

APPENDIX A
Notice of Preparation Comment Letters

Milligan Parking Lot Project

From: [Le, Thai-Chau](#)
To: [Amber Sharpe](#)
Subject: FW: Comments regarding the NOP for the Milligan Parking Lot project (ER20-049)
Date: Tuesday, August 24, 2021 3:12:48 PM

Please see comments below.

From: Rebeca Gallardo [mailto:rebe.gallardo.c@gmail.com]
Sent: Tuesday, August 24, 2021 2:08 PM
To: Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>
Subject: Comments regarding the NOP for the Milligan Parking Lot project (ER20-049)

You don't often get email from rebe.gallardo.c@gmail.com. [Learn why this is important](#)

[External Email]

Hello,

I write in regards to the notice of preparation of a draft EIR for the Milligan Parking Lot project (ER20-049).

I would like to be added to the mailing list that will receive future updates about this project.

I would also like to request that the study take into account the following possible issues and alternatives:

* Will adding parking to the area induce an increase in vehicle miles travelled? While the project states that it is *intended* to replace existing parking that will be lost, I believe the study should take into account the possibility that it may temporarily increase the available parking, if it happens to be finished before the spaces it means to replace get removed. In that case, it could become part of the "assumed" number of parking spaces in the area, prompting future projects to be measured against this shifted baseline.

* How will the increased vehicular traffic on St John affect pedestrian and bicycle circulation in nearby Little Italy and North San Pedro areas? Will it discourage pedestrian access to them? If so, will that induce further increases in VMT? How about pedestrians using the Arena Greens?

* North Autumn from St John to Julian, and St John from N Autumn to Almaden Blvd are identified in the SJ Better Bike plan as future bikeways, in the priority network. Will the extra traffic caused by this parking lot conflict with these plans?

* The conceptual renderings suggest that the project will encroach into the 50' setback from the riparian area of the Guadalupe river. Would a reduced-area alternative that avoids this area be feasible?

* Instead of a surface parking lot, one could envision a two or three-story structure that provides the same total number of parking spaces, plus some open space (ie, the riparian buffer mentioned above) and small commercial spaces at ground level that increase pedestrian activation (similar to the "Moment" spaces in the Market Street Garage nearby). Would this be a feasible project alternative?

Thank you for taking the time to read this,

Sincerely,
Rebeca Gallardo, North San Pedro area resident.

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August 26, 2021

Thai-Chau Le
City of San Jose
200 E Santa Clara St, 3rd Flr Tower
San Jose, CA 95113

Ref: Gas and Electric Transmission and Distribution

Dear Thai-Chau Le,

Thank you for submitting the Milligan Parking Lot plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management



Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



September 22, 2021

Thai-Chau Le
City of San Jose
200 East Santa Clara Street, 3rd Floor Tower
San Jose CA 95113-1905
Thai-Chau.Le@sanjoseca.gov

Subject: Milligan Parking Lot Project, Notice of Preparation of a Supplemental Draft Environmental Impact Report, SCH No. 2003042127, Santa Clara County

Dear Thai-Chau Le:

The California Department of Fish and Wildlife (CDFW) received the Notice of Preparation (NOP) of a Supplemental Draft Environmental Impact Report (SDEIR) to the Downtown Strategy Environmental Impact Report from the City of San Jose (City) for the Milligan Parking Lot Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife resources. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under CEQA §15386 for commenting on projects that could impact fish, plant and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as the California Endangered Species Act (CESA) Permit, the Native Plant Protection Act Permit, the Lake and Streambed Alteration (LSA) Agreement and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our jurisdiction, CDFW has the following concerns, comments, and recommendations regarding the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: City of San Jose

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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Objective: Within 2.6 acres, all existing buildings will be demolished and a new parking lot will be constructed.

Location: The Project site is bordered by North Autumn Street to the west, West St. John Street to the south, the Guadalupe River to the east, and existing residential development to the north. Assessor's Parcel Numbers are 259-29-032, 259-29-033, 259-29-071, 259-29-072, and 259-29-102.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Impacts to Riparian Habitat

The NOP, Figure 4 Conceptual Site Plan, shows that the Project site is located immediately adjacent to Guadalupe River. The NOP, page 2, states that a Biological Resources Report will be written that will, in part, describe anticipated regulatory requirements, including those under the Santa Clara Valley Habitat Plan (SCVHP). The Santa Clara Valley Habitat Agency Geobrowser (SCVHA 2021) shows that the reach of Guadalupe River adjacent to the Project site is a Category 1 stream and a setback as wide as 150 feet may be required. As a co-permittee to the SCVHP, the City should analyze the specific criteria for setback requirements as it applies to the Project location, parcel slope, land use, and other factors that may determine setback requirements. The existing condition of the parcel includes an undeveloped portion in the northeast corner, measured in Google Earth to be approximately 0.17 acres. SCVHP Section 6.5 Conditions to Minimize Impacts on Natural Communities, page 6-54, states that, regardless of project location, stream setback exceptions may not reduce a Category 1 stream setback to less than a distance of 50 feet for new development or 35 feet for existing or previously developed sites. If a stream setback exception is anticipated, the City should consider this undeveloped area in determining the appropriate stream setback distance. Without appropriate setbacks from Guadalupe River, Project activities such as building demolition and parking lot construction could potentially result in direct or indirect impacts to riparian and/or wetland habitats, and fish and wildlife species. The SDEIR should therefore describe the appropriate setback distance or any anticipated setback exception request following the protocol for determining appropriate setbacks per the SCVHP requirements and process. The SDEIR should also include any additional measures to avoid, minimize, or mitigate for impacts to aquatic, riparian and/or wetland habitats, and the species that depend on -these habitats, to less-than-significant levels.

Fish and Game Code §1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; (c) deposit debris, waste or other materials that could pass

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into any river, stream, or lake. Project activities near Guadalupe River may require that the Project proponent submit an LSA notification to CDFW. CDFW is required to comply with CEQA in the issuance of an LSA Agreement. Additional information can be found at <https://www.wildlife.ca.gov/Conservation/LSA>.

