Knick-knacks on shelves rattled and tumbled during peak events of that concert. Please discuss the risk to historic windows from the “family friendly” and the “worse case” scenarios. At what level might noise vibration cause the historic 100-year-old windows to crack? At what level would residents be able to feel the vibration of the sound? At what noise level and what frequencies are historic windows at risk of cracking?

What additional noise impacts are expected as a result of operational activities of a Pavilion, that is steam cleaning of side walks, building of special stages, trucking of gear of musicians, etc? What additional noise impacts are associated with special events that are paid entrance events, e.g. fence set-up and take down? How early

would these noise impacts occur? How might these set-up noises impact sensitive receivers? How might break-down noises affect the sleeping hours of residents, especially children?

Land Use

Please discuss how a Pavilion operation is compatible with Park usage under the General Plan policies for parks. Please discuss whether a vote of the citizens is required to convert parkland to a music venue.

Environmental Concerns

Please discuss how toileting will be handled for 7000 people during a two-hour concert. Please discuss how waste will be kept out of storm drains. How many toilet sets, permanent and temporary will be provided for concert-goers? Where will they be located? Will the toilets stay in the park permanently, for the season, or be removed after each concert? Will toilets be provided at all 4 corners of the seating area? How will clean-up be provided for urination and defecation on surrounding streets/residences/historic buildings from patrons of these events?

Parking/Traffic Impacts

How will traffic be handled for the events? Will St. James and St. John be closed? Will First and Second be closed except for LRT? What show characteristics will trigger closure of these roads? What delays to LRT will be expected due to persons crossing 2nd Street midblock or against the light? What delays to LRT will be expected from additional use at this station? Will LRT provide extra service to these concerts?

In the parking analysis, please describe what percentage of patrons will come from the neighborhood (walking distance) and what percentage will come from out of area and need parking. How many parking spaces will that be? Where will the parking spaces be provided? How will this vary during Sharks season and other major SAP Pavilion events? What fraction of the adjacent streets are permit parking? What businesses may be impacted by the loss of parking spaces during an event? What organizations/businesses will be impacted by street closures? If the streets (some or all) are closed, how will patrons get to those businesses? What special needs populations will be impacted, specifically elderly who attend churches? What regularly scheduled activities sponsored by the churches and the community organizations will be impacted?

Light

What light intrusion can sensitive receivers and residents expect? Will light shows be allowed? Additional spot lights? Will special permitted events (non Leavitt) be restricted to the Leavitt equipment or can they bring in more? What will be the impact of additional equipment?

Operations

Though somewhat outside the scope of a CEQA document, operations plays a key role in the ongoing impacts. For that reason, please discuss how the park, park activation events, pavilion and special event permits will be coordinated and managed. How will they be managed before, during and after the event? Will a Good Neighbor Policy and protocol be created? How will nearby users and residents get relief from noise impacts from a vendor that did not stick to the permit? How will residents have input on Special Event permits? Will there be ranger presence during events? Police presence? Who will decide whether alcohol can be served? Will residents have input? How will residents be notified of major events and road closures? Will a feedback system be incorporated so that “well-behaved” promoters who follow the rules are allowed back, while others are discouraged or referred to Discovery Meadow where there are no residents and historic buildings to damage.

Thank-you for the opportunity to submit scoping questions for the St. James Park redesign and Leavitt Pavilion.

Sincerely,

Jean Dresden



**SAN JOSE DOWNTOWN
ASSOCIATION**

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June 24, 2016

Krinjal Mathur
Department of Planning, Building, and Code Enforcement
City of San José
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113

Subject: Comments on the Environmental Impact Report Scope for St. James Park

Dear Ms. Mathur,

The San Jose Downtown Association (SJDA) provides the following comments for the Environmental Impact Report Scope for St. James Park and the Levitt Pavilion.

We concur with the existing EIR scope that includes looking at the removal and relocation of existing historical markers and fountains, a stock of historic buildings, structures for restrooms and commercial uses (café), Levitt Pavilion, removal of select non-heritage trees, hardscape changes, and the closure of 2nd Street to vehicular traffic. We recommend adding the following scope to the EIR.

PHYSICAL CHANGES

Noise

During construction, the potential conflicts of noise between the construction site and surroundings should be evaluated in order to ensure that the construction activities would not have a strong impact on sensitive receptors such as U.S. Post Office, Old Courthouse, Trinity Cathedral, surrounding residences and local businesses.

During operation, the addition of a performance space (Levitt Pavilion), potential smaller organic activities, increased pedestrian and vehicular traffic, we wish to ensure that the noise impact is properly studied and mitigated. However, we maintain the position that the noise study needs to account for the fact that St. James Park will be an urban park, and will have different criteria than parks in more residential and suburban environments.

Circulation

Look at how traffic will be impacted by the potential removal of 2nd Street to vehicular traffic (including buses). Look at potential parking impacts after the park redesign improvements. Explore the option of relocating the VTA line traveling south along 2nd Street so as to finally mend the two sides of St. James Park together.