Avian Nest Measures

The NOP does not discuss whether implantation of the Project will result in tree removals within the Project area or impacts to avian nesting habitat in the adjacent riparian area. In order to avoid significant impacts to avian species potentially nesting within or adjacent to the Project area, CDFW recommends that the following protective measures be included in the SDEIR:

1. **Nesting Bird Surveys:** If Project-related work is scheduled during the nesting season (typically February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist will conduct two surveys for active nests of such birds within 14 days prior to the beginning of Project construction, with a final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding the work area are typically the following: i) 250 feet for passerines; ii) 500 feet for small raptors such as accipiters; and iii) 1,000 feet for larger raptors such as buteos. Surveys will be conducted at the appropriate times of day and during appropriate nesting times.
2. **Active Nest Buffers:** If the qualified biologist documents active nests within the Project area or in nearby surrounding areas, an appropriate buffer between the nest and active construction will be established. The buffer will be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist will conduct baseline monitoring of the nest to characterize "normal" bird behavior and establish a buffer distance which allows the birds to exhibit normal behavior. The qualified biologist will monitor the nesting birds daily during construction activities and increase the buffer if the birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman will have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.
3. **Qualified Biologist:** A qualified biologist is an individual who has a degree in biological sciences or related resource management with a minimum of two seasonal years post-degree experience conducting bird nest surveys. During or following academic training, a qualified biologist will have achieved a high level of professional experience and knowledge in biological sciences and special-status species identification, ecology and habitat requirements.

Thai-Chau Le
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ENVIRONMENTAL DATA

CEQA requires that information developed in draft environmental impact reports be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form, online field survey form, and contact information for CNDDDB staff can be found at the following link: <https://wildlife.ca.gov/data/CNDDDB/submitting-data>. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Kristin Garrison, Environmental Scientist, at (707) 944-5534 or Kristin.Garrison@wildlife.ca.gov; or Brenda Blinn, Senior Environmental Scientist (Supervisory), at (707) 944-5541 or Brenda.Blinn@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Stephanie Fong

CF047D7F8D234E1

Stephanie Fong
Acting Regional Manager
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse, Sacramento

LITERATURE CITED

Santa Clara Valley Habitat Agency (SCVHA). 2020. Santa Clara Valley Habitat Agency Geobrowser. <http://www.hcpmaps.com/habitat/>. Accessed September 15, 2021.

City of San José Dept. of Planning, Building, and Code Enforcement
attn.: Thai-Chau Lee, Environmental Project Manager
200 E Santa Clara St, 3rd Floor Tower
San José, CA 95113-1905
via email (Thai-Chau.Le@sanjoseca.gov), sent Sept. 24, 2021

re: NOP of Draft SEIR on Milligan Parking Lot, file ER20-049
<https://www.sanjoseca.gov/home/showpublisheddocument/76437/637653190570070000>

Greetings, Project Manager,

I am writing as an individual to express my disappointment in the proposed project and to raise a number of issues that I wish to see addressed in the draft Supplemental Environmental Impact Report (SEIR).

The proposal is to demolish everything on a 2.6-acre site on W. St. John St. by the Guadalupe River, just to build a parking lot. This is a prime location in the heart of San José's "Downtown-West", adjacent the SAP Arena and near the Diridon Station. This area has been the subject of many years of City/Community collaboration, and promises were made to us in the community that the area would become a vibrant, livable, walkable district.

Questions for the SEIR:

- Is the planned parking lot consistent with the plans worked out with the Diridon Station Area Advisory Group (SAAG), and with the City-adopted Diridon Station Area Plan (DSAP) and the Downtown West Design Standards and Guidelines (DWDSG)?
- Does a walled-in surface parking lot make an area more livable, walkable, and/or vibrant?
- Does the City consider a surface parking lot to be "the highest and best use" of this site? Or is this a "temporary place-holding" proposal, and, if so, for what and for how long?
- Is the City legally obligated to provide this parking? If "yes", is this because of some provision or agreement in the DSAP and/or the Downtown-West plan? Are there other means by which the need and/or obligation can be fulfilled (e.g., with shuttle buses to satellite parking lots and/or sharing parking lots with Google and/or other local businesses)?
- What are the impacts to the SAP Arena if the parking lot project is not built or is reduced in size? Can the impacts be mitigated by improved public transportation service, private ride-sharing services, and/or improved trail connections? Would these impacts be evaluated in the Vehicle Miles Traveled (VMT) Analysis?

The City and environmental advocates worked together for years on policies for riparian ("streamside") corridor setbacks, first adopted by the City decades ago as "design guidelines" and then formally adopted in 2016 as city ordinance. Riparian setbacks, even in the Downtown Core, are critical for many reasons:

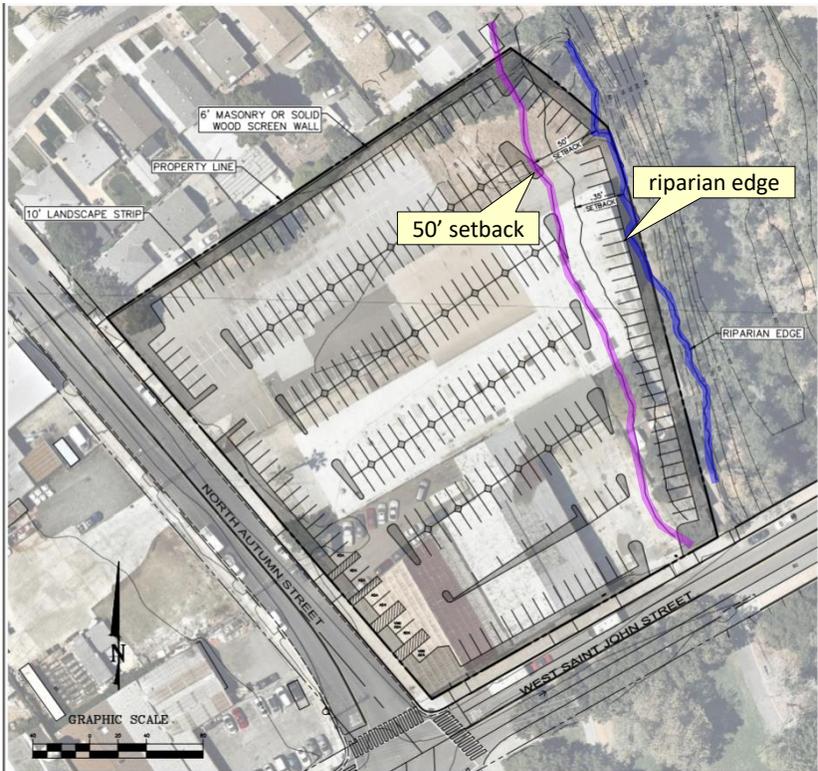
- The setback leaves space for the natural habitat, both flora and fauna, to survive and maybe even flourish – indeed, native salmon swim the stream and beaver have been sighted nearby;
- The setback provides room for the alignment and construction of off-road trails for non-polluting transit (e.g., walking and biking) without adversely impacting the sensitive environment;