During construction, the circulation impacts should evaluate existing and future traffic circulation including vehicular traffic, transit, bicycle, and pedestrian flows and parking patterns that are likely to be changed and affected by the construction and capital improvement activities.

Biological Resources, Water Quality and Water Consumption

The impacts on biological resources of the construction activities include existing trees, especially the non-heritage trees' removal and replacement, and associated habitats. In-depth details of which and how many trees to be demolished and replaced should also be stated in order to ensure that the plan of the project is compliant with the City's vision to provide clean air and shade around the downtown.

We applaud the momentum to seriously consider work on the fountain/new water feature as well as restroom and café construction, and expect that any of this work will take into account proper water quality and water consumption review.

Aesthetics

The degree of visual impact during the construction period should be determined. St. James Park is not only located in the downtown area but also surrounded by several historic buildings such as the U.S. Post Office, Old Courthouse, and Trinity Cathedral. Consequently, it is important to ensure that the integrity of overall landscape and built environment are maintained. Apart from that, the design of the Levitt Pavilion and other potential capital projects within the park (such as café, restrooms, dog facility, playground, etc.) should also be closely reviewed. We wish to reinforce this redesign of the park is an opportunity to reimagine its aesthetic composition, and creative freedom should be encouraged.

ADDITIONAL SCOPE

Pavilion Occupancy

The intention to build a 7,000-occupant performance venue that provides the seating area of 5,000 attendees while the average attendance at Levitt concerts in other cities is approximately 1,000-2,500 per concert should be addressed. This information should also be clarified during design to ensure that the pavilion is appropriately scaled for St. James Park.

Explore the space, design and infrastructure needed to support small-scale events

Assuming that a Levitt Pavilion (or similar amphitheater/stage space) would host the larger, more formal events, consideration should be given to infrastructure needed for smaller, more intimate and spontaneous events. This could include mini-plazas, small stages, electrical connections, and target lighting that could support activations for prototyping, demonstrations (recreational, educational and political), lectures, and more.

Nighttime park activation

With potential programming to include music performances, festivals and farmers markets, the redesign of St. James Park heralds in new and potentially unanticipated uses for the park. These expanded uses may also include nighttime activities, such as outdoor cinema, art shows and dances. As an urban park, the EIR scope should include nighttime park activation.

Community services on-site or surrounding St. James Park

Until a proper facility is identified in proximity to St. James Park, the EIR scope should consider the current and future impact of community and social services performed at the park in addressing the homeless issues affecting St. James Park and downtown San Jose as a whole.

Inclusion of a dog park and dog amenities

The new downtown residential developments are seeing an influx of tenants whom are dog owners. To address both the recreational needs of downtown pet owners as well as provide a source of park activation, scoping to include dog facilities should be included.

Wayfinding

One of the obstacles to the current activation of St. James Park is the lack of wayfinding to the park. We suggest the scope not just include improvements to the park, but wayfinding (signage, programs, art, landscaping, marketing and outreach, etc.) that bring new visitors to the place.

Impact to current and future surrounding development and land use

We wish to see the EIR factor in both current and future development projects and land uses in proximity to the park. Reporting the current and future impact will help better forecast and streamline the types of land uses, policy changes and development projects to help ensure the future success of St. James Park.

Children's Playground

The existing "Tot Lot" structure in the park should be replaced and reinvigorated with a design and equipment more in line with the popular Rotary Playground in Guadalupe River Park. We encourage the EIR to consider a different footprint for the St. James Children's Playground.

New public art and street life

Include in the scope the potential for new public art and street life of all scales that may be planned for the park. The scope should account for potential contemporary works that may provide an aesthetic contrast to the historic nature of the space. The scope should note the visual impact, presence, and branding of the artwork in relation to the park, district and potential downtown landmark. The scope should include not just projects on the park, but surrounding it and leading to the space.

Landscaping enhancements to the park and adjacent streets and sidewalks

The scope as described did not include looking at additional landscaping options for the park. Whether it is to addition of more trees and plantings, demonstration gardens, nectar gardens or urban agriculture, these horticultural options should be enabled through the EIR scoping. Additionally, the presence of a park may be emphasized by the types of trees and plantings adjacent to it, so a scope that looks at landscape changes to adjacent sidewalks and streets should be explored.

Underground parking

The redesign presents an option to include underground parking to St. James Park. With the addition of a performance venue, increased activation from the potential café and other park programming, planning for parking in ways that would not damage the aesthetic nature or urban fabric of St. James Park is necessary. Models are seen throughout the nation - Millennium Park in Chicago, Pershing Square in Los Angeles, and Union Square in San Francisco, that have led to successful park and parking integration. An underground garage in this location could be a potential revenue sources for park O&M as well as providing parking supply for many of the historic and older buildings near the park.