- The setback provides space for rainwater and urban run-off to naturally filter prior to entering the adjacent waterway, thereby reducing the need for the City to implement as many costly Green Stormwater Infrastructure projects;
- and the setback leaves room for “the river to be a river” – to meander, erode, and flood without the City needing in the future to construct expensive and intrusive concrete control measures.

However, the project proposed here by the City violates the City’s own ordinances by not even providing the *minimally* required setbacks. Indeed, the plan even calls for a masonry or solid wood wall in places to be built *within* the riparian corridor itself.

Questions for the SEIR:

- If the City grants itself a waiver, how can it deny any future waiver request? “Do as I say, not as I do”?
- What are the impacts of construction so close to the bank? What are the bank stabilization and flood-control issues?
- Will the City be liable for future flood protection or bank stabilization?
- What is the impact on native riparian fauna such as beaver?
- What is the impact on the migrating bird flight corridor?
- How many parking spaces could be provided if the project were designed in compliance with the City’s riparian setback policies? Does the difference between the as-proposed and this number comprise an overwhelming need that justifies the overriding of the City’s riparian policy?
- Would the City have to pay a “mitigation fee” for the impact to the riparian habitat? To whom would the fee be paid? Would the fee be used to improve the nearby habitat, or would it be lost somewhere in the City’s overall finances?



The nearby Diridon Station is planned to become a major transportation hub, served not only by CalTrain, Amtrak, the Capitol Corridor and ACE trains, along with Light Rail and regional and local buses, but also by a future BART and maybe even High Speed Rail (HSR). These transportation modes rely on population density near the stations to make them viable.

Questions for the SEIR:

- What are the impacts to the future BART and potential HSR of having the nearby 2.6 acres used for surface parking rather than for high-density housing, commercial, or passenger-generating attractions? Will these impacts be considered in the Vehicle Miles Traveled (VMT) Analysis?

- Will the City-owned lot be available to serve passengers arriving/leaving the Diridon Station? If “yes”, how would such usage be coordinated on days and times when the lot might be used for Arena activities?

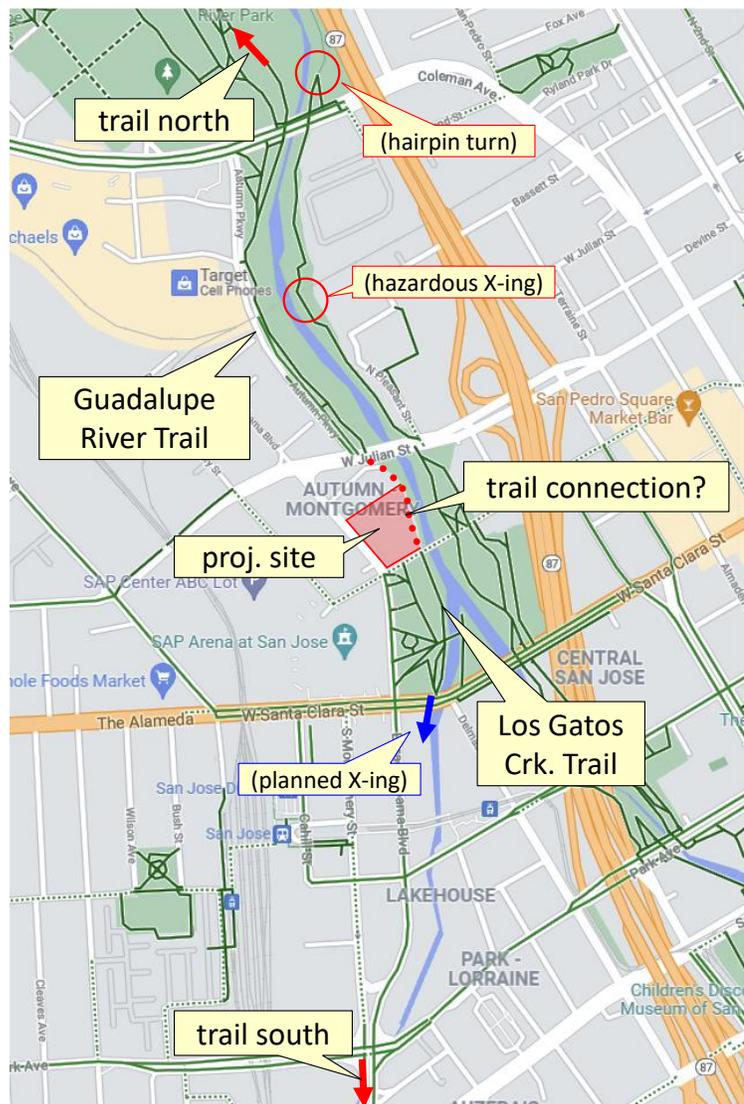
The NOP states that the project site includes a “building [that] is listed in the City’s Historic Resources Inventory as Eligible for National Register ... [and] is considered a historical resource under CEQA. The project would demolish the ... building and construct a new a surface parking lot.” After the Willow Glen Trestle fiasco and the years of litigation, does the City again plan to rush a decision to demolish something that later may be found to indeed be historic?

The NOP goes on to state, “Impacts to the building (historical resources) will be evaluated.” The impacts of demolishing something and then paving it over would seem to be fairly obvious.

San José has a world-class trail network. The project site is the ideal location for the connection of the Los Gatos Creek Trail and the Guadalupe River Trail, as shown to the right by the dotted red line. The City, I believe, had once planned for the trail connection to be made by on-street bike lanes, but that was to have been along the no-longer-planned Autumn Parkway extension.

Some years ago, we on the County’s Los Gatos Creek Streamside Park Committee found that it was best to capitalize on opportunities when presented by development projects. By making the City’s plans compliant with the City’s own riparian corridor setback policies, there would be adequate space for the off-road trail connection while still protecting and enhancing the natural environment.

Note that the trail on the left-bank (west side) of the Guadalupe is the through route to the north, and the trail to the south of the project aligns with a planned overcrossing that is part of the DSAP.

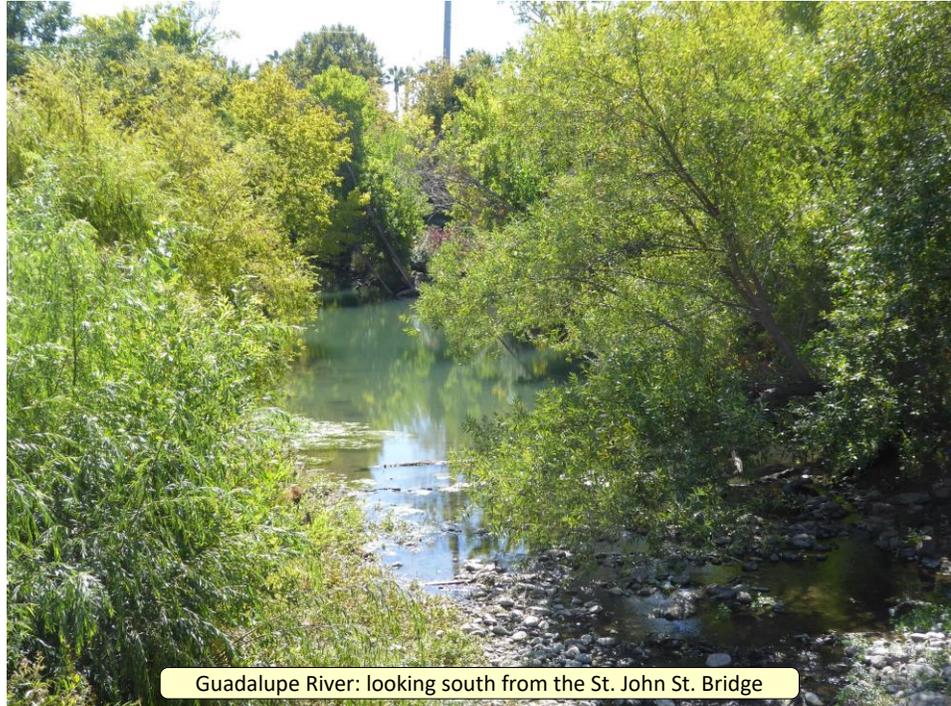


Questions for the SEIR:

- What would be the impact to the Vehicle Miles Traveled (VMT) by enabling a safe connection of two regional trails?

- What would be the health benefits to the community by providing this as a resource for safe and inviting outdoor exercise and recreation?
- What would be the financial benefit to the City by further burnishing its reputation with visitors as a world-class recreational destination?

One final point: The Guadalupe River, simply stated, is pretty. This photo of the River was taken last week from just across the street from the project site. Looking at a map or aerial view of the area, one can see that the Guadalupe River has a significantly wide natural habitat over much of its length, excepting right at this project site. Back in the last century, there were times when people did not appreciate the importance of nature in their midst, and they sometimes built too close to the sensitive habitat. But just because a mistake was made in the past doesn't mean it has to be locked into place now and perpetrated into the future.



In summary,
it seems to me to be a waste to propose a surface parking lot for such an ideally located parcel, and a real travesty to plan to pave up to, and even into, the river's sensitive habitat, just for a few extra parking spaces.
San José deserves so much better!

I look forward to reading the replies in the SEIR.

~Larry Ames

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

cc: City of San José: Mayor; Dir.of Plan; Off.of Econ. Dev'lpmt; DoT; PRNS; Hist. Landmarks Cmsn; Diridon SAAG; Diridon Area N'hd Group; SJ Park Advocates; SJ Riparian Advocates; GRPC Green Foothills; Sierra Club; Audubon Soc.; Si.Val.Bike Coal.; Shute, Mihaly & Weinberger; Valley Water; Save Our Trails



**PRESERVATION ACTION
COUNCIL OF SAN JOSE**
History Park
1650 Senter Road
San Jose, CA 95112
Phone: 408-998-8105
www.preservation.org

September 24, 2021

Tai-Chau.Lel
Environmental Project Manager
City of San José Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
San José CA 95113-1905

VIA EMAIL (Thai-Chau.Le@sanjoseca.gov)

RE: Milligan Parking Lot Project (ER20-049) DSEIR SCOPING COMMENTS

Dear Ms. Le,

The Preservation Action Council of San Jose (PAC* SJ) appreciates the opportunity to provide DSEIR scoping comments for the proposed Milligan Parking Lot Project located on 5 parcels totaling 2.6 acres at the Northeast Corner of West St. John and North Autumn Streets.

As currently described, The City proposes to build a 325-space surface parking lot (actual number of spaces not certain) in order to replace (or perhaps more accurately stated, partially replace) “parking that will be lost due to future development noted in the City’s Downtown Strategy 2040” with an assertion by the City that this project does not require significant revision to its program EIR(s). While parking is not considered a CEQA asset, it is interesting to note that the addition or subtraction of parking can have a tremendous environmental impact on a city’s historic resources.