Hedge landscaping or fence around park

Many urban parks throughout the world have had success in incorporating a fence or hedge landscaping to preserve the aesthetics of the park, displace anti-social behavior and reduce maintenance costs. While SJDA currently holds no position on fencing the park, we wish to see it included in the EIR scope, particularly how it might interface with the light rail tracks on the west half of the park.

SJDA thanks PRNS for their leadership in the redesign and activation of St. James Park, as well as PCBE for soliciting community feedback on the EIR process.

Sincerely,



Scott Knies
Executive Director



June 27, 2016

City of San Jose
Department of Planning and Building
200 East Santa Clara Street
San Jose, CA 95113

Attention: Krinjal Mathur

Subject: City File No. PP16-037 / St. James Park Capital Vision and Levitt Pavilion

Dear Ms. Mathur:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the NOP for renovation of St. James Park and installation of a pavilion in the park. We have the following comments.

Land Use

VTA supports the proposed land use intensification of this site, strategically located adjacent to VTA's Saint James Park Light Rail Transit (LRT) station and within walking distance to several Local Bus lines and future BART and Bus Rapid Transit (BRT) service on in Downtown San Jose. Additionally, by increasing the diversity of activity in close proximity to the residential and employment sites in Downtown San Jose, the project will increase opportunities for residents and employees to walk, bike and use transit, thereby incrementally reducing automobile trips and greenhouse gas emissions. Downtown San Jose is identified as a Regional Core in VTA's Community Design & Transportation (CDT) Program Cores, Corridors and Station Areas framework, which shows VTA and local jurisdiction priorities for supporting concentrated development in the County. The CDT Program was developed through an extensive community outreach strategy in partnership with VTA Member Agencies, and was endorsed by all 15 Santa Clara County cities and the county.

Transportation Impact Analysis (TIA) Report

VTA's Congestion Management Program (CMP) requires a Transportation Impact Analysis (TIA) for any project that is expected to generate 100 or more net new peak-hour trips. Based on the information provided on the size of this project, a TIA may be required. The updated 2014 VTA TIA Guidelines, which can be found at <http://www.vta.org/cmp/tiaguidelines>, include updated procedures for documenting auto trip reductions, analyzing non-auto modes, and evaluating mitigation measures and improvements to address project impacts and effects on the transportation system. For any questions about the updated TIA Guidelines, please contact Robert Swierk of the VTA Planning and Program Development Division at 408-321-5949 or Robert.Swierk@vta.org.

Potential Impacts on Transit Operations and Safety

The Project Description in the NOP notes that potential physical changes to the park may include “reunification of the park by connecting the two halves of park through the use of pedestrian paths and other complementary design elements...” (pg. 2), and the Transportation section of the NOP states that, “An evaluation of the temporary or permanent closure of N. 2nd Street to private vehicles will be completed” (pg. 3). However, the NOP does not acknowledge the presence of light rail transit on N. 2nd Street nor does it include impacts to transit in the evaluation of transportation impacts.

VTA requests that the Transportation section of the DEIR include an analysis of project impacts on transit operations and safety. VTA notes that any new at-grade crossings of the light rail tracks could pose significant safety concerns and potentially reduce the speed and reliability of transit in the area. VTA recommends that safety measures such as signals and barriers be incorporated into the project design.

The analysis of project impacts on transit operations should include a quantitative estimate of additional transit vehicle delay, per the VTA CMP Transportation Impact Analysis (TIA) Guidelines, Section 9.2.

The analysis should also address both event day and non-event day conditions. The NOP notes that the proposed outdoor music and performance venue would have a capacity of up to 7,000 spectators (pg. 1), which may warrant additional measures to prevent unsafe crossings of the tracks such as crowd control measures. VTA requests that the DEIR describe the measures that will be taken to ensure safe and efficient light rail operations during event days, including the identification of funding for any additional staffing that would be provided.

VTA Permits

Due to the location of the project adjacent to the LRT tracks, it is likely that the project will need both a Construction Access Permit (CAP) and Restricted Access Permit (RAP) from VTA. Please contact VTA for further information on these permit requirements.

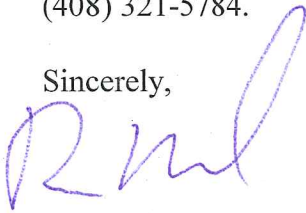
California Public Utilities Commission (CPUC) Coordination

Any new crossing or modification to existing light rail crossings will require review by the California Public Utilities Commission’s (CPUC). Additionally, any safety devices proposed at existing or new N. Second Street crossings would also be subject to concurrent review by VTA and CPUC. Prior to obtaining VTA Construction Access and Restricted Access permits, VTA requires CPUC Safety Certification. VTA staff will act as the CPUC’s liaison to the developer.

City of San Jose
June 27, 2016
Page 3

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,



Roy Molseed
Senior Environmental Planner

cc: Michael Liw, San Jose Development Services
Patricia Maurice, Caltrans
Brian Ashurst, Caltrans

SJ1613