To make way for parking, the project’s applicant (the City of San Jose itself), proposes to demolish all existing structures on the site including buildings that represent a very significant period of San Jose’s History without requiring of itself (as The Lead Agency) a higher level of “subsequent” evaluation. The proposed project has potentially significant environmental impacts on the historic and cultural resources that the same Lead Agency is committed to preserving. It is important to note that these resources fall both within and beyond the project’s boundaries. For example, Foreman’s Arena which is located at 447 St. John Street is listed in the City’s Historic Resources Inventory as individually Eligible for listing in the National and California Register and is a Candidate City Landmark. More complete information is needed, but The Foreman Arena was built by a boxing promoter of the same name circa 1926 for the purpose of hosting boxing events that took place there into the 1940’s and perhaps beyond. It is likely that the historic analysis of this building will reveal that it is a very rare or perhaps the sole surviving sporting arena in the region. As the project is located adjacent to San Jose’s modern arena, the significance of the decision to demolish this should not be lost on anyone who loves sports in the region.

PAC* SJ BOARD

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The EIR for this project should trigger a review of potential historic district(s). Please reference the Diridon Station Area Plan’s (DSAP) Integrated Final Program EIR in total, and specifically on page 226 where it notes the following: “The area roughly bounded by Montgomery Street, Julian Street, St. John Street and Guadalupe River (including the Historic Dennis Residence) has a high concentration of structures listed on the City’s HRI. The language goes on to note that “it is possible that this area may qualify as a City landmark Historic District or Conservation Area.” The same program EIR specifically forecasts no direct impact to the Foreman Arena, and little to no significant impact from possible adjacent new development. In other words, the just recently approved DSAP plan DID NOT anticipate the demolition of the Foreman Arena.

PAC* SJ strongly opposes the project as currently described as it proposes to demolish culturally and architecturally significant structures and damaging the fabric of potential future historic districts by the same lead agency charged with protecting the integrity of its eligible historic districts. Quite frankly, it is hard to imagine that San Jose’s Downtown Strategy 2040 Integrated Program EIR envisioned a project that seemingly ignores the lead agency’s General Plan Policies such as LU-13.1 to preserve the integrity and fabric of candidate or designated historic districts and LU-13.2 to preserve and rehabilitate with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for a new use or third for rehabilitation and relocation on-site.

This project DSEIR should include a detailed analysis of the physical impact of the proposed development on other historic structures and potential Districts as a whole, along with a detailed analysis of multiple alternatives that eliminate or substantially reduce the demolition of existing historic fabric, as well as project alternatives that retain the existing buildings in situ, either as freestanding structures or incorporated in the proposed project. Related to this, PAC* SJ requests a Good Faith review of project alternatives on the proposed site that include but are not limited to the following:

- Adaptive reuse of the proposed project site’s existing historic structures without demolition with a program that fits existing total space and constraints.
- Adaptive reuse of the existing historic structure with a contemporary addition of a multilevel parking structure that compliments the existing historic building.
- Partial demolition with new construction of a multilevel parking structure that is set back at least 50’ from the historic building’s façade while retaining the same of the interior structure.

PAC* SJ also requests that this SEIR address/explain the City of San Jose’s policies and code relative to parking as it affects its historic assets. The City has made clear its desire to eliminate/reduce parking in its downtown area.



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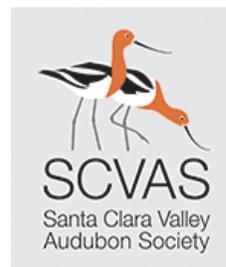
Finally, a robust summary of financial and physical mitigation measures applicable to this project should be provided in advance of project consideration should the City decide to approve this project via a statement of overriding consideration to justify the granting of demolition permits. PAC* SJ is particularly interested as to how the historic fabric within and in the vicinity of this proposed project will be preserved and how San Jose will be able to fund the protection of its historic fabric as it simultaneously seeks to meet its Envision 2040 Program Goals on a project-by-project basis.

Sincerely,

J. Michael Sodergren
Vice President & Advocacy Committee Chair
Preservation Action Council of San Jose (PAC* SJ)

mike@preservation.org
mikesodergren@yahoo.com

408-930-2561



September 24, 2021

Ms. Thai-Chau Le
Planning and Code Enforcement
City of San José

Submitted via email: Thai-Chau.Le@sanjoseca.gov

Re: Notice of Preparation of a Draft Supplemental Environmental Impact Report for the Milligan Parking Lot Project

Dear Ms. Le,

The Sierra Club Loma Prieta Chapter and the Santa Clara Valley Audubon Society are environmental organizations with deep interest in preserving the health and integrity of riparian ecosystems.

The Milligan parking lot project proposes to remove all existing on-site buildings and construct an approximately 325-space surface parking lot.

Please see our comments below.

Sincerely,

A handwritten signature in black ink, appearing to read "Gladwyn d'Souza".

Gladwyn d'Souza
Conservation Committee Chair
Sierra Club Loma Prieta Chapter

A handwritten signature in black ink, appearing to read "Shani Kleinhaus".

Shani Kleinhaus, Ph.D.
Environmental Advocate
Santa Clara Valley Audubon Society

Project Description

1. Please confirm that the Project calls for more than 5000 sq. ft. of additional impervious hardscape and is thus subject to the requirements of the Valley Habitat Plan (Figure 1).



Figure 1

2. Please correct the delineation of the riparian edge (NOP on page 9) to include the canopy all the way to the dripline of the trees along the Guadalupe River, as described in:
 - a. Riparian Corridor Policy Study: a riparian corridor includes any defined stream channels including the area up to the bank full-flow line, as well as all riparian (streamside) vegetation in contiguous adjacent uplands. Characteristic woody riparian vegetation species could include (but are not limited to): willow, *Salix* sp.; alder, *Ainus* sp.; box elder, *Acer negundo*, Fremont cottonwood, *Populus fremontii*; bigleaf maple, *Acer*

macrophyllum; western sycamore, *Platanus racemosa*; and oaks, *Quercus* sp.

- b. Riparian Corridor and Bird Safe Design Council Policy 6-34: “Riparian Project” means any development or activity that is located within 300 feet of a Riparian Corridor’s top of bank or vegetative edge, whichever is greater.

Our observations show native elderberry trees and shrubs growing in the unpaved area as well as in unmaintained "hardscape". Elderberry is a dominant understory species in riparian woodlands¹. It provides food for a diverse community of birds and insect species. We ask for all the vegetation on the project site to be considered part of the riparian corridor of the Guadalupe River.

3. Please explain how the project’s design will comply with General Plan Policy CD-1.17 “Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.”
4. The Project proposes that the parking at the Gilligan’s parking lot will replace existing parking that will be lost due to development in downtown San Jose. Please provide a timeline to show that the Project will not simply add net parking with no synchrony with the loss of downtown parking.
5. Please describe lighting on the site in detail that is sufficient for the public to review and comment.
 - a. Please describe how the anticipated lighting design will comply with riparian corridor policies (including both the Riparian Corridor Policy Study and Council Policy 6-34).
 - b. Please explain how lighting will achieve the following General Plan policies, which were designed to mitigate the impacts of lighting on natural ecosystems:

¹ https://www.nrcs.usda.gov/Internet/FSE_PLANTMATERIALS/publications/mipmcp9776.pdf

- i. ER-2.3 Design new development to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone.
- ii. ER-6.3 Employ low-glare lighting in areas developed adjacent to natural areas, including riparian woodlands. Any high-intensity lighting used near natural areas will be placed as close to the ground as possible and directed downward or away from natural areas.
- iii. ER-6.4 Site public facilities such as ballparks and fields that require high-intensity night lighting at least 0.5 mile from sensitive habitats to minimize light pollution, unless it can be demonstrated that lighting systems will not substantially increase lighting within natural areas (e.g., due to screening topography or vegetation).

Range of Alternatives

Please study and include the following:

1. Surface parking with greater setback
 - a. 50-ft setback from the riparian edge.
2. A multi-level garage (2 stories or more) AND:
 - a. 100-ft setback from the riparian edge.
 - b. 50-ft setback from the riparian edge.
3. Consider alternative solutions² to replace parking lots such as vacancy taxes, shared parking, congestion priced parking, and tolled roadways, all of which provide other essential benefits such as safety, increased housing density, and higher land values for strapped city budgets.

Compliance with the San Jose Envision 2040

Please show how the project will be consistent with the City's General Plan Goal ER-2 – Riparian Corridors which aims to Preserve, protect, and restore the City's riparian resources in an environmentally responsible manner to protect them for habitat value and recreational purposes.

² <https://parkingpolicy.com/reduced-requirements/>

Please show how the project will be consistent with the City's General Plan policies

- ER-2.1 Ensure that new public and private development adjacent to riparian corridors in San José are consistent with the provisions of the City's Riparian Corridor Policy Study and any adopted Santa Clara Valley Habitat Conservation Plan/ Natural Communities Conservation Plan (HCP/NCCP).
- ER-2.2 Ensure that a 100-foot setback from riparian habitat is the standard to be achieved in all but a limited number of instances, only where no significant environmental impacts would occur.

Environmental Impact Categories

Biological Resources

1. Please evaluate up-to-date scientific information regarding the biological and environmental impacts associated with Artificial Light At Night. Please address impacts of lighting on birds and fish in the riparian and the aquatic ecosystems. Please analyze impacts of both parking lot lighting and vehicle headlights on the river and its riparian corridor. Please note:
 - a. The International Dark-sky Association recommends keeping sensitive ecological areas dark, keeping the Correlated Color Temperature to 2200 Kelvin or less in most outdoor applications, and implementing lighting controls³.
 - b. The United Nations released a study this year outlining lighting recommendations for local and international governments to protect dark skies, astronomy, species and ecosystems⁴.
2. Recent studies implicate toxic tire-rubber stabilizer tires in the death and decline of salmonids populations⁵. Please explain how the project will avoid runoff that is toxic to steelhead into the Guadalupe River.

Hydrology and Water Quality / Hazards and Pollution

Brake and tire dust particles are significant contaminants washed into waterways with stormwater runoff.

³ <https://www.darksky.org/values-centered-lighting-resolution/?eType=EmailBlastContent&eld=e18a9f9f-e20c-469d-9cea-fc43510d1c14>

⁴ <https://www.iau.org/static/publications/dqskies-book-29-12-20.pdf>

⁵ <https://www.science.org/doi/abs/10.1126/science.abd6951>
and <https://www.opb.org/article/2020/12/04/scientists-point-to-chemical-in-car-tires-thats-been-killing-coho-salmon/>

1. Please analyze water pollution due to brake and tire contaminants in the Guadalupe River and explain how the project design will protect the adjacent riparian corridors from toxic substances during construction and operation of the project.

Transportation

1. Please include an analysis of construction-related traffic and activities and analyze or disclose any changes required to public transportation services resulting from the Project.
2. Please Include an analysis of operational emissions from this project.
3. Analyze how Transportation Demand Management and a traffic cap based on 1990 traffic patterns will achieve CARB goals.

Greenhouse Gas Emissions and Air Pollution

1. Please analyze how increased access to parking could lead to increased vehicle traffic with associated GHG emissions
2. Please explain how a parking lot meets climate goals. San Jose's Climate Smart plan states that the City will use the latest science. The latest IPCC report⁶ says the fastest way to achieve climate goals is by eliminating natural gas and air pollution. See D2.2 "Scenarios with targeted reductions of air pollutant emissions lead to more rapid improvements in air quality within years compared to reductions in GHG emissions only" and D.1 "Strong, rapid and sustained reductions in CH4 emissions would also limit the warming effect resulting from declining aerosol pollution and would improve air quality."
3. Please address greenhouse gas emissions (ghg) in relation to state policies. AB32 was updated with SB32⁷ and requires a 40% reduction in 1990 ghg by 2030.

⁶ https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf

⁷ https://en.wikipedia.org/wiki/California_Senate_Bill_32

From: [Le, Thai-Chau](#)
To: [Amber Sharpe](#)
Subject: FW: NOP for the Milligan Parking Lot Project DEIR (ER20-049) (File 34525)
Date: Friday, September 24, 2021 2:12:48 PM
Attachments: [image001.png](#)

From: Lisa Brancatelli [mailto:LBrancatelli@valleywater.org]
Sent: Friday, September 24, 2021 2:06 PM
To: Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>
Cc: Colleen Haggerty <chaggerty@valleywater.org>
Subject: RE: NOP for the Milligan Parking Lot Project DEIR (ER20-049) (File 34525)

[External Email]

Hello Thai-Chau,

Valley Water has reviewed the Notice of Preparation (NOP) of a Draft Supplemental Environmental Impact Report (DSEIR) for the Milligan Parking Lot Project located at the corner of W. St. John Street and N. Autumn Street, received by Valley Water on August 24, 2021.

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

Based on our review of the NOP we have the following comments:

1. Valley Water strongly encourages the City to maximize the setbacks to the riparian corridor, using 100-feet where possible, though the City's riparian corridor policy includes various circumstances where reduced setbacks may be used, such as in-fill areas and areas in and near downtown. The DSEIR should discuss how the project provides appropriate setbacks to the riparian corridor and to the top of bank to ensure reasonable natural stream movement can occur without harming the developed areas.
2. Valley Water encourages the City to also utilize the Guidelines and Standards for Land Use Near Streams (G & S) developed by the Water Resources Protection Collaborative in which the City participated as it includes additional guidance that complements the Riparian Corridor Policy. Of particular importance are setbacks, appropriate land uses near the riparian corridor, and the use of appropriate plantings adjacent to the riparian corridor.

3. Valley Water strongly recommends Design Guide 3 from the Guidelines and Standards for Land Use Near Streams to protect the genetic integrity of the riparian corridor and mitigation plants. Design Guide 3 will help ensure plantings selected are consistent with the goals of protecting the local riparian native plants and are commercially available in large container and box size so that project aesthetic and screening goals are not compromised while still protecting the riparian corridor. This guide provides options for use of either non-invasive, drought-tolerant, non-native ornamental plants that will not have the potential to cross-pollinate with native riparian species or else choosing non-invasive, drought-tolerant, non-local California natives (ornamental natives) with no potential to cross-pollinate with the local native species.

The use of box or large container-sized locally native plant species should be avoided in order to protect the genetic integrity of the existing native riparian plants. Valley Water strongly recommends any locally native riparian plant species used should be grown from Guadalupe River watershed stock in conformance with Design Guide 2.

4. Drainage from the site needs to be directed to the existing public storm drain system. Landscaped areas along the east boundary of the site adjacent to the Guadalupe River and Valley Water right of way are to be graded and irrigated in a manner that prevents overbank drainage onto Valley Water's property. Irrigation needs to be designed and installed to avoid overspray and minimize runoff onto the adjacent Valley Water right of way and into the river.
5. Lighting for the parking lot adjacent to the Guadalupe River needs to be directed away from the Guadalupe River and the riparian corridor.
6. Valley Water records indicate there is one (1) active well on the proposed project site (APN 259-29-102). If the current active well will continue to be used following the development of the site, it must be protected so that it does not become lost or damaged during construction. If the well will not be used following the development of the site, it must be properly destroyed by first obtaining a well permit from Valley Water. It should be noted that while Valley Water has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water records. All wells found at the site must be either destroyed or registered with Valley Water as noted above. Property owners or their representatives should call the Wells and Water Measurement Unit at (408) 630-2660 for more information regarding well permits and registration for the destruction of wells.

We appreciate the opportunity to comment on the NOP and would also appreciate the opportunity to review the draft SEIR document when it becomes available. If you have any questions or need further information, you can reach me at (408) 630-2479, or by e-mail at LBrancatelli@valleywater.org. Please reference Valley Water File No. 34525 on future correspondence regarding this project.

Thank you,

LISA BRANCATELLI

ASSISTANT ENGINEER II (CIVIL)
Community Projects Review Unit
lbrancatelli@valleywater.org
Tel. (408) 630-2479 / Cell. (408) 691-1247
CPRU Hotline: (408) 630-2650

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

5750 Almaden Expressway, San Jose CA 95118
www.valleywater.org

From: Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>
Sent: Tuesday, August 24, 2021 10:29 AM
Subject: Notice of Preparation for the Milligan Parking Lot Project Draft Environmental Impact Report (ER20-049)

***In Response to COVID-19 Pandemic, at this time, the City is utilizing alternative forms of noticing when necessary to reduce in-person contacts and still meet the California Environmental Quality Act (CEQA) noticing mandates. This email notifications contains "Request a Delivery Receipt" and "Request a Read Receipt" to replace the normal certified mailing for CEQA notices such as Notice of Preparation, Notice of Availability, and Notice of Intent. We ask all email recipients to respond to the "Request of Delivery Receipt" or send a follow up email acknowledging the receipt of these notices.**

NOTICE OF PREPARATION OF DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE MILLIGAN PARKING LOT PROJECT

FILE NO: ER20-049
PROJECT APPLICANT: City of San Jose (ATTN: Mark Saturnio)
259-29-032; 259-29-033; 259-29-071;
APN: 259-29-072; 259-29-102

The City of San José, as the owner of the subject property, proposes to remove all existing on-site buildings and construct an approximately 325-space surface parking lot. The proposed parking lot is intended to replace existing parking serving events at the nearby SAP Center at San José that will be lost due to future planned development within Downtown San José. The plans for the proposed parking lot are currently being developed; therefore, the total number of parking spaces provided is subject to change. Driveways onto North Autumn Street and West St. John Street would provide ingress and egress to the proposed parking lot.

Location: The approximately 2.6-acre project site consists of five parcels and is located in

Downtown San José. The site is bordered by North Autumn Street to the west, West St. John Street to the south, the Guadalupe River to the east, and existing residential development to the north. The SAP Center at San José is located approximately 300 feet southwest of the site, and the Guadalupe Freeway (CA-87) is located approximately 650 feet to the east of the site.

As the Lead Agency, the City of San José will prepare an Environmental Impact Report (EIR) for the project referenced above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, this EIR may be used by your agency when considering subsequent approvals related to the project.

The project description, location, and probable environmental effects that will be analyzed in the EIR for the project can be found on the City's Active EIRs website at www.sanjoseca.gov/activeeirs, including the EIR Scoping Meeting information. According to State law, the deadline for your response is 30 days after receipt of this notice. However, responses earlier than 30 days are always welcome. The City will accept comments on the scope of the SEIR until **5:00 p.m. on Friday, September 24, 2021**. If you have comments on this Notice of Preparation (NOP), please identify a contact person from your organization, and send your response via mail or email to:

City of San José
Department of Planning, Building and Code Enforcement
Attn: Thai-Chau Le, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San José CA 95113-1905
Phone: (408) 535-5658, e-mail: Thai-Chau.Le@sanjoseca.gov

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

From: [Le, Thai-Chau](#)
To: [Amber Sharpe](#)
Subject: FW: SAP Center/Little Italy San Jose Entertainment district
Date: Tuesday, September 28, 2021 11:05:45 AM

From: Joshua DeVincenzi Melander [mailto:jcmelander@yahoo.com]
Sent: Tuesday, September 28, 2021 10:59 AM
To: Manford, Robert <Robert.Manford@sanjoseca.gov>
Cc: Brown, Bridget <Bridget.Brown@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Nathan Ulsh <nulsh@sjdowntown.com>; Kline, Kelly <Kelly.Kline@sanjoseca.gov>; benavidez@google.com; Klein, Nanci <Nanci.Klein@sanjoseca.gov>; Burton, Chris <Christopher.Burton@sanjoseca.gov>; Klein, Nanci <Nanci.Klein@sanjoseca.gov>; Zelalich, Blage <blage.zelalich@sanjoseca.gov>; Hughey, Rosalynn <Rosalynn.Hughey@sanjoseca.gov>; Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>
Subject: Re: SAP Center/Little Italy San Jose Entertainment district

You don't often get email from jcmelander@yahoo.com. [Learn why this is important](#)

[External Email]

Thank you Robert,

This discussion is timely and appropriate as public comment for the Milligan News parking lot project in which I just received was due Sep 24th. I know a portion of these parcels have long been planned for parking for the SAP center. Hoping street frontage particularly on W. Saint John going towards Little Italy could be considered for expansion of a Little Italy historic/business district and capitalize on uses to enhance the experience at SAP center other than a surface parking lot. Parking is certainly important and necessary for City agreements with the Sharks and SAP center, but there should be careful and creative planning with stakeholders in the area to maximize the potential of this large site. Hoping my email can officially also be documented as public comment.

Project Name: Milligan News Parking lot
Project File #: ER20049
Project Applicant: City of San Jose
259-29-032;259-29-033;259-29-071;259-29-072;259-29-102

T

PROJECT

FILE

NO:

ER20-049

PROJECT

APPLICANT:

City

of

San

Jose

(ATTN:

Mark

Saturnio)

259-29-032;

259-29-033;

259-29-071;

APN:

259-29-072;

259-29-102

Project

Description:

The

City

of

San

José,

as

T

PROJECT

FILE

NO:

ER20-049

PROJECT

APPLICANT:

City

of

San

Jose

(ATTN:

Mark

Saturnio)

259-29-032;

259-29-033;

259-29-071;

APN:

259-29-072;

259-29-102

Project

Description:

The

City

of

San

José,

as

Joshua DeVincenzi Melander
President - Little Italy San Jose
Business Development Manager
Provident Credit Union

On Tue, Sep 28, 2021 at 8:52 AM, Manford, Robert
<Robert.Manford@sanjoseca.gov> wrote:

Good morning, Joshua:

Thanks for your email. I have discussed this with Chris Burton, PBCE Director as well as our Office of Economic Development (OED). We are currently discussing your request internally with our development partners and will get back to you at our earliest convenience. Thanks again and hoping to chat soon.

Sincerely,

Dr. Robert K. Manford, Deputy Director - Planning

Department of Planning, Building and Code Enforcement

City of San José | 200 E. Santa Clara St. 3rd Floor | San José, CA 95113

408.535.7900 www.sanjoseca.gov/pbce

From: Joshua DeVincenzi Melander <jcmelander@yahoo.com>

Sent: Monday, September 27, 2021 9:39 AM

To: Manford, Robert <Robert.Manford@sanjoseca.gov>

Cc: Brown, Bridget <Bridget.Brown@sanjoseca.gov>; Peralez, Raul

<Raul.Perez@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Nathan Ulsh <nulsh@sjdowntown.com>; Kline, Kelly <Kelly.Kline@sanjoseca.gov>; benavidez@google.com <benavidez@google.com>; Klein, Nanci <Nanci.Klein@sanjoseca.gov>

Subject: SAP Center/Little Italy San Jose Entertainment district

[External Email]

Robert,

I was hoping I could set up a walking tour of Little Italy and SAP center area to discuss our desire to Master plan the area bounded by N. Montgomery street to N. Almaden and W. Julian to W. Saint John as the SAP Center/Little Italy San Jose Entertainment district.

The City has a tremendous opportunity to build on the success of Little Italy and capitalize on the SAP center as a centerpiece of Downtown.

Hope this meeting can be a start to a shared vision of this area with Key stakeholders.

Joshua DeVincenzi Melander
President - Little Italy San Jose
Business Development Manager
Provident Credit Union

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October 1, 2021

Thai-Chau Le
City of San Jose
200 E Santa Clara St, 3rd Flr Tower
San Jose, CA 95113

Re: Milligan Parking Lot ER20-049
130, 150 N Autumn Street & 407, 405, 447 W Saint John Street, San Jose, CA 95110

Dear Thai-Chau Le:

Thank you for giving us the opportunity to review the subject plans. The proposed Milligan Parking Lot ER20-049 is within the same vicinity of PG&E's existing facilities that impact this property.

Due to the demolition of existing buildings on the subject property, the City of San Jose will need to contact the below resources to modify, relocate or terminate existing services.

Please contact the Building and Renovation Center (BRSC) for facility map requests by calling 1-877-743-7782 and PG&E's Service Planning department at www.pge.com/cco for any modification or relocation requests, or for any additional services you may require.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact me at Justin.Newell@pge.com.

Sincerely,

Justin Newell
Land Management
916-594-4